Susan Montee, CPA

Missouri State Auditor

August 2007

ELEMENTARY AND SECONDARY EDUCATION

Educator Certification Background Checks

Inadequate State Laws for Background Checks and Inadequate Certification Database Controls Leave Public School Students at Risk

State law for educator background checks is not sufficient to ensure the safety of the state's public school students. The Department of Elementary and Secondary Education (DESE) is responsible for ensuring background checks are conducted on applicants for educator certificates and for reviewing background check results. However, imprecise language in state law and the omission of other critical laws and policies have allowed some educator certificates to be issued to individuals who have a criminal background or have a history of committing other offenses. DESE and Information Technology Services Division (ITSD) management also need to take the necessary measures to develop documentation, implement controls and edits, and enhance the functionality of the teacher and substitute certification databases to fully ensure the integrity and reliability of educator certification data. We focused audit efforts on determining whether (1) educator background checks required by law are sufficient to identify individuals who have a criminal history or have other issues involving moral turpitude, (2) DESE officials have complied with applicable background check laws, and (3) DESE and ITSD officials have established adequate controls to ensure the integrity and reliability of educator certification data and information.

Background checks for educators are inadequate	State laws regarding background checks for Missouri's educators are not adequate to ensure students are in a safe environment. State law requires applicants for most school district positions to have both a criminal history background check and a Family Care Safety Registry (FCSR) background check performed prior to having contact with a student. However, due to the imprecise language in the law, DESE officials have not been requiring and school districts may not be performing FCSR background checks prior to employing educators and other school district personnel who have contact with students. (See page 11)
Educator backgrounds may place students at risk	State law does not require FCSR background checks for educators before they can obtain a certificate to teach. In addition, while state law intended the Child Abuse/Neglect Central Registry to be checked as part of the FCSR background checks, state law does not specifically require Central Registry background checks for educators. During our review, we found instances of certified educators who had a criminal background and/or a history of committing other offenses, such as child abuse or neglect. We found records in the FCSR and Central Registry for certified educators who had been actively teaching in the 2006-2007 school year as well as records for certified educators who had not been actively teaching. DESE officials had been aware of some of these cases, determined the educator was not a risk to students and cleared the background. However, DESE officials had not been aware of all of the cases we found because FCSR checks and periodic background checks have not been required. (See page 12)
Periodic background checks are not required	State law does not require any periodic reviews of educator backgrounds to determine whether new crimes or other offenses have been committed. Periodic background checks help to ensure an individual who previously had a cleared background has not committed some type of offense since the initial review. (See page 15)

Social security numbers are not validated	The teacher and substitute certification databases contain records having invalid social security numbers (SSN). As part of the educator certification process, DESE requests each applicant's SSN. However, SSNs are not validated against an appropriate form of identification nor are there any policies or procedures requiring validation. The Missouri Adaptive Enterprise Architecture states the SSN is a critical component in many state agency applications and is used in facilitating the transfer of information and matching data between different sources. Invalid SSNs compromise data integrity and do not allow DESE officials to ensure the integrity of background checks requiring SSN as the identifying key. (See page 17)
Clearance list needs to be documented	The State Board of Education allows DESE officials to clear certain types of adverse backgrounds without obtaining approval from the board. However, the State Board of Education has not adopted a policy to delegate the clearing of adverse backgrounds and a comprehensive list identifying the offenses DESE officials can clear has not been documented. Documenting the specific offenses that can be cleared provides assurance to the department and the public that cases are handled consistently and individuals with adverse backgrounds, including felonies or crimes involving moral turpitude, have not been certified. (See page 18)
Inappropriate substitute certificates have been issued	The substitute certification database processed and automatically issued certain certificates to applicants prior to the required clearance of criminal background checks during the 2006-2007 school year. A DESE official believed this issue could have been the result of a programming change made during the school year that was subsequently fixed within a short period of time. (See page 22)
A documented data dictionary is needed	A data dictionary has not been developed or documented for the teacher or substitute certification database applications. A data dictionary should enable the sharing of data elements among applications, promote a common understanding of data among users, and prevent incompatible data elements from being created. (See page 22)
Certification databases require improvement	DESE uses several databases and web applications to process and maintain criminal background check results, applications for educator certificates, certification history and applicant professional requirements; and to provide information to school districts on the status of applicant certificates. Many of these educator certification databases and applications are older systems, lacking in necessary controls such as audit trails, key edit checks, and functionality generally available with new technology. As a result, improvements are needed to ensure the accuracy, completeness, and reliability of educator certification data. (See page 23)

All reports are available on our website: auditor.mo.gov

Contents

Abbreviations

CD	Children's Division of the Department of Social Services
CSR	Code of State Regulations
DESE	Department of Elementary and Secondary Education
DHSS	Department of Health and Senior Services
FCSR	Family Care Safety Registry
ITSD	Information Technology Services Division
MAEA	Missouri Adaptive Enterprise Architecture
MSHP	Missouri State Highway Patrol
RSMo	Missouri Revised Statutes
SAO	State Auditor's Office
SSN	Social Security Number

Honorable Matt Blunt, Governor
        and
Members of the General Assembly
        and
D. Kent King, Commissioner
Department of Elementary and Secondary Education
        and
Dan Ross, Chief Information Officer
Office of Administration, Information Technology Services Division
Jefferson City, MO 65102

The Department of Elementary and Secondary Education (DESE), Division of Teacher Quality and Urban Education, under the direction of the State Board of Education, is responsible for determining if the qualifications to teach have been met and for issuing certificates to all educators who work in the state's public school system. The division is also responsible for ensuring background checks are conducted on applicants for educator certificates and for reviewing background check results. DESE uses various databases and web applications to track, monitor, and report educator certificate information. The Office of Administration, Information Technology Services Division (ITSD) is responsible for providing technical assistance to support DESE's technology resources. Our audit objectives included determining whether (1) educator background checks required by law are sufficient to identify individuals who have a criminal history or have other issues involving moral turpitude, (2) DESE officials have complied with applicable background check laws and (3) DESE and ITSD officials have established adequate controls to ensure the integrity and reliability of educator certification data and information.

