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Bulletin 133 - The Legal Basis for the Organization and Administration of the Publicly Supported Normal Schools and Teachers Colleges in the Territory of the North Central Association

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The Teachers College Bulletin

Number 133

July 1, 1936

STATE OF ILLINOIS—HENRY HORNER, Governor

Eastern Illinois State Teachers College

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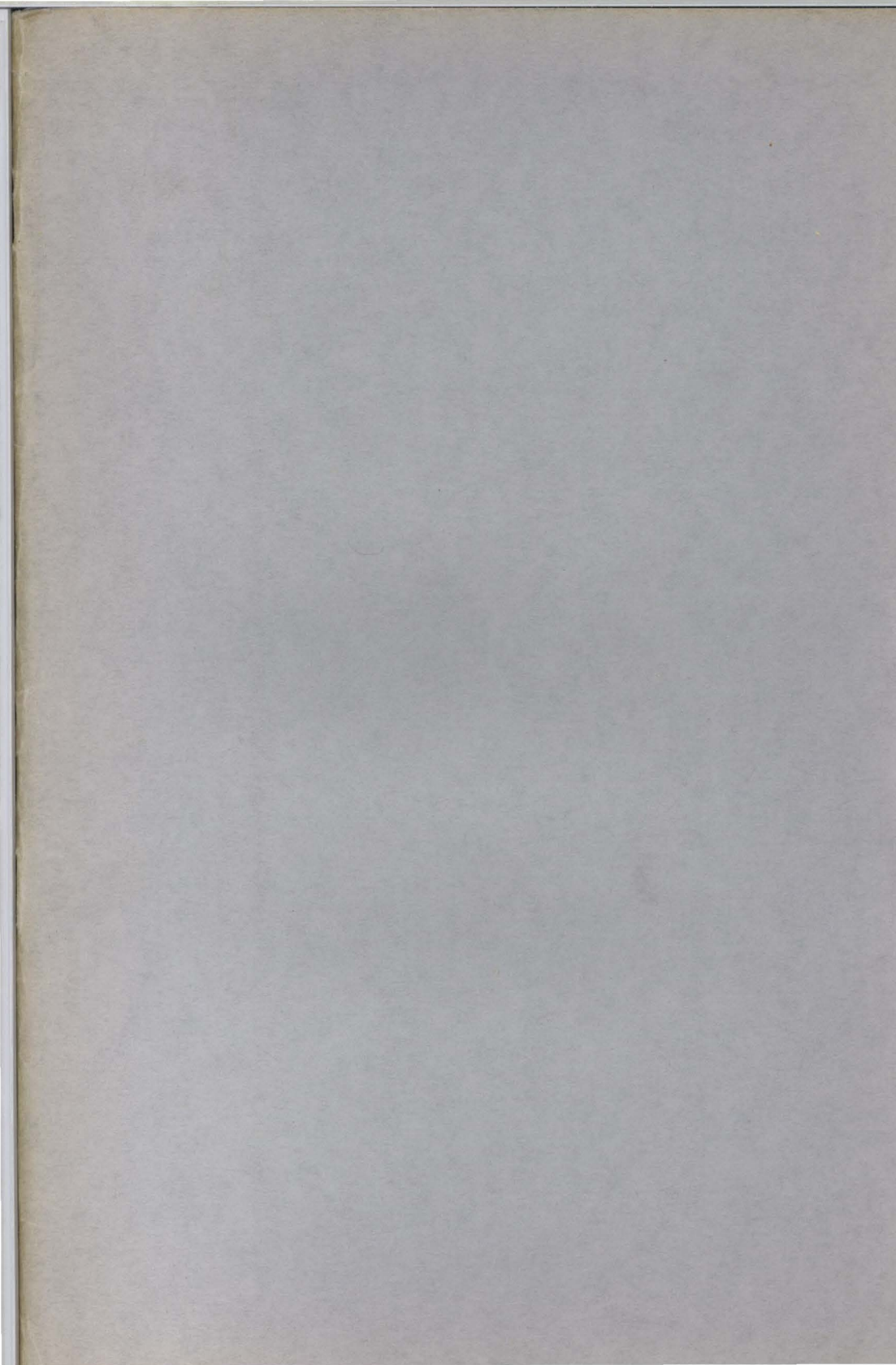
CHARLESTON

THE LEGAL BASIS FOR THE ORGAN-
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SCHOOLS AND TEACHERS COLLEGES
IN THE TERRITORY OF THE NORTH
CENTRAL ASSOCIATION

By

FRANK A. BEU, PH.D.

Dean of the College



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HENRY HORNER, *Governor*

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THE TEACHERS COLLEGE BULLETIN

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TABLE OF CONTENTS

	Page
LIST OF TABLES.....	7
LIST OF FIGURES.....	8
Chapter	
I. INTRODUCTION.....	9
II. THE CONSTITUTIONAL BASIS OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES.....	10
Authority of the Legislature to Establish Normal Schools. Constitutional Provisions for Teacher-Education Institutions.	
III. LEGISLATION LOCATING PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES.....	18
The Methods Used by the Legislature in the Various States in Locating Public Normal Schools and Teachers Colleges. Factors Operating in the Location of State Normal Schools and Teachers Colleges.	
IV. ADMINISTRATIVE CONTROL OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES.....	28
Legislative Provisions Concerning the Members of the Normal School Board. The Duties and Powers of Public Normal School and Teachers College Boards. Duties and Powers of Certain State Officials Directly Concerned with the Administration of the Normal Schools and Teachers Colleges. Trends toward Centralization in the Control and Administration of Teacher-Education Institutions.	
V. LEGAL AUTHORITY OF BOARDS OF CONTROL TO GRANT DIPLOMAS, CERTIFICATES, AND DEGREES.....	40
The Authority to Issue Diplomas. The Authority to Grant Degrees. The Authority of Normal School Boards to Issue Certificates.	
VI. THE LAW RELATING TO THE ADMINISTRATION OF STUDENT AND TEACHER PERSONNEL.....	45
The Law Relating to Students. Legal Admission Requirements for Students. Financial Aid for Students. Grounds for Which Students May Be Excluded from Normal Schools and Teachers Colleges. Liability of the Normal School Board for Injuries to Students. The Legal Status of Teachers.	
VII. LEGISLATIVE CONTROL OF THE NORMAL SCHOOL AND TEACH- ERS COLLEGE CURRICULA.....	57
Legislative Provisions Concerning the Science and Art of Teaching. Legislative Provisions Concerning Health. Legislative Provisions Concerning the Teaching of Nationalism. Legislative Provisions Concerning Religious Instruction. Legislative Provisions Concerning the Teaching of Humaneness. Legislative Provisions Concerning Instruction in the Common Branches or Fundamental Subjects. Legislative Provisions Concerning the Teaching of Secondary School Subjects. Legislative Provisions Concerning the Teaching of Practical and Cul- tural Subjects.	

Chapter	Page
VIII. THE LEGAL BASIS FOR THE FINANCIAL SUPPORT OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES.....	72
Support from Land Grants and Other Funds.	
Constitutional and Legislative Provisions for the Financial Support of Public Normal Schools and Teachers Colleges by Tax and Approp- riation.	
Tuition and Fees as Support for Normal Schools and Teachers Colleges.	
IX. SUMMARY AND INTERPRETATION OF DATA.....	82
BIBLIOGRAPHY.....	95

LIST OF TABLES

Table	Page
I. Comparison of Methods by Which Public Normal Schools and Teachers Colleges Were Located in the Territory of the North Central Association, 1849-1933.....	23
II. The Manner in Which Public Normal Schools and Teachers Colleges Were Located in the States in the North Central Association from 1849 to 1933....	24
III. Legislative Specifications in Regard to the Personnel of the Normal School Boards.....	30
IV. The Administrative Boards Controlling the Public Normal Schools and Teachers Colleges in the Territory of the North Central Association of Colleges and Secondary Schools.....	38
V. Curricular Prescriptions for the Public Normal Schools and State Teachers Colleges in the States in the Territory of the North Central Association, 1849-1933.....	68
VI. Financial Receipts of Publicly Supported Normal Schools and State Teachers Colleges in the Territory of the North Central Association, 1918-20 and 1928-30	81

LIST OF FIGURES

Figure	Page
1. Dates of the Constitutions in States Having Mandatory Provisions Concerning Public Normal Schools.....	12
2. Dates of Location of Normal Schools and Teachers Colleges by Direct Legislation.....	18
3. Dates of Location of Normal Schools and Teachers Colleges by a Commission, Board, or Committee.....	20
4. Dates of Location of Public Normal Schools and Teachers Colleges Requiring the Donation of a Site.....	26
5. Dates of Location of Public Normal Schools Requiring the Donation of Money or Bonds.....	26
6. Dates of Legislation Requiring Instruction in the Art and Science of Teaching.....	57

CHAPTER I

INTRODUCTION

The purpose of this study is to give an analytical treatment of the laws touching the organization and administration of the public normal schools and state teachers colleges in the territory of the North Central Association of Colleges and Secondary Schools, from the time of the establishment of the first public normal school in 1849 through the year 1933. The phrase "public normal schools" is not, in this study, to be construed as including public county normal schools.

The emphasis lies upon the trends of the legislation enacted in the states in the territory of the North Central Association: first, upon the constitutional basis of public normal schools and teachers colleges; second, upon the policies of the state legislatures in the establishment and location of public normal schools and state teachers colleges; third, upon the agencies the states have created to organize and administer these institutions; fourth, upon the power and authority to regulate teacher and student personnel; fifth, upon the control of the curricula; and, sixth, upon the methods of financial support provided for these institutions.

The sources consulted in collecting data in this study were the constitutions, the enabling acts, the session laws and the court decisions of the states of Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin and Wyoming.

The entire study aims to present the law of the states in the territory of the North Central Association directly concerned with the foregoing problems in such form as to be usable by boards of control, administrators, teachers, and legislators who are directly or indirectly connected with the organization and administration of public normal schools and teachers colleges.

The laws referred to and quoted throughout the study are still in force, unless specific references indicate that they have been modified or repealed.

CHAPTER II

THE CONSTITUTIONAL BASIS OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES

AUTHORITY OF THE LEGISLATURE TO ESTABLISH NORMAL SCHOOLS

In educational matters the will of the people of a state is expressed through the medium of constitutional provisions and statutory enactments. The principle is well established that a state legislature has plenary power in all matters not prohibited by the state or the federal constitution. Therefore, a legislature, unless prohibited by the state or federal constitution, has power to establish public normal schools and teachers colleges. This matter is well expressed in a recent book by Edwards, as follows:

From what has been said, it is obvious that, subject to constitutional limitations, the state legislature has plenary power with respect to matters of educational policy. In the absence of constitutional prohibitions, the ends to be attained and the means to be employed are wholly subject to legislative determination.¹

The first normal school to be established in the territory of the North Central Association of Colleges and Secondary Schools was in Ypsilanti, Michigan, in 1849. The establishment of this normal school by the state legislature was in no way questioned, but less than a decade after the establishment of this school, the Illinois Supreme Court was called upon to decide whether the state legislature had the power to establish a public normal school in the absence of specific constitutional authority. In 1857 the legislature of Illinois provided for the establishment of a normal school anywhere within the state, "at the place where the most favorable inducements are offered for that purpose."² A man who had donated a piece of property to the normal school attempted to regain the property, and not succeeding, brought action to enjoin the State Treasurer from paying any money to the institution. The Court, in deciding that the legislature had the authority to establish normal schools, voiced the following opinion:

Normal schools are public institutions which the state has a right to establish and maintain. The purpose of their establishment is to advance the public school system and create a body of teachers better qualified for the purpose of carrying out the policy of the State with reference to free schools.³

¹ Newton Edwards, *The Courts and the Public Schools*, p. 5. Chicago; University of Chicago Press, 1933.

² *Acts of Illinois*, 1857, p. 298.

³ *Blakewell v. State of Illinois*, 10 N. E. 378.

The authority of the general assembly to establish a normal school was brought into question in Virginia, in 1884. Although this case was not in the North Central Territory, it is cited here as added evidence to show that states do possess the power to establish public normal schools even though not expressly authorized to do so by constitutional provision. The court ruled that the General Assembly, under the constitution, possessed the power to establish normal schools.¹ The court spoke thus:

Under our system of government, the legislature is vested with all legislative power of this commonwealth; therefore we do not go to the Constitution to find granted powers for our legislation. In the exercise of the legislative power of this commonwealth, the legislature is supreme and may in its wisdom do any act not forbidden in express terms by the Constitution, which is the higher law, or which is not forbidden by necessary implication. So the power of the legislature to create a select public school, and endow it and foster it out of the public treasury, cannot be questioned, even though such school should not appear to come within any provision of the Constitution in express terms.

Another case involving the power of the legislature over the civil government of a state, of which normal schools are a part, occurred in New York.

Chief Justice Denis of the Court of Appeals of New York said:

The people, in framing the Constitution, committed to the legislature the whole law-making power of the state, which they did not expressly or impliedly withhold. Plenary power in the legislature for all purposes of civil government is the rule.²

From the foregoing discussion it seems clear that a state legislature has the power to establish public normal schools and teachers colleges if they are not expressly or by implication prohibited by the constitution of the state or by the Constitution of the United States.

CONSTITUTIONAL PROVISIONS FOR TEACHER-EDUCATION INSTITUTIONS

In the preceding pages it was pointed out that the legislature can enact laws without limit, in the absence of state or federal constitutional prohibitions either expressed or implied. The constitution has been defined as a restraining instrument rather than as a grant of power.³ An attempt will be made in the following pages to show the extent to which constitutional provisions in the states in the area of the North Central Association restrict or order the legislature in developing the educational policy of these states with respect to teacher-education institutions. The provisions embodied in the constitutions of this group of states are of two types, mandatory and prohibitory.

¹ *State Female Normal School v. Auditor*, 79 Va. 233.

² *People v. Draper*, 15 N. Y. 532.

³ *Breckenridge v. County School Board*, 135 S. E. 693.

Mandatory constitutional provisions concerning teacher-education institutions.—Twelve different states, Arizona, Colorado, Kansas, Michigan, Minnesota, Montana, North Dakota, New Mexico, Oklahoma, South Dakota, West Virginia, and Wisconsin, have specifically ordered the state legislature to carry out certain provisions relative to public teacher-education institutions in the territory of the North Central Association. The dates of constitutions of these states are given in Figure 1.

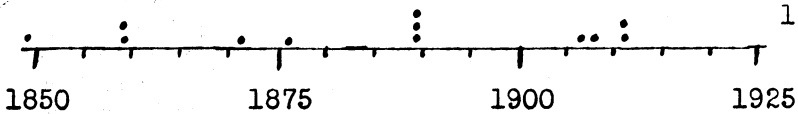


Figure 1. Dates of the constitutions in states having mandatory provisions concerning public normal schools.

In these twelve states the mandates of the constitutions upon the legislature deal with two types of questions: (1) the establishment of public normal schools and (2) the financial support of state normal schools.

So far as the establishment of public normal schools is concerned only four states, Arizona, Kansas, North Dakota, and New Mexico, have mandatory constitutional provisions for the establishment of public normal schools; in each of the other sixteen states in the territory of the North Central Association such authority is assumed by the state legislature. "It has been held that a constitutional mandate for the existence of schools of a certain character is not exclusive, and does not preclude the legislature from also establishing schools of another character, neither expressly authorized nor forbidden by the Constitution."² The first definite mention of the establishment of normal schools in any constitution is found in the constitution of Kansas. It is very brief. Article 6, of the constitution of Kansas, 1859, reads as follows:

The legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement, by establishing a uniform system of common schools, of a higher grade embracing normal, preparatory, collegiate and university departments.³

The constitutions of Arizona, New Mexico, and North Dakota are very similar in phraseology. The North Dakota constitutional provision reads as follows:

The legislative assembly shall provide at its first session after the adoption of this constitution, for a uniform system for free public schools throughout the state, beginning with the primary and extending through all the grades up to and including the normal and collegiate course.⁴

¹ Wisconsin—1848, Kansas—1859, Minnesota—1859, West Virginia—1872, Colorado—1876, Montana—1889, North Dakota—1889, South Dakota—1889, Oklahoma—1907, Michigan—1908, Arizona—1911, New Mexico—1911.

² *Ruling Case Law*, Vol. 24, p. 561.

³ *Constitution of Kansas*, 1859, Art. 6, Sec. 8.

⁴ *Constitution of North Dakota*, 1889, Art. 8, Sec. 148.

So far as financial support is concerned, each of the twelve states mentioned previously has a general or specific stipulation in its constitution in regard to the financial support of public normal schools. None of the constitutions attempts to define entirely the power of the legislature relative to the financial support of these institutions. Legislatures are left free, in the main, to handle matters of financial support as they think best.

The state of Wisconsin was the first to provide, by constitutional provision, for the financial support of public normal schools, when, in 1848, it stipulated that all lands granted to the state by the United States should be used for the support of common schools and libraries in each district, and "the residue shall be appropriated to the support and maintenance of academies and normal schools."¹

Four other states, Arizona,² Kansas,³ North Dakota,⁴ and New Mexico,⁵ also have constitutional provisions which definitely specify that financial support be provided for public normal schools. These constitutional provisions stipulate that the legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which shall include kindergarten schools, common schools, high schools, and normal schools. Although the constitutions of the other seven states, Colorado, Michigan, Minnesota, Montana, Oklahoma, South Dakota, and West Virginia, do not definitely mention public normal schools, the phraseology pertaining to educational institutions is sufficiently general that teacher-education institutions may be included in its scope. The constitution of Colorado is typical of the other constitutions. It reads as follows:

Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, and mute, and such other institutions as the public may require, shall be established and supported by the state, in such manner as may be prescribed by law.⁶

An inspection of the above constitutional mandates shows that they are general enough in character that the legislatures are left free, in the main, to provide for the establishment and financial support of public normal schools as they see fit.

