

EXECUTIVE ORDER
97-16

DEC 22 1997


SECRETARY OF STATE

WHEREAS, the safety of children enrolled in the public schools is of vital importance to the State of Missouri; and

WHEREAS, proper certification of those entrusted to educate these children is critical to ensure a safe and nurturing environment in the public schools; and

WHEREAS, teachers join school districts and parents in seeking individuals who will dedicate their lives to children through teaching and support efforts to remove unfit teachers from the classroom; and

WHEREAS, the State Board of Education is authorized by statute to grant certificates of license to teachers and administrators within the public schools and further, to suspend or revoke said certificates based upon the conviction of the certificate holder of a felony or crime involving moral turpitude; and

WHEREAS, our recent initiatives to make schools safe places where students can learn without fear of harm can be extended by ensuring that the State Board of Education has the tools and resources it needs to remove from the classroom teachers who have been convicted of felony crimes or crimes against children; and

WHEREAS, the Department of Elementary and Secondary Education has the responsibility to investigate the circumstance relating to these convictions in order to bring these matters before the state Board of Education; and

WHEREAS, the Department of Social Services, Department of Public Safety and the Department of Corrections maintain information that would be instrumental in facilitating investigations of criminal conduct committed by individuals licensed to teach in Missouri public schools or those who seek a certification to teach in Missouri public schools.

NOW, THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby direct the Department of Social Services (DSS), Department of Public Safety (DPS) and the Department of Corrections (DOC) to assist the State Board of Education in developing lawful procedures to share information of criminal conduct of individuals certified to teach in Missouri public schools or those who seek certification to teach in Missouri public schools.

FURTHER, in doing so, this office recognizes the investigatory authority of the Department of Elementary and Secondary Education (DESE) with regard to these matters and directs the DESE to collaborate with any and all agencies who can facilitate the exchange of timely and accurate information relevant to these investigations.

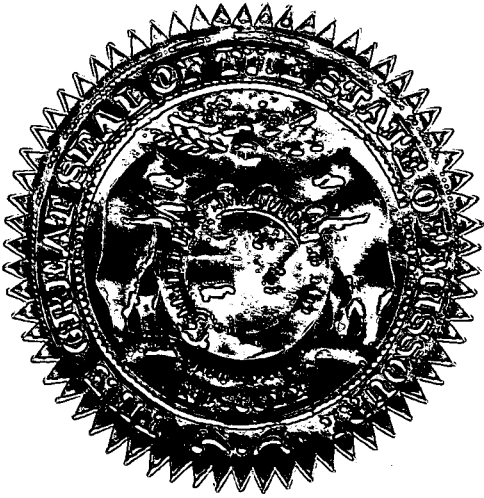
FURTHER, I specifically direct the DOC and the DPS to collaborate with the DESE to compare DESE's records on certified teachers and the DOC's and DPS's records of individuals with criminal convictions to identify any teachers who have been convicted of felony crimes against persons, sexual assault, drug trafficking or crimes against children in Missouri and to refer any such cases to the State Board of Education for immediate decertification action.

FURTHER, I specifically direct the DSS to enter into an interagency agreement with the DESE that will permit the DESE to receive information on any licensed teacher against whom the DSS found "probable cause" of child abuse and neglect as defined in Chapter 210 RSMo, and which resulted in criminal prosecution of said individual. The DESE shall respect all confidentiality restrictions related to these materials and will only use the information to support any revocation cases being prepared for review by the State Board of Education.

FURTHER, I direct the DSS, the Department of Higher Education, DPS and the DOC to work with the State Board of Education to develop procedures for conducting criminal history background checks on all applicants for teacher certification prior to award of said certificate.

FURTHER, I direct the DOC, when they have identified any individual who has pled guilty or been found guilty of a felony violation, and who is subject to the jurisdiction or supervision of the DOC, to be a certified teacher, to advise the DESE immediately so that the DESE may take any steps deemed appropriate to safeguard the well being of students in Missouri public schools.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 22nd day of December, 1997.



Mel Carnahan

GOVERNOR

ATTEST:

Rebecca M. Howell Cook

SECRETARY OF STATE