

SCHOOL: )  
COUNTY SUPERINTENDENT: ) County Superintendent of Schools  
must serve as truant officer or  
school attendance officer without  
compensation.

10-2

October 1, 1935.



Mr. Earl E. Duffey  
Superintendent of Schools  
Daviness County  
Gallatin, Missouri

Dear Mr. Duffey:

This is to acknowledge your letter as follows:

"Please send me your ruling on fees  
for county superintendents for  
their services as truant officer."

In 1933 the Legislature by repealing Section  
9435, R. S. Mo., 1929, and enacting in lieu thereof  
Section 9435, Laws of Missouri, 1933, page 379, placed  
upon the county superintendent of schools the additional  
duty of acting as school attendance officer without com-  
pensation. Said section in part provides:

"The county superintendent of schools  
in each county shall act as school  
attendance officer for the county with-  
out additional compensation for such  
services. \* \* \*"

Said section further provides:

"that the board of education in school  
districts organized under the provisions  
of Article 4, article 16 and article 17,  
of chapter 57, R. S. 1929, may appoint  
and remove at pleasure one or more school  
attendance officers and shall pay them  
from the public school funds; and provided

further, that if any board of education in any school district organized under the provisions of the aforesaid articles does not appoint a school attendance officer, the county superintendent of schools shall act in such district."

And further,

"shall serve in the cases which they prosecute without further fee or compensation than that paid by the board as aforesaid,"

And further,

"Whenever a county superintendent of public welfare has been appointed in any county, such county superintendent of public welfare may be appointed by the county superintendent of schools as the county school attendance officer, with such additional compensation as may be fixed by the county court."

A reading of the above excerpts from said Section 9435 plainly indicates the intention of the Legislature to be that the county superintendent of schools shall receive no compensation when performing the duties imposed upon him as truant officer. However, if a board of education, organized under the provisions of Article 4, Article 16 and Article 17, of Chapter 57, R. S. 1929, appoints a school attendance officer or officers, then said person or persons would receive compensation for their services, to be fixed by the board. But when the county superintendent of schools acts as truant officer no provision is made for payment of compensation for such service.

It is our opinion that Section 9435, Laws of Missouri, 1933, page 379, places an added duty upon the county superintendent of schools, namely, that of school attendance officer, without allowing compensation for the services he renders as such.

Mr. Earl E. Duffey

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October 1, 1935.

As the Legislature has decreed that the county superintendent of schools must serve as a school attendance officer without compensation, this Department cannot by a ruling legislate fees for county superintendent of schools if we desired to do so, because that function rests solely with the Legislature and as it has declared the public policy of the State relative to county superintendent of schools acting as school attendance officers, we are powerless to change it. It follows, then, that we cannot make a ruling as to fees for county superintendants of schools for their services as truant officers in answer to your specific question.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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JOHN W. HOFFMAN, Jr.  
(Acting) Attorney-General

JLH:EG