Constitutional limitations on legislative discretion concerning teacher-education institutions.—Since the constitution is largely a restraining instrument, it will be necessary to set forth the limitations placed upon the power of the legislature with respect to teacher-education institutions by fundamental law. Constitutional limitations relative to teacher-education institutions in addition to the mandatory provisions referred to in the preceding paragraphs are found in sixteen out of the twenty states in the territory of the North Central Association; the only state constitutions not containing any such limitations are those of Arkansas, Iowa, Kansas, and Wisconsin.

¹ *Constitution of Wisconsin*, 1848, Art. 10, Sec. 2.

² *Constitution of Arizona*, 1910, Art. 11, Sec. 1.

³ *Constitution of Kansas*, 1859, Art. 6, Sec. 8.

⁴ *Constitution of North Dakota*, 1889, Art. 8, Sec. 152.

⁵ *Constitution of New Mexico*, 1911, Art. 12, Sec. 8.

⁶ *Constitution of Colorado*, 1876, Art. 8, Sec. 1.

These constitutional limitations upon the state legislature in regard to the public normal schools deal with such matters as financial support; the giving of sectarian instruction; location; separate schools for white and colored students; and the number of members on the board of control, their term of office, and the manner of their appointment or election.

One type of constitutional limitation concerns the financing of teacher-education institutions. In only one state, West Virginia, is there a constitutional provision limiting financial support to state normal schools already established. The constitution of West Virginia, 1872, provides that "no appropriation shall hereafter be made to any state normal school or branch thereof, except those already established and in operation, or now chartered."¹ This provision did not prohibit the establishment of more state normal schools, but it prohibited state support of any state normal schools which might be established in the future. Eleven states have constitutional limitations relative to the expenditure of money obtained from the sale of land or through taxation. In eight of these states, Colorado, Michigan, Minnesota, Montana, North Dakota, Oklahoma, South Dakota, and Wyoming, the limitation is not so detailed as it is in Illinois, Missouri, and New Mexico. The limitation embodied in the constitution of North Dakota is typical of limitations found in the other seven states mentioned in the preceding sentence. It reads as follows:

All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.²

The limitations in the constitutions of Illinois,³ Missouri,⁴ and New Mexico,⁵ go into greater detail as to the various political units which are prohibited from spending public money for sectarian institutions than do the limitations in the constitutions of the other eight states. The restrictions in the Illinois constitution are typical of the ones in the constitutions of Missouri and New Mexico. These restrictions are as follows:

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.⁶

¹ *Constitution of West Virginia, 1872, Art. 12, Sec. 11.*

² *Constitution of North Dakota, 1889, Art. 8, Sec. 152.*

³ *Constitution of Illinois, 1870, Art. 8, Sec. 3.*

⁴ *Constitution of Missouri, 1875, Art. 11, Sec. 11.*

⁵ *Constitution of New Mexico, 1911, Art. 12, Sec. 12.*

⁶ *Constitution of Illinois, 1870, Art. 8, Sec. 3.*

A second type of constitutional limitation concerns sectarian instruction in public normal schools. Restrictions upon sectarian instruction are contained in the constitutions of six states, Arizona,¹ Colorado,² Montana,³ New Mexico,⁴ South Dakota,⁵ and Wyoming.⁶ The restrictions embodied in the constitution of Arizona will be quoted, as they are representative of the constitutional provisions relative to sectarian instruction in the other five states. It reads in part:

No sectarian instruction shall ever be imparted in any school or state educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state, as teacher, student, or pupil; but the liberty or conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality or safety of the state, or with the rights of others.⁷

A third type of constitutional provision deals with the establishment of separate public normal schools for white and colored persons. Three states, Missouri,⁸ Oklahoma,⁹ and West Virginia,¹⁰ have embodied provisions in their constitutions restricting the legislature in regard to the establishment of public schools for white and for colored persons. The constitution in each of these three states contains a provision to the effect that "white and colored persons shall not be taught in the same school." The legislatures are permitted to use their discretion as to the type and number of public schools that are established for white and for colored persons, as the constitutional provisions do not specify that equal numbers or types of schools must be established for each race.

A fourth type of constitutional limitation concerns the location of public teacher-education institutions. North Dakota is the only state to provide for the location of its public normal schools by fundamental law. The six public normal schools in that state were located at Valley City, Mayville, Minot, Ellendale, Dickinson, and Bottineau.

A fifth type of constitutional limitation deals with the boards of control of public teacher-education institutions. Constitutional limitations concerning the boards of control of public teacher-education institutions are found in Michigan, Montana, Nebraska, New Mexico, South Dakota, and Wyoming. The constitutions of these states contain provisions dealing with the number of members, the term of office, and the manner of appointment or election of board members for the board of control in these institutions. The constitution of Nebraska, 1875, amended in 1920, is quoted below to illustrate to what extent these matters were embodied in the constitutions of these five states. It reads as follows:

¹ *Constitution of Arizona*, 1910, Art. XI, Sec. 7.
² *Constitution of Colorado*, 1876, Art. IX, Sec. 8.
³ *Constitution of Montana*, 1889, Art. IX, Sec. 9.
⁴ *Constitution of New Mexico*, 1911, Art. 12, Sec. 9.
⁵ *Constitution of South Dakota*, 1899, Art. VIII, Sec. 16.
⁶ *Constitution of Wyoming*, 1890, Art. VII, Sec. 12.
⁷ *Constitution of Arizona*, 1910, Art. XI, Sec. 7.
⁸ *Constitution of Missouri*, 1875, Art. II, Sec. 3.
⁹ *Constitution of Oklahoma*, 1907, Art. 13, Sec. 3.
¹⁰ *Constitution of West Virginia*, 1872, Art. 12, Sec. 8.

The general government of the state normal schools, as now existing, and such other normal schools as may be established by law, shall be vested, under the direction of the legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the governor, with the advice and consent of the senate, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the State Superintendent of Public Instruction shall be a member ex officio. The duties and powers of said board shall be prescribed by law and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed for their actual expenses incurred therein.¹

The constitution of New Mexico differs from the constitution of Nebraska in that it provides for the control and management of each of the normal schools by a separate board, each board to consist of five members to serve for four years, not more than three of whom shall belong to the same political party at the time of their appointment.² The constitution of Michigan provides for only four board members, elected by the people, to serve as a state board of education which is to have control of the state normal schools.³ Montana likewise provides that the normal schools be controlled by a state board of education. "The said board shall consist of eleven members, the governor, state superintendent of public instruction, and attorney general being members ex officio; the other eight members thereof shall be appointed by the governor, subject to confirmation by the senate."⁴

The constitutional provision touching the management of the University of Wyoming, which contains the normal school, differs slightly from those of the other four states providing for the control of its normal schools by fundamental law in that "the president of the university, and the superintendent of public instruction, as members ex officio, have the right to speak but not to vote."⁵

The effect of such constitutional limitations concerning the board of control over teacher-education institutions in these six states is to restrict the jurisdiction of the legislature over them. This principle was well expressed by the Supreme Court of Minnesota, in the following opinion:

The board of regents, in the management of the University, is constitutionally independent of all other executive authority. All the executive power over the University affairs having been put in the regents by the constitution, none of it may lawfully be exercised or placed elsewhere by the legislature.⁶

An inspection of the fundamental law in these states shows that the majority of the limitations placed upon the legislature with respect

¹ *The Constitution of Nebraska*, 1875, Art. 8, Sec. 13.

² *Constitution of New Mexico*, 1911, Art. 12, Sec. 13.

³ *Constitution of Michigan*, 1908, Art. 11, Sec. 6.

⁴ *Constitution of Montana*, 1889, Art. XI, Sec. 11.

⁵ *Constitution of Wyoming*, 1890, Art. 7, Sec. 17.

⁶ *State ex rel University of Minnesota v. Chase*, 220 N. W. 951.

to teacher-education institutions relate to the expenditure of public funds for sectarian institutions, sectarian instruction, or with the board of control for these institutions.

The constitutions of the states in the territory of the North Central Association have consistently allowed the legislatures a greater freedom in carrying out the educational policy of the states in regard to the public teacher-education institutions than they have allowed for most other educational matters. That state constitutions have become more detailed and lengthened is attested by the writings of such men as Edwards, Munro and Matzen.

In 1923, Edwards,¹ in discussing the characteristics of state constitutions, pointed out that the newer states had provisions of all types dealing with the schools, from the kindergarten to the university. "The qualifications, duties, term of office, method of selection, and compensation of the state and local administrative officials are often minutely prescribed."² As an example of the degree to which the foregoing is true, thirty-one state constitutions provided that the state superintendent of public instruction be selected by popular vote.³

As in other governmental affairs, the various states have generally followed the practice of lengthening the portions of state constitutions dealing with educational matters. Munro,⁴ in his book on government, has the following to say concerning the changes in state constitutions:

The original state constitutions were short and simple—that of Virginia contained only fifteen hundred words. And down to the Civil War period there was no considerable lengthening. During the past seventy-five years, however, the constitutions have been steadily expanding into veritable law codes. Some of them now fix the salaries of state officers (even subordinate officers) and prescribe their duties in detail. They contain all sorts of provisions relating to the management of the schools. . . .

Matzen,⁵ who in 1931 reported a study dealing with state constitutional provisions for education in one hundred twenty-eight constitutions adopted by the forty-eight states between 1776 and 1929, wrote as follows:

The recent constitutional provisions . . . seem to include the opinion current at the time of their adoption, as to what the statutory laws shall be relating to the schools. Following such a policy is likely to result in turning the fundamental law into a code of school laws and hence the incorporation into the constitutions of the states of the whims and prejudices extant at the time.

¹ Isaac Newton Edwards, "The Constitutional Basis of Public School Administration, 1776-1917," page 33. Unpublished Doctor's Thesis, Department of Social Science, University of Chicago, 1923.

² *Ibid.*, p. 34.

³ *Ibid.*, p. 78.

⁴ William Bennett Munro. *The Government of the United States, National, State, and Local*, p. 528. New York: Macmillan Company, 1931.

⁵ John M. Matzen, *State Constitutional Provisions for Education*, Teachers College Record, XXXIII (May, 1932), 756-57.

CHAPTER III

LEGISLATION LOCATING PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES

In the preceding chapter an attempt was made to point out the extent to which provisions for the establishment and control of public normal schools and teachers colleges are included in the state constitutions. The remainder of this study will deal with the authority and policies of the state legislatures in the following matters pertaining to public normal schools and teachers colleges: location, administrative control, granting of diplomas and degrees, administration of teacher and student personnel, curricular control, and financial support. These phases of the administration and control of public normal schools and teachers colleges will be discussed in the order mentioned. This chapter is concerned with legislative policies dealing with the location of teacher-education institutions.

THE METHODS USED BY THE LEGISLATURE IN THE VARIOUS STATES IN LOCATING PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES

An analysis of the enabling acts, constitutions, and session laws of the various states in the territory of the North Central Association of Colleges and Secondary Schools reveals the fact that several methods were used in locating state normal schools and teachers colleges. The following methods were those most frequently employed: The location of these institutions by the legislature directly; legislative delegation of power to locate to a temporary board, commission, committee, or state board of education; legislative designation of a section of the state for location of the school, and delegation to a committee or a board of the power of selection of a definite site; and by constitutional provision.

Specification of exact location by direct legislation.—In certain instances the legislature directly located the public normal schools and teachers colleges. The states which in all cases located their normal schools by direct legislation are Arizona, Colorado, Iowa, Kansas, Montana, New Mexico, South Dakota, and West Virginia. Thirty-six out of seventy-five institutions of this type were located by the legislature directly in these states, twenty-five during the period from 1894 to 1900, and eleven from 1901 to 1933, as shown in Figure 2.

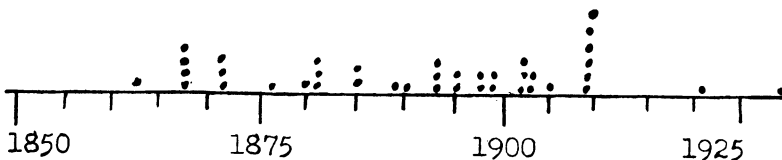


Figure 2. Dates of location of normal schools and teachers colleges by direct legislation.

Examples will be selected from several of the states to illustrate the location directly of public normal schools and teachers colleges.

All the normal schools authorized in West Virginia were definitely located in a specific town by the legislature. An example is the one established at Shepherdstown, West Virginia. The law establishing it reads as follows:

Section 1. That a branch normal school be, and the same is hereby established at the building known as the Shepherd College in Shepherdstown, in the county of Jefferson; provided, that said building, and the lot on which it is erected shall be fitted up in a suitable manner for the purpose of such school and conveyed free of charge to the state.¹

In like manner, the West Virginia state normal schools located at Huntington,² Fairmont,³ West Liberty,⁴ Glenville,⁵ and Athens⁶ were definitely located in the respective towns by the legislature.

In Iowa the normal school was also located directly by the legislature. The act reads as follows: "A school for the special instruction and training of teachers for the common schools of this state is hereby established at Cedar Falls, in Black Hawk County."⁷

In South Dakota all four state normal schools were by direct legislation located respectively in the cities of Madison,⁸ Spearfish,⁹ Springfield,¹⁰ and Aberdeen.¹¹

In New Mexico the four state normal schools at Silver City,¹² Las Vegas,¹³ El Rito,¹⁴ and Portales¹⁵ were likewise located by direct legislation.

The Montana legislature allowed a leeway of only two miles in establishing the normal school at Dillon. The enabling act reads thus:

Section 1. That there be and is hereby established a state normal school within two miles of the corporate limits of the city of Dillon, Beaverhead County, Montana, which shall be called the "State Normal School at Dillon."¹⁶

Colorado also, by the phraseology of the enabling act, allowed for the selection of several possible sites in locating the state normal school at Greeley: "A State Normal School is hereby established at or near the city of Greeley, in the County of Weld and the State of Colorado."¹⁷ Two years later, in 1901, the State of Colorado stipulated in the legislation authorizing the establishment of a state normal school that it be

¹ *Acts of West Virginia*, 1872, chap. 101, p. 148.

² *Acts of West Virginia*, 1867, chap. 120, p. 148.

³ *Ibid.*, chap. 123, p. 152.

⁴ *Ibid.*, chap. 91, p. 100.

⁵ *Acts of West Virginia*, 1872, chap. 60, p. 77.

⁶ *Ibid.*, 1872, chap. 124, p. 171.

⁷ *Laws of Iowa*, 1876, chap. 129, p. 118.

⁸ *Dakota Laws*, 1881, chap. 99, p. 134.

⁹ *Ibid.*, chap. 100, p. 140.

¹⁰ *Ibid.*, chap. 101, p. 145.

¹¹ *Laws of South Dakota*, 1901, chap. 114, p. 196.

¹² *Acts of New Mexico*, 1893, chap. 19, p. 33.

¹³ *Ibid.*

¹⁴ *Acts of New Mexico*, 1909, chap. 97, p. 254.

¹⁵ *Acts of New Mexico*, 1927, chap. 9, p. 9.

¹⁶ *Acts of Montana*, 1893, p. 180.

¹⁷ *Acts of Colorado*, 1889, p. 409.

located in Gunnison in the County of Gunnison and the State of Colorado.¹

Legislative authorization of a commission or board to locate public normal schools and teachers colleges.—Four states, Arkansas, Illinois, Indiana, and Missouri, authorized a commission, a board, or a committee to determine the location of all their public normal schools and teachers colleges. In locating certain of these institutions the legislature designated the section of the state in which the normal school or teachers college should be located, and then permitted the commission or board to use its own judgment as to the exact location, providing the city chosen met certain specifications embodied in the act authorizing such location; in other instances, the board or commission could locate the institution in any part of the state that they saw fit. The legislature tended to restrict the commission or board more in regard to the location of public normal schools as they became more numerous in a state, as in Illinois and Missouri. In addition to the four states mentioned in the foregoing discussion, six other states, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, and Wisconsin, likewise located certain of their public teacher-education institutions by a commission or a board but located others by direct legislation.

All of the teacher-education institutions in the territory of the North Central Association located from 1849 to 1934 by a commission, a board, or a committee are shown in Figure 3. Thirty-three of these seventy-nine institutions were located by a commission, a board, or a committee; fourteen were in states in which all such teacher-education institutions were located by a commission, a board, or a committee; and nineteen were in states in which only certain schools were thus located. It will be noted that the location of public normal schools and teachers colleges by a commission, a board or a committee was a method that enjoyed marked use in certain years, especially in 1858, 1865, 1895, 1905, and 1910.

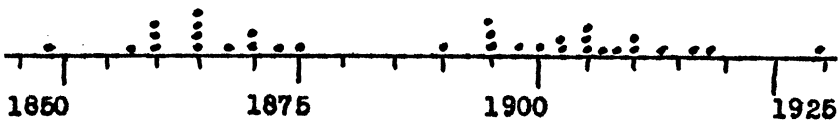


Figure 3. The dates of location of normal schools and teachers colleges by a commission, board, or committee.

The establishment of the first normal school in the State of Illinois was by an act of the legislature which placed no restrictions as to location. This act read in part as follows:

The board shall have power and it shall be their duty to fix the permanent location of said normal university, at the place where the most favorable inducements are offered for that purpose; provided, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.²

¹ *Acts of Colorado*, 1901, p. 375.

² *Acts of Illinois*, 1857, p. 298.

The board followed the instructions of the law and located the normal school at Bloomington, now Normal, Illinois, for Bloomington offered the most money. Similarly in Indiana, in 1865,¹ at the time of the establishment of the first state normal school, the legislature gave the normal school board the power to locate a normal school in any city in the state willing to obligate itself for the largest sum, provided that the amount was not less than \$50,000 and that the city possessed reasonable facilities for the success of the institution.

