

SCHOOLS - County Superintendents - Traveling expenses and clerical hire.

*\$ 3 per teacher limit  
repealed. 75% maximum  
Applies only to travel expenses  
See 167.150, 167.190, 167.230 &  
June 29, 1955.  
167.270 after July 1, 1965 see  
179.190*

FILED  
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Mr. V. R. Heavenhill,  
County Superintendent  
of Public Schools,  
Stockton, Missouri.

Dear Sir:

A request for an opinion has been received from you under date of June 6, 1955, such request being in the following terms:

"In a certain county the County Supt. of Schools budgeted his annual supervisory and clerical expense and estimated it at \$357.50. This amount being \$3.00 per teacher and not in excess of 1/4 his annual salary, which was \$1350.50. Each month he billed the County Court for \$28.121/2 as his monthly allowance for such expense. Some months his actual expense is double that amount and sometimes less than that amount. Is he entitled to this amount each month so long as the total amount is not in excess of 1/4 his annual salary? Please advise me in this particular matter."

R. S. Missouri, 1929, Section 9487, provides in part as follows:

*Changed*

"That the county superintendent of public schools shall be allowed out of the county treasury not to exceed twenty-five per cent of his annual salary for traveling expenses and necessary clerical assistance, provided such allowance shall not exceed three dollars (\$3.00) annually for every teacher under his jurisdiction. The county court shall, upon presentation of his bill properly setting forth his actual expenditures for traveling expenses and clerical hire, draw a warrant upon the county treasury for the payment of same."

The underlined phrases of such section clearly show that only actual out-of-pocket expenses can be billed by the County Superintendent of Schools to the County, and, therefore, if at the end of the month less than one-twelfth of the annual maximum for these expenses had been spent, such County Superintendent of Schools would have no right to bill the County for one-twelfth of such annual maximum.

Where an amount is spent in one month which is greater than one-twelfth of the annual maximum allowed, there is no prohibition in the statute against the County Superintendent of Schools billing the County for the amount so spent, so long as the total of such expenses for that year does not exceed one-fourth of his annual salary, or if the \$3.00 for every teacher under his jurisdiction is less than the one-fourth of his annual salary, then the less amount. There is nothing in the statute which says that the total for these expenses, which are expressly put on an annual basis, shall be divided, either as to incurring and paying such expenses or as to reimbursement thereof, equally between the twelve months of the year. To give the statute such a construction would be impractical, for it would not be reasonable and probably not possible to spend each month exactly one-twelfth of the annual maximum, and under such a construction, whenever less than one-twelfth of the annual maximum was spent in any one month, this would reduce the annual maximum.

In conclusion, it is our opinion that a County Superintendent of Schools, under R. S. Missouri, 1929, Section 9467, is entitled to be reimbursed for actual expenditures for traveling expenses and clerical hire, in an amount not to exceed, in any one year of the term of his office, either 25% of his annual salary or \$3.00 for every teacher under his jurisdiction (as the case may be), and that so long as he keeps within this maximum he is entitled

Mr. V. R. Heavenhill

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to be reimbursed for his actual expenses for these purposes, even though they exceed for any one month one-twelfth of such maximum amount.

Very truly yours,

EDWARD H. MILLER  
Assistant Attorney-General

APPROVED:

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