

CHAPTER 37.

TEACHERS COLLEGES.

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37.01 Board of regents of normal schools. For the government of the teachers colleges established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of 11 regents, called "The Board of Regents of Normal Schools," composed of the state superintendent, as ex officio regent, and of 10 appointed regents, at least one of whom shall be a woman; the term of office of the appointed regents commencing with the first Monday in February in the year in which appointed, shall be 5 years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into 5 classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into 5 classes of two each, so that the term of office of two regents shall expire each year. [1945 c. 20]

Note: An action on a teacher's contract and for the reasonable value of services as manager of the cafeteria of a normal school was not maintainable against the board of regents of normal schools, as such board is an agency of the state to perform specified administrative duties and the state thereby has not waived immunity to suit. *Sullivan v. Board of Regents*, 209 W 242, 244 NW 563.

37.02 Powers of regents. (1) The board of regents and their successors in office are constituted a body corporate by the name aforesaid; and may purchase, in the manner provided by law, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purposes, objects and uses of the state teachers colleges authorized by law and none other, with full power to sell or dispose of such personal property in the manner provided by law, or any part thereof when in their judgment it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of in any way any real estate, nor borrow money without the express authority of the legislature; nor shall they contract indebtedness nor incur liabilities to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

(2) Said board may acquire by condemnation proceedings in the manner provided by chapter 32 such parcels of land as it deems necessary for the use of any institution under its control whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays such agreement. [1945 c. 20]

Note: Board of regents of normal schools has no power to grant easement across normal school grounds for construction of electric power line. 20 Atty. Gen. 330.

37.03 Officers. The officers of the board shall be a president, vice president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex officio the treasurer

of the board, but the board may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, and pay the same to the treasurer.

37.04 Meetings; quorum. The said board shall be supplied by the director of purchases with necessary office room or rooms in the capitol, and the said board shall hold an annual meeting at such office on the second Wednesday in July in each year or at such time as they may designate. Special meetings may be called by the governor or by the president of the board on a petition signed for that purpose by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. [1931 c. 45 s. 1]

37.05 Normal regents' meetings public. The meetings of the board of regents of the normal schools shall be open to the public and the press and all records of such meetings and of all proceedings of such board shall be open to inspection by the public and the press at any reasonable hours thereafter; provided, that said board may hold executive sessions, the findings of said executive sessions to be made a part of the records of the proceedings of said board.

37.06 Disqualification of officers, etc. No regent or officer, trustee or person appointed or employed in any position or capacity connected with teachers colleges or normal institutes shall at any time act as agent of any author or publisher of or dealer in school books, maps or charts, or school library books, or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such as agent or otherwise, except solely as author or inventor, and for a violation hereof any regent shall be expelled from the board by a majority vote of the regents; provided, that the purchase and use of books and appliances written or invented by persons connected with any of the schools shall not be deemed to be prohibited. [1945 c. 20]

37.07 Auditing accounts. All payments for the erection, repairs or enlargement of any teachers college buildings, or for fixtures or furniture therefor, and all disbursements from the normal school fund income, including the expenses of boards of visitors of normal schools and of teachers' institutes shall be made by the treasurer of said board on the warrant of the secretary of state drawn in accordance with the certificate of the president and secretary of the board, after being audited and allowed pursuant to its rules and regulations, and not otherwise; and in case of a donation no such warrant shall be issued for any part thereof until the sums donated and subscribed shall have been paid into the state treasury, nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of said board, and pursuant to a contract made with it. All claims and accounts, before being certified to the secretary of state by the aforesaid officers of such board, shall be verified and approved in the same manner as claims against the state university are required to be verified and approved. [1945 c. 20]

Note: Board of normal school regents may pay North Central Association of Schools and Colleges for membership dues and inspection fees of teachers' colleges seeking to be ac- credited in that association. However, inspection fee may not be paid in advance of inspection. 23 Atty. Gen. 784.

37.08 Teachers colleges' accounts. (1) **ANNUAL EXAMINATION.** The board of regents of the state normal schools shall cause all of the financial transactions and accounts of or relating to the several state teachers colleges under their supervision at the close of each fiscal year to be fully and thoroughly examined subject to the provisions of chapter 15, of the statutes. The cost of such audit shall be paid from and charged against the proper appropriation for the board of normal school regents.

(2) **WHEN MADE.** Such examination shall be commenced immediately after the close of the fiscal year and be completed as soon as practicable.

(3) **REPORT.** Upon the completion of such examination a full and detailed report thereof shall be made by such auditor to the governor. [1945 c. 20]

37.09 Objects of schools. The exclusive purposes and objects of each teachers college shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools; also to give instruction in the fundamental laws of the United States and of this state in what regards the rights and duties of citizens. [1945 c. 20]

37.10 Model schools; department for teachers of deaf. (1) Said board shall also establish a model school or schools for practice in connection with each state teachers college, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition.