Arkansas likewise did not restrict the board to a certain section of the state in their selection of a site for the location of the normal school. The only restriction placed upon the normal school board in Arkansas was that the site must contain twenty acres of land, and, in addition, that not less than \$15,000 be donated for the construction of the building. The enabling act for the establishment of the normal school at Conway, Arkansas, made the following provisions:

The Board shall receive from different parts of the state propositions for donations of grounds and buildings or funds for the procuring of grounds and erection of buildings for said normal school. Said Board shall provide for the location of the normal school in the city of the state that is, in their opinion, best adapted for such purpose, provided, that no donation is less than 20 acres of land for the site and \$15,000 for the construction of the buildings.²

Beginning about 1870 the states of Illinois and Missouri enacted legislation specifying the location of their normal schools more definitely than was the case in the states which have been cited in the foregoing discussion. In 1869, at the time of the establishment of its second normal school at Carbondale, the Illinois legislature specified the location of that institution as follows:

The land shall be selected south of the railroad, or within six miles north of said road passing from St. Louis to Terre Haute, known as the Alton and Terre Haute railroad with a view of obtaining a supply of water and other conveniences for the use of the institution.³

When the legislature established the normal school at Charleston, Illinois, they specified more definitely the section of the state in which it should be located. The enabling act for the Eastern Illinois State Normal School reads thus:

Section 10. The trustees shall arrange to receive from the localities desiring to secure the location of said school proposals for the donation of a site, if not less than 40 acres, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, in that portion of the state lying north of the Baltimore and Ohio Southwestern Railroad, and south of the Wabash Railway, and east of the main line of the Illinois Central Rail-

¹ *Acts of Indiana*, 1865, chap. 36, p. 140.

² *Acts of Arkansas*, 1907, p. 762.

³ *Illinois Laws*, 1869, p. 34.

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Section 10. The trustees shall arrange to receive from the localities desiring to secure the location of said school proposals for the donation of a site, if not less than 40 acres, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, in that portion of the state lying north of the Baltimore and Ohio Southwestern Railroad, and south of the Wabash Railway, and east of the main line of the Illinois Central Rail-

¹ *Acts of Indiana*, 1865, chap. 36, p. 140.

² *Acts of Arkansas*, 1907, p. 762.

³ *Illinois Laws*, 1869, p. 34.

road, and the counties through which said roads run, with a view of obtaining a good water supply and other conveniences for the use of the institution.¹

The same legislature authorized the establishment of the normal school now at DeKalb, but allowed more leeway as to its location. The legislation on the subject reads in part as follows:

As nearly central as possible in that portion of the state lying north of the main line of the C. R. I. and P. R. R. with a view of obtaining a good water supply and other conveniences for the institution.²

Four years later, in 1899, at the time of the establishment of the Western Illinois Normal School, the legislature again specified the section of the state in which the institution was to be located. It was provided that the school should be located "as nearly central as possible in that portion of the state lying west of the fourth principal meridian, in what is known as the 'Military Tract.'"³

In the state of Missouri the legislature did not allow the normal schools to be located at the discretion of the board in any part of the state, but divided the state into two districts by the following act:

The counties north of the Missouri river shall constitute the first normal school district, and the counties south of the Missouri river, except St. Louis County, shall constitute the second normal school district.⁴

Four years later, in 1874, when the legislature of Missouri provided for a single board of regents for the first and second normal schools, the district in which the normal school at Kirksville was located was called "The Normal School District No. 1," and the district centering in the school at Warrensburg was called "The Normal School District No. 2."⁵ Gradually the state of Missouri added three more districts, making five districts for the state by 1905. In that manner the legislature restricted the commission, which had located the normal schools at Springfield and Maryville, to a smaller section of the state; and stipulated that the institution must be located within the district of the state allotted for that particular school. The section of the enabling act providing for the location of the Springfield Normal School reads thus:

Section 2. A commission is hereby established for said district to consist of five members to be appointed by the governor, three of whom shall not reside in the district. The commission shall select and establish the location of the normal school in the district most favorable for the purpose intended.⁶

It will be observed from the foregoing illustrations and discussion that the four states employing a board, a commission, or a committee to locate all its public normal schools have, in more recent years, limited

¹ *Illinois Laws*, 1895, p. 63.

² *Ibid.*, p. 69.

³ *Illinois Laws*, 1899, p. 72.

⁴ *Acts of Missouri*, 1870, p. 134.

⁵ *Acts of Missouri*, 1874, p. 146.

⁶ *Acts of Missouri*, 1905, p. 297.

the discretion of the board or commission in locating these institutions to a certain section of the state.

The location of normal schools by two methods in the same state.—There are six states, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, and Wisconsin, in which two methods of locating the normal schools were used. In some of the states the first normal schools were located by direct legislation, and later ones by a commission or board authorized by the legislature to locate them. On the other hand some of the states in the territory of the North Central Association located their first normal schools by a commission or board and the later ones by direct legislation.

Comparison of methods by which public normal schools and teachers colleges were located.—The figures in Table I show a comparison of the methods by which public normal schools and teachers colleges were located in the territory of the North Central Association of Colleges and Secondary Schools by twenty-five year periods since 1849. An inspection of these figures shows that 61.9 per cent of these institutions were located by a commission or a board during the first period, 1849-1874, as compared with 38.1 per cent located by the legislature directly; during the second period, 1875-1899, only 20 per cent were located by a commission or a board, as compared with 60 per cent located by the legislature directly and 20 per cent located by constitutional provision; during the third period, 1900-1924, there was no difference in the methods used, as 50 per cent were located by the legislature directly and 50 per cent by a commission or a board. Since 1925 only two institutions have been established, one located by the legislature directly and the other by a commission.

TABLE I

COMPARISON OF METHODS BY WHICH PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES WERE LOCATED IN THE TERRITORY OF THE NORTH CENTRAL ASSOCIATION, 1849-1933.

Method of location	1849-1874		1875-1899		1900-1924		1925-1933	
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent
Located by the legislature directly	8	38.1	18	60.0	13	50	1	50
Located by a board or a commission	13	61.9	6	20.0	13	50	1	50
Located by constitutional provision			6	20.0				
Total	21	100	30	100	26	100	2	100

Table II shows the manner in which the public normal schools and teachers colleges were located in each state in the territory of the North Central Association. An inspection of these data shows that there are eight states in which all the public normal schools and teachers colleges were located by the legislature directly; four states in which all these institutions were located by a board or commission; and six states in which the legislature changed from one method to another over a period

of years. Only one state located its public teacher-education institutions by constitutional provision. A tabulation of the methods used by the legislature in locating these institutions shows that a few more were located by the legislature directly than by a commission or board, forty being located by the former method, while only thirty-three were located by the latter, and six by constitutional provision.

TABLE II

THE MANNER IN WHICH PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES WERE LOCATED IN THE STATES IN THE NORTH CENTRAL ASSOCIATION FROM 1849 TO 1933.

State	City	Method	Date
Arizona	Tempe	By the legislature directly	1885
	Flagstaff	By the legislature directly	1899
Arkansas	Conway	By a board	1907
	Arkadelphia	By a board	1929
Colorado	Greeley	By the legislature directly	1889
	Gunnison	By the legislature directly	1901
	Alamosa	By the legislature directly	1921
Illinois	Normal	By a board	1857
	Carbondale	By a board	1869
	Charleston	By a board	1895
	DeKalb	By a board	1895
	Macomb	By a board	1899
Indiana	Terre Haute	By a board	1865
	Muncie	By a board	1918
Iowa	Cedar Falls	By the legislature directly	1876
Kansas	Emporia	By the legislature directly	1863
	Hays	By the legislature directly	1901
	Pittsburg	By the legislature directly	1903
Michigan	Ypsilanti	By a board	1849
	Mt. Pleasant	By the legislature directly	1895
	Marquette	By the legislature directly	1899
	Kalamazoo	By a board	1903
Minnesota	Winona	By a board	1858
	Mankato	By a board	1858
	St. Cloud	By a board	1858
	Moorhead	By the legislature directly	1885
	Duluth	By the legislature directly	1895
	Bemidji	By a commission	1910
Missouri	Kirksville	By a board	1873
	Warrensburg	By a board	1870
	Cape Girardeau	By a board	1873
	Springfield	By a board	1905
	Maryville	By a board	1905
Montana	Dillon	By the legislature directly	1893
Nebraska	Peru	By the legislature directly	1867
	Kearney	By a board	1903
	Chadron	By a board	1909
New Mexico	Wayne	By the legislature directly	1909
	Silver City	By the legislature directly	1893
	Las Vegas	By the legislature directly	1893
	El Rito	By the legislature directly	1909
North Dakota	Portales	By the legislature directly	1927
	Valley City	By the state constitution	1889
	Mayville	By the state constitution	1889
	Ellendale	By the state constitution	1907
	Minot	By the state constitution	1913
Ohio	Dickinson	By the state constitution	1916
	Bottineau	By the state constitution	1918
	Athens	By the legislature directly	1902
	Oxford	By the legislature directly	1902
	Bowling Green	By a commission	1910
	Kent	By a commission	1910
Oklahoma	Edmond	By the legislature directly	1890
	Alva	By the legislature directly	1897
	Langston	By the legislature directly	1897
	Weatherford	By a committee	1901
	Durant	By the legislature directly	1909
	Tahlequah	By the legislature directly	1909
	Ada	By the legislature directly	1909

TABLE II—Concluded

State	City	Method	Date
South Dakota	Madison	By the legislature directly	1881
	Spearfish	By the legislature directly	1881
	Springfield	By the legislature directly	1881
West Virginia	Aberdeen	By the legislature directly	1901
	Fairmont	By the legislature directly	1867
	Huntington	By the legislature directly	1867
	West Liberty	By the legislature directly	1867
	Shepherdstown	By the legislature directly	1872
	Glenville	By the legislature directly	1872
Wisconsin	Athens	By the legislature directly	1872
	Platteville	By a board	1865
	Whitewater	By a board	1865
	Oshkosh	By a board	1865
	River Falls	By a board	1875
	Milwaukee	By the legislature directly	1880
	Stevens Point	By a board	1891
	Superior	By a board	1895
	La Crosse	By a board	1905
	Eau Claire	By the legislature directly	1909
Menomonie	By the legislature directly	1917	

FACTORS OPERATING IN THE LOCATION OF STATE NORMAL SCHOOLS AND TEACHERS COLLEGES

There is considerable evidence to indicate that many of the state normal schools were located in towns which, stimulated by the legislatures of the various states, offered the largest inducement. Nearly all the early legislation dealing with donations for state normal schools embodied the provision that the site selected must be donated with a clear title, and that it contain a certain number of acres of land. In many cases the statute also specified a certain amount of money, buildings, training-school facilities, or practice-teaching facilities. The most general requirement was a free site.

States requiring the donation of a site.—The legislative practice of requiring the donation of a site in a city where the state normal school was to be located may have developed from the fact that the first normal schools in the United States were started in that manner in Massachusetts. That towns competed with one another for the locations of the normal schools in Massachusetts is clear from the following quotation:

Seven different towns offered to provide buildings, fixtures, and furniture, and all the means necessary for carrying on the school exclusive of the compensation of teachers, and other towns made generous offers. At a meeting of the board, December 28, 1838, it was voted to locate a normal school for the qualification of female teachers in the town of Lexington, and one at Barre for teachers of both sexes.¹

Figure 4 shows the dates of location of public normal schools located on sites donated to the state by some agency of a city for that purpose. It can be seen from this figure that fifteen out of twenty states dealt with in this study required the donation of a site by the

¹J. P. Gordy, *Rise and Growth of the Normal School Idea*, p. 42. Circular of Information No. 8, 1891. U. S. Bureau of Education, Department of Interior.

locality obtaining the public normal school at some time from 1863 to 1929. Thirty-six of the seventy-nine teacher-education institutions in the territory of the North Central Association were located on donated sites.

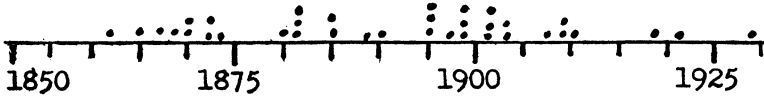


Figure 4. Dates of location of public normal schools and teachers colleges requiring the donation of a site.*

The specifications for the size of the site to be donated to the state for public teacher-education purposes varied from an indefinite number of acres to 160 acres. Twelve states left the size of the site indefinite, ten states stipulated forty acres, seven states specified twenty acres, three states required six acres, two states stipulated eighty acres, and one state asked for 160 acres.

Donation of money or bonds to aid in locating normal schools.—Excepting the donation of lands, the most frequent influence in the location of public normal schools was the donation of money or bonds to aid in the building, equipping, maintaining, and operating of the normal school after it was established.

Figure 5 gives the dates on which fourteen institutions for the preparation of teachers were located in cities where the people donated money or bonds for such institutions. All these schools were located before 1910. Since that date no state legislature in the territory of the North Central Association has required the donation of money or bonds for such a purpose.

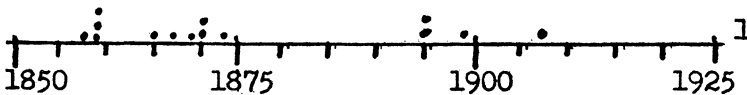


Figure 5. Dates of location of public normal schools requiring the donation of money or bonds.

The amount of money or bonds required by the various state legislatures in the states in which the fourteen institutions shown in Figure 5 were located varied from an indefinite amount to \$50,000.

* Emporia, Kansas—1863; Terre Haute, Indiana—1865; Huntington, West Virginia—1867; Carbondale, Illinois—1869; Kirksville, Missouri—1870; Warrensburg, Missouri—1870; Athens, West Virginia—1872; Shepherdstown, West Virginia—1872; Cape Girardeau, Missouri—1873; Milwaukee, Wisconsin—1880; Madison, South Dakota—1881; Spearfish, South Dakota—1881; Springfield, South Dakota—1881; Moorhead, Minnesota—1885; Tempe, Arizona—1885; Greeley, Colorado—1889; Edmond, Oklahoma—1890; Charleston, Illinois—1895; DeKalb, Illinois—1895; Duluth, Minnesota—1895; Alva, Oklahoma—1897; Flagstaff, Arizona—1899; Macomb, Illinois—1899; Marquette, Michigan—1899; Aberdeen, South Dakota—1901; Gunnison, Colorado—1901; Weatherford, Oklahoma—1901; Kalamazoo, Michigan—1903; Kearney, Nebraska—1903; Conway, Arkansas—1907; Chadron, Nebraska—1909; Eau Claire, Wisconsin—1909; Bemidji, Minnesota—1910; Muncie, Indiana—1918; Alamosa, Colorado—1921; Arkadelphia, Arkansas—1929.

¹ Normal, Illinois—1857; Winona, Mankato, and St. Cloud, Minnesota—1858; Terre Haute, Indiana—1865; Huntington, West Virginia—1867; Carbondale, Illinois—1869; Kirksville and Warrensburg, Missouri—1870; Cape Girardeau, Missouri—1873; Charleston, Illinois—1895; Edmond, Oklahoma—1895; Marquette, Michigan—1899; Conway, Arkansas—1907.

Donation of buildings and other inducements to locate normal schools.—Some of the states not only asked for a site and money to aid the state in the location and establishment of normal schools, but also requested that buildings be provided for the purpose. From 1858 to 1889 there were six states, Colorado, Illinois, Indiana, Missouri, West Virginia, and Wisconsin, which required the donation of buildings or other inducements for the location of a public normal school in a certain city. By 1890 the practice had ceased for after that date even the states which made such requirements at the time of the location of their first normal schools discontinued the practice. In five states, Arkansas, Indiana, Nebraska, New Mexico, and West Virginia, one or more public normal schools were located in certain cities because such cities had pledged the erection of buildings. Eight of the ten institutions located in such cities were housed in buildings donated by private colleges unable to continue because of financial straits.

CHAPTER IV

ADMINISTRATIVE CONTROL OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES

This chapter will deal with the legislative provisions for the control and administration of the public normal schools and teachers colleges as found in the statutes of the different states in the territory of the North Central Association. Either through constitutional provisions or through legislative enactments each of the states in this group has delegated the direct control and administration of these institutions to an educational board or boards. In discussing the control and administration of these institutions this chapter will deal with the method of selection, the qualifications, the number, the ex-officio membership, the length of term, and the compensation of normal school board members; with selected duties and powers of these boards; with the duties and powers of certain other state officials affecting these schools; and with trends toward centralization.

LEGISLATIVE PROVISIONS CONCERNING THE MEMBERS OF THE NORMAL SCHOOL BOARD

Method of selection.—At the present time two methods are used in selecting normal school board members with the exception of ex-officio members: (1) Appointment by the governor, (a) alone, (b) with confirmation from the senate or with the advice and consent of the senate; and (2) election by the people. There is some variation in the extent of the governor's power to appoint members of the public normal school boards. Out of the twenty states in the territory of the North Central Association, in thirteen, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Montana, New Mexico, North Dakota, Oklahoma, West Virginia, Wisconsin, and Wyoming, the governor alone is given the power of appointing the members of the institutional boards of control for teacher-education institutions. In Arizona, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, the governor appoints the members of the board controlling these institutions "by and with the advice and consent of the senate." In only one state are the members of the normal school board elected by the people—a provision found in the Michigan Constitution of 1908, and still in force.

In all the states, except Michigan, the method of selecting the members of the normal school board is in keeping with the educational theory that the board should be appointed. The Alabama Survey Commission, in speaking of the educational board for the state, made this statement: "The consensus of opinion both within the state and throughout the country is strongly in favor of the governor-appointed board."¹

¹ *An Educational Study of Alabama*, p. 432, United States Bureau of Education, Educational Bulletin No. 41, 1919.