We found imprecise language in state law and the omission of other critical laws and policies have allowed some educator certificates to be issued to individuals who have a criminal background or a history of committing other offenses. State law requires background checks of the Family Care Safety Registry (FCSR) when an educator is hired but these checks cannot be performed using fingerprints, as required by law. As a result, DESE has recommended each school district determine if FCSR checks should be performed before hiring and has not required FCSR checks before an educator certificate can be issued. We found certified educators who had a criminal background and/or a history of committing other offenses, such as child abuse or neglect, of which DESE was not aware. In addition, we found that offenses committed after the initial background checks may not be identified since state law does not require periodic background checks of educators. We also found DESE does not have policies to verify social security numbers. As a result, the certification databases contain invalid social security numbers which impacts the integrity of data and any processes requiring the use of these numbers. DESE does not have policies to document and maintain a comprehensive list of the types of backgrounds that can be cleared without the State Board of Education's approval. We also found DESE and ITSD officials need to improve documentation, implement controls and edit checks, and add functionality to the certification databases to ensure the integrity and reliability of educator certification data.

We conducted our audit in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such procedures as we considered necessary in the circumstances. This report was prepared under the direction of John Blattel. Key contributors to this report were Jeff Thelen, Lori Melton, and Amanda Locke.

Susan Montee, CPA
State Auditor

Introduction

The Department of Elementary and Secondary Education (DESE) reports to the State Board of Education and is primarily a service agency working with educators, legislators, government agencies and citizens to maintain a strong public education system. The scope of DESE's duties range from early childhood to adult education services. DESE does not regulate or evaluate private, parochial or home schools.

DESE's Educator Certification and Conduct/Investigations section within the Division of Teacher Quality and Urban Education is responsible for issuing certificates (licenses) to all professional personnel who work in the state's public school system who meet the certification requirements identified in state laws and regulations. Personnel in this section also review the results of background checks on applicants for teaching certificates and investigate certificate holders who are charged with misconduct.

The Office of Administration, Information Technology Services Division (ITSD) is responsible for providing technical assistance to support DESE's technology resources. DESE maintains ownership of its information systems and data, while ITSD provides the technical support. As part of the technology support function, the Office of Administration ITSD has established the Missouri Adaptive Enterprise Architecture (MAEA) to guide information technology decisions. DESE is required to follow MAEA standards and policies.

Educator Background Reviews

According to state law,[1] applicants for an educator certificate or a certificate holder may have their certificate suspended, revoked, or refused if an individual has pled or been found guilty of a felony or a crime involving moral turpitude.[2] State law indicates the types of crimes that may result in the revocation, suspension or refusal of a certificate include, but are not limited to: murder, sexual assault, rape/sodomy, child molestation, sexual misconduct involving a child, abuse of child, abandonment of child, endangerment of the welfare of the child or child pornography. State law provides the State Board of Education the authority to determine if an individual with a criminal history should be issued a certificate to teach or if the holder of an educator certificate should be disciplined. To determine if

---

[1] Section 168.071, RSMo

[2] Missouri state law does not include a definition of moral turpitude. The Supreme Court of Missouri has defined moral turpitude as an "act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything done contrary to justice, honesty, modesty and good morals." In re Warren, 888 S.W.2d 334, 335-336 (Mo. 1994).

an applicant for a certificate to teach has a "good moral character,"[3] a criminal background check is performed. Applicants are required by state law to submit fingerprints to the Missouri State Highway Patrol (MSHP) for review against the MSHP and the Federal Bureau of Investigation criminal databases to identify if the applicant has a criminal background. According to a DESE official, a criminal background reinvestigation is required when an individual applies for an additional certification, such as an administrator certificate, or before an educator can have contact with students when working in a new school district.

According to state law,[4] school districts are responsible for ensuring criminal background checks are conducted on new employees prior to having contact with a student. A school district should perform a background check on any new applicant or any applicant who has not been employed by the school district in consecutive years, according to a DESE official. Individuals required to have a background check include, but are not limited to, administrators, teachers, substitutes, aides, secretaries, cooks, custodians, and nurses.

Family Care Safety Registry

The Department of Health and Senior Services (DHSS) is responsible for maintaining the Family Care Safety Registry (FCSR). The FCSR was established by state law[5] to protect children, the elderly, and disabled individuals in Missouri. The law requires child care, elder care and personal care workers and providers to register with the FCSR, and allows others to voluntarily register. Any entity requesting a FCSR background check must first ensure the applicant has completed a registry application. When a background check is requested, the FCSR database is updated to reflect that a background check was performed. If release of the background check is approved in accordance with FCSR guidelines, the requesting entity is notified if the individual is included on any of the following lists:

- The MSHP criminal record check system
- The Child Abuse and Neglect Central Registry
- The DHSS employee disqualification list
- The Department of Mental Health employee disqualification registry
- Foster parent licensure denials, revocations, and involuntary suspensions
- Child care facility license denials, revocations and suspensions
- Residential living facility and nursing home license denials, revocations, suspensions and probationary status

---

[3] 5 CSR 80-800

[4] Section 168.133, RSMo

[5] Section 210.903, RSMo

- The MSHP Missouri uniform law enforcement system (MULES) for sexual offender registrations

State law[6] requires registrants of the FCSR to provide specific information including their social security number (SSN). The FCSR maintains information and registry entries by name, date of birth and SSN. As a result, FCSR background searches must be performed using these personal key identifiers.

Child Abuse and Neglect Central Registry

The Department of Social Services, Children's Division (CD) is responsible for maintaining the Central Registry. The Central Registry was established by state law[7] to "provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect." The registry includes a list of persons who have a substantiated report of child abuse or neglect who have been found guilty by a court on a report dated after 1991, by a probable cause finding by the CD after 1994, or by a preponderance of evidence finding by the CD after 2004.[8] By state law,[9] all reports and records maintained in the Central Registry are confidential.

