

COUNTY : Qualifications for County Super-  
SUPERINTENDENT : intendent of Public Schools under  
OF PUBLIC : Section 10609, R. S. Mo. 1939, shall  
SCHOOLS : be at least twenty-four years of age,  
: a citizen of the county from which he  
: is appointed, hold a state certificate  
: authorizing him to teach in the  
: public schools of Missouri.

November 16, 1943

Honorable Forrest C. Donnell  
Governor, State of Missouri  
Jefferson City, Missouri



Your Excellency:

This office is in receipt of your letter, which omitting caption and signature, reads as follows:

"Your opinion, as soon as possible, is respectfully requested on the following question:

"Is a person who is at least twenty-four years old, a citizen of the county and who holds a state certificate, authorizing him to teach in the public schools of Missouri, qualified to be appointed county superintendent of public schools of said County?"

That portion of the statutes which is devoted to the qualifications of county school superintendents is section 10609, R. S. Mo. 1939. The portion useful to us in determining the question raised in your letter reads as follows:

\*\*\*said county school superintendent shall be at least twenty-four years old, a citizen of the county,

1. 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;
2. 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

Nov. 16, 1943

of his election hold a diploma from one of the state teachers colleges or state university,

3. 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:

"All county school superintendents elected on the first Tuesday in April, 1927, and thereafter, shall hold said office for a term of four years from and after the first Monday in July following their election, or until their successor is elected and qualified, and all vacancies caused by death, resignation, refusal to serve, or removal from the county, shall be filled by the governor by appointment for the unexpired term:\*\*\*"

A county superintendent elected within three years after a renewal of his certificate is qualified. State ex inf. V. Hodge, 320 Mo. 877, 8 S. W. (2d) 881.

A person holding a certificate for a period of two years is qualified for the office of superintendent. State ex inf. v. Hollowell, 288 Mo. 674, 233 S. W. 405-703.

This section of the statutes will become inoperative on and after November 22, 1943, by reason of the fact, that a new section No. 10609 was enacted by the 62nd General Assembly and this legislation is known as House Bill No. 94.

Under the new section the qualifications of the county superintendent of public schools will be altered considerably, and any elections or appointments on or after November 22, 1943, must comply with the new section.

Governor Forrest C. Donnell

-3-

Nov. 16, 1943

The reason this new section is inoperative until November 22, 1943, is any act enacted and approved prior to the adjournment of the Legislature which contains no emergency coming within the exceptions of said Section 36, Article IV of the Constitution, as amended, will be controlled by said Section 659, R. S. Missouri, 1939, and will become effective ninety days after the adjournment of the session at which it is enacted and approved; except an act approved by the Governor after the adjournment of the session of the legislature will not become effective, under the provisions of Section 36, Article IV of the Constitution of Missouri, as amended, until ninety days after approval thereof by the Governor.

C O N C L U S I O N N .

From the above and foregoing, it is the opinion of this office that any person at least twenty-four years old, a citizen of the county from which he is appointed, holding a state certificate, authorizing him to teach in the public schools of Missouri, may be appointed county superintendent of public schools of his county and he may qualify and take such office on his appointment.

Respectfully submitted

---

L. I. MORRIS  
Assistant Attorney General

APPROVED:

---

ROY MCKITTRICK  
Attorney General

LIM:LeC