



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

November 6, 1973

OPINION LETTER NO. 41

Honorable L. Edward Stone, Jr.  
State Senator, 26th District  
53 River Bend Court  
Chesterfield, Missouri 63017

Dear Senator Stone:

This letter is issued in response to your request for a ruling on whether the minimum qualifications to qualify as the superintendent of a six-director school district in a first-class county as specified in Section 168.191, RSMo 1969, are constitutional.

The qualifications about which you inquire were set forth in the second sentence of Section 168.191, RSMo 1969:

". . . The superintendent of schools so employed in the district shall have had not less than five years' experience as the chief administrative officer of a school system working under the direction of a board of education and having administrative charge of all public schools within a six-director district, in which one-half or more of his time was devoted to administrative or supervisory duties, or shall have been employed as a teacher in the immediate high school district for a period of two years or more. . . ."

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These qualifications were repealed by House Bill No. 158, Seventy-Seventh General Assembly, First Regular Session, which becomes effective on July 1, 1974. After that date, a six-director school district in a first-class county not having a charter form of government may hire a superintendent without reference to the qualifications previously set forth in Section 168.191, RSMo 1969. Section 168.191, as amended by House Bill No. 158, reads as follows:

"In all counties of the first class except counties of the first class not having a charter form of government, any board of education, other than boards in urban districts, in charge of a public school system maintaining a classified high school, previously approved by the state board of education, and employing a superintendent devoting his full time to supervisory and administrative work, may employ and enter into contract with a superintendent of schools for the school district for a period of not to exceed three years. This law shall not invalidate or repeal any other law of this state relating to the employment of teachers, principals or superintendents of public schools."

Because the legislature has repealed, as of July 1, 1974, the minimum qualifications to qualify for employment as a school superintendent in a first-class county about which you inquire, we believe it is particularly appropriate to accord the existing Section 168.191 the presumption of constitutionality usually accorded to enactments of the General Assembly. State ex rel. Priest v. Gunn, 326 S.W.2d 314, 324 (Mo. en banc 1959), and Borden Company v. Thomason, 353 S.W.2d 735 (Mo. en banc 1962).

Therefore, it is the conclusion of this office that the minimum qualifications to qualify as the superintendent of a

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six-director school district in a first-class county not having a charter form of government, as set forth in Section 168.191, RSMo 1969, are constitutional.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH  
Attorney General