National Clearinghouse

The National Association of State Directors of Teacher Education Certification maintains the National Clearinghouse of disciplinary actions against educators. All 50 states voluntarily participate by reporting suspended or revoked teachers to the national clearinghouse. According to an official from the national clearinghouse, each state only reports adverse background information allowed by applicable state laws. The national clearinghouse uses this information to maintain a database of teachers whose certificate or license has been suspended or revoked. A DESE official said processes are in place to ensure out-of-state applicants and certified teachers are not listed on the national clearinghouse. DESE staff compare records from the database of certified teachers against those listed in the national clearinghouse on a weekly basis to identify if a teacher previously had some type of disciplinary action in another state.

---

[6] Section 210.906, RSMo

[7] Section 210.109, RSMo

[8] According to the Supreme Court ruling *Mildred Jamison, et al., v. State of Missouri, Department of Social Services, Division of Family Services,* as of March 2007, the court found certain parts of the Central Registry process to be unconstitutional. This opinion is subject to revision and may not reflect the final opinion adopted by the court. CD management indicated the ruling does not affect the materiality of the database.

[9] Section 210.150, RSMo

Scope and Methodology

In conducting our review of the educator[10] certification background check processes, we interviewed officials and staff at DESE, ITSD, DHSS, CD and the MSHP. We also reviewed policies, procedures, state laws, regulations and other applicable information, and performed testing.

To determine whether current laws and regulations are sufficient to identify educators and applicants who have a criminal history or have other issues involving moral turpitude and whether DESE officials have complied with the laws and regulations, we obtained, analyzed, and matched applicable data files from various databases containing records of the certification and background check process.

We obtained a data file of records in the teacher[11] certification database as of February 26, 2007. This file contained records of individuals who, as of this date, had been certified to teach, had applied for a certificate, or had a revoked or expired certificate. The records consist of data for each individual's most recent certificate or application; data for prior certificates was not included in the records obtained. The teacher certification database included records for 353,423 individuals. Of these, 281,085 records represent active certificates.[12] To verify completeness, we reviewed the data to ensure all types of teacher classifications had been included in the data we received. We also obtained a data file of records in the substitute teacher certification database as of March 29, 2007, for the 2006-2007 school year. The substitute certification database included records for 24,415 individuals having active certificates. Since this database was significantly smaller than the teacher certification database, we did not perform procedures to verify completeness. However, we did ensure the validity of all matches performed. For selected educators, we also verified data from the certification databases agreed to the certificate information available on DESE's public website.

We used the Social Security Number Lookup system, a web application developed by the Texas State Auditor's Office, to determine the validity of SSNs in the teacher and substitute certification databases. This system contains information from Social Security Administration records. Using a secure connection, we submitted the SSNs and birth dates, if available, from the certification databases to the web application for processing. For each

---

[10] Unless otherwise identified, "educator" refers to both teachers and substitutes.

[11] Unless otherwise identified, "teacher" refers to any educator other than a substitute.

[12] Active teacher certificates exclude any individual whose certificate has expired, who is an applicant or is deceased. The database fields do not adequately identify if a certificate is revoked or suspended and as a result the total active certificates may be overstated.

SSN submitted, the system returned results stating whether this is a valid number which had been issued by the Social Security Administration and when the number was issued. The system does not ensure the individual using the SSN is using the correct number. We provided DESE officials with a list of the invalid SSNs identified by the Social Security Number Lookup system.

We obtained a data file of records in the FCSR of registered individuals as of August 2006, and a data file as of November 2006, identifying the background histories as of the most recent requests for each of the registrants, from DHSS. We also obtained a data file of records in the Central Registry identifying individuals having substantiated incidents of child abuse or neglect claims reported from January 2003 thru October 17, 2006, from CD. We did not rely on data from the FCSR and Central Registry to draw overall conclusions so we did not perform specific procedures to determine data validity. We did, however, ensure the validity of all data matches performed by analyzing results and discussing the FSCR matches with DESE officials.

To determine whether controls to validate background checks have been working effectively or need improvement, we matched records in the teacher and substitute certification databases against records in the FCSR and Central Registry. Our matches consisted of reviews based on SSN and name, SSN only, and name only. If the SSN and name both matched, we considered the match valid. For any matches based solely on SSN, we first reviewed the name for obvious matches and then discussed questionable match results with DESE officials and staff. For any matches based solely on name, we checked to see if the birth dates, when available matched and discussed potential matches with DESE officials and staff. We also determined the validity of the FCSR and Central Registry SSN matches using the Texas State Auditor's Office Social Security Number Lookup system.

We obtained a data file of all active teachers identified in the Core Data[13] web application from DESE for the 2006-2007 school year. The data included records for full and part-time teachers as well as certain substitutes who have been working in a full-time equivalency teaching position as reported by the school districts. We validated the reasonableness of SSNs by reviewing the data for numbers that have never been issued and for duplicate numbers. We matched the Core Data records to the teacher and

---

[13] Core Data is used to collect and archive financial and statistical data for all school districts throughout the state.

substitute certification records to ensure completeness of the records and to identify the certified educators who had been actively teaching. We also compared the results of the FCSR and Central Registry matches to Core Data to identify if any of the individuals with a background history had been actively teaching.

We discussed selected match results with DESE officials and staff and provided DESE officials with a list of teacher and substitute certification records that matched to FCSR and Central Registry records.

We limited our review to the specific matters described above and based it on selective tests and procedures considered appropriate in the circumstances. Had we performed additional procedures, other information might have come to our attention that would have been included in this report.

We requested comments on a draft of our report from the Commissioner of the Department of Elementary and Secondary Education. We conducted our work between December 2006 and May 2007.

