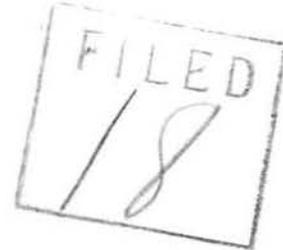


SCHOOL DISTRICTS:-Under Section 9607, R. S. Mo. 1929, a person holding a diploma conferring A. B. Degree from State Teachers' College is entitled to teach without further examination.

10-22
October 13, 1934.



Mr. L. H. Coward,
County School Superintendent,
Springfield, Missouri.

Dear Sir:

We just received a letter from you dated October 10, 1934, making inquiry regarding the opinion which you requested. We wrote you on October 3, 1934 in answer to your inquiry. For some reason you have not received our reply. Our letter to you of October 2 is as follows:

"We are acknowledging receipt of your letter in which you inquire as follows:

'We have a case in this county of a person who has been employed to teach a rural school and according to our interpretation of Section 9234, Missouri School Laws, does not have a diploma or certificate entitling her to teach. This section, as you know, states that no teacher can be employed 'until he has received a certificate of qualification therefor signed by the County Superintendent of the county, the State Superintendent, or a certificate or diploma issued by the State University or some normal school of this state entitling him to teach in the public schools.' Section 9235 also makes it a misdemeanor and punishable by fine upon the teacher who teaches a single day and the directors who shall endorse or encourage such teacher. Again, Section 9209, states that when a teacher's contract is made that it shall be signed by the president and clerk of the board only when the teacher's certificate is filed with the clerk.

'The teacher to whom I refer has not, according to my interpretation of section 9234, a certificate entitling her to teach. However, she holds an

A. B. Degree from the State Teachers College here, but as I understand it the B. S. Degree in Education from one of our Teachers Colleges carries the certificate privilege and does entitle the holder to teach according to statements written in the diploma conferring this degree, but the A. B. Degree does not carry this privilege and all persons heretofore having the latter degree have arranged to secure a certificate from the State or County entitling them to teach. The person to whom I refer has refused to do this and is upheld in the matter by a member of her board who has referred to Section 9607 of the School Law which does seem to convey the idea that a teachers' college diploma conferred upon the completion of any prescribed course of study shall entitle the holder thereof to teach in this State without further examination.

'Members of the faculty of the State Teachers College here have always told us that the A. B. Degree did not entitle the holder to teach and made arrangements for their students to secure a certificate from the State or County.

'I should, therefore, like to have your interpretation at once as between Sections 9234 and 9607 since the impression has always been from the State Teachers College and from the State Superintendent's office that an A. B. Degree from a Teachers College does not entitle the holder to teach, since there is not such a statement in their diploma conferring the B. S. Degree in Education.'

The Attorney General is only authorized to render official opinions to the Prosecuting Attorneys and the officials of the State. While we cannot render you an official opinion in this matter, yet we are glad to answer your inquiry.

It is true that Section 9234, R. S. Mo. 1929, provides that no teacher shall be employed in a school supported by public funds until he has received a certificate

signed by the county superintendent of the county, and the state superintendent, or a diploma issued by the State University or some teachers' college, entitling him to teach in public schools. Section 9235, R. S. Mo. 1929, provides that the teacher violating section 9234 shall forfeit any compensation due under her contract and shall be deemed guilty of a misdemeanor punishable by fine, and the director who shall endorse or encourage said teacher in such unlawful conduct shall also be similarly punished. Section 9209, R. S. Mo. 1929, requires that teachers' certificates shall be filed with the clerk. Section 9210, R. S. Mo. 1929, sets out the provisions of the contract between the district and the teacher.

We believe, however, that the matter about which you inquire is definitely settled by Section 9607, R. S. Mo. 1929, rather than the above sections. Section 9607 provides as follows:

'Each board shall have power and authority to confer upon students, by diploma under the common seal, such degrees as are usually granted by teachers colleges and normal schools. A state teachers college diploma conferred upon the completion of any prescribed course of study shall entitle the holder thereof to teach in this state, without further examination, until revoked by the board of regents granting the same or by the county superintendent of public schools, or state superintendent of schools, for incompetency, cruelty, immorality, drunkenness, dishonesty or neglect of duty; boards of regents shall also have power to grant a certificate upon the completion of a course of study prescribed therefor, which certificate shall entitle the holder thereof to teach in this state for a period of two years from date unless sooner revoked for one or more of the causes specified. The provisions of this section shall apply to the school of education of the University of Missouri and to Lincoln University.'

