

COUNTY
SUPERINTENDENT
OF SCHOOLS

: Qualification requirements prescribed
: in Section 10609 of House Bill No. 94,
: page 891. Laws of Missouri, 1943,
: for County Superintendent of public
: schools have been met by Mrs. Nannie
: Coward.
:
:

February 11, 1944

Honorable Forrest C. Donnell
Governor, State of Missouri
Jefferson City, Missouri



Your Excellency:

This will acknowledge receipt of your letter bearing date of February 9, 1944, in which you request an opinion from this office. Such letter has been handed to me for attention, and omitting caption and signature, reads as follows:

"The bearer of this letter is Mrs. Nannie Coward.

"Your opinion, as soon as possible, is respectfully requested on the following question:

"Does Mrs. Coward possess the qualification requirements, prescribed in Section 10609 of H. B. 94 (page 891, Laws of Missouri of 1943) for county superintendent of public schools?"

"Request for Opinion as to Qualifications of Person who has Applied for Appointment of County Superintendent of Schools"

"Mr. Arens, the executive secretary of the Governor, states that his investigation of the facts concerning applicant's qualifications for Superintendent of Schools shows:

(1) Applicant is otherwise qualified as to age, citizenship, teacher's certificate, and additional requisites, but the question involves the requirements with reference to supervision and teaching.

(2) During the last eight years, applicant taught one school year.

"(3) During the last eight year period, applicant taught as substitute teacher, three weeks in one school and one week in another school, in Greene County, Missouri, in addition to the one year taught, above mentioned.

"(4) During the eight year period, applicant helped in giving teachers' examinations, a total of 48 days; that is, two days in each examination, three times a year.

"(5) From October 1, 1943, when husband died, who was then County Superintendent of Schools, to January 7, 1944 (three months and four days claimed), applicant performed all the duties of the County Superintendent of Schools' office in Greene County, Missouri.

"(6) During the eight year period and the tenure of office of husband as County Superintendent of Schools, applicant devoted 24 days to grading examination papers for the Superintendent.

"(7) During the eight year period, applicant gave supervisory advice to school teachers of the county, for at least 200 full days.

"(8) At the request of the County Superintendent of Schools, her husband, during the eight year period, applicant has given supervisory advice for a total of 16 weeks to county teachers.

"The above summary of facts is true with the exception that my husband became ill on October 4, 1943, and died January 7, 1944. In addition, I desire to detail the following facts: The days enumerated as being devoted to work and supervision in connection with the office of County Superintendent of Schools do not take into account any time so spent in the year I taught school. I taught an eight month term in the school year of 1936-1937, and four weeks as a substitute teacher in a later year, which I now recall as probably being in 1940. In addition to the above, I have not taken into account the fractional part of days spent upon innumerable occasions in the work of the County Superintendent of Schools of Greene County, Missouri.

"During the last eight years ending January 7, 1944, and for a period prior thereto, my husband and I constituted our family. I acted as housekeeper of our home, but as our sole income was my husband's salary as County Superintendent of Schools, my duties as housewife were at all times subjected to the duties of that office. During that period, my chief work was, as it has been for a number of years, school teaching and school supervision. In other words, teaching and supervising schools was my chief concern during such period.

Respectfully submitted

February 9, 1944

Nannie Coward
Mrs. L. H. Coward. "

The qualifications required of a County Superintendent of public schools are to be found in Section 10609, R. S. Mo. 1939, Laws of Missouri, 1943, at page 891. Recently this office had occasion to construe the recent enactment of our Legislature, known as House Bill 94, and after enactment as Section 10609, R. S. Mo. 1939. In construing this section we arrived at the conclusion, when asked to pass on the sole question as to whether in the eight year period prior to election or appointment, several disconnected periods of teaching and supervision, the two year "teaching or supervision" requirement had been met. We thought that such a procedure and method of calculation was authorized under the statutes. We attach a copy of our opinion in that matter.

Upon receipt of the subsequent request, and prior to rendition of this opinion, the writer has been afforded the pleasant and profitable opportunity of interviewing Mrs. Nannie Coward upon matters touching her professional qualifications.