Inadequate State Laws for Background Checks Leave Public School Students at Risk

State law for educator background checks is not sufficient to ensure the safety of the state's public school students. Individuals having a criminal background or a history of committing other offenses involving moral turpitude or having a substantiated child abuse or neglect charge could obtain an educator certificate. This situation has occurred because (1) language in current state law is imprecise, resulting in FCSR background checks not being performed or required by DESE, (2) state law does not require FCSR background checks for new teachers or educators before they can obtain a certificate, and (3) state law does not require periodic background checks be performed for educators. In addition, educator SSNs, which could be used for matching records to other data sources, are not validated. Lacking a policy to verify SSNs compromises the integrity and reliability of DESE's data and the results of any record matches with other sources. The State Board of Education allows DESE officials to clear certain background histories they have determined do not present a risk to students. However, DESE officials do not maintain a listing of the crimes and offenses they can clear to provide assurance that cases have been handled consistently. DESE officials have concerns the department does not have adequate funding to support the FCSR checks and other additional reviews.

Background Checks for Educators Are Inadequate

Educators can have a direct influence on a child's life since they are responsible for educating and providing services to Missouri's public school students. With this powerful influence, educators need to be a model of integrity and held accountable for their actions, according to the Missouri School Boards' Association.[14] To ensure educators have acted with "good moral" character, as required by state regulation,[15] background checks are performed. Background checks help ensure individuals working with children do not have a history of abuse, neglect, or other serious criminal history. Although certain background checks are performed on Missouri's educators, state law needs to be clarified and additional laws enacted to help ensure students are in a safe public school environment.

Changes needed in state law to ensure FCSR background checks are performed

State law[16] requires applicants for most school district positions to have both a criminal history background check and a FCSR background check performed prior to having contact with a student. However, DESE officials have not been requiring and many school districts have not been performing

---

[14] "Vision, Mission, & Beliefs," *Missouri School Boards' Association*, <http://www.msbanet.org/web/2007/05/vision_mission__beliefs.aspx>, accessed May 18, 2007.

[15] 5 CSR 80-800

[16] Section 168.133, RSMo

FCSR background checks prior to employing educators and other school district personnel who have contact with students.

DESE officials said FCSR background checks have not been required because the law does not accurately state how to search the FCSR. In addition, DESE and MSHP officials told us the law implies a fingerprint should be used by MSHP to check the FCSR. The law states "fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry." However, the FCSR is maintained by DHSS and searches of the registry can only be performed using an individual's name, date of birth and SSN. According to MSHP and DHSS officials, a fingerprint cannot be used to search the FCSR as required by state law.

State law does not, however, require DESE to obtain a FCSR background check before issuing a certificate to an educator. A DESE official said they do not require FCSR background checks before issuing certificates because the law does not require it. Without performing a FCSR background check, applicants for school district positions and applicants for educator certificates who have abused or neglected children, elders or the mentally ill may be in contact with Missouri students.

As a result of the imprecise state law, DESE officials have provided guidance on the department's website stating school districts should determine their own policy for checking the FCSR. The Missouri School Boards' Association has interpreted the law to require a search of the FCSR and has encouraged district administrators and school board members to contact their state legislators to explain the problems they might have complying with this law.[17] A DESE official said department funding concerns may limit the ability to support the FCSR checks. The Missouri School Boards' Association also recommends districts encourage the legislature to appropriate the necessary resources to MSHP and the FCSR so they may continue to improve the background check process.

Educator Backgrounds May Place Students at Risk

During our review, we found certified educators who have an adverse background history. We found records in the FCSR and Central Registry for certified educators who had been actively teaching in the 2006-2007 school year as well as records for certified educators who had not been actively teaching.

---

[17] "Background Check FAQ," *Missouri School Boards' Association*, May 16, 2007.

| Only 7 percent of certified teachers had been registered with the FCSR | State law does not require certified educators or applicants for an educator certificate to register with the FCSR. However, an individual must first register with the FCSR before background checks can be performed. To determine how many certified teachers and substitutes had actually registered with the FCSR as of August 2006, we matched records in each of the certification databases to the records of individuals registered with the FCSR. Table 2.1 shows only 7 percent of certified teachers and 21 percent of certified substitutes had been registered with the FCSR. |

Table 2.1: Certified Educators Registered with the FCSR

Certified Educator	Number Certified	Number Registered With FCSR	Percent
Teacher	281,085	19,293	7
Substitute	24,415	5,226	21

Source: SAO matches between DESE's teacher and substitute databases and the FCSR.

| Certified educators are listed in the FCSR for having committed offenses | To determine whether any certified educators who had registered with the FCSR had committed offenses, we matched records from the teacher certification and substitute certification databases to records from the FCSR. Table 2.2 shows the number of certified educators registered with the FCSR having a history of committing an offense. Based on the low percentage of educators actually registered with the FCSR and included in the match population, the number of educators with an adverse history may be substantially understated. |

Table 2.2: Educators with an Adverse Background History per the FCSR

Certified With a FCSR Record	Teacher	Substitute	Total
Actively teaching in the 2006-2007 school year	73	4[1]	77
Not actively teaching in the 2006-2007 school year	120	74	194
Total certified with a FCSR record	193	78	271

[1] Represents the number of individuals substituting in a full-time equivalency position per DESE's records. Additional certified substitutes may be actively substituting.

Source: SAO analysis of matches between DESE's teacher and substitute databases and the FCSR.

State law requires a background check be performed on the 120 certified teachers who had not been actively teaching if they start working again at any school district. Since state law does not require reinvestigations of current employees, an additional background check is not required for the 73 certified teachers who had been actively teaching. As a result, any adverse background history events occurring after being employed could go undetected. Of these 73 certified teachers with an adverse background history per the FCSR:

- 57 individuals had a criminal history charge, which could include offenses the law determines to be grounds for suspension or revocation of a certificate. DESE officials reviewed these cases at our request and found the department may have known of previous offenses for 22 of these cases and had cleared these individuals for certification. Although DESE officials had been aware these individuals had a criminal background, officials still lack assurance they had been aware of the specific crime identified in the FCSR since that crime may have occurred after the prior criminal history check was performed. DESE officials were not aware of any adverse background for the remaining 35 teachers.

