

SUPERINTENDENT  
OF SCHOOLS:

Shall not engage in teaching or any  
other employment that interferes with  
the duties of his office.

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July 27, 1943

Mr. Roth H. Faubion  
Prosecuting Attorney  
Barton County  
Lamar, Missouri



Dear Mr. Faubion:

This will acknowledge receipt of your letter in which  
you request an opinion. Omitting caption and signature,  
this request is as follows:

"If possible I would like a construc-  
tion of Section 10617, R. S. Mo., 1939.

"Owing to the shortage of teachers, and  
the like, the County Superintendent of  
the county has been employed as Super-  
intendent of the schools of the City of  
Lamar. This man by having a Deputy  
County Superintendent will be fully  
able to comply with the provisions of  
this section, unless it might have been  
the intention of the legislature that  
by the first sentence of said section  
10617, it was intended that said County  
Superintendent should not engage in any  
other remunerative employment.

"I would appreciate an answer very soon  
if possible as it will not be long be-  
fore the schools open and teachers, es-  
pecially Superintendents are tough to  
sign."

Section 10617 R. S. Mo., 1939, provides in part as  
follows:

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"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. \* \* "

We quote that section of the statute which is useful in the determination of the question raised in your letter. This section of the statute seems to be clear, unambiguous and leaves no room for interpretation. The obvious intention of the Legislature is that the county superintendent of schools shall not engage in teaching or any other employment.

#### CONCLUSION

From our reading of the statute as it pertains to the office of the superintendent of schools, we conclude that a superintendent of schools, during his term of office, shall not engage in teaching or in any other employment.

Respectfully submitted,

L. I. MORRIS  
Assistant Attorney-General

APPROVED:

ROY McKITTRICK  
Attorney-General