

SCHOOLS: County Superintendent is entitled to traveling expenses outside of the county in certain instances.

May 6, 1940

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Hon. Marion E. Lamb
Prosecuting Attorney
Randolph County
Moberly, Missouri

Dear Sir:

We are in receipt of your request for an opinion, dated April 2, 1940, which reads as follows:

"I would appreciate an official opinion as to whether or not the County Superintendent of Schools is entitled to traveling expenses outside of the county, in such instances as attending State Teachers' Meetings or meetings of County Superintendents of Schools some place outside of the county. Your early reply on this question will be greatly appreciated."

10618 The population of Randolph County, according to the 1930 decennial census was 26431. Under Section 9463 Laws of Missouri, 1923, page 384, the salary of the County Superintendent of Schools is \$2,000.00 a year.

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Section 9467 R. S. Missouri, 1929, reads as follows:

"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: Provided, when the county superintendent shall furnish his own conveyance, the rate allowed for mileage shall be four cents per mile for each mile actually and necessarily traveled."

The above section merely allows traveling expenses and does not specifically state that it should be traveling expenses among the schools over which the County Superintendent has jurisdiction. Under this section traveling expenses and necessary clerical assistance is limited to an amount not to exceed twenty-five per cent of his annual salary, which in the case of Randolph County would be \$500.00, provided, however, that the \$500.00 would not exceed an allowance of \$3.00 annually for each teacher under his jurisdiction. It also further provides that if the County Superintendent shall furnish his own conveyance he shall be allowed mileage at the rate of four cents per mile for each mile actually and necessarily traveled. This amount should not exceed \$500.00 or more than the allowance of three dollars annually for every teacher under his jurisdiction.

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Section 9462 R. S. Missouri, 1929, reads as follows:

"During his term of office the county superintendent shall not engage in teaching or in any other employment that interferes with the duties of his office as prescribed by law. He shall spend annually, studying rural school problems and supervision of schools, five days in conventions called by the state superintendent of public schools, or twenty days in the state university or in one of the state teachers colleges, or in some

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other manner approved by the state superintendent. He shall not receive his salary for the third quarter of the year until he presents a certificate, signed by the state superintendent, stating that he has spent the period prescribed by law in studying rural school problems and supervision of schools, and that his report as county superintendent of public schools has been properly made to the state superintendent of public schools."

Under the above section it is the duty of the County Superintendent to attend conventions for a period of five days called by the State Superintendent of Public Schools or twenty days in the State University or in one of the state teachers colleges, or in some other manner approved by the State Superintendent. This is a mandatory order and it becomes part of his duties as County Superintendent.

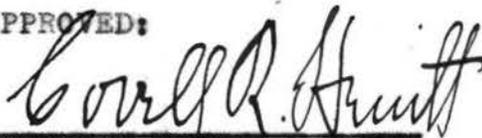
CONCLUSION.

In view of the above authorities, it is the opinion of this department that the County Superintendent of Schools of Randolph County is entitled to traveling expenses outside of the county in such instances as attending state teachers meetings or meetings of County Superintendent of Schools some place outside of the county. Providing that the expenses do not exceed the amount as set out in Section 9467 R. S. Missouri, 1929.

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Respectfully submitted,

APPROVED:



COVELL R. HEWITT
(Acting) Attorney General

W. J. BURKE
Assistant Attorney General

WJB:DA