(2) The board shall establish and maintain in one of the teachers colleges of the state, located in a city maintaining a graded school for the deaf, a normal training department for oral teachers of the deaf. Candidates for admission to this course shall have completed at least one year of the advanced course in a state teachers college or its equivalent. Graduates from said course shall be granted a diploma by the board that will serve as a basis for an unlimited state certificate, qualifying the holder to teach in any day school for the deaf in this state, or in any public school of the state, below high school grade. [1945 c. 20]

37.11 Powers of board as to teachers colleges. The said board shall have the government and control of all the teachers colleges, and shall have power therefor:

(1) To make rules, regulations and by-laws for the good government and management of the same and each department thereof, and to adopt such designation for said colleges as in the judgment of the board best fits their functions and purposes as institutions devoted exclusively to the preparation of teachers.

(2) To appoint a principal and assistants and such other teachers and officers and to employ such persons as may be required for each of said colleges; and to prescribe their several duties.

(3) To remove at pleasure any principal, assistant or other officer or person from any office or employment in connection with any such college, but discharges of teachers shall be governed by the provisions of section 37.31.

(4) To purchase within the amount appropriated for such purposes any needful and proper apparatus, books or articles to assist in instruction, and to provide for all necessary fuel and supplies for the conduct of such colleges.

(5) [Amended by 1945 c. 361] To prescribe the courses of study and the various books to be used in such colleges, and upon completion of a course for preparing teachers, to confer such certificates, diplomas and professional degrees in education in testimony thereof as are usually conferred by other institutions of like character and rank; provided, that no professional degree shall be conferred excepting that of bachelor of education and bachelor of science, and master of education. But when any state teachers college shall offer a course for the express purpose of training teachers for county schools, the completion of which shall entitle one to the certificate mentioned in section 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county rural normal schools by the state superintendent.

(5) [Amended by 1945 c. 581] To prescribe the courses of study and the various books to be used in such schools, and upon completion of a course for preparing teachers, to confer such certificates, diplomas and professional degrees in education in testimony thereof as are usually conferred by other institutions of like character and rank; provided, that no professional degree shall be conferred excepting that of bachelor of education and bachelor of science, and such degree only upon completion of a 4-year course above high school or its equivalent unless otherwise provided by law. But when any state teachers college shall offer a course for the express purpose of training teachers for country schools, the completion of which shall entitle one to the certificate mentioned in section 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county rural normal schools by the state superintendent.

(6) To cause notice to be given of the opening of such colleges and the several terms thereof.

(7) To prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character, or if applying as a free pupil will not make an apt or good teacher.

(8) To require any applicant for admission, who shall not have been exempted by any of the provisions of this section, to pay or to secure to be paid such fees for tuition as the board may deem proper and reasonable. The board may also charge any student laboratory fees, book rents, fees for special departments or any incidental fee covering all such special costs. Any adult student who shall have been a resident of the state for one year or any minor student whose parents have been bona fide residents of this state for one year shall, while he continues a resident of the state, be entitled to exemption from fees for tuition but not from incidental fees in the teachers college except that the board may admit nonresidents to summer schools on the same basis as residents. So far as applicable the provisions of section 6.51 shall be used in determining such residence.

(9) To cause lectures on any art, science or branch of literature to be delivered in any such colleges on such terms and conditions as they may prescribe.

(10) To confer by by-laws upon the principals of the several teachers colleges the power to suspend or expel pupils for misconduct or other cause prescribed in such by-laws.

(11) The board shall provide a definite course in the theory and art of physical education, and instruction in games and playground management, to be taught in every state teachers college. Examination in this branch shall be required of all candidates for teachers college diplomas and certificates.

(12) The board of regents of normal schools shall have authority to grant scholarships equivalent in value to the payment of all incidental fees to freshmen who, during their high school course, ranked first in scholarship in Wisconsin public high schools and private secondary schools enrolling less than two hundred fifty students; to those ranking first and second in scholarships in Wisconsin public high schools and private secondary schools enrolling two hundred fifty to seven hundred fifty students; and to those ranking first, second and third in scholarships in Wisconsin public high schools and private secondary schools enrolling seven hundred fifty or more students. In case the person or persons eligible for scholarships under the provisions of this subsection do not elect to enroll at a state teachers' college, then the regents shall have the authority to grant the scholarships to the freshmen who were next highest in scholastic rank in the Wisconsin public high schools and Wisconsin private secondary schools.

(13) The board of regents of normal schools shall have authority to grant scholarships to bona fide residents of the state equivalent in value to the payment of all incidental fees to freshmen who, during their high school course, were good students, are in financial need, and possess qualifications for leadership.