Street, in summarizing the opinion of experts in school administration, wrote as follows:

Experts in school administration, who have served on the state surveys, have favored giving the governor the sole responsibility for appointments to educational boards. Of the twenty-three surveys dealing with the question as to the best methods of selecting members for state boards of education, thirteen, or 56.5 per cent, recommended leaving the choice to the governor alone, as compared with ten, or 43.5 per cent which favored the ratification of all appointments by the senate. No survey suggested popular election as the preferred method.¹

Ex-officio members.—The state superintendent of public instruction, more frequently than any other state officer, is the official who serves as the ex-officio member of the public normal school board. He is found to serve in that capacity in thirteen of the twenty states in the territory of the North Central Association: Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Missouri, Montana, Nebraska, Oklahoma, West Virginia, Wisconsin, and Wyoming. From the foregoing data it is evident that the different states realize the close relationship between the purpose of the normal schools and that of the state superintendent of public instruction. In Kansas and Montana the governor of the state is an ex-officio member of the board. Other officers who serve as ex-officio members are the director of registration and education in Illinois, the auditor and treasurer of the state of Arkansas, the attorney-general in Montana, and the state treasurer in Nebraska.

Qualifications of board members.—In providing for the composition of the boards of control of public teacher-education institutions, legislatures have not specified very many definite qualifications. The statutory qualifications can be classified into four groups: (1) competency, (2) political affiliation, (3) residence, and (4) miscellaneous.

The qualification that normal school board members must be "competent persons" is found in Arkansas, Indiana, and Ohio.

Political affiliation as a qualification is found in Iowa, New Mexico, Ohio, South Dakota, and West Virginia. The statutes in regard to political affiliation specify that not more than a certain number, usually one-half of the entire board, shall be from one political party.

In only three states, Minnesota, Missouri, and South Dakota, is any attempt made by the legislature to guarantee a geographical distribution of the board membership by law.

Two states have a requirement that some or all the members of the normal school board be school men. Oklahoma has the requirement that the persons appointed on the state board of education be citizens and practical school men with at least four years experience. Wyoming has a somewhat similar requirement, in that three of the seven members of the board of education must be actively engaged in educational work.

Wisconsin, alone, has a statute requiring that one member of the normal school board be a woman.²

¹ Claude W. Street, *State Control of Teacher Training in the United States*, p. 49, Bureau of Research, Kansas State Teachers College, Pittsburg, Kansas.

² *Laws of Wisconsin*, 1901, chap. 166, p. 210.

New Mexico requires its board members to be real estate owners and qualified electors of the state.¹

In Montana, the members of the board of education in control of the normal school must subscribe to the oath of office required of civil officials when entering an office.²

The foregoing provisions show that there are very few requirements which citizens must meet to serve as members of an educational board in control of public normal schools and teachers colleges.

Number of board members.—In this group of states, the number of board members varies from three to eleven, including the ex-officio members. Most of the boards have five or seven members. Thus the different states are again in keeping with the accepted educational theory; namely, that a small board serve in administering the policies of a school. The trend in educational circles is away from committees and large boards toward the practice of allowing the board to function as a unit. Such functioning is difficult on the part of a large board. Board membership in these states is limited as follows:

Arizona, three members; Michigan, four members; Indiana, New Mexico, Ohio, North Dakota, South Dakota, five members; Arkansas, Colorado, Missouri, Nebraska, Oklahoma, West Virginia, Minnesota, and Wyoming, seven members; Iowa, Kansas, nine members; Illinois, Montana, and Wisconsin, eleven members.

In the territory of the North Central Association the length of term is four, five, or six years. Eight states have a four-year term for their normal school board members: Arizona, Arkansas, Indiana, Kansas, Montana, Minnesota, New Mexico, and Oklahoma; two states, Ohio and Wisconsin, have five-year terms; and ten states, Colorado, Illinois, Iowa, Michigan, Missouri, Nebraska, North Dakota, South Dakota, West Virginia, and Wyoming, have six-year terms.

Compensation of board members.—There is very little difference among the different states in regard to the pay of members of a public normal school or state teachers college board. In all except four states, Iowa, North Dakota, South Dakota, and West Virginia, the principle of compensation for expenses only or for traveling expenses and a small *per diem* fee is in operation.

TABLE III
LEGISLATIVE SPECIFICATIONS IN REGARD TO THE PERSONNEL OF THE NORMAL SCHOOL BOARDS

Name of State	Ex officio Members	Number of Members	Qualifications	How Selected	Length of term in years	Compensation
Arizona.	Superintendent of Public Instruction	Three	None	Appointed by governor with the advice and consent of the senate.	Four	Four dollars per day, fifteen cents per mile.
Arkansas.	Superintendent of Public Instruction, auditor, and treasurer.	Seven.	Competent persons.	Appointed by governor with approval by the senate.	Four.	Mileage.

¹ *Annotated Statutes of New Mexico*, 1929, chap. 120, p. 1512.

² *Laws of Montana*, 1913, chap. 1, p. 199.

TABLE III—Continued.

Name of State	Ex officio Members	Number of Members	Qualifications	How Selected	Length of term in years	Compensation
Colorado.	Superintendent of Public Instruction.	Seven.	None.	Appointed by governor, ratified by senate.	Six.	Actual expenses.
Illinois.	Director of Registration and Education and Superintendent of Public Instruction.	Eleven.	None.	Appointed by governor.	Six.	Actual expenses.
Indiana.	Superintendent of Public Instruction.	Five.	Competent Persons.	Appointed by governor.	Four.	Five dollars per day and traveling expenses.
Iowa.	None.	Nine.	Not more than five from same political party, nor more than one alumnus from one institution.	Appointed by governor.	Six.	Seven dollars per day and two cents mileage. \$3500 per year for the members of the finance committee and traveling expenses.
Kansas.	Governor.	Eight.	Not to serve longer than two terms in succession.	Appointed by governor. One member from University of Kansas. One member from the faculty of the three state teachers colleges. One member from a privately endowed or denominational college. One county superintendent of public instruction. One city superintendent. One principal or superintendent from Class A high school. Two citizens engaged in farming, business or professional occupation. Superintendent of Public Instruction ex officio.	Four.	Members receive all necessary expenses. \$5 a day not to exceed 10 days a year.
Michigan.	None.	Four.	None.	Elected by the people.	Six.	Three dollars per day and expenses.
Minnesota.	None.	Nine.	One from each judicial district not more than one from a county.	Appointed by governor by and with consent and advice of the senate.	Four.	Actual expenses.

TABLE III—Concluded.

Name of State	Ex officio Members	Number of Members	Qualifications	How Selected	Length of term in years	Compensation
Missouri.	Superintendent of Public Instruction.	Seven.	Six shall reside in district for which they are appointed, one must be a resident of county in which normal school is located.	Appointed by governor by and with advice and consent of the senate.	Six.	Six cents per mile and expenses while attending meetings.
Montana.	Governor, Attorney General, and Superintendent of Public Instruction.	Eleven.	None.	Appointed by governor.	Four.	Expenses incurred in attending meetings.
Nebraska.	Superintendent of Public Instruction, and Treasurer.	Seven.	None.	Appointed by governor with advice and consent of the senate.	Six.	Actual expenses.
New Mexico.	None.	Five.	Not more than three from same political party, must be real estate owners and qualified electors.	Appointed by governor.	Four.	Five dollars per day and mileage.
North Dakota.	Superintendent of Public Instruction, and the Commissioner of Agriculture.	Five.	None.	Appointed by governor.	Six.	\$3000 a year for appointed members.
Ohio.	None.	Five.	Competent persons, not more than three from same party.	Appointed by governor with consent and advice of the senate.	Five.	Reasonable and necessary expenses.
Oklahoma.	Superintendent of Public Instruction.	Seven.	Practical school men, four years experience.	Appointed by governor.	Four.	Expenses only.
South Dakota.	None.	Five.	No one from a county in which a normal school is located. Persons from different political parties.	Appointed by governor with advice and consent of the senate.	Six.	\$1000 and actual expenses.
West Virginia.	None.	Seven.	Not more than three from same political party. Three to be active in educational work.	Appointed by governor.	Six.	\$1000 per year and expenses.
Wisconsin.	Superintendent of Public Instruction.	Eleven.	One shall be a woman.	Appointed by governor.	Five.	\$5 per day and expenses.
Wyoming.	Superintendent of Public Instruction.	Seven.	Three to be actively engaged in educational work.	Appointed by governor.	Six.	Actual expenses.

THE DUTIES AND POWERS OF PUBLIC NORMAL SCHOOL AND TEACHERS COLLEGE BOARDS

This section will deal with selected duties and powers of the public normal school and teachers college boards as defined in the statutes of the states in the territory of the North Central Association.

Reports of the normal school board required by law.—Twelve states out of twenty in the territory of the North Central Association, Arkansas, Arizona, Colorado, Indiana, Iowa, Minnesota, Missouri, Nebraska, New Mexico, Ohio, West Virginia, and Wisconsin, require the normal school board, or an official representing the board, to make to a state official or to the legislature a report concerning the institution or institutions over which it has supervision. There is no uniform practice which fixes the officials to whom the reports of the normal school board are made. In five of these twelve states, Arizona, Nebraska, New Mexico, Ohio, and West Virginia, the report is made to the governor only; in three states, Arkansas, Indiana, and Wisconsin, to the legislature only; in two states, Minnesota and Missouri, to the state superintendent of public instruction only; in one state, Iowa, to the legislature and the governor; and in one state, Colorado, to the state superintendent of public instruction and the governor.

General duties of the board.—Each of the states in this group enacted laws specifying that boards of control of public normal schools and teachers colleges perform certain "general duties" in respect to these institutions. The law enacted by the Minnesota legislature is typical of the law found in other states. The law reads in part as follows:

The board shall have the educational management, supervision, and control of the normal schools, and all property appertaining thereto. It shall appoint all presidents, teachers, and other necessary employees therein, and fix their salaries. It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, . . . and adopt suitable rules and regulations for the schools.¹

Authority of normal school boards to change normal schools into teachers colleges.—Since 1897, the year in which Michigan changed a normal school to a degree-granting institution, many other normal schools have been changed into degree-granting institutions or teachers colleges. During the period from 1920 to 1930 many of the state normal schools in the territory of the North Central Association were changed to teachers colleges. There was no serious objection until 1931, when a difficulty arose in South Dakota.

The authority of the state board of regents to change a normal school to a teachers college without specific statutory authority to do so was brought into question before the South Dakota Supreme Court.² The contention was that the authority of the regents, derived from the legislature and from constitutional provisions for control of normal schools, was not such as to give them the power to change such schools

¹ *Mason's Minnesota Statutes*, 1927, p. 717.

² *State ex rel Prchal v. Darley et al*, 234 N. W. 45.

to teachers colleges. The regents contended that Article XIV of the state constitution which provided that "The normal schools should be under control of a board" gave them the right to determine the extent of the curriculum. A lower court ruled against the board of regents. The board appealed, and further contended that the acts establishing the three normal schools in 1881 gave them the power to prepare teachers for high school. The board referred to the part of the acts which gave as the purpose of the schools, "the instruction of persons in the art of teaching and in all the various branches that pertain to a good common school education."¹ The court took the opposite view, holding that the term "common schools" was synonymous with the term "elementary schools," and that the power to train high school teachers had not been vested in the board of regents. The court deferred its judgment until July 1, 1931, to give the General Assembly, which met before that time, an opportunity to express itself before judgment took place or effect. The legislature affirmed the contentions of the board of regents by delegating to them the power to raise the normal schools to teachers colleges and to train high school teachers. As amended in 1931, the South Dakota law in regard to the purpose of the state normal schools reads thus:

Section 5611. The purpose of such normal schools and teachers colleges shall be to give instruction to persons both male and female in the science and art of teaching, manual training, such arts and sciences and allied branches of learning as are usually given in normal schools and teachers colleges, and in all the various branches of learning necessary to qualify such persons to teach in the common schools of the State, including high schools.²

Authority to establish model schools or to arrange for practice teaching facilities.—Practically all the normal schools and state teachers colleges maintain training schools or model schools where persons being educated in the teacher-education institutions may do their observation and practice-teaching. Ten states, Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, give their respective normal school boards by statute the right to establish model schools. The other ten states in the territory of the North Central Association assumed the right to establish such schools as being implied in the enabling acts providing for the establishment of public normal schools.

The authority of normal school boards to sell bonds to build dormitories.—The state legislatures of Colorado, Indiana, Iowa, Minnesota, North Dakota, and West Virginia have within the last decade given the boards of control over the public normal schools and teachers colleges the authority to build dormitories by issuing bonds. Each of these states specified that the debt incurred should not be charged against the state, but that the bonds must be paid out of revenue received from the sale or leasing of land, the renting of rooms in the dormitory, or other

¹ *Laws of the Territory of Dakota*, 1881, chap. 99, p. 134; chap. 100, p. 140; chap. 101, p. 145.

² *Laws of South Dakota*, 1931, chap. 137, p. 107.

revenues from funds. The legislation enacted by the Indiana legislature in 1925, relative to building dormitories, is typical of that in the other states:

Be it enacted by the general assembly of the state of Indiana, that whenever the board of trustees of the Indiana state normal school shall find that a necessity exists for the building of a dormitory for the housing of students, and when such board shall find that sufficient funds for the erection and construction thereof will not be available out of the revenue and funds of such normal school in the year in which said necessity may be found to exist, then such board of trustees may issue and sell the bonds of such board in any amount that such board may so find not available out of the said revenues and funds of such normal school, and not exceeding the total estimated cost of the erection and construction of such dormitory, which cost shall first be estimated and found by such board.¹

Liability of boards in contract.—Normal school boards are not liable in contract unless corporate status is given by specific statute. Several cases involving the corporate status of normal school boards have been tried before different state supreme courts. In each case, the court held that the normal school board was not liable in contract unless corporate status is given by specific statute.

Employment of relatives of school board members.—In four states, Indiana, Montana, Oklahoma, and South Dakota, the members of the board of control in charge of normal schools and teachers colleges are prohibited, by specific statute, from employing their relatives in such institutions. The first law on the subject was enacted in South Dakota in 1897, as follows:

No member of said board or of the board of trustees shall be directly or indirectly interested in any contract for building, repairing or furnishing any said institutions, nor shall he or any member of his family be employed in any capacity in any of said institutions.²

The Oklahoma law on the subject is severe. It does not permit any executive, legislative, ministerial, or judicial officer of the state to appoint or to vote to appoint to a state position any person who is related to him by affinity or consanguinity within the third degree.³

The Indiana law of 1919,⁴ aimed directly at the officials in charge of state institutions, stipulates that no person who is related to an official in charge of a state institution, or related to any member of the board of trustees, is eligible to any position in such institution.

Legislative restrictions dealing with the normal board secretary or treasurer.—In ten of the states in the area of the North Central Association normal school boards have been left free by the legislature to select any person they desire as a secretary or treasurer, but in ten other states, Indiana, Iowa, Michigan, Minnesota, Missouri, New Mexico, North Dakota, Ohio, West Virginia, and Wisconsin, certain restrictions

¹ *Laws of Indiana*, 1925, chap. 89, p. 259.

² *Laws of South Dakota*, 1897, p. 11.

³ *Laws of Oklahoma*, 1908, chap. 60, p. 573.

⁴ *Laws of Indiana*, 1919, chap. 58, p. 196.

have been imposed upon the board. These restrictions deal with such matters as the requiring of a bond of the person serving the board as a treasurer or secretary, the fixing of the amount of salary paid a secretary, and requiring that such secretary or treasurer must be or cannot be a board member.

DUTIES AND POWERS OF CERTAIN STATE OFFICIALS DIRECTLY CONCERNED WITH THE ADMINISTRATION OF THE NORMAL SCHOOLS AND TEACHERS COLLEGES

There are certain state officials, such as the superintendent of public instruction, the governor, the auditor, and the finance director, whose duties and powers are closely associated with the normal school boards in the administration of public normal schools and teachers colleges.

The state superintendent of public instruction.—In twelve states¹ the state superintendent of public instruction is an ex-officio member of the board of control having jurisdiction over public normal schools and teachers colleges. In three other states, Michigan, Minnesota, and Oklahoma, the state superintendent of public instruction is a member of the board of control and is not designated by law as an ex-officio member. The usual duty of the state superintendent of public instruction as a member of a normal school board is to serve as its secretary.

The governor.—The governors of this group of states have certain duties and powers which deal directly with public normal school and teachers college boards of control. In each of these states, with the exception of Michigan where board members are elected, the governor is given the power to appoint the members of the board of control of public teacher-education institutions; in some states the governor has full authority to appoint board members, while in other states he makes the appointment with the advice and consent of the senate, as shown in Table III. In seven states,² the governor is the person who receives the biennial report concerning the condition of the teacher-education institutions.

The auditor and the financial director.—In some states the auditor is the financial director, and in other states he is merely a high-priced clerk or accountant, but in this discussion no discrimination will be made as to capacity to serve the state. In all these states the auditor or financial director of the state is concerned chiefly with the expenses and the income of the public normal schools and teachers colleges.

TRENDS TOWARD CENTRALIZATION IN THE CONTROL AND ADMINISTRATION OF TEACHER-EDUCATION INSTITUTIONS

The trends toward centralization in the administration of public normal schools and state teachers colleges may be classified under the following headings: (1) one administrative board instead of separate boards; (2) one director of finance; (3) centralized buying of supplies;

¹ These states were enumerated previously in the chapter under the heading of ex-officio members of the board of control.

² Discussed under the heading "Reports of normal school boards required by law."

(4) measures designed to bring about greater educational unity within a state.

A single board for all the teacher-education institutions in the state.—The changing from several separate boards, one for each institution, to a single normal school board for all the teacher-education institutions in a state, is a very definite trend. At present, fifteen out of twenty states in this group have single boards for all the teachers colleges in the state. The states are Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming.

