

COUNTY SUPERINTENDENT OF SCHOOLS: A person who has not taught or supervised schools as his chief work at least two or the eight years next preceding his election, or has not spent the two years next preceding his election as a regular student in a state teachers' college or university cannot qualify as County Superintendent of Schools.

3-27-35

March 25, 1935.



Hon. Arthur C. Mueller,
Prosecuting Attorney,
Gasconade County,
Hermann, Missouri.

Dear Sir:

This department is in receipt of your letter of March 12 wherein you request an opinion on the following question:

"Can a person qualify if elected county superintendent of schools if he has not taught school for the past ten years? The party has had 27 years experience in teaching and supervising public schools and holds college degrees, also bearing a life certificate to teach in the public schools of the State of Missouri."

The statute in relation to the qualifications of a county superintendent of schools is Section 9454, R.S. Mo. 1929, and the pertinent part relating to your question is 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 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; ****"

We construe the statute to compel every county superintendent of schools to be at least twenty-four years of age, a citizen of the county, and shall have taught or supervised schools as his chief work during at least two or the eight years next preceding his election or appointment, or shall have spent the two years next preceding his election as a regular student in a state teachers' college or university.

In addition to the above qualifications, a county superintendent of schools must possess one of the following three alternatives:

- (1) He shall at the time of his election hold a diploma from one of the state teachers' colleges or state university;
- (2) He shall hold a state certificate authorizing him to teach in the public schools of Missouri; and
- (3) Shall hold a first grade county certificate authorizing him to teach in the county in which he is superintendent.

In the case which you present the party holds college degrees and possesses a life certificate to teach in the public schools of the State of Missouri. Undoubtedly this would qualify him under the three alternatives set out above as to educational qualifications.

A decision relating to a teacher's certificate as a qualification is discussed in the case of State v. Hollowell, 233 S.W. 405:

***** The cause was submitted to the trial court upon an agreed statement of fact, from which it appears that respondent's only insistence is that appellant did not possess the statutory qualifications to hold the office because the certificate held by her did not comply with either of the three alternative qualifications prescribed in Acts of 1911, p. 404, as follows:

'And shall at the time of his election hold a diploma from one of the state normal schools or teacher's college or the state university, or shall hold a state certificate, authorizing him to teach in the public schools of Missouri, or shall hold a first grade certificate, authorizing him to teach in the county of which he is superintendent.'

It is contended by respondent that said certificate, so issued to appellant by the board of regents of the state normal school, authenticated by the state superintendent of schools, is not a 'state certificate authorizing him to teach in the public schools of Missouri.' This contention presents the only question for decision.

* * *

The certificate held by appellant emanated from the state by statutory authority and authorized her to teach in the public schools of Missouri, and said certificate is therefore a state certificate, within the meaning of the qualifying statute. It follows that appellant at the time of her election was qualified to hold the office, and that the judgment of ouster rendered by the circuit court of Schuyler County should be and is reversed, and the cause remanded with directions to enter its judgment quashing the information."

March 25, 1935.

CONCLUSION

As hereinabove stated, it appears that the person who is a candidate for County Superintendent of Schools, as mentioned in your inquiry, holds the necessary educational qualifications; also, the qualifications as to age and citizenship, but lacks the statutory elements of qualification in that he has not taught school or supervised schools as his chief work during at least two of the eight years next preceding his election or appointment, nor has he fulfilled the requirements of the other alternative, "shall have spent the two years next preceding his election or appointment as a regular student in a state teachers' college or university." Lacking such qualification, it is the opinion of this department that the person you mention in your letter could not qualify as County Superintendent of Schools in the event he is elected to that office.

Respectfully submitted,

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APPROVED:

ROY McKITTRICK,
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