(14) The board of regents of normal schools shall have authority to grant scholarships equivalent in value to the payment of incidental fees to disabled bona fide residents of the state who are recommended and supervised by the rehabilitation division of the state board of vocational and adult education. [1931 c. 67 s. 157; 1931 c. 442; 1935 c. 535; 1937 c. 108, 215; 1937 c. 349 s. 3; 1937 c. 380; 1939 c. 142; 1943 c. 18; 1945 c. 20, 361, 581]

Note: Board of regents of normal schools has no authority to exempt students who are being supported by state through rehabilitation department from payment of incidental fees in state teachers' colleges. 22 Atty. Gen. 245. Under (13) there is no limitation as to number and regents are bound merely to exercise reasonable discretion as to whether students meet qualifications prescribed. Both subsections are permissive rather than mandatory. 25 Atty. Gen. 43.

37.12 College courses. The board of normal school regents may extend the course of instruction in any teachers college so that any course, the admission of which is based upon graduation from an accredited high school or its equivalent may include the substantial equivalent of the instruction given in the first two years of a college course. Such course of instruction shall not be extended further than the substantial equivalent of the instruction given in the first 2 years of such college course without the consent of the legislature, except that the board may prescribe a 4-year college course at any teachers college which is not within a radius of 275 usual traveled miles from any other state-supported institution of higher learning now offering a 4-year college course. The board shall have the power to confer upon persons completing the 4-year course such degrees as are usual in universities. [1945 c. 20, 581]

37.13 Diplomas; certificates. Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state two years, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, issue to such teacher an unlimited state certificate, and thereafter such unlimited certificate shall be evidence of his qualification to teach in any common school. The said board may also, on such conditions as they may determine, grant a certificate of attendance certifying that the holder has completed the elementary course in a teachers college and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, issue a limited state certificate, and thereafter such certificate shall be evidence of his qualification to teach in any common school of the state.

The said board of regents may also on such conditions as they may determine, grant a certificate, certifying that the holder has completed the course for teachers of country schools in a teachers college and is of good moral character. It shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the college. [1945 c. 20]

37.14 Teachers' institutes. Institutes for the instruction of teachers shall be held in each year in such counties as may be designated by the state superintendent, with the advice and concurrence of said board, preference being given to such counties as receive the least direct benefits from the teachers colleges. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall

deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable, be uniform, and be prescribed by the state superintendent with the assistance of such agents, but subject to revision by said board. [1945 c. 20]

37.15 Regents' report. The president of said board shall make to the governor a biennial report, bearing date the thirty-first day of August of the year in which the biennial fiscal term closes, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said teachers colleges; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the governor. [1945 c. 20]

37.16 Reports of academies. It shall be the duty of the president of the board of trustees of every organized academy, seminary and literary or collegiate institution heretofore incorporated or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded to the state superintendent on or before the tenth day of October in each even-numbered year, a report for the term terminating with the thirty-first day of August of the second preceding year, setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowment and the biennial income from all sources; the number of instructors and their respective salaries; the number of students in the different classes and the rates of tuition; the studies pursued and the books used; the course of instruction and such matters as shall be specially requested by said superintendent, or as shall be deemed proper by the president or principal of such academies or institutions to enable the state superintendent to lay before the legislature in his report a fair and full statement of the affairs and condition of such institutions.

37.17 Inspection of cadets. The president or other principal officer of any incorporated college or school of this state which shall be under military discipline or maintain a regular military department, and have enrolled uniformed and armed not less than one hundred cadets, may apply in writing to the governor to have the corps of cadets of such college or school inspected by the adjutant general or other officer appointed by the governor for that purpose. Such inspection shall be made during April, May or June of each year, upon fifteen days' notice by mail to such applicant by the inspecting officer, and shall be held in the manner and form prescribed for troops in the service of the United States.

37.18 Officer's report. The inspecting officer shall report to the governor:

- (1) The number of officers, noncommissioned officers and privates paraded and inspected by him in uniform.
- (2) What such uniform is and the condition thereof.
- (3) The discipline and state of instruction.
- (4) The number and amounts of arms, accoutrements, stores and military property exhibited to him.
- (5) The true condition of the same.
- (6) If a cavalry company or battery of artillery be maintained, what number of horses were exhibited and their condition.
- (7) Whether such corps has complied with these provisions and the orders and regulations of the governor.
- (8) Such other matters as may be required.

The inspecting officer shall receive no pay for services, but may be allowed ten cents per mile, to be paid by each of the schools so inspected.