The above section specifically provides that the state teachers' college diploma conferred upon a person

upon the completion of any prescribed course of study shall entitle the holder thereof to teach in this state without further examination. You state that the teacher to whom you refer holds a degree from a state teachers' college and if such be true, under section 9607, she is entitled to teach without further examination. Section 9607 does not require that her diploma shall be conferred by the Department of Education or that she hold a B. S. Degree. The section says, 'any prescribed course of study,' and, of course, the degree of Bachelor of Arts is based upon a prescribed course of study.

Upon the facts stated in your letter we are inclined to believe that the teacher has a right to teach."

Since writing that letter we received another letter from you which is as follows:

"Some days ago I wrote you a letter asking for an opinion on the legal status of a teacher in this county securing a certificate who holds an A. B. Degree from the State Teachers College here. This letter was acknowledged by you on a card mailed September 17 and signed by Edie Mae Widmer.

"Since that time I have talked to Doctor Roy Ellis, President of the State Teachers College here from which college this A. B. Degree was granted. Doctor Ellis points out under Section 9607 which defines powers of the Board of Regents that the statement in that section, 'A State Teachers College Diploma conferred upon the completion of any prescribed course of study shall entitle the holder thereof to teach in this State, without further examination, etc.' is different from an A.B. Degree. He also stated that the A. B. Degree which this teacher holds does not carry the diploma privilege to teach and can only do this except under a special arrangement by which the holder secures twenty hours in Education and thereby secures the certificate privilege. The particular teacher in this case has not done this.

"This explanation after a conference with him is not meant to reflect upon the inability of your department to ascertain facts but a feeling that perhaps his suggestion might be useful to you in arriving at a conclusion."

From your last letter you indicate that it is the opinion of the president of the normal school that the A. B. Degree does not entitle the holder thereof to teach. Section 9607, R. S. Mo. 1929, however, confers upon the board the right to confer by diploma such degrees as are usually granted by teachers colleges and normal schools, and provides that such a diploma conferred upon the completion of any prescribed course of study shall entitle the holder thereof to teach in this state. The section does not provide that the degree must be that of B. S. The Statute provides that the holder of a degree of any prescribed course of study shall be entitled to teach. This certainly was intended to cover the degrees conferred by the schools. It may be that the curriculum of the school does not provide that a course in education is required as a foundation for the A. B. Degree, and it might have been the practice to require holders of A. B. Degrees to acquire a certificate. However, in due respect to the interpretation which has been placed upon this section by the officials of State Teachers Colleges we do not see how you can read into this section a requirement that the teacher hold any particular degree. The section is very broad and says that the holder of any degree from a teachers college shall be entitled to teach. The Legislature, no doubt, presumed that in conformity with this section of the Statutes the officials of the teachers colleges would require the taking of certain courses which would qualify the recipient of all degrees to teach. If such had not been done or was not good educational policy it appears to us that the matters should be remedied by the schools in furnishing the degrees, rather than by an interpretation which is contrary to the spirit of the Statutes.

The diploma which is conferred by the school is simply evidence of the completion of a prescribed course of study. The Statute does not contemplate that a diploma conferring one degree shall give the right to teach and the diploma conferring another shall not give the right to teach. It plainly states that a teachers college diploma conferred upon the completion of a prescribed course of study shall entitle the holder to teach. The only interpretation we can give the section is to follow the express direction in the Statute. As we view it, whenever the state

teachers college confers a degree upon one of its students that entitles such student to teach without further examination. Of course, the holder of a B. S. Degree may be better qualified to teach than one with an A. B. Degree, but those are matters to be taken into consideration along with the other qualifications of the applicant.

It is our opinion, as stated above, that this person has complied with the Statutes and we do not believe that any civil or criminal action could be successfully maintained under these circumstances.

Very truly yours,

FRANK W. HAYES,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General.

FWH:MS