The following is an additional evidence of the tendency toward centralization in one board of control of the power over state institutions: six states, Iowa, Kansas, Montana, North Dakota, South Dakota, and Wyoming, have all their state educational institutions under single boards of control. In the past twenty-five years not a single state has changed from a single board of control for its normal schools or teachers colleges to separate boards of control for these institutions.

The present type of organization for the control and administration of public normal schools and teachers colleges is given in Table IV. It is clear, from this table, that only five states have separate local or regional school boards; that two have a single board for all educational institutions in the state; and that one has a single board for the university and teacher-education facilities. But all this is prefatory to the real importance of what the table shows. What is really significant is that this table makes clear the fact that fifteen states have single boards of control for all state teachers colleges or for all educational institutions in the state.

One director of finance.—Until the last decade, the prevalent policy in handling the financial transactions of a normal school has been to put such matters in the hands of a local treasurer or of a member of the normal school board. The first step toward centralizing the financial transactions of the teacher-education institutions was to have one treasurer in a single board. The second step in this direction was to centralize all the financial affairs of the teachers colleges, or of all the educational institutions in a state, under a state financial director.

Centralized buying of supplies.—There is a tendency for the legislatures of the different states to enact laws dealing with the buying of supplies by state institutions. These laws have two phases, one part dealing with the purchasing of supplies in the home state, and the other part with the centralization of the purchasing. These two phases will be discussed under the same heading, for in some instances the same law includes both issues.

Minnesota was the first state in the territory of the North Central Association to enact legislation which placed the purchasing of supplies for all its teachers colleges under one purchasing agent.

Michigan was the first state in this group to enact legislation requiring that certain supplies be bought within the state. Michigan passed a law as early as 1911 to the effect that all bituminous coal used in educational institutions must be bought from state mines unless such coal was more expensive than that from other states.¹

¹ *Acts of Michigan, 1911, Act No. 166, p. 281.*

TABLE IV

THE ADMINISTRATIVE BOARDS CONTROLLING THE PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES IN THE TERRITORY OF THE NORTH CENTRAL ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS

Name of State	Function	Method of Control
Arizona	Management and control of the state teachers colleges	Separate Board for each teachers college.
Arkansas	Management and control of the state teachers colleges	Separate Board for each teachers college.
Colorado	Management and control of the state teachers colleges	Single Board.
Illinois	Management and control of the state teachers colleges	Single Board.
Indiana	Management and control of the state teachers colleges	Single Board.
Iowa	Management and control of state teachers college, the University of Iowa, the College of Agriculture and Mechanical Arts, the College for Blind and Deaf, and the Experiment Station.	Single Board.
Kansas	Management and control of all state institutions.	Single Board.
Michigan	Management and control of the state teachers colleges	Single Board.
Minnesota	Management and control of the state teachers colleges	Single Board.
Missouri	Management and control of the state teachers colleges	Separate Boards for each teachers college.
Montana	Management and control of all state teachers colleges	Single Board.
Nebraska	Management and control of all state teachers colleges	Single Board.
New Mexico	Management and control of the state teachers colleges	Separate Boards for each teachers college.
North Dakota	Management and control of all state institutions.	Single Board.
Ohio	Management and control of the state teachers colleges	Separate Boards for each teachers college.
Oklahoma	Management and control of the state teachers colleges and the school for blind and deaf.	Single Board.
South Dakota	Management and control of all state institutions.	Single Board.
West Virginia	Management and control of all state educational institutions, except the West Virginia University.	Single Board.
Wisconsin	Management and control of the state teachers colleges	Single Board.
Wyoming	Management and control of University of Wyoming and the normal school department in the University	Single Board.

In 1915 the North Dakota legislature passed a law requiring all state institutions to buy native or lignite coal or lignite coal products; other coal or fuel might be bought if the price was not greater than the price of lignite coal.¹

South Dakota also requires the buying of supplies within the state when possible. In 1927 the legislature of South Dakota enacted a law providing that the purchasing of all supplies, for state institutions, with the exception of food stuffs,² be placed under the director of purchasing and printing.

Indiana not only requires the purchase of state coal by all state institutions, if the cost is not greater than the cost of coal from other

¹ *Laws of North Dakota, 1915, chap. 78, p. 89.*

² *Laws of South Dakota, 1927, chap. 74, p. 85.*

states, but allows a leeway or margin of ten per cent above coal from other states, including transportation.¹

West Virginia has placed the purchasing of all supplies for all state educational institutions under the state board of control, with the specification that "in accepting bids for supplies preference shall be given citizens of this state, other things being equal."²

The New Mexico legislature of 1933³ established the bureau of purchases and supplies, authorizing it to act as purchasing agent for any department or agency of the state authorized to purchase materials or supplies.

Kansas specified definitely the types or kinds of supplies the state institutions are required to buy within the state.

It is evident from the foregoing discussion that seven states, Indiana, Kansas, Michigan, Minnesota, North Dakota, South Dakota, and West Virginia, have enacted laws regulating and centralizing to a certain extent the purchasing of supplies by normal school boards of control.

Measures designed to bring about greater educational unity within a state.—Out of twenty states in the territory of the North Central Association, Colorado, Indiana, Iowa, Montana, North Dakota, Oklahoma, South Dakota, West Virginia, and Wisconsin, have enacted laws since 1919 with the idea of bringing about a closer unity in educational matters within the state. These laws deal with such matters as a coordinating board of control for all institutions of higher learning within the state, state educational surveys to do away with duplication in courses of study at state educational institutions, centralizing the certification of teachers, the organization of state departments of education, and the elimination of duplication in the training of elementary children attending public schools.

¹ *Laws of Indiana*, 1931, chap. 91, p. 260.

² *Official Code of West Virginia*, 1931, sec. 4, p. 679.

³ *Laws of New Mexico*, 1933, chap. 155, p. 374.

CHAPTER V

LEGAL AUTHORITY OF BOARDS OF CONTROL TO GRANT DIPLOMAS, CERTIFICATES, AND DEGREES

This chapter will deal with the law in the territory of the North Central Association in regard to the authority of the boards of control of public normal schools and teachers colleges (1) in issuing diplomas, (2) in conferring degrees, and (3) in issuing certificates.

THE AUTHORITY TO ISSUE DIPLOMAS

At the present time all boards of control of public normal schools and teachers colleges in the territory of the North Central Association have been granted the authority by the legislature to issue diplomas to graduates of these institutions at the completion of a specified course of study.

The discussion of the authority of public normal school or teachers college boards in the territory of the North Central Association to issue diplomas to persons attending these institutions may be divided into three phases: (1) the authority to issue diplomas valid as certificates for an unlimited time; (2) the authority to issue diplomas valid as certificates for a limited time only; and (3) the authority to issue diplomas which specify that two years of teacher-education work have been completed.

Authority to issue diplomas valid as certificates for an unlimited time.—During the period from 1864 to 1875 the various state legislatures did not place any limit upon the duration of validity of diplomas issued as certificates by public normal school boards. As early as 1864 the state of Kansas enacted legislation empowering its normal school board to issue certificates to students of the model school at the end of twenty-two weeks attendance, and diplomas to students who had finished the full course of two years.¹ In 1866, Wisconsin enacted legislation making a diploma issued by the state normal school board valid as a certificate to teach for an unlimited time, providing it was signed by the state superintendent of public instruction.² West Virginia likewise provided by law that a diploma issued by the normal school board of control was a certificate to teach in the common schools of the state without limitation in time.³ During the period from 1864 to 1875, none of the state laws dealing with the issuing of diplomas valid as certificates specified any professional requirements which students must meet to obtain such certificates. At so recent a date as 1933, five states, Illinois, Kansas, Nebraska, Oklahoma, and South Dakota, had no specific requirements as to the particular academic subjects a student had to study

¹ *Acts of Kansas*, 1864, chap. 99, p. 184.

² *Laws of Wisconsin*, 1866, chap. 116, p. 165.

³ *Laws of West Virginia*, 1868, chap. 157, p. 127.

to obtain an elementary certificate to teach.¹ From the regulations of these five states, "it must be assumed in the education of the elementary teachers Sanskrit is as valuable as arithmetic or American Colonization."²

Diplomas valid as certificates for a limited time.—From 1875 to 1913 seven states, Wisconsin, South Dakota, Oklahoma, Montana, Minnesota, Iowa, and Missouri, passed laws empowering their normal school boards to grant diplomas valid as certificates for a limited time in certain states.

The period of duration of validity of a diploma used as a certificate was gradually reduced from five years in 1875 to two years by 1913.

The authority to issue diplomas providing two years of teacher-education have been completed.—All the states in the territory of the North Central Association have given their public normal school boards the authority to issue diplomas to persons who have completed two years of teacher-education work in their respective institutions. Michigan was the first state in this group to give its normal school board the authority to issue diplomas to students who had completed a two-year course of study. After Michigan took the step in 1857,³ other states followed its example, and by 1929 all the states in the territory of the North Central Association had granted their boards having supervision over teacher-education the authority to issue such diplomas.

THE AUTHORITY TO GRANT DEGREES

All the states in the territory of the North Central Association have given the state normal school or state teachers college boards the authority to grant degrees to the students at the end of a four-year course. This permission spread gradually from the time of the first general legislative permission given to the normal school regents in charge of the normal school at Kirksville, Missouri, in 1874. The Missouri law read thus:

Each board of regents shall have power to make such rules, regulations and by-laws as they may deem necessary for the government of their officers and to secure their accountability. They shall also have power and authority to confer, by diploma, under their common seal, upon any student of their respective schools, such degrees as are usually granted by normal schools.⁴

In 1889, the state board of education in charge of the normal school at Ypsilanti, Michigan, was given legislative permission "to grant to graduates of the institution such diplomas and award such honors as they might deem best."⁵ Evidently the power to grant such honors as they deemed best was interpreted broadly enough by the state board of education to include the giving of degrees, for they were granted before 1897. The next legislative enactment on the subject, in 1897, recognized the fact that the state board of education had been grant-

¹ Frank P. Bachman, *Education and Certification of Elementary Teachers*, p. 31, George Peabody College for Teachers, Nashville, Tennessee, 1933.

² *Ibid.*

³ *Laws of Michigan*, 1857, chap. 76, p. 707.

⁴ *Laws of Missouri*, 1874, p. 145.

⁵ *Acts of Michigan*, 1889, Act 194, p. 226.

ing degrees at the normal school at Ypsilanti. The law of 1897 reads thus:

The State Board of Education may, through the State Normal School at Ypsilanti, grant similar certificates for elementary graded and rural schools as in their judgment shall seem wise, and shall through the same institution continue to grant certificates, good for five years, life certificates, diplomas and degrees, as are now provided by statute and custom; and in recognition of the work now being done under existing laws, in those certificates and degree courses in the State Normal School at Ypsilanti, the State Board of Education is empowered to designate that school in the courses leading to such certificates and degrees by the name, The Michigan State Normal College.¹

None of the state legislatures gave public normal school boards or the governing boards over teacher-education institutions the authority to grant degrees to graduates of these institutions until 1874; but since that date all these states have granted such authority. Since 1921 the state legislatures have been more definite in specifying what kind of degree may be granted by the governing boards having supervision over these institutions.

AUTHORITY OF NORMAL SCHOOL BOARDS TO ISSUE CERTIFICATES

At the time of the establishment of the public normal schools and state teachers colleges, or shortly thereafter, practically all the normal school boards in the territory of the North Central Association were given the authority to issue to graduates of a specified course certificates which were valid as licenses to teach within the state. Gradually the authority to issue teachers' certificates to persons who attended public teacher-education institutions was taken away from public normal school boards, until by 1930 only five states, Arkansas, Kansas, Oklahoma, Ohio, and Wisconsin, permitted their boards of control to issue such certificates. In twelve states, Arizona, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, West Virginia, and Wyoming, the state authorities issue and control all types of teachers' certificates. In three other states, Colorado, Illinois, and Missouri, all certificates are issued either through the state superintendent of public instruction or in certain cases through the county superintendent of schools.²

Specific requirements for the issuing of a certificate.—It was shown in the preceding section that five states included in this study permit their public normal school boards to issue teachers' certificates. Each one of the twenty states in the territory of the North Central Association has one or more specific requirements that persons desiring to teach must meet before they can obtain a certificate to teach. It is necessary at this point to examine these specific requirements, in order to see what conditions a student must fulfill before a public normal

¹ *Laws of Michigan, 1897, Act No. 175, p. 223.*

² *State Laws and Regulations Governing Teachers' Certificates, op. cit. p. 18.*

school board can issue a teacher's certificate to him. The requirements discussed are as follows: good moral character; age; knowledge of hygiene and physiology; the effects of narcotics and alcohol; taking an oath of allegiance; knowledge of professional subjects; agricultural knowledge; and recommendation of the normal school principal.

Good moral character.—Fifteen states, Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, South Dakota, West Virginia, and Wisconsin, require that a person desiring to obtain a certificate give proof of being a moral person.

Age limits.—Fourteen states, Arizona, Colorado, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, West Virginia, Wisconsin and Wyoming, have laws which fix the age minimum for persons desiring a certificate. The ages specified are usually from sixteen to eighteen years.

Knowledge of hygiene, physiology, and the effects of narcotics and alcohol are required to obtain a certificate.—Six states, Indiana, Minnesota, Missouri, South Dakota, West Virginia, and Wisconsin, require that a candidate for a certificate must pass an examination dealing with physiology, hygiene, and the effect of alcohol or narcotics upon the human system before being granted a certificate to teach in those states.

Oath of allegiance.—Five states, Colorado, Indiana, Michigan, North Dakota, and South Dakota, have legislation requiring an applicant for a teacher's certificate to take an oath of allegiance to the state and to the United States before being granted a certificate. Colorado and South Dakota enacted such legislation in 1921; Indiana, in 1929; and Michigan and North Dakota, in 1931. The Colorado, Indiana, and South Dakota laws are practically the same. The law in South Dakota reads in part:

That no teacher's certificate of any grade shall hereafter be issued in this state unless the applicant shall first take and subscribe to an oath to support the constitution of the United States and the State of South Dakota, which shall be kept on file in the office of the Superintendent of Public Instruction.¹

Professional or other credits for a certificate.—From 1839, the time of the establishment of the first normal school in Massachusetts, until the present time, there has been a gradual demand for professional preparation to teach. A study of state laws in regard to certification shows the following:

By 1897, 28 states recognized graduation from normal schools and universities as evidence of qualification for certification. By 1921 all states but one issued one or more certificates on this basis, and at the present time all states follow the practice.²

Eleven states, in the territory of the North Central Association, Arkansas, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, South Dakota, and Wisconsin, require fifteen

¹ *Laws of South Dakota, 1921, chap. 210, p. 317.*

² *State Laws and Regulations Governing Teachers' Certificates, op. cit. p. 12.*

hours of professional preparation for the highest grade academic high school certificate; three states, North Dakota, Oklahoma, and Wyoming, require sixteen hours; two states, Arizona and Kansas, eighteen; one state, Indiana, nineteen; two states, Colorado and West Virginia, twenty; and one state, Ohio, twenty-four.¹ In eleven of these states, Arizona, Arkansas, Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, West Virginia, Wisconsin, and Wyoming, over one-half of the subjects which must be submitted for professional credit to obtain the highest type of academic high school certificate are specified by law. Michigan, for example, specifies that eleven hours of education and practice-teaching twice a week for twelve weeks are required for a certificate.

¹ Frank P. Bachman, *Training and Certification of High School Teachers*, p. 18, George Peabody College for Teachers, Nashville, Tennessee, 1930.

CHAPTER VI

THE LAW RELATING TO THE ADMINISTRATION OF STUDENT AND TEACHER PERSONNEL

It is the policy of the different states in the territory of the North Central Association to set up some specific regulations for the management and control of students and teachers in public normal schools and teachers colleges. The first part of this chapter will deal with the law relative to students; and the second part, with the law relative to teachers in public teacher-education institutions.

THE LAW RELATING TO STUDENTS

In order to insure the proper government of the school, boards of control of public teacher-education institutions are vested with certain powers relative to the supervision of students. In the territory of the North Central Association the legislatures of the various states have enacted definite laws concerning certain phases of student administration, but have left others to the discretion of the boards of control. The following are some of the questions with which these laws deal: What are the admission requirements for students to public normal schools and teachers colleges? To what extent is financial aid given to students who attend public normal schools and teachers colleges? Do normal school boards have the authority to equalize fares paid by students? Under what conditions may students be expelled from teachers colleges? Are normal school boards liable for injuries to students? The law relative to these questions will be discussed in the first part of this chapter.

THE LEGAL ADMISSION REQUIREMENTS FOR STUDENTS

All the states in the territory of the North Central Association of Colleges and Secondary Schools, except Wyoming and North Dakota, have enacted legislation at the time of the establishment of their public normal schools and teachers colleges, or later, giving boards of control over these institutions the power to make and enforce rules, regulations, and standards for the admission of students.

The law enacted in Michigan in regard to admission requirements is representative of laws enacted and still in force in many of the other states. The law reads in part as follows:

Section 9. The normal school board shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination under the direction of the board, and if it shall appear that the applicant is not a person of good moral character, applicant shall be rejected.

Section 10. Any person may be admitted a pupil of said school who passes a satisfactory examination: *Provided*, that the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in the state; *and provided further*, That pupils may be admitted without signing such declaration of intention, on such terms as the normal school board may prescribe.¹

Since 1915 the tendency concerning the admission of students has been to delegate more authority to the board of control and to specify fewer requirements which must be met by the students wishing to enter a teacher-education institution. The legislation enacted in 1927, at the time of the establishment of the normal school of the Ozarks in Arkansas, is typical of the law in many other states. The law reads in part as follows:

The board shall have full power and authority from time to time to make, constitute, and establish such by-laws, rules and orders not inconsistent with the laws of the land, as to them seem necessary for the regulation, government, and control of themselves as trustees, and all officers, teachers, and other persons by them employed in or about the same, and all persons in said institution, also with reference to limitations as to the number of pupils to be admitted.²

Judd and Parker state the nature of admission requirements, as they existed in most states in 1915, as follows:³

A strong president has often dominated the policies of a normal school to a degree that is almost unbelievable. The faculty sometimes has little or no voice in determining the courses or the modes of admission. There is no state authority in most of the states which is strong enough to determine what shall be done in normal schools. The result is that within a single state there are the widest variations.