- 16 individuals had an offense listed in the FCSR other than or in addition to a criminal history charge. DESE officials reviewed these cases at our request and found the department may have known of previous offenses for 1 of the cases and had cleared this individual for certification. DESE officials had not been aware of any adverse background for the remaining 15 teachers.

All 78 substitutes applied for and received a certificate for the 2006-2007 school year. Since school districts are not required to inform DESE which certified substitutes are actively teaching, we reviewed all of the cases. Of the 78 certified substitutes with an adverse background history per the FCSR:

- 53 individuals had a criminal history charge, which could include offenses the law determines to be grounds for suspension or revocation of a certificate. DESE officials reviewed these cases at our request and found the department may have known of previous offenses for 41 of these cases and had cleared these individuals for certification. DESE officials had not been aware of any adverse background for the remaining 12 substitutes.

- 25 individuals had an offense listed in the FCSR other than or in addition to a criminal history charge. DESE officials reviewed these cases at our request and found the department may have known of previous offenses for 6 of the cases and had cleared these individuals for certification. DESE officials had not been aware of any adverse background for the remaining 19 substitutes.

| Certified educators are identified as perpetrators on the Central Registry | To determine whether any certified educators who are not registered with the FCSR have a child abuse or neglect history, we matched records from the teacher certification and substitute certification databases against records from the Central Registry. |

To determine whether any certified educators who are not registered with the FCSR have a child abuse or neglect history, we matched records from the teacher certification and substitute certification databases against records from the Central Registry.

Table 2.3 shows the total certified educators with a record in the Central Registry.

Table 2.3: Educators with a Child Abuse or Neglect History per the Central Registry

Certified With a Registry Record[1]	Teacher	Substitute	Total
Actively teaching in the 2006-2007 school year	16	1[2]	17
Not actively teaching in the 2006-2007 school year	46	12	58
Total certified with a registry record	62	13	75

[1] Represents any perpetrators on the Central Registry for the period of January 2003 thru October 17, 2006, who had not also been identified in the FCSR summary.

[2] Represents an individual substituting in a full-time equivalency position per DESE's records. Additional certified substitutes may be actively substituting.

Source: SAO analysis of matches between DESE's teacher and substitute databases, Central Registry and FCSR.

Central Registry checks are not specifically required by state law

Although state law intended the Central Registry to be checked as part of the FCSR background checks, state law does not specifically require registry background checks for educators. As a result, we did not request DESE officials to review these matched records.

Periodic Background Checks Are Not Required

State law does not require any periodic reviews of educator backgrounds to determine whether new crimes or other offenses have been committed. Periodic background checks help to ensure an individual who previously had a cleared background has not committed some type of offense since the initial review. The National Parent Teacher Association supports background checks on teachers before a certificate is renewed as well as for teachers with a lifetime certificate.[18] Additionally, the National Association of State Directors of Teacher Education and Certification indicated most states require a renewal or recertification of a teacher's license every 3 to 5 years to ensure teachers undergo a periodic background check.[19]

[18] "Resolution - Background Checks on Teachers," *National Parent Teacher Association*, <http://www.pta.org/archive_article_details_1141756034890.html>, accessed May 2, 2007.

[19] Bridgman, Anne, "Safe Hiring," *American School Board Journal,* December 2005, <http://www.asbj.com/2005/12/1205coverstory.html>, accessed May 3, 2007.

Although educators are required by state law and regulations to receive background checks when initially applying for a certificate and before working in a new school district, there is no assurance school districts are following the law. For example, during our analysis of the teacher and substitute matches to FCSR records, we found a criminal background check had not been performed for five teachers and six substitutes before they began working at a new school district. DESE has not performed any oversight or monitoring to ensure school districts obtain criminal background checks and are in compliance with the law, according to a DESE official. DESE does have monitoring controls to ensure active teachers are certified, but this process does not extend to ensuring background checks had been performed when school districts hire teachers. A DESE official stated some school districts have implemented policies and procedures requiring periodic background checks. According to the Missouri School Boards' Association, failure to obtain a current background check for new employees could lead to legal liability for the school districts.[20] Without ensuring that all educator backgrounds are periodically reviewed, DESE officials do not have assurance educators have not committed criminal or other offenses since being initially certified.

A MSHP official said the patrol received funding for fiscal year 2008 from the General Assembly to create a criminal history program that would notify DESE on a regular basis of any new criminal history charges related to an educator. This official said the MSHP would be able to identify if an individual is an educator by maintaining the fingerprint and other information in the repository. The official also told us other states have implemented this type of process as well.

According to a MSHP official, planning and development activities need to be coordinated with other agencies before the process of programming the repository can begin so an estimated completion date has not been determined. Once completed, the criminal history repository should help DESE officials identify educators who have a new criminal history charge. However, the criminal history repository will not identify if an educator has other offense records such as those contained in the FCSR. Periodic matches of the records in the teacher and substitute certification databases against the FCSR would facilitate determining if educators have committed new or additional offenses not included with the original criminal background data.

---

[20] "Background Check FAQ," *Missouri School Boards' Association*, May 16, 2007.

Social Security Numbers Are Not Validated

The teacher and substitute certification databases contain records having invalid SSNs. As part of the educator certification process, DESE requests an applicant's SSN. However, SSNs are not validated against an appropriate form of identification nor are there any policies or procedures requiring validation. A DESE official said they are aware the databases contain incorrect SSNs and believe the majority of incorrect numbers have been caused by data entry errors. According to the MAEA, the SSN is a critical component in many state agency applications and is used in facilitating the transfer of information and matching data between different sources.

We submitted the SSNs and birth date, if available, from the teacher and substitute certification databases to the Social Security Number Lookup system to determine the validity of the numbers. Table 2.4 shows the results of our analysis of the 353,423 SSNs in the teacher certification database and the 24,415 SSNs in the substitute certification database.

Table 2.4: Invalid Educator SSNs

SSN Criteria	Teacher	Substitute	Total
SSN never issued	260	24	284
SSN issued prior to birth date in DESE's records	317	74	391
Total	577	98	675

Source: SAO analysis of Social Security Number Lookup system results and analysis of DESE's records.