It is apparent from a reading of our opinion of February 1, 1944, that each case, involving a candidate for election or appointment is to be determined from facts peculiar to the individual involved. In the present situation, as viewed from this point, it would seem to be merely a question of the facts surrounding the experience of this prospective appointee.

Proceeding, then, on the theory that each case was bottomed on the facts, we have had the benefit of a personal interview with Mrs. Coward and have appended a written statement submitted by her. As this statement has already been incorporated into and made a part of our opinion, we do no more than call it to your attention.

As established to our eminent satisfaction, the facts pertinent to the case under consideration, we learn from Mrs. Coward that shortly after her marriage to Mr. Coward, she entered school to complete her education. Her study and attendance upon schools has continued up until the present time. She is a graduate of Springfield Teacher's College and has a life certificate to teach in Missouri schools and at the present time has credits at the Missouri University for sixteen hours upon her Master of Arts Degree. During the entire time of her married life, and more particularly, during the many terms of office occupied by her husband, she has assisted him in the operation of his office, at his suggestion and request. She has, in addition to the above, taught school upon various occasions and has done considerable work independently in her husband's office. During his lifetime, she assisted him in all phases of his work and actually discharged the duties of his office for three months and four days. The entire income of the Coward family was received from salary for teaching or administrative work in school. Her work in her chosen profession has been continuous over the years and at no time has she specifically or by implication abandoned the profession of teaching. A portion of her energy, it is true, has been devoted toward making a home for her husband. She has been in a position similar to that of a substitute teacher waiting to be called to service in this profession, if and when needed.

The two factual matters now engaging our attention are contained in this sentence taken from Section 10609, R. S. Mo. 1939, Laws of Missouri, 43 at page 891.

"He shall have taught or supervised schools as his chief work during at least two of the 8 years next preceding his election.*-***"

In determining whether she has taught or supervised schools, at least two years of the eight years preceding appointment, we have previously given the facts and we now submit the method of calculation used in arriving at the aggregate answer "two years of the eight years preceding election."

As a basis for computation, we assume a school year to include eight months, and further, a school month includes twenty days. On that basis, here is the experience of Mrs. Coward in "teaching and supervising schools" within the last eight years.

1.	A school year, eight months, or (teaching)	160 days
2.	As substitute teacher, 4 weeks (teaching)	20 days
3.	Giving teachers examinations (supervising)	48 days
4.	Acting County Superintendent of Public Schools for three months and four days (Administrative and supervisory)	64 days
5.	Grading examination papers for School Superintendent	24 days
6.	Supervisory advice to teachers within eight year period	200 days
7.	Supervisory advice to teachers sixteen weeks	80 days
	Total	<u>596 days</u>

This total is the equivalent of approximately three and one half years teaching or supervising.

The obvious conclusion is that from the standpoint of teaching or supervision, Mrs. Coward has the equivalent of three and one half years, this being one and one half years above statutory requirements.

There remains for our consideration, the question of "chief work", as it involves Mrs. Coward and the facts disclosed in this case. Our position in this matter has been previously expressed, and without trying to be tedious, we again bring to your attention the result of our previous research.

At page four, in the opinion written February 1, 1944, beginning with the fourth paragraph, and continuing through and including page eight, the result of our study appears. We deem it unnecessary to repeat it here because of its extreme length.

On this point, we conclude that the "chief work" of this woman is TEACHING, and this has been true during, not only the last eight, but nearly twenty five years. She chose this profession nearly a quarter of a century ago. Having done so, she set about the business of equipping herself to act in the capacity of a school teacher. She states that having adopted this as her profession, she has at no time abandoned it. Her testimony on this point is clear and convincing.

C O N C L U S I O N .

From the facts as submitted in writing and those adduced by oral testimony and our reading of the statutes involved in this case, we therefore, conclude that Mrs. Nannie Coward has been engaged in teaching or supervising schools in the State of Missouri, for a period of more than two years during the last eight years. That Mrs. Coward has as her chief work, the profession of teaching and has been so engaged for more than eight years next preceding January 1, 1944. That the said Mrs. Coward possesses all the qualifications for County Superintendent of Schools as required under section 10609, House Bill 94, Laws of Missouri, 1943, page 891.

Respectfully submitted

APPROVED:

L. I. MORRIS
Assistant Attorney General

ROY McKITTRICK
Attorney General

LIM:LeC
Encl.