Age requirements.—Five states out of twenty in the territory of the North Central Association, Arkansas, Colorado, Kansas, New Mexico, and South Dakota, have legislation specifying age requirements for entrance to public teacher-education institutions. Arkansas, Colorado, and Kansas, have laws stipulating that sixteen years is the minimum age for entrance to teacher-education institutions. The lowest minimum age limit found in any state for regular normal school work is that specified in South Dakota⁴ and New Mexico,⁵ fourteen years.

Entrance examination.—Entrance examinations as an admission requirement are found in only five states, Arizona, Kansas, Nebraska, Ohio, and Wisconsin. Again, early in the history of the normal schools the laws were more definite than they have been in recent years. From 1863 to 1887, there were four states, Arizona, Kansas, Nebraska, and

¹ *Laws of Michigan*, 1849, Act No. 138, p. 157.

² *Laws of Arkansas*, 1927, Act 153, p. 537.

³ C. H. Judd and S. C. Parker, *Problems Involved in Standardizing the State Normal Schools*, p. 7, Department of Interior, Bureau of Education Bulletin, 1916, No. 12, Washington, 1916.

⁴ *Laws of South Dakota*, 1890, chap. 6, p. 9.

⁵ *Laws of New Mexico*, 1921, chap. 201, p. 449.

Wisconsin, which gave normal school boards the power to make and require entrance examinations for admission to the normal schools.

Academic standing.—When in the middle of the nineteenth century the first public normal schools were established in the territory of the North Central Association, no academic standards for admission were included in the enabling acts. Whatever regulations were enforced were those imposed by the normal school boards. Even toward the latter part of the nineteenth century we find most of the teacher-education institutions admitting students who had finished only the elementary school. In 1895, Gwinn,¹ reporting on entrance requirements to public normal schools, wrote thus:

Less than graduation from the eighth grade required by four institutions, graduation from the eighth grade required by thirty-seven schools, and graduation from four years of high school work required by eight schools.²

Atkinson,³ reporting a study of admission requirements to normal schools in 1896, found practically the same conditions as Gwinn. Most of the institutions indicated that a fair knowledge of the common branches was all that was required for entrance.

In 1908, the Department of Normal Schools of the National Education Association passed the following resolution in regard to admission requirements to public normal schools: "That the state normal schools make high school graduation, or equivalent, a basis for admission to the standard normal course."⁴

From 1905 to 1933 seven states, Arkansas, Indiana, Kansas, Nebraska, New Mexico, Ohio, and Oklahoma, enacted legislation in regard to the academic standing of students who desired to attend a public normal school or teachers college. During the first part of the period graduation from the eighth grade was required to enter a public normal school; since 1923, however, the legislative acts have stipulated high school graduation as the minimum for entrance to a state teachers college.

Although the thirteen states not mentioned in the foregoing discussion have no laws upon the subject of the academic standing required to enter a teachers college, forty-one public teacher-education institutions in these states do have such a standard. Out of fifty-six public teacher-education institutions in these thirteen states, forty-one are members of the North Central Association⁵ of Colleges and Secondary Schools.⁶

Intention to teach.—Thirteen states, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, and Wisconsin, have laws requiring students who wish to enter public teacher-education institutions without paying tuition to indicate their intention to teach in the public schools of the

¹J. M. Gwinn, "Tendencies in Entrance Requirements," *Education*, Vol. XXVIII, pp. 233-7, 1905.

²*Ibid.*, p. 235.

³F. T. Atkinson, *A Study of American Normal Schools*, p. 33, Boston, 1896.

⁴*Addresses and Proceedings of the National Education Association*, p. 735, Cleveland, Ohio, 1908.

⁵The standard of admission in the North Central Association is that students must present at least fifteen units of secondary work or its equivalent.

⁶*The North Central Association Quarterly*, Vol. III, No. 1, pp. 90-100, Ann Arbor: The Ann Arbor Press, 1933.

state. The length of time the student must promise to teach is from two years to an indefinite period.

Tuition charge permissible for non-resident students.—Eight states have enacted laws requiring every person who wishes to matriculate at a state normal school or teacher's college to pay a tuition fee if he has not been a resident in the state for one year before entering the institution. In this group the states with one year residence requirement are Arizona, Arkansas, Colorado, Illinois, Missouri, Montana, New Mexico, and Wisconsin; states with a six months' residence requirement are Indiana, Michigan, and Minnesota.¹

Good moral character and good health.—These two requirements for admission are grouped as one because they are mentioned in the same law in several states. Only seven states, Arizona, Arkansas, Colorado, Indiana, Iowa, Kansas, and Nebraska, have requirements relative to character or health in their enabling acts. All the states having a requirement in regard to morality or good health enacted the legislation before 1887, with the exception of Arkansas, which passed a law dealing with this matter in 1929.

FINANCIAL AID FOR STUDENTS

In the territory of the North Central Association nine states offer scholarships or financial awards of some type to aid students who wish to enter public teacher-education institutions. These scholarships or financial awards are of three types: (1) scholarships granted to a limited number of students who are selected by various criteria such as competitive examinations, high scholarship, appointment by members of the state legislature or residence in a particular township; (2) scholarships granted for service rendered the government during the World War; and (3) aid granted to blind students. Two states with sparse population and few schools have provisions for equalizing fares paid by students in traveling to and from public teacher-education institutions.

Special scholarship grants.—Four states, Illinois, Nebraska, New Mexico, and Oklahoma, grant scholarships of a special type to students who desire to enter public teacher-education institutions. Illinois was the first state to enact legislation granting a special type of scholarship to students who desire to enter public normal schools. The law, which was passed in 1905, reads in part as follows:

That in order to equalize the advantages of the state normal schools, there shall be awarded annually, to each school township, or fractional township, a scholarship which shall entitle the holder thereof to gratuitous instruction in any state normal school for a period of four years: *Provided*, that any township having a population exceeding one hundred thousand inhabitants, shall be entitled to five scholarships.²

In 1919, Oklahoma passed a law³ providing scholarships for negro students by means of a competitive examination for a short course in

¹ Carlton E. Spencer, "Legal Aspects of the Non-resident Tuition Fee," *West Virginia Law Quarterly*, XXXIII, (June, 1927), 352.

² *Laws of Illinois*, 1905, p. 379.

³ *Laws of Oklahoma*, 1919, chap. 73, p. 113.

agriculture at the normal school. This law limited the number of boys able to obtain such scholarships to the two persons scoring highest in each county on the competitive examination.

In 1921, New Mexico passed a law¹ which applied in part to free tuition or scholarships in normal schools. The law permitted each member of the legislature to appoint one indigent student to attend one of the higher institutions of learning for four years. The same law likewise provided financial aid. It reads as follows:

One hundred dollars per school year is hereby allowed to each of such students to apply on the actual and necessary expenses while in attendance at such institution, and all such students so appointed shall receive matriculation and tuition without charge to them, or to their parents or guardians.

Nebraska's law of 1923² in regard to scholarships was enacted to encourage worthy students to become teachers during a period when there was a shortage of teachers. This law gave each educational institution in the state the authority to waive or refund fees to students who maintained a high degree of scholarship or who needed financial aid.

Scholarships for rendering government service during the World War.—Four states, Illinois, Minnesota, Ohio, and Wisconsin, enacted laws shortly after the close of the World War granting scholarships to any citizen of the state who had served in the United States or overseas, as a soldier, sailor, nurse, marine, or Red Cross worker and who was able to meet the entrance requirements of the teacher-education institutions. The first law on the subject of military scholarships was passed in 1919 by the Minnesota legislature.³ For any soldier, sailor, or Red Cross worker in active service either in the United States or overseas, this law provided free tuition up to \$200, until 1924, in any school or college having a student army training corps unit or in any institution approved by the state department of education. Another section of the same law provided for the refunding of not more than \$200 to any person who had paid tuition since his induction into military, naval, or marine service. The Wisconsin law in 1921⁴ differed slightly from the Minnesota law in specifying that a student wishing to enter a normal school must have served at least three months in the military or naval service and have been a resident of the state before serving. A student who fulfilled these qualifications was paid thirty dollars a month while attending a normal school, providing he had not drawn his cash bonus. The total sum obtained, however, might not exceed \$1,080. The military scholarships in Illinois⁵ and Ohio⁶ did not provide for the payment of any money, as was the case in Minnesota and Wisconsin, but merely admitted the person who had been in active service of the United States government during the World War to any public educational institution within the state for a period of four years without paying any tuition.

¹ *Laws of New Mexico*, 1921, chap. 201, p. 449.

² *Laws of Nebraska*, 1923, chap. 57, p. 178.

³ *Laws of Minnesota*, 1919, chap. 338, p. 363.

⁴ *Laws of Wisconsin*, 1921, chap. 327, p. 472.

⁵ *Callahan's Annotated Illinois Statutes*, 1924, chap. 122, p. 7351.

⁶ *Throckmorton's Annotated Code of Ohio*, 1934, p. 657.

Scholarship aid for blind students.—Three states, Indiana, Kansas, and Minnesota, have within the last twenty years enacted legislation aiding blind students in their attendance at public normal schools or teachers colleges. In these three states nearly all the legislation for the aid of blind students at teacher-education institutions provides funds to procure readers. The amount of the aid granted each student is usually \$300 per year.

Authority of boards to equalize fares paid by students.—Two states, Montana and New Mexico, have given their normal school boards the authority to refund to students a certain part of the fare expended in traveling to the public normal schools. The Montana law on the subject authorizes the normal school board

To provide for the refund of the amount of necessary fare, less fifteen dollars, paid by any student in regular attendance at any of the institutions of the University of Montana for traveling once each year from his place of residence in the state of Montana by the most direct route of travel to the said institutions and return.¹

The New Mexico law² provides for the refunding of any fare for a distance "in excess of seventy-five miles, both going to and coming from said institutions." The students must be preparing to teach and they must be *bona fide* residents of New Mexico at the time of entering such institutions.

GROUND FOR WHICH STUDENTS MAY BE EXCLUDED FROM NORMAL SCHOOLS AND TEACHERS COLLEGES

The laws in the different states in the territory of the North Central Association provide that students have the privilege of attending normal schools and teachers colleges without paying tuition, if they reside in the state, sign a declaration of intention to teach, meet the entrance requirements, and conform to the rules and regulations of the institutions. There are, however, certain conditions under which a student may be expelled from the college.

Expulsion for refusing to submit to reasonable rules and regulations.—The law is well established that institutional authorities have the right to make reasonable rules and regulations concerning the conduct and management of students under their supervision and control. The only time the courts will interfere is when the rules or regulations are unreasonable, arbitrary, capricious, malicious, or oppressive. "The enforcement of a rule will never be enjoined because, in the opinion of the court, the rule is unwise or inexpedient; a rule will not be set aside unless it appears unreasonable."³

Can the normal school boards control the conduct of the students off the campus and out of school hours?—The courts have ruled that, if an action affects the institution directly in matters of discipline, and

¹ *Laws of Montana*, 1925, chap. 41, p. 43.

² *Laws of New Mexico*, 1913, chap. 83, p. 125.

³ *State v. Burton*, 45 Wis. 150. *King v. Jefferson City School Board*, 71 Mo. 628. *Wilson v. Board of Education*, 233 Ill. 464, 15 L. R. A. (N. S.) 436, 84 N. E. 697.

if the rules are reasonable, they will not interfere with expulsion of a student for improper conduct off the campus. "The conduct of pupils outside of school hours and school property which directly relates to and affects the management of the school and its efficiency is within the proper regulation of the school authorities."¹ The Supreme Court of Montana ruled thus in a recent case.²

A case in 1924, in which a student was expelled from the Michigan State Normal College at Ypsilanti, Michigan, for unbecoming conduct off the campus, is another example of the court's not interfering with the discretion of the school authorities in matters which are committed to their judgment, unless the action is arbitrary or unwarranted.

The court said: "To air her defiance of discipline in the public press alone would be sufficient grounds to refuse her re-admission."³

There are limits, however, beyond which normal school boards may not go in controlling the conduct of students off the school campus. To be within the proper regulations of the normal school boards the conduct for which the student is expelled must directly relate to and affect the management of the institution and its efficiency. In Missouri, for example, the board of the State Normal School District No. 2 approved a rule adopted by the faculty of that institution prohibiting students from attending parties, entertainments, or places of public amusement except by permission. It was under this rule that a student living with her parents was expelled because she had attended a party in the evening after she had returned home. Although the student had the consent of her parents, the school authorities said she had no right to attend the party without the permission of the school officials.

The court ruled that the school authorities could not presume to control the conduct of a student who was "under the parental eye," and that the teacher stood *in loco parentis* only within the sphere of his duty as a teacher. The court spoke thus:

Under this state of facts, confessed by the demurrer, we are not able to distinguish this case from that of *Dritt v. Snodgrass* (66 Mo. 286). It is held in that case, that while there is unquestioned right to adopt and enforce needful rules for the control of pupils while under the charge of the teacher, yet, when the pupil is released and sent back to his home, neither the teacher nor directors have the authority to follow him thither, and govern his conduct while under the parental eye.⁴

Similarly, in another Missouri school,⁵ the court held that a public school board had no authority to enforce a rule prohibiting pupils from attending social parties during the school term.

Remedy for re-entrance when expelled because of arbitrary action of the board.—The remedy for expulsion by arbitrary or capricious action is a writ of mandamus to compel re-entrance or re-instatement. A case in point is that of a student expelled from the State Normal School at

¹ *Ruling Case Law*, Vol. 24, p. 627.

² *State ex rel. Ingersoll v. Clapp*, 81 Montana 200.

³ *Tanton v. McKenney*, 226 Mich. 245, 197 N. W. 510, 33 A. L. R. 1175.

⁴ *State ex rel. Clark v. Osborne*, 24 Mo., App. 309.

⁵ *Jackson v. State ex rel. Majors*, 57 Neb. 183, 77 N. W. 662, 42 L. R. A. 792.

Peru, Nebraska.¹ The board in charge of the normal school had made rules in conformity with the legislative enactment which read as follows:

The board shall make rules and regulations for the admission of pupils to the school as may seem to be the best for the interest of the school and not inconsistent with the purpose for which the school has been established.²

These are the rules they made:

Continuance in school will depend upon diligence in study and good conduct. All students are expected to be punctual, prompt, neat, accurate, thorough, earnest, truthful, and teachable, for such only can be satisfactory pupils and successful teachers. Continued idleness or decided immorality on the part of a student will insure his speedy expulsion. Nor will any student be retained who, during the regular school term, shall take lessons or instruction elsewhere, or engage in any other business, which, in the opinion of the faculty, is incompatible with his prompt attendance at school or his careful preparation for his prescribed school duties nor whose character and general influence are not for the good of the school.³

In the fall of 1897 a student who previously attended the State Normal School at Peru was refused re-admission. He met all the requirements for admission, but the faculty refused to admit him and wrote to his father that the faculty, after considering the best interests of the school, thought it best to refuse him admission. There was no reference to any violation of rules and regulations.

Since the records showed no reason for refusing to allow him to continue in school, the Supreme Court of Nebraska held that the dismissal of the student was arbitrary and capricious, and ordered that the student be re-admitted by a writ of mandamus.⁴

LIABILITY OF THE NORMAL SCHOOL BOARD FOR INJURIES TO STUDENTS

The courts have often ruled upon the question of the liability of school districts for injuries resulting from the negligence of their officers, agents, or employees. The common-law rule is that school districts or municipalities are not liable for injuries sustained by pupils while on school premises.⁵

In order to hold the members of the public normal school board liable in such cases, there must be a statute expressly making it liable. The common-law rule as here stated applies, it seems, in all the states in the territory of the North Central Association. The matter is stated well in Ruling Case Law, as follows:

¹ *Laws of Nebraska*, 1881, p. 376.

² *Jackson v. State ex rel. Majors*, 57 Neb. 183, 77 N. W. 662, 43 L. R. A. 792.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Sullivan v. School District No. 1*, 179 Wis. 502, 191 N. W. 1020, *Cochran v. Wilson*, 287 Mo. 210, 229 S. W. 1050; *Freel v. School City of Crawfordsville*, 142 Ind. 27, 41 N. E. 312, 37 L. R. A. 301; *Bang v. Independent School District No. 27*, 177 Minn. 446, 225 N. W. 292; *Consolidated School District No. 1 v. Wright*, 128 Okla. 193, 261 Pac. 953.

The courts very generally hold that school districts are not liable in damages for injuries caused by the negligence of their officers, agents, or employees, nor for any torts whatsoever, unless such liability is imposed by statute, either in express terms, as is the case in some jurisdictions, or by implication, as where the district is given authority to levy taxes to meet such claims.¹

A case² in Montana in 1926 is an example of the non-liability of a state educational board for injuries to students at state institutions.

