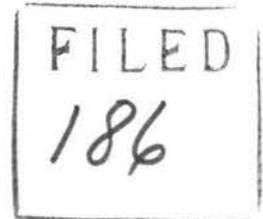


SCHOOLS: A Missouri state college or university,
TEACHERS: under Section 168.021, RSMo 1969, has
the authority to issue the degree of
bachelor of science in education without
granting a life teaching certificate if the candidate does not
present evidence of good moral character, as required by Section
168.031, RSMo 1969. The issuing authority's procedures for con-
cluding that evidence of good moral character has not been pre-
sented should conform to recognized standards of fairness.

October 24, 1972

OPINION NO. 186

Dr. Arthur L. Mallory
Commissioner of Education
State Department of Education
Jefferson State Office Building
Jefferson City, Missouri 65101



Dear Dr. Mallory:

This official opinion is issued in response to your request for a ruling on whether a Missouri state college, under Section 168.021, RSMo 1969, has the authority to issue the degree of bachelor of science in education without granting a life teaching certificate if the candidate does not present evidence of good moral character, as required by Section 168.031, RSMo 1969.

We understand that the student has fulfilled the academic requirements for the degree. Therefore, no question is raised concerning the granting of a degree. The only question posed is whether the degree may be issued without granting authorization to teach in the public schools of Missouri. (Section 174.160, RSMo 1969, grants state colleges the power and authority to confer degrees.)

As relevant to this opinion, Section 168.021, RSMo 1969, provides as follows:

"Issuance of licenses. -- Certificates of license to teach in the public schools of the state shall be granted as follows:

* * *

"(2) By the Missouri state colleges, state teachers' colleges, the university of Missouri and Lincoln university to graduates receiving the degree of bachelor of science

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in education, a life teaching certificate bearing the signature of the commissioner of education and which shall be registered in the state department of education. . . ."
(Emphasis added.)

Although Section 168.021 authorizes the enumerated state educational institutions to issue life teaching certificates, no teaching certificate may be issued except after presentation by the applicant of evidence of good moral character.

"No person shall receive or hold any certificate who does not present evidence of good moral character, . . ." Section 168.031, RSMo 1969. (Emphasis added.)

Thus, good moral character must be demonstrated before the certificate is granted. (See Opinion No. 6, Bell, July 28, 1961.) When an applicant has the required amount of academic and professional preparation and has presented evidence of good moral character, the certificate must be issued. (See Opinion No. 164, Wheeler, June 2, 1966.)

However, if a student cannot present evidence of good moral character to the issuing authority (in this instance, a state educational institution), no teaching certificate can be issued. Section 168.031. Under such circumstances, we find nothing which would prevent the college or university from granting the degree without the teaching certificate.

We must, however, express a word of caution on the procedure for determining that evidence of good moral character has not been presented. We assume that the student, in fulfilling the academic requirements for the degree of bachelor of science in education, intended to enter the teaching profession. To deny a lifetime teaching certificate for lack of good moral character means that the graduate will not be permitted to teach in Missouri public schools. Thus, we suggest that every effort be made to insure that the procedure for denying the certificate be in accordance with recognized standards of fairness. Notice to the student of the issuing authority's proposed action and reasons therefor together with an opportunity to appear before the issuing authority at a hearing where, the graduate would have the opportunity to present evidence and cross-examine adverse witnesses, should be included in the procedure.

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CONCLUSION

Therefore, it is the conclusion of this office that a Missouri state college or university, under Section 168.021, RSMo 1969, has the authority to issue the degree of bachelor of science in education without granting a life teaching certificate if the candidate does not present evidence of good moral character, as required by Section 168.031, RSMo 1969. The issuing authority's procedures for concluding that evidence of good moral character has not been presented should conform to recognized standards of fairness.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, D. Brook Bartlett.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

Enclosures:

Opinion No. 6, Bell, 7-28-61
Opinion No. 164, Wheeler, 6-2-66