

COUNTY SUPERINTENDENT) County Superintendent of Schools must be  
OF SCHOOLS: ) twenty-four years old at the time of his  
election.

March 11, 1935.



Hon. Tom Foraker,  
Principal  
Nashville Public School  
Nashville, Missouri

Dear Sir:

This is to acknowledge receipt of your letter of February 26, 1935, requesting an opinion of this office, reading as follows:

"I am aware that the present law regarding the qualifications of the county superintendent states the minimum age as twenty four.

I have ninety hours of college work, am teaching my fifth term, hold a First Grade County Certificate, but I am only twenty two years of age.

Is there any possible way that I could be exempted from the age requirement? If I were elected, could the election be contested?"

Section 9454 Revised Statutes of Missouri 1929, reads in part as follows:

"There is hereby created the office of county superintendent of public schools in each and every county in the state; the qualified voters of the county shall elect said county superintendent at the annual district school meeting held on the first Tuesday in April, 1923, and every four years thereafter; said county school superintendent shall be at least twenty-four years old, a citizen of the county, shall have taught or supervised schools as his chief work during at least two years of the eight years next preceding his election or appointment; or

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shall have spent the two years next preceding his election or appointment as a regular student in a state teachers' college or university, and shall at the time of his election hold a diploma from one of the state teachers colleges or state university, or shall hold a state certificate, authorizing him to teach in the public schools of Missouri, or shall hold a first grade county certificate authorizing him to teach in the county of which he is superintendent: \* \* \* "

The above statute is plain and unambiguous and requires that a County Superintendent of Schools shall be at least twenty-four years of age.

It is our opinion that unless you are at least twenty-four years of age you would not be qualified to hold the office of County Superintendent of Public Schools. Hence, if you were elected you could not qualify and if you attempted to hold the office you would be subject to ouster proceedings.

Yours very truly,

James L. HornBostel,  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK,  
Attorney General

JLH:JET/MM.