Results of the validation checks indicate 284 SSNs have not been issued by the Social Security Administration and are therefore, invalid. In addition, 391 SSNs had been issued before the birth date maintained for the educator indicating the SSN is invalid, the birth date is inaccurate or both.

Agencies at all levels of government frequently collect and use SSNs to administer and perform evaluations of their programs, according to the Government Accountability Office. Agencies also use SSNs to ensure program integrity and to match records. Invalid SSNs compromise data integrity and do not allow DESE officials to ensure the integrity of background checks requiring SSN as the identifying key. A DESE official said the majority of SSNs have been obtained from the colleges and universities the applicants attended. A DESE official said verifying SSNs would require colleges and universities to obtain a valid form of identification from the applicant, resulting in increased processing time for them. However, other validation alternatives exist including requiring that a copy of the SSN card be submitted with the application for an educator certificate. In addition, the U.S. Social Security Administration allows

registered employers to submit batches of SSNs and names to its website for validation.[21] This approach would provide DESE with an efficient method to work with school districts to ensure SSNs are valid, thereby helping to maintain data integrity.

Clearance List Needs To Be Documented

The State Board of Education has given DESE officials the authority to clear certain types of adverse backgrounds without obtaining approval from the board. However, the State Board of Education has not adopted a policy to delegate the clearing of adverse backgrounds and a comprehensive list identifying the offenses DESE officials can clear has not been documented. Good business practices suggest procedures should be documented to help ensure the clearing of cases is handled consistently and for training new staff.

The State Board of Education may refuse to issue or renew a certificate when an applicant or certificate holder has pled or been found guilty of a felony or crime involving moral turpitude, according to state law.[22] The State Board of Education has given the Division of Teacher Quality and Urban Education the responsibility of reviewing results from the MSHP background checks to determine whether individuals have an adverse history. According to a DESE official, if an adverse history is identified, officials and/or the State Board of Education review each case and either deny issuance or renewal of a certificate or clear the background allowing the applicant, who has met other requirements, to obtain an educator certificate.

Certain types of adverse backgrounds, such as a charge of driving under the influence, can be cleared without obtaining approval from the State Board of Education according to a DESE official. The types of crimes that can be cleared are based on judgment and prior experience, but are primarily determined on a case-by-case basis. State law provides guidance and lists the types of adverse background histories that may not be cleared. A comprehensive list of crimes and other offenses which can be cleared without the State Board of Education's approval has not been documented due to the complexities of the case-by-case judgment needed to analyze each case and to maintain such documentation, according to a DESE official. Additionally, new board members may take a different stance on which adverse backgrounds can be cleared.

---

[21] "Social Security Number Verification Service," *U.S. Social Security Administration,* <http://www.ssa.gov/employer/ssnv.htm>, accessed May 10, 2007.
[22] Section 168.071, RSMo

Conclusions

Imprecise language in state law and the omission of other critical requirements from state law and DESE policies increases the risk an individual, who has a criminal background or history of committing other offenses, can obtain an educator certificate and actively teach in Missouri's public schools. FCSR background checks cannot be performed using the method required by state law and applicants for an educator certificate are not required to register with the FCSR. As a result, DESE has not required FCSR background checks and has recommended school districts should determine if these checks need to be performed. We found cases of certified educators who had a criminal background and/or a history of committing other offenses, such as child abuse or neglect. DESE officials had been aware of some of these cases, determined the educator was not a risk to students and cleared the background. However, DESE officials had not been aware of all of the cases we found because FCSR checks and periodic background checks have not been required.

DESE officials request applicants and educators to provide their SSNs but have not established policies or controls to validate the numbers. As a result, the certification databases contain records having invalid SSNs, which does not allow DESE officials to maintain data integrity and to ensure the reliability of background checks requiring SSN as the identifying key. The State Board of Education has not adopted a policy to delegate the clearing of adverse backgrounds and DESE officials had not documented and maintained a comprehensive list of the types of adverse background histories that can be cleared without the board's approval. Documenting these specific offenses provides assurance to the department and the public that cases are handled consistently and that individuals with adverse backgrounds, including felonies or crimes involving moral turpitude, have not been certified.

To help ensure the safety of Missouri's public school students, state laws attempt to prohibit individuals who have disqualifying criminal offenses from obtaining a certificate to teach. However, due to the omission of critical language and the lack of other laws and adequate policies, public school students face being taught by or having contact with educators who have a criminal background or history of other offenses. Adequate funding is also necessary to ensure sufficient resources are available to support the FCSR background checks and other reviews needed to help ensure the safety of Missouri's public school students.

Recommendations

We recommend the General Assembly:

2.1 Revise state laws to ensure adequate background checks are performed before an educator can obtain a certificate to teach or have contact with Missouri's public school students. These revisions should include requiring:

- FCSR background checks be performed using name, date of birth and SSN and clarify which department is responsible for performing the checks.
- Applicants for an educator certificate to register with the FCSR and consider requiring all active educators to register.
- FCSR background checks prior to issuance of the educator certificate and prior to a new employee in a school district having contact with students.
- Periodic FCSR background checks of all educators and others who have contact with students.

2.2 Ensure adequate funding is available to support FCSR background checks and any resulting process changes at DESE, DHSS, and the MSHP.

We recommend the Commissioner of the Department of Elementary and Secondary Education:

2.3 Ensure the SSNs for educators and applicants for educator certificates have been validated.

2.4 Coordinate with the State Board of Education to adopt a policy on delegating the clearing of background histories and to document and maintain an appropriate listing of crimes and other offenses that may be cleared from a criminal background check.

Agency Comments

DESE provided no comments to recommendations 2.1 and 2.2 directed to the General Assembly.

