

TEACHERS:
TEACHERS' CERTIFICATES:
SCHOOLS:
COUNTY SUPERINTENDENT OF SCHOOLS:

Teachers' certificates are valid when issued and (except for county third grade certificates) the local County Superintendent of Schools does not have authority to require such certificates to be registered or recorded with him, and the county superintendent of schools does not have the power to pass on the moral character and requirements, other than scholastic, of the teacher, (except teachers holding county third grade certificates).

July 28, 1961

Honorable Paul L. Bell
Prosecuting Attorney
Crawford County
Steelville, Missouri



Dear Mr. Bell:

This is in answer to your request for an opinion dated April 13, 1961, which request reads as follows:

"Mr. Sam Bayless, the County Superintendent of Schools of Crawford County, Missouri has requested that I get your opinion as to whether or not a school teachers certificate is valid before it has been registered with the County Superintendent and he has passed on the moral character and requirements other than scholastic of the teacher as provided in Missouri Revised Statutes Section 168.070."

Implicit in your question concerning the validity of the certificate are the underlying and controlling questions of whether the certificate must be "registered" with the local county superintendent of schools and whether the county superintendent of schools must pass on the moral character and requirements, other than scholastic, of all teachers within his county. We are unable to find any statute which expressly requires a teacher to register or record his teacher's certificate with the county superintendent of schools of the county within which the teacher seeks to teach. Section 168.070 RSMo 1959, referred to in your opinion request, reads as follows:

"The county superintendent of public schools shall pass on the moral character and requirements, other than scholastic, of all persons who by virtue of teaching in his county must register their certificates with his office, and he shall preserve

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such certificate registration record by years and deliver same to his successor in office." (Emphasis added)

In State ex rel Gorman v. Offutt, 223 Mo. App. 1172, 26 S.W. 2d 830, 1.c. 831, it is said:

"In the interpretation of a statute we are bound to consider all the provisions thereof and to so rule, if possible, that no part is destroyed or made meaningless by the construction of other parts (Rutter v. Carothers, 223 Mo. loc. cit. 643, 122 S.W. 1056), and we have no right, by construction, to substitute any ideas concerning legislative intent contrary to those unmistakably expressed in legislative words. Clark v. Railroad Co., 219 Mo. loc. cit. 534, 118 S.W. 40, 44."

In determining the meaning of Section 168.070 RSMo 1959, we examine other statutes dealing with teacher's certificates.

Section 168.030 RSMo 1959, gives the State Board of Education sole authority to grant certificates, except for a "life teaching certificate" issued by state colleges which is registered in the State Department of Education and except that county superintendents of schools have authority to grant "third grade county certificates".

Section 160.090, paragraph (7) RSMo 1959, provides that the State Board of Education shall grant certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the same to be revoked for incompetency, cruelty, immorality, drunkenness, or neglect of duty. Section 168.040 RSMo 1959, requires the county superintendent of schools to conduct examinations, but the questions are prepared by the State Department of Education except for a special third grade certificate and the questions are graded by the State Department of Education except for applicants for third grade certificates requesting that they be graded by the county superintendent. Section 168.060 RSMo 1959, provides that the manner and method for the renewal of certificates be prescribed by the State Department of Education. Section 168.090 RSMo 1959, provides that the office, institution or official having authority to issue certificates, shall in like manner have authority to revoke said certificates upon satisfactory proof of incompetency, immorality, neglect of duty or the annulling of written contracts. The revocation can be made only after

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due notice and a hearing. The general tenor of all these statutes has been to place the authority and control of all teacher's certificates in the State Department of Education, except third grade county certificates and life teaching certificates. The county superintendent of schools has authority and control only over third grade county certificates which he issues. Section 168.040 RSMo 1959, requires a person to complete four years of high school and to present evidence of good moral character before receiving or holding a teacher's certificate.

The clear implication of this statute is that the moral character of the applicant must be passed on before the certificate is granted or renewed. Once a certificate has been issued or renewed the question of moral qualification has already been passed upon and the certificate is necessarily valid when issued, subject only to revocation as provided by Section 168.090 RSMo 1959. Thus, holders of certificates granted by the State Board of Education and holders of life teaching certificates may, upon issuance of such certificates, teach in public schools in any county of the state without regard to whether such certificate has been registered with the office of the county superintendent of public schools in the county in which the teacher seeks to teach and without regard to whether the county superintendent of public schools of the county in which the teacher seeks to teach has passed upon the moral character and requirements, other than scholastic, of such teacher. We therefore conclude that Section 168.070 RSMo 1959 authorizes the county superintendent of schools to pass upon the moral qualifications of a teacher only with respect to the granting or revocation of a third grade county certificate issued by such county superintendent of schools. The local county superintendent of schools has no power or authority to require the holder of a life teaching certificate or the holder of a certificate issued by the State Board of Education to register or record such certificate with his office.

CONCLUSION

All life teaching certificates and all certificates issued by the State Board of Education are valid when issued and the local County Superintendent of Schools has no authority to require the holder thereof to register such certificates with him and the local county superintendent of schools has no power to pass on the moral character and requirements, other than scholastic, of the holders of such certificates.

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The foregoing opinion, which I hereby approve, was prepared by my assistant, Wayne W. Waldo.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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