PUBLIC INSTRUCTION, DEPARTMENT OF: Qualifications of county superintendent.

May 16, 1933.

Hon. Grover Van Duyn,
Assistant Supt. of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter referring to section 6506 of Burns 1929 Supplement to Burns Annotated Indiana Statutes of 1926 and submitting the following question:

"In case an incumbent of the office of county superintendent at the time of the enactment of this law was holding a license or certificate not equal to the qualifications required in this act and did not remain in office as an incumbent continuously to the date established by law for the election of a county superintendent, the same being the first Monday in June, 1933, is said former incumbent qualified as provided by this clause to hold office as county superintendent?"

The answer to your question is in the negative. Section 6506, supra, provides as follows:

"No person shall be eligible to or shall hold the office of county superintendent of schools who has not had five years successful experience as a teacher in the public schools and who does not hold at the time of election a first or second grade superintendent's license; Provided, That nothing in this act shall apply to disqualify at any time any incumbent of the office of county superintendent." (Our italics.)

The italicized language, supra, applies only to incumbents at the time of the election. If the former incumbent was not actually in possession of the office at the time of the election, he was not an incumbent, and therefore could not avail himself of the proviso.