2.3 DESE does not concur. Approximately 4,000 new educators graduate from college and request certification each year. The application forms are completed by private and public colleges, mailed to DESE, and the information is manually entered into DESE's database. Another 4,000 individuals transfer to Missouri or request licensure via alternative routes; and the applications are completed, mailed to the DESE office, and manually entered into the database. The information is not easily verified unless an individual physically presents his/her social security

card and other legitimate forms of identification. Currently, the certification database contains more than 350,000 individuals. Of these, 281,085 were reviewed by the State Auditor's Office employees. Less than .2% was identified as having invalid social security numbers. DESE believes the error rate is minute and does not warrant the added cost or burden to colleges and/or individual applicants.

State Auditor Comment

The SSN is a primary matching component used in FSCR data matches. The .2 percent error rate represents 675 educators with an inaccurately reported SSN or a recorded SSN which would not match to the correct SSN in FCSR records. This control weakness potentially allows an educator with a background history to obtain a teaching certificate. As a result, students could have a higher risk of contact with an educator who has an inappropriate background. To adequately protect all students, DESE should obtain accurate SSNs for every educator.

2.4   DESE will take this recommendation under advisement.

Inadequate Certification Database Controls Leave Management at Risk

Officials and other users who make business decisions based on information from the teacher or substitute certification databases, have an increased risk of inappropriately certifying an educator, hiring an educator, or reporting inaccurate data to the public. This situation has occurred because (1) certificates had been issued to substitute teachers before background histories had been cleared, (2) a documented data dictionary does not exist to promote a common understanding of data among users, and (3) the certification databases had been developed several years ago and lack controls, key edit checks and functionality available with new technology. As a result, the teacher and substitute certification databases that store, maintain and report this information need improvement and enhanced functionality to ensure the integrity and reliability of educator certification data.

Inappropriate Substitute Certificates Have Been Issued

The substitute certification database processed and automatically issued certain certificates to applicants prior to the required clearance of criminal background checks during the 2006-2007 school year. A DESE official said the department had been aware the substitute certification database had not been accurately checking the conduct and investigation database prior to issuing a certificate to a substitute. A DESE official believed this issue could have been the result of a programming change made during the school year that was subsequently fixed within a short period of time. DESE officials had been aware of other instances of certificates being issued incorrectly but had not performed a review, as of fieldwork completion, to identify all instances of inappropriately issued substitute certificates.

During our review of the 78 substitute teachers with FCSR records, we identified 7 cases where a substitute certificate had been automatically issued to an applicant inappropriately. In each of these 7 cases, the applicant's criminal history had not been cleared by DESE or a background check had not been received.

A Documented Data Dictionary Is Needed

A data dictionary defines the organization's data syntax rules and contains the name, type, range of values, source and authorization for access for each data element in a database, according to accepted standards.[23] A data dictionary should also enable the sharing of data elements among applications, promote a common understanding of data among users, and prevent incompatible data elements from being created.

---

[23] We based our evaluation on accepted standards and best practices from the following sources 1) IT Governance Institute. COBIT 4.0: *Control Objectives, Management Guidelines, Maturity Models*. Rolling Meadows, IL: IT Governance Institute, 2005 and 2) National Institute of Standards and Technology guidelines and standards contained in Special Publications 800 series reports on computer security.

A data dictionary has not been developed or documented for the teacher or substitute certification databases. According to an ITSD official, a prior employee who had been responsible for programming these certification databases made the decision to not document the respective database fields. This official said standard practice is to document database fields and a data dictionary would be a good tool to have.

Certification Databases Require Improvement

DESE uses several databases and web applications to process and maintain criminal background check results, applications for educator certificates, certification history and applicant professional requirements; and to provide information to school districts on the status of applicant certificates. According to ITSD officials, many of these databases had been converted from legacy mainframe systems in 2000. This official said the databases are old and do not completely support the business needs of the department.

DESE and ITSD officials told us they are reviewing the requirements of a new system. However, a DESE management committee has not rated this system project as a priority and no funding has been made available to support the initiative. A listing of system improvements had not been compiled nor had a formal project plan been developed, as of May 2007. As a result, a project timeline for completion and implementation of a new system had not been determined. During our review, we found improvements are needed in the following areas:

- Logging and monitoring controls
- Appropriate displays of certificate statuses and dates
- Edit checks
- Other system improvements

Logging and monitoring controls are needed

Accepted standards state a logging and monitoring function enables the early detection of unusual or abnormal activities that may need to be addressed. Accepted standards also state that audit records should be reviewed for inappropriate or unusual activity, suspicious activity should be investigated, and appropriate actions should be taken. The MAEA states databases shall provide an audit utility to identify the user, action, time of action and object of the action to adequately track the change to the information.

DESE officials have not taken sufficient steps to maintain adequate audit trails, monitor specific access, investigate apparent violations, and take appropriate action to ensure the proper functioning of controls for the teacher and substitute certification databases. DESE and ITSD officials said the certification databases do not maintain sufficient logs or audit trails of events, resulting in management being unable to monitor and investigate

access events. An ITSD official said when the current system was developed, DESE management did not require audit trails. Audit trails have since been requested by DESE officials, but the necessary programming changes have not been made a priority by a DESE management committee.

Certificate status and dates do not display appropriately

According to accepted standards, data is sufficiently reliable when the likelihood of significant errors or incompleteness is minimal and if the use of the data would not lead to an incorrect or unintentional message. The teacher and substitute certification databases do not display certification data consistently and/or appropriately, which could reduce the reliability of the information.

Appropriate certificate status codes are needed

The teacher certification database does not maintain adequate status codes to effectively identify if a certificate is active, inactive, revoked, or in application status. DESE staff told us the only way to determine the status of a certificate is to review the comments associated with the record. Without effective status codes to rely on, there is an increased risk the comments will be incorrectly interpreted resulting in miscommunication of the certificate status to school district officials.

