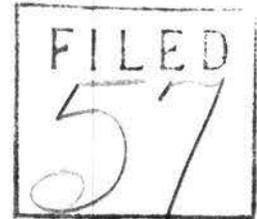


SCHOOLS:
SUPERINTENDENT:
QUALIFICATIONS:

County superintendent of schools is required to possess only one of the alternative qualifications set out in Section 9454, R. S. Mo. 1929.

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Mr. G. Logan Marr
Prosecuting Attorney
Morgan County
Versailles, Missouri

Dear Sir:

This will acknowledge receipt of your request for an official opinion from this department which request is as follows:

"Section 9454 of the 1929 statutes of Missouri setting up the qualifications of the county superintendent of schools. The question has been raised as to whether certain of the qualifications are mandatory and the other four qualifications are directory or optional. It seems from my reading of the section that the first of the two qualifications are mandatory, and the last four optional. The requirements being that the applicant for the office should have the first two qualifications and any one of the other of the four qualifications listed in the section in order.

"Is this last clause the correct conclusion to be reached of the requirements that are necessary?"

The portion of Section 9454, R. S. Missouri, 1929, which applies to the question which you have submitted is as follows:

"* * * * 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; * * * * *"

The first part of this requirement is mandatory, that is, the superintendent must be twenty-four years of age and a citizen of the county. The remainder of this portion of the statute dealing with the superintendent's qualifications contains four different requirements, and your question goes to whether or not the superintendent should possess one or all of such requirements. These different requirements are separated by the word "or".

In Words and Phrases, Third Series, Volume V, page 653, concerning the word "or", it is said:

"In its elementary sense, the word 'or' is a disjunctive particle indicating an alternative. It often connects a series of words or propositions, presenting a choice of either. Pompano Horse Club v. State (Fla.) 111 So. 801, 805, 52 A. L. R. 51."

We find where this section of the statute has been before our appellate courts on two different occasions. In one case, State v. Hodge, 8 S. W. (2d) 881, the court held that where the superintendent possessed one of these qualifications, that is, where he held a first-grade certificate, that he was qualified to hold the office. In the case of State ex inf. Chinn v. Hollowell, 288 Mo. 674, the

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court held that if the person elected held a certificate of the board of regents of a state normal, that he was qualified to hold the office. From these two cases it is conclusive that if the candidate possesses anyone of the alternatives set out in said Section 9454, supra, that he is qualified to hold the office of county superintendent of schools.

CONCLUSION.

It is, therefore, the opinion of this department that if a candidate for the office of superintendent of schools has either taught or supervised schools as his chief work during at least two years of the eight years next preceding his election or appointment; or if he shall have spent the next two years 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 the state, or if he holds a first grade county certificate authorizing him to teach in the county of which he is superintendent, that he is qualified to become superintendent of schools provided he is twenty-four years of age and is a citizen of his county.

Respectfully submitted

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

TWB:DA