37.19 Suspension from inspection. If such inspecting officer shall report that such corps numbers less than one hundred enrolled, uniformed and armed, or that its condition and military proficiency are not such as, in his judgment, to entitle it to the benefits of section 37.20, the governor may notify the president or other principal officer of such college or school that it is suspended from the benefits hereby given, and in such case no application for an inspection as herein provided shall be granted for a period of two years.

37.20 Graduates; rank of. In all cases where a satisfactory report is made by such inspecting officer the students of such college or school, residents of this state, graduating during the year within which such report is made and receiving full diploma or certificate from such college or school, shall be entitled to the honorary rank of second lieutenant in the unorganized militia of the state; provided, that nothing herein shall be

construed to give such graduates any right to wear the uniform of the Wisconsin national guard.

37.25 [Renumbered section 45.39 by 1945 c. 580]

37.251 to 37.253 [Repealed by 1927 c. 298 s. 1]

37.259 [Renumbered section 71.25 by 1925 c. 379; renumbered section 71.27 under 43.08 (2)]

37.30 Agricultural economics. Courses in agricultural economics shall be given (including the business principles involved in farming and marketing and in financing agriculture), in the several teachers colleges and county normal schools, and shall be extended to schools in which agricultural subjects are taught, and to other schools as rapidly as practicable. The courses in agricultural economics to be given in the various schools shall be such as are prescribed from time to time by the state superintendent of public instruction, with the advice of the state department of agriculture and the chairman of the department of agricultural economics of the state university. [1935 c. 550 s. 400; 1943 c. 229; 1945 c. 20]

37.31 Teachers employed on probation; tenure; compulsory retirement. (1) All teachers in any state teachers' college shall be employed on probation and after successful probation for three years, the employment shall be permanent, during efficiency and good behavior, provided, that teachers having taught three years or more in any such college shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided, by reason of three or more years of continuous service, shall be discharged except for cause upon written charges. Said charges shall after ten days' written notice thereof to such teacher, and upon such teacher's written request, be investigated, heard and determined by the board of normal school regents, whose action and decision in the matter shall be final. The term "teachers" as used in this section shall include all persons engaged in teaching as their principal occupation but shall not include the president or acting president of any state teachers' college.

(2) Compulsory retirement of each teacher covered by this section shall be automatic upon the thirtieth day of June next succeeding the seventieth birthday of such teacher. Teachers covered by this subsection who have attained the age of seventy years or more at the time this subsection takes effect, shall be automatically retired at the end of the fiscal year in which this subsection becomes effective. [1931 c. 185; 1937 c. 142]

Note: Subsection (2), created by chapter 142, Laws 1937, takes effect September 1, 1938. Statutes 1931, requiring written charges, notice and hearing as a condition precedent to discharge of a normal school teacher, is not retroactive, and is therefore inapplicable to a teacher discharged before its enactment but whose discharge became effective thereafter. State ex rel. Hunsicker v. Board of Regents, 209 W 83, 244 NW 618. The board of regents of normal schools cannot assign a permanent teacher in a state

teachers' college to a named position in which his principal occupation is that of teaching, and then effect his discharge by subsequent action abolishing the position although continuing the work. State ex rel. Karnes v. Board of Regents, 222 W 542, 269 NW 284. Teacher in teachers' college who is permitted to serve three years acquires permanent tenure. Action of board of regents in discharging teacher is reviewable by certiorari. 21 Atty. Gen. 38.

37.32 University extension courses for world war veterans. (1) Any person eligible to receive a cash bonus under chapter 667, laws of 1919, or any person who has received an honorable discharge from active service in any branch of the armed forces of the United States between the dates April 6, 1917 and November 11, 1918, both dates inclusive, and who is a citizen of Wisconsin, or has resided in this state for a period of one year next preceding the date of application may take without cost correspondence study courses and extension classes from the extension division of the University of Wisconsin in such manner as may be prescribed by the dean. But not more than any one such course or extension class may be taken at any one time. The necessary text-books for such courses or classes shall be provided without cost. A person shall not be eligible to receive the benefits under this section while receiving benefits under section 37.25. Courses or classes in which persons have been duly enrolled but in which no lesson has been submitted by any enrollee for 12 months next preceding the first day of July in any year shall be cancelled. Any unused moneys allotted to the university extension division for such incomplete courses shall revert to the appropriation provided for in section 20.41 (2) (ca).

(2) Eligibility to receive any of the benefits under (1) of this section shall be certified to the university extension division by the adjutant general. [1935 c. 179; 1939 c. 255; 1943 c. 410]

Note: University extension division has duty to furnish correspondence courses without cost to veterans whose application there-

for under this section is approved by department of public instruction. 26 Atty Gen. 128.

38.01 [Stats. 1921 s. 38.01; repealed by 1923 c. 179]

38.01 [Stats. 1923 s. 38.01; renumbered section 14.14 under 43.08 (2)]