THE LEGAL STATUS OF TEACHERS

Since public teacher-education institutions are exclusively under the control of the state, the state may enact such laws governing the control and qualifications of teachers in these institutions as public policy may demand. Generally the state specifies the qualifications the prospective teacher must meet and delegates to some educational board the duty of deciding in definite instances whether the teachers meet the standards. "Such determination by the designated officers necessarily involves the exercise of discretion, and it is well settled that the exercise of discretion by such officers will not be controlled by the courts unless it can be shown that the officers have acted arbitrarily and unreasonably."³

The commonest powers vested by definite legislative prescription in the boards of control having supervision over public normal schools and teachers colleges are as follows: (1) to require health certificates, (2) to fix the maximum duration of contract, (3) to limit the tenure of contract, (4) to discharge teachers for a just cause or on the basis of charges, (5) to expend funds for the retirement of teachers, (6) to restrict teachers from taking part in extra-educational activities by refusing additional compensation or imposing a fine, (7) to require that teachers must be persons having a broad and liberal education, and (8) to prescribe duties in general and fix salaries. This part of the chapter will deal with the law in regard to these matters.

The board has power to make a contract for a reasonable term of years with a teacher.—A public normal school board may desire to enter into contracts with teachers whereby they shall be employed for a number of years. In such instances a question may arise as to the authority of the normal school board to execute a contract of employment covering a number of years. "The weight of authority is to the effect that school boards, acting in good faith, may employ superintendents and teachers for any term of years that is reasonable."⁴ The courts have ruled similarly in regard to authority of normal school boards. As an example, it was held in a Kansas case⁵ that a contract employing a professor for two and one-half years was not an unreasonably long period of time. In a somewhat similar case,⁶ in Colorado, the court

¹ *Ruling Case Law*, Vol. 24, p. 604.

² *Mills v. Stewart et al.*, 247 Pac. 332.

³ Newton Edwards, *The Courts and the Public Schools*, p. 402. Chicago: University of Chicago Press, 1933.

⁴ *Ibid.*, p. 420.

⁵ *Ward v. Regents of Kansas State Agricultural College*, 133 Fed. 372.

⁶ *State Board of Agriculture v. Meyers*, 20 Colo. App. 139, 77 Pac. 372.

decided that a contract employing a professor for a period of one year was a reasonable period of time.

Power to discharge teachers.—All the states have granted the normal school and teachers college boards the power to remove teachers for a just cause. In 1857¹ Illinois enacted a law to the effect that the normal school board had the power of removing teachers; in 1907² it was changed to read as follows:

The said board of trustees shall appoint instructors and instructresses together with such other officers as may be required in said normal university, fix their respective salaries, and prescribe their several duties. They shall also have power to remove any of them for proper cause, after giving ten days' notice of any charge which may be duly presented and reasonable opportunity of defense.

Courts will not interfere with the discharge of a teacher for a just cause, if the laws of the state have been complied with in the discharge of the person involved.

Right of teacher to collect salary for illegal discharge.—When the dismissal of a teacher who holds a legal contract is unlawful, the courts will award the teacher his salary for the term of the contract. In 1923 The State Normal School at Peru, Nebraska, dismissed a teacher without notice, and without cause, after he had been engaged for the new year. In this case,³ the head of the English department received a letter of dismissal from the president of the Board of Education for Normal Schools a short time after he had been regularly employed for the ensuing year.

The teacher brought an action in *quo warranto* to test the force of his dismissal and the right of the person engaged to fill his position. Although the writ of *quo warranto* is usually issued to test the rights of a public officer, the Supreme Court of Nebraska brushed aside this argument. During the case, it was brought out that the letter of dismissal was not the result of a vote of the members of the normal school board, and that there was no cause for the dismissal of the teacher. The court said:

When a position based upon a provision of law carries with it continuing duties of public concern which involve some exercise of the sovereign power in their proper performance, the position may be said to be an office public in character. . . . The teacher has a special place, by the nature of things in the governmental system, so far as it provides for education. He is appointed and paid by the state. His place—we may say his office—is created by the state, because only through him can its free education be transmitted. Nor is he a mere conduit. Quite the contrary. For education cannot be poured out to people like water from a pitcher. It must be carried to them in such a way as to engage their interest and reach their understand-

¹ *Laws of Illinois*, 1857, p. 299.

² *Laws of Illinois*, 1907, p. 527.

³ *Eason v. Majors*, 111 Neb. 288, 196 N. W. 133, 30 A. L. R. 1419.

ing—a labor involving knowledge of method, exercise of authority, and wide use of discretion. A teacher must prescribe courses, establish discipline, convince, lead. In the due performance of his duty he not only engages in a work of public concern, but wields a portion of sovereign power.¹

The court held that the teacher had the right to collect his salary, because his dismissal was unlawful, for the action was not voted upon or determined by the board, as required by statute in such cases.

An earlier case² at the State Normal School at Cheney, Washington, was somewhat similar, except that it involved two teachers.

Provisions for retirement fund for teachers.—Unless restrained by a state or federal constitutional provision, there is no reason why the legislature may not provide funds for retired teachers in public teacher-education institutions. Only two states, New Mexico and Wisconsin, have laws providing for retirement funds of teachers. In 1921 the state of Wisconsin created a separate normal school retirement board for the normal school teachers.³ More recently the state of New Mexico has enacted a law relative to the retirement of normal school and other education teachers, which provides in detail how much may be allowed a retired teacher of a normal school.

Statutes restricting the activity of the teachers.—Several states have laws that restrict in various ways the activity of teachers in public teacher-education institutions. Michigan,⁴ Missouri,⁵ and Illinois⁶ have laws stipulating that no teacher in a state institution may be interested in or act as an agent for books, maps, etc., sold to the state institutions.

In 1929 Arkansas passed a law which made it unlawful for any teacher or instructor in a university, college, normal, public school, or other institution of the state supported wholly or in part by state funds, to teach the theory or doctrine that mankind ascended or descended from a lower order of animals.⁷

The Missouri normal school boards may not employ, for any of the public institutions supported by public funds, teachers who advocate the non-defense of the government of the United States from the aggression of other nations.⁸

Power to compel teachers to do work other than teaching.—The courts have held that teachers may be required to do work other than that directly connected with the educational institution in which they are working at the time. The state of New Mexico enacted a law in 1912 requiring the chemistry teacher in each state institution to act as the fester of oils and gasoline. A similar law was enacted in Montana in 1927.⁹

Authority to prescribe the duties and fix the salaries of teachers.—All the states in the area of the North Central Association through

¹ *Eason v. Majors*, 111 Neb. 288, 196 N. W. 133, 30 A. L. R. 1419.

² *MacKenzie v. State*, 32 Wash. 657, 73 Pac. 889.

³ *Laws of Wisconsin*, 1921, chap. 549, p. 766.

⁴ *Acts of Michigan*, 1881, Act No. 164, p. 200.

⁵ *Revised Statutes of Missouri*, 1929, chap. 57, p. 2652.

⁶ *Laws of Illinois*, 1895, p. 74.

⁷ *Laws of Arkansas*, 1929, Act No. 1, p. 1518.

⁸ *Laws of Missouri*, 1925, p. 80.

⁹ *Laws of Montana*, 1927, chap. 109, sec. 9.

legislative enactment have given the board of control the authority to prescribe the duties and fix the salaries of the teachers in the public normal schools and teachers colleges. The law enacted by the state of Illinois is typical of that found in other states. It reads as follows:

The said board of trustees shall appoint instructors and instructresses together with such other officers as may be required in said normal school, fix their respective salaries and prescribe their several duties.

CHAPTER VII

LEGISLATIVE CONTROL OF THE NORMAL SCHOOL AND TEACHERS COLLEGE CURRICULA

This chapter deals with the direct control by legislative enactment of the subject-matter of instruction for the public normal schools and teachers colleges in the territory of the North Central Association. It is concerned only with the extent and the trend of that control over the curricula of these institutions. The word curricula as used in this chapter includes any activities carried on for the primary purpose of changing the attitudes of the students in these institutions.

Laws affecting the curricula for the training of teachers are embodied in various types of legislation. The subjects of the curricula are defined by specific legislation, by enabling acts establishing public normal schools or teachers colleges, and by "riders" attached to appropriation bills for these institutions. The subjects and items dealt with in this chapter are grouped under the following headings: (1) the science and art of teaching; (2) health; (3) nationalism; (4) religious instruction; (5) the teaching of humaneness; (6) instruction in the common branches or fundamental subjects; (7) the teaching of secondary school subjects; and (8) practical and cultural subjects.

LEGISLATIVE PROVISIONS CONCERNING THE SCIENCE AND ART OF TEACHING

Twelve out of twenty states in the territory of the North Central Association have laws that require instruction in the art and science of teaching in the public teacher-education institutions: Arkansas, Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and West Virginia. In each of these twelve states the legislative prescription is mandatory. Nine of these states enacted such legislation from 1849 to 1900; and since that time only three states, North Dakota in 1907, Iowa in 1911, and South Dakota in 1931, have passed such laws. Figure 6 shows the relations between the dates at which the states enacted laws concerning the science and art of teaching:

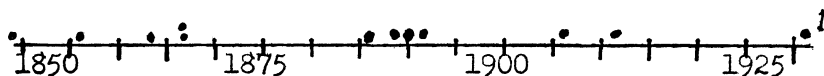


Figure 6. Dates of legislation requiring instruction in the art and science of teaching.

¹ Michigan—1849, Illinois—1857, Kansas—1863, Nebraska—1867, West Virginia—1867, Colorado—1887, Missouri—1889, Oklahoma—1890, Arkansas—1891, North Dakota—1907, Iowa—1911, South Dakota—1931.

The first state to pass a law specifically requiring instruction in the art of teaching was Michigan, in 1849. The law reads in part as follows:

Be it enacted by the Senate and House of Representatives of the State of Michigan, that a state normal school be established, the exclusive purpose of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common school education; also, to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry, in the fundamental laws of the United States and in what regards the rights and duties of citizens.¹

This definition of what should be taught in a public normal school is similar to that in the legislation, passed in 1857, establishing the Illinois State Normal University at Normal.² The only difference in the two legislative acts is that the latter gave the state board of education a little more freedom by adding the clause, "and such other studies as the board of education may from time to time prescribe."³

A law passed in Illinois in 1895, nearly fifty years after the first legislation of this type in Michigan, reads as follows:

The object of the said Eastern Illinois State Normal School shall be to qualify teachers for the common schools of this state by imparting instruction in the art of teaching in all the branches of study which pertain to a common school education, in the elements of the natural and of the physical sciences, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.⁴

The legislative prescriptions in nearly all the other states were the same as those of Michigan or Illinois.

A similar enactment is found in South Dakota as recently as 1931. The legislature of 1931 revised and amended the Revised Code of 1919 relative to public normal schools and teachers colleges to read as follows:

Section 5611. The purpose of such normal schools and teachers colleges shall be to give instruction to persons both male and female in the science and art of teaching, manual training, such arts and sciences and allied branches of learning as are usually given in normal schools and teachers colleges, and in all the various branches of learning necessary to qualify such persons to teach in the common schools of the state, including high schools.⁵

The language of the first part of this enactment in South Dakota is practically the same as that found in the laws of the eleven other states which make instruction in the science and art of teaching mandatory. The last part, however, is more inclusive in that it permits the

¹ *Acts of Michigan*, 1849, Act No. 138, p. 157.

² *Acts of Illinois*, 1857, p. 298.

³ *Ibid.*

⁴ *Laws of Illinois*, 1895, p. 63.

⁵ *Laws of South Dakota*, 1931, chap. 137, p. 107.

teacher-education schools to qualify persons to teach in high schools as well as in the common schools of the state.

Practice teaching.—There is no apparent uniformity in the legislation relative to practice teaching enacted by the various states. Both permissive and mandatory laws are found. The permissive laws are found in Michigan and Ohio. The Ohio law of 1914,¹ relative to practice teaching provides that each public normal school may have a practice division, and may arrange for observation and practice teaching with the rural schools under their control.

Mandatory legislation on the subject of practice teaching is found in Illinois, Oklahoma, and Ohio. Oklahoma was the first state to make instruction in the theory and practice of teaching one of the purposes for the establishment of its public normal schools. The law is quoted later in this chapter under the heading, "The common branches or fundamental subjects."

The Ohio law of 1921 amended the statutes relative to county normal schools to read thus:

Section 7654-4. Each county normal school shall maintain practice teaching classes and shall be authorized to arrange with different boards of education for observation and practice teaching privileges in the schools under their control.²

In Illinois practice teaching is required of the students taking the two-year course for elementary teachers.³

Observation.—Observation work is required in three states, namely, Michigan, Ohio, and Oklahoma. The state laws referred to in the foregoing paragraph, relative to the theory and practice of teaching in Michigan, Ohio, and Oklahoma, applied also to observation work.

Courses for rural teachers.—Three states, Arkansas, Michigan, and Nebraska, have legislation on the subject of the preparation of rural teachers.

Supplementary curriculum.—The state of Ohio enacted a piece of unique legislation in 1921, at the time permissive legislation was passed for county normals, requiring that all state normal schools maintain a curriculum to supplement the curriculum of the county one-year normal course.

School management.—Arkansas is the only state which has made instruction in school management mandatory as part of the normal school curriculum for the preparation of teachers.

Rural economy.—The Arkansas law referred to in the foregoing sentence also made instruction in rural economy mandatory as part of the rural course for elementary teachers.

Rural sociology.—Many educators are of the opinion that a course in rural sociology should be part of the curriculum in public normal schools for the preparation of rural teachers, but only one state, Nebraska, has any legislation on the subject.

Psychology.—The Arkansas law of 1917 referred to above under "School management" also required that psychology be taught.

¹ *Laws of Ohio*, 1914, H. B. No. 24, p. 156.

² *Laws of Ohio*, 1921, p. 591.

³ *Laws of Illinois*, 1929, p. 716.

LEGISLATIVE PROVISIONS CONCERNING HEALTH

Under this heading is grouped all legislation touching upon the study of stimulants, narcotics, physiology, hygiene, dental hygiene, tuberculosis, comparative anatomy, and physical education. The first four subjects are often included in the same law. In many states, the legislators have regarded them as parts of one subject.

Alcohol, narcotics, physiology, and hygiene.—Ten states, Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, New Mexico, Oklahoma, South Dakota, and Wisconsin, have legislative prescriptions in regard to teaching the effect of alcohol upon the human system. With the exception of Michigan, all the states have laws concerning the teaching of the effect of narcotics upon the human system. The same states that require the teaching of the effects of narcotics upon the human system, and in addition three other states, Arkansas, Kansas, and Minnesota, also require that physiology and hygiene be taught. In all these states, with the exceptions of Missouri, New Mexico, and Oklahoma, the laws dealing with these subjects were enacted during the period from 1880 to 1910. Since 1911 these three states have also enacted such legislation. During the earlier period, New Mexico and Oklahoma were territories, whose curricula were then determined by national legislation on the subject.

In the main, the laws in the different states dealing with the subject are essentially the same in content; no two laws are exactly alike, but all are very similar in phraseology. The first legislation making it mandatory to teach the effects of alcohol and narcotics in connection with instruction in physiology and hygiene was passed by the Wisconsin legislature in 1885. In order to be sure that this law would be carried out, three stipulations were embodied in the act. The first made instruction in the subject mandatory in all public schools; the second dealt with the content of textbooks on the subject; and the third required that all persons certificated to teach must pass an examination in the subject. The legislation dealing directly with instruction in this subject reads as follows:

Section 1. Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money, or under state control, in physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system.¹

The teaching of comparative anatomy.—From 1849 to 1890 six states, Kansas, Michigan, Missouri, Nebraska, Oklahoma, and Wisconsin, passed permissive legislation relative to the teaching of comparative anatomy. No legislation in relation to this subject has been enacted since that time in any of the states included in this study.

Physical education.—Seven states, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, have laws concerning the teaching of physical education. In all these states, with the exception of Michigan and Wisconsin, the legislation on this subject has been

¹ *Laws of Wisconsin*, 1885, chap. 327, p. 304.

enacted since the World War. The Wisconsin law was permissive and enacted in 1897.¹

The first state to pass mandatory legislation on the subject of physical education was Michigan. The law, which was passed in 1911, was very specific in several respects concerning the person who was to be held responsible for its enforcement, the competence of the instructor, and the school equipment. It reads as follows:

Section 1. Physical training shall be included in the branches to be regularly taught in public schools in city school districts having a population of more than ten thousand and in the State normal schools, subject to such rules and regulations as the Superintendent of Public Instruction may prescribe, and it shall be the duty of the boards of education in such city school districts and of the State Board of Education to make provisions in the schools and institutions under their jurisdiction for the introduction of a systematic and educational course of physical training; to engage competent instructors; to provide the necessary equipments; to establish and conduct same; and to adopt such methods as shall adapt the same to the capacity of the pupils in the various grades therein; and other boards may make such provisions. The curriculum in all normal schools of this state shall contain a regular teachers' course in physical education under competent jurisdiction.²

In Illinois the law dealing with physical education provided for instruction in the subject in all the grades and in the normal schools for at least one hour a week. It also provided for a regular course in physical education in the normal schools. Since, a few years later, several other states passed almost identical legislation on the subject, the Illinois law is quoted in detail below.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly. That it shall be the duty of boards in charge of educational institutions supported wholly or partially by the State to provide for the physical education and training of pupils of such public schools and educational institutions in all grades, and to include such physical education and training in the course of instruction regularly taught therein.

Section 2. All boards of education and managing boards of educational institutions shall make proper and suitable provisions in the schools and institutions under their jurisdiction for such physical education and training for not less than one (1) hour each week during the whole of each term of school.³

LEGISLATIVE PROVISIONS CONCERNING THE TEACHING OF NATIONALISM

The term nationalism will be used to denote a group of subjects or items having as their object the indoctrination of students with either

¹ *Laws of Wisconsin*, 1897, chap. 86, p. 137.

² *Laws of Michigan*, 1911, Act No. 40, p. 48.

³ *Laws of Illinois*, 1915, p. 634.

national or local patriotism. The subjects or items included under this heading are American history, civics, the English language, flag display, the fundamental laws of the United States, the non-defense of government, state constitutions, and target practice.

American history.—Only two states, Arkansas and Oklahoma, have enacted laws making the teaching of American history mandatory in the teacher-education classes in a public normal school.