Expiration dates do not adequately reflect the certificate status

DESE maintains a public website which includes certificate information on educators. The purpose of this website is to allow school district administrators to determine the status of an educator's certificate. The website provides the type of educator certificate, the effective and expiration dates of the certificate, and other information. During our review, we checked the website for educators we knew had a revoked or suspended certificate due to a criminal background and found the certificate expiration date listed as a future date, conveying the message the certificate was still active. The website did include a comment to contact DESE's Conduct and Investigation section. However, the purpose of the comment may be misinterpreted since the expiration date indicated the certificate was still active. A DESE official said disciplinary action on a certificate holder is not displayed for confidentiality reasons. This DESE official also said expiration dates for revoked or suspended certificates cannot be effectively updated due to problems with the current programming structure.

As we identified above, the teacher certification database does not have the functionality to distinguish if a certificate has been revoked or suspended via the status code. As a result, significant programming changes may be required to appropriately display the certificate status, according to a DESE official. Without updating the expiration date or indicating a certificate is suspended or revoked, school district officials cannot always rely on the public website and must contact DESE for the certificate status of all educators. As a result, additional processing time is incurred for both the

school district and DESE. A DESE official did not know how many inquiries are actually received from school districts but handling them only took a minimal amount of staff time.

Effective dates do not accurately reflect the date certified

The substitute certification database generates the effective date of a certificate based on the date the school district requested the certificate for the applicant instead of the date the actual certificate was printed, according to an ITSD official. We found cases during our review of the substitute certification database where the effective date of the certificate was prior to the date the background clearance had been received by DESE. State law and regulations require criminal background clearance before a certificate can be issued. Data integrity and compliance with state law cannot be assured when certificate effective dates maintained in the database are prior to the background clearance dates.

Certification databases lack key edit checks

According to accepted standards, data entered for processing by users should be subject to a variety of controls to check for accuracy, completeness, and validity. Both the teacher and substitute certification databases lack key edit checks[24] to effectively identify inaccurate, incomplete, or invalid information, as recommended by accepted standards.

An ITSD official said the certification databases do not contain sufficient controls to meet necessary business requirements due to the age of the databases. These officials agreed the certification databases do not have edit checks to identify:

- Duplicate records
- Inaccurate certificate effective dates
- Invalid birth dates
- Omitted data in key fields, such as name and SSN

Without edits in place to enforce the controls necessary to meet business requirements, management is unable to accurately confirm the data entered had been checked for accuracy, completeness or validity, as required by accepted standards.

Other system improvements needed

Improvements to the teacher and substitute certification databases are necessary to more accurately and efficiently process and store educator certification data. During our limited review of the functionality of the

---

[24] An edit, also known as a data validity check, is program code that tests the input for correct and reasonable conditions, such as account numbers falling within a range, numeric data being all digits, dates having a valid month, day, and year, etc.

certification databases, we found the following areas where improvements can be made:

- DESE receives criminal background results from MSHP and manually enters these results in both the conduct and investigations and teacher certification databases. The same data must be entered in both databases because the teacher certification database has not been programmed to retrieve the information from the conduct and investigations database automatically, according to a DESE official. Inputting the same data in two databases is inefficient and increases the risk of data entry errors or inconsistencies between the two databases. The substitute certification database is programmed to retrieve the information from the conduct and investigations database, so background history results for substitute teachers do not have to be input twice, according to a DESE official. During our review of teachers with FCSR records, we found a case where the criminal background check had not been cleared by DESE prior to issuing the certificate. A DESE staff could not determine the type of criminal history nor why the certificate had been issued without a background clearance.

- The DESE public website does not display certificate information for some individuals who have a substitute certificate. As a result, school district personnel may not be able to validate if an individual has a substitute certificate. During our review of substitute teachers with FCSR records, we found cases where records for certified substitutes did not display on the website. DESE and ITSD management are aware certificate information does not display for certain cases but had not yet determined why this issue occurs, according to an ITSD official.

- The SSN and other identification fields are stored in the certification databases as numeric fields instead of text fields. This causes leading zeros to be dropped when the data is stored, and not displayed when the data is exported or shared with other applications. As a result, the SSNs stored in the teacher and substitute certification databases do not all contain nine digits as required by the Social Security Administration. Without ensuring the SSNs conform to Social Security Administration standards, matches between the databases and other sources will not return accurate results.

Conclusions

A lack of specific documentation, controls, key edit checks and functionality available with new technology increases the risk of making inappropriate business decisions when placing reliance on educator certification data. We found 7 cases where a substitute certificate had been issued inappropriately to an applicant having a background history. A DESE

official believed a programming change, which was subsequently corrected, allowed the substitute certification database to automatically issue certificates before an applicant's background history had been cleared. A data dictionary has not been developed to provide a documentation source for the teacher and substitute certification databases, making it more difficult to provide reliable and consistent information, or promote a common understanding of the data among DESE and ITSD users. The certification databases are older systems, lacking in necessary controls such as audit trails, key edit checks, and functionality generally available with new technology. As a result, DESE and ITSD officials need to take the necessary measures to develop documentation, implement controls and edits, and enhance functionality to fully ensure the integrity and reliability of the educator certification data.

Recommendations

We recommend the Commissioner of the Department of Elementary and Secondary Education:

3.1 Review the substitute certificates issued for the 2006-2007 school year to ensure they have been appropriately issued. Notify the school districts of any substitutes who have not had the appropriate background checks.

3.2 Develop and maintain a data dictionary to ensure documentation of the teacher and substitute certification databases, tables and fields is available to both DESE and ITSD users.

3.3 Determine whether a new educator certification system is feasible. If a new system cannot be acquired or developed, determine an effective way to manage the functionality needed to ensure the integrity and reliability of the databases and data they contain. The enhanced functionality and controls should include:

- Logging and monitoring controls to maintain appropriate audit trails
- Appropriate certificate status codes and accurate certificate status dates
- Edit checks to ensure the accuracy, completeness and validity of data
- Appropriate integration of all databases including the conduct and investigations and teacher certification databases
- The capability to accurately display educator certification information on the public website
- Maintaining appropriate data types in all fields

Agency Comments

3.1 DESE concurs. This review and notification have begun.

3.2 DESE will take this recommendation under advisement.

3.3 DESE will take this recommendation under advisement.