Civics.—Under this heading has been included instruction in citizenship, civics, and political science. Two states, Michigan and Oklahoma, have legislation requiring instruction in citizenship in their public normal schools. Since 1917 three states, Arkansas, Michigan, and Oklahoma, have enacted mandatory legislation relative to the teaching of civics.

Flag display.—Flag display, although not exactly a subject of instruction, is included under nationalism, as the object of flag display is to instill patriotism. Six states, Arkansas, Illinois, Iowa, Missouri, Nebraska, and North Dakota, have mandatory legislation on the subject of flag display. In all these states, with the exception of Illinois, such legislation has been enacted since 1913. The recency of these laws indicates that the legislatures may have been influenced by the World War.

Flag display limited to United States flags.—Two states, Colorado and Nebraska, have legislative enactments restricting the display of flags upon state, county, or municipal buildings to the flags of the United States. The Colorado law reads as follows:

Section 1. It shall be unlawful to display any flag upon any State, County, or Municipal buildings in this State, except the flags of the United States.¹

Fundamental laws of the United States.—The four states, Illinois,² Michigan,³ Nebraska,⁴ and Oklahoma,⁵ that require the teaching of the fundamental laws of the United States, all passed such legislation at the time of the establishment of their normal schools. The law enacted in the state of Michigan in 1857 is typical of the legislation in the other states. It reads thus:

That a State Normal School be established and continued at Ypsilanti, in the County of Washtenaw, upon the site selected by said Board of Education, the exclusive purposes of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common school education, also to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry, in the fundamental laws of the United States, and in what regards the rights and duties of citizens.⁶

Five states, Colorado, Minnesota, Missouri, Oklahoma, and West Virginia, have enacted legislation specifying definitely that the Con-

¹ *Laws of Colorado*, 1897, chap. 76, p. 177.

² *Laws of Illinois*, 1857, p. 298.

³ *Laws of Michigan*, 1857, chap. 76, p. 715.

⁴ *Laws of Nebraska*, 1867, p. 80.

⁵ *Territorial Laws of Oklahoma*, 1890, chap. 53, p. 693.

⁶ *Laws of Michigan*, 1857, chap. 76, p. 715.

stitution of the United States be taught in the public teacher-education institutions of these states. Undoubtedly the members of the various state legislatures were influenced by the World War and by the arguments of members of the American Bar Association, who thought that having students learn verbatim the Constitution of the United States would make them more patriotic citizens. The matter is well expressed by Judd, who wrote as follows:

In 1922 the American Bar Association organized a citizenship committee, which had as its chief purpose the enactment of legislation requiring that the Constitution of the United States be taught in all publicly supported institutions. The records disclose that the association was prompted to take this action by genuine fear of a radical uprising. . . .

The fundamental purpose of the American Bar Association was undoubtedly commendable, but the educational concept on which the association acted is open to serious criticism. It was evidently the accepted idea of the association that a formal knowledge of the constitution is enough to influence the thought and behavior of citizens. The association made no demand or provision for the cultivation of a critical understanding of American political institutions. Rather it seemed to believe that mere acquaintance with the constitution will build up in the student a steadfast allegiance to the established political, social, and economic order.¹

The advocacy of non-defense of government prohibited.—Only one state, Missouri, has a law which prohibits the teaching of non-defense of the United States government from the aggression of other nations.

State constitutions.—Four of the state laws dealing with the teaching of the Constitution of the United States require also the teaching of the state constitutions. This is the case in Arkansas, Missouri, South Dakota, and West Virginia.

Target practice and military science.—Three states, Arkansas, Arizona, and North Dakota, at some time during the history of their normal schools, made target practice or military science mandatory as part of the curricula in these institutions. All three states have amended their laws and at present such instruction is permissive rather than mandatory.

LEGISLATIVE PROVISIONS CONCERNING RELIGIOUS INSTRUCTION

Very few states in the area of the North Central Association have definite laws on the subject of religious instruction in teacher-education institutions.

Non-sectarian instruction.—Seven states, Arizona, Colorado, Indiana, Montana, Nebraska, New Mexico, and Oklahoma, have legislation prohibiting either sectarian instruction or the giving of sectarian tests to students enrolled in public normal schools and teachers colleges. Nearly all these laws were passed in the nineteenth century, and there has been no legislation on the subject since 1910, at which time Arizona

¹Charles H. Judd, *Education and Social Progress*, pp. 72-75. New York: Harcourt, Brace, and Company, 1934.

included a passage on non-sectarian instruction in her constitution. In four of these states, Arizona, Colorado, Montana, and Nebraska, the prohibitions in regard to sectarian instruction were made parts of their constitutions.¹ The other three states, Indiana, New Mexico, and Oklahoma, enacted laws similar to such prohibitory provisions in the constitutions of other states.

Moral instruction.—Two states, Arkansas and South Dakota, have legislation specifying that moral instruction be given in all the public schools of the state. The most complete description of what moral instruction should include is found in the South Dakota law, which reads as follows:

Moral instruction intending to impress upon the minds of the pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, and respect for honest labor, obedience to parents, and due deference to old age, shall be given by every teacher in the public service of the state.²

Encouragement of religious instruction.—There are only two legislative enactments which encourage the teaching of religion. One was passed in Indiana in 1925,³ giving the public normal schools permission to give credit toward graduation for Biblical and religious instruction; the second was passed in North Dakota in 1927 in regard to the display of a placard containing the Ten Commandments. The North Dakota law reads thus:

Section 1. It shall be the duty of the School Board, Board of Trustees, or Board of Education of every school district, and the president of each and every institution of higher education in the state, which is supported by appropriations or by tax levies in this state, to display a placard containing the Ten Commandments of the Christian religion in a conspicuous place in every school room, class room, or other place in said school where classes convene for instruction.⁴

LEGISLATIVE PROVISIONS CONCERNING THE TEACHING OF HUMANENESS

Humane study, Arbor Day, and forestry.—Humane study, Arbor Day, and forestry are grouped under one heading, as they all deal with humane treatment. Only two states, North Dakota and Ohio, require the teaching of humaneness. The North Dakota law directs that humane treatment be taught, and specifies the time to be devoted to this instruction.

LEGISLATIVE PROVISIONS CONCERNING INSTRUCTION IN THE COMMON BRANCHES OR FUNDAMENTAL SUBJECTS

Two types of legislation are found in regard to teaching what are generally known as the common branches or fundamental subjects. One type of law requires that the common branches be taught as one

¹These constitutional provisions were discussed in Chapter II.

²*Laws of South Dakota*, 1893, chap. 78, p. 126.

³*Laws of Indiana*, 1925, chap. 139, p. 351.

⁴*Laws of North Dakota*, 1927, chap. 247, p. 411.

of the objectives for the establishment of the normal school and is so specified in the enabling act. Such legislation is found in Illinois, Michigan, Arkansas, and Oklahoma. The second type of law specifies definite subjects of instruction, such as reading, grammar, penmanship, geography, arithmetic, orthography, and literature. Legislation of the second type was enacted in Nebraska, Minnesota, Arkansas, Missouri, North Dakota, Ohio, Kansas, Wisconsin, Michigan, Oklahoma, and Arizona.

The law passed by the Territory of Oklahoma in 1890 is representative of the type of legislation which was enacted at the time of the establishment of the normal school as one of its purposes. The law reads in part as follows:

The Normal School for the Territory of Oklahoma is hereby located and established at or within one mile of the village of Edmond in the County of Oklahoma in said Territory, the exclusive purposes of which shall be the instruction of both male and female persons in the art of teaching and in all the various branches that pertain to a good common school education, also to give instruction in the theory and practice of teaching, in the fundamental laws of the United States, and what regards the rights and duties of citizens.¹

LEGISLATIVE PROVISIONS CONCERNING THE TEACHING OF SECONDARY SCHOOL SUBJECTS

There are few legislative prescriptions concerning preparation for the teaching of secondary school subjects.

Chemistry.—Six states, Arizona, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin, have permissive legislation on the subject of chemistry enacted at the time of the establishment of normal schools in those states.

Science.—With the exception of Wisconsin, the same states had similar legislation in regard to science.

Astronomy.—Five states, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin, have permissive legislation on the subject of astronomy. All the laws were passed between 1849 and 1880, except that of Oklahoma, which was passed in 1890.

LEGISLATIVE PROVISIONS CONCERNING THE TEACHING OF PRACTICAL AND CULTURAL SUBJECTS

The subjects grouped under the heading of practical and cultural subjects are agriculture, agricultural chemistry, agricultural economics, art of husbandry, drawing and art, household arts, industrial education, manual training, mechanic arts, music, and Spanish. They have been grouped under one heading as practical and cultural subjects, since any of them may be taught for either purpose. Spanish, for example, which is a required subject for practical or vocational purposes in New Mexico, may well be considered a cultural subject in the other states. The same thing may be said of music, art, drawing, and many

¹ *Territorial Laws of Oklahoma*, 1890, chap. 53, p. 693.

of the other subjects included in this group. Very few states in the territory of the North Central Association have laws specifying what subjects of practical and cultural content shall be taught.

Agriculture.—The teaching of agriculture is mandatory in three states, Arkansas, Nebraska, and Ohio; and permissive in four others, Arizona, Missouri, Oklahoma, and Wisconsin. The permissive laws found in the enabling acts for the establishment of normal schools in Wisconsin,¹ Missouri,² Arizona,³ and Oklahoma,⁴ are almost identical in content. The law quoted below from Wisconsin is typical of the laws in the other three states:

Section 12. Lectures on chemistry, anatomy, physiology, astronomy, the mechanic arts, agriculture, and on any science or branch of literature that the said board may direct may be delivered to those attending said schools, in such manner and on such terms and conditions as the said board may prescribe.⁵

Art of husbandry.—Three states, Nebraska, Michigan, and Arkansas, have mandatory legislation on the subject. At the time of the establishment of their normal schools, these states set up such requirements as one of the purposes of instruction.

Industrial arts.—Under this heading are included the subjects of mechanic arts, manual training, industrial education, and other forms of industrial work. In several instances a state law includes several of these subjects in one section. Ten different states, or one-half of the entire group included in this study, have some form of legislation relating to industrial arts. Five states have mandatory legislation, and five have permissive legislation. Oklahoma passed permissive legislation in 1890 and made it mandatory in 1913. The permissive type of legislation found in the enabling acts for the establishment of normal schools in Wisconsin, Missouri, Michigan, Arizona, and Oklahoma in regard to mechanic arts is well represented by the Wisconsin statute quoted above under "Agriculture."

Mandatory prescriptions in regard to the teaching of industrial arts are found in Nebraska,⁶ Arkansas,⁷ South Dakota,⁸ North Dakota,⁹ and Oklahoma.¹⁰

Music.—In three states, Arkansas, Nebraska, and South Dakota, music is mandatory as a normal school subject.

Household arts.—The subjects under this heading include sewing, cooking, home economics, and other forms of domestic arts. The same law which required drawing and art work in North Dakota also required instruction in sewing and cooking in the normal schools of the state. Legislation enacted in Arkansas required home economics as one of the subjects in the rural school course. The Oklahoma law of 1913¹¹

¹ *Laws of Wisconsin*, 1866, chap. 116, p. 160.

² *Laws of Missouri*, 1870, p. 136.

³ *Laws of Arizona*, 1887, chap. 3, p. 443.

⁴ *Laws of the Territory of Oklahoma*, 1890, chap. 53, p. 65.

⁵ *Laws of Wisconsin*, 1866, chap. 116, p. 160.

⁶ *Laws of Nebraska*, 1867, p. 80.

⁷ *Laws of Arkansas*, 1887, Act XLC, p. 443.

⁸ *Laws of South Dakota*, 1901, chap. 114, p. 196.

⁹ *Laws of North Dakota*, 1907, chap. 241, p. 380.

¹⁰ *Laws of Oklahoma*, 1913, chap. 219, S. B. No. 75.

¹¹ *Ibid.*

required teachers in all public schools to pass an examination in domestic science in order to obtain a certificate to teach in the state.

Resumé of the findings.—The legislative enactments affecting the public normal school and teachers college curricula from 1849 to 1934 and still in force in the territory of the North Central Association have been presented. Not all the legislative prescriptions have been cited, but typical quotations have been used to show the content and scope of the laws on the various subjects. There are sixty-six different subjects legislated upon in curricula of the twenty states included in this study.

Table V shows the mandatory, permissive, and restrictive legislation enacted in the various states in the North Central Territory. It can be seen from this table that some states have very few laws and that other states have many laws dealing with subjects or items affecting the public normal school and teachers college curricula. Wyoming is the only state which has no legislation pertaining to the curriculum. This absence of any laws concerning the subjects in the curriculum is probably due to the fact that Wyoming has no separate institution such as a normal school, but has a normal school department in the state university. Arkansas goes to the other extreme and has legislation pertaining to twenty-five different subjects. All the states except Wyoming in the territory of the North Central Association have enacted legislation regarding the content of the public normal school and teachers college curricula, the variation being from one subject in Montana to twenty-five in Arkansas. There are considerable differences in the number of prescriptions that have been enacted under the eight headings. Health has forty-six; the teaching of nationalism, forty; practical and cultural subjects, thirty-four; the science and art of teaching, twenty-seven; the teaching of secondary school subjects, twenty-six; instruction in the common branches, nineteen; religion, eleven; and the teaching of humaneness, three. The individual subjects legislated upon most frequently in the foregoing groups are the science and art of teaching, in twelve states; physiology and hygiene, in eleven; effects of narcotics, in eleven; effects of alcohol, in eleven; agriculture, in eight; mechanic arts, in nine; physical education, in nine; chemistry, in seven; and comparative anatomy, flag display, religion, literature, science, and practice teaching in six each.

Mandatory provisions to secure enforcement of the legislative prescriptions.—The laws which compel instruction in certain subjects are armed with many different kinds of provisions to secure their enforcement. A common legislative procedure to insure that a subject be included in the curriculum was to make it a part of the enabling act establishing the normal school or teachers college. In some states the law places the burden of enforcement upon the trustees of the local normal schools, while in others it makes enforcement the responsibility of the president of the institution. In others the responsibility is shared by the normal school board and the teachers. In one or two states the granting of a certain appropriation or state aid in general is made contingent upon the compliance of the school with the law requiring that certain courses be taught.

TABLE V—Continued

	Arkansas	Arizona	Colorado	Illinois	Indiana	Iowa	Kansas	Michigan	Minnesota	Missouri	Montana	Nebraska	New Mexico	North Dakota	Ohio	Oklahoma	South Dakota	West Virginia	Wisconsin	Wyoming	Total	
V. The Teaching of Humaneness.....																						
a. Arbor Day.....															M							1
b. Forestry.....																P						1
c. Humane Study.....													M									1
Total.....																						3
VI. Instruction in the Common Branches or Fundamental Subjects.....																						
a. Common School Branches.....	M		M					M								M						4
b. Arithmetic.....	M								M					M								3
c. Grammar.....														M								1
d. Geography.....									M				M									2
e. Literature.....	M	P					P	P									P		P			6
f. Natural Science.....				M																		1
g. Orthography.....										M												1
h. Penmanship.....										M												1
Total.....																						19
VII. The Teaching of Secondary School Subjects.....																						
a. Algebra.....	P																					1
b. Astronomy.....							P	P		P							P		P			5
c. Biology.....																P						1
d. Chemistry.....	M	P					P	P				M				P			P			7
e. Department of Tests.....																M						1
f. General Science.....	P															P						2

CHAPTER VIII

THE LEGAL BASIS FOR THE FINANCIAL SUPPORT OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES

The financial support accorded the public normal schools and teachers colleges in the territory of the North Central Association of Colleges and Secondary Schools developed gradually. The amounts of money provided by the various states for their public teacher-education institutions have increased steadily from the time of the establishment of the first institution in Michigan, 1849, to the present time. An analysis of the laws dealing with financial support in this group of states shows that during the early history of the normal school movement, practically no state aid was provided for the operation and maintenance of the public normal schools in certain states; in other states, only the funds for the salaries of the teachers were provided. In general, financial support during the early period was obtained from local communities, the income from federal land grants, and the income from state land grants.

During the next stage of financial support of these institutions, 1890-1915, direct taxes were levied or lump sum appropriations were made by the legislature from the general state fund. Since 1915, the tendency has been for the state legislatures to appropriate money out of the general state fund. In several instances they have specified definite amounts for the different items of the budget for which money is appropriated. There are three main sources of financial support for the public normal schools and teachers colleges: revenue from lands donated to the normal schools, 3.42 per cent; taxes, 77.75 per cent; and student fees, 19.93 per cent.¹

The purpose of this chapter is to present the law in the territory of the North Central Association relative to the following questions: What kind of land and how much land was donated for public normal schools? Were the normal school boards restricted in the sale of the land donated? Were the normal school boards restricted in the investment of normal school funds? How many states have constitutional provisions for the financial support of teacher-education institutions? What method of taxation is used to support these institutions? What change if any has been made in the method of financial support accorded such institutions from 1849 to 1933?

SUPPORT FROM LAND GRANTS AND OTHER FUNDS

The financial support for the public normal schools in the states in the territory of the North Central Association was obtained from

¹ Compiled from the *Biennial Survey of Education, 1928-30*, pp. 660-663. Office of Education, No. 20, Vol. 11, Washington: Government Printing Office, 1931.

federal land grants, state land grants, and other funds from 1849 to 1885.

Federal land grants.—As compared with the amount of land granted by the federal government for other educational institutions, such as state universities and land grant colleges, the amount granted to various states for normal schools has been small.

Only six states in the North Central Territory have received land from the federal government for normal schools: Arizona, Montana, New Mexico, North Dakota, Oklahoma, and South Dakota. The amounts of land granted to these states vary from 80,000 acres to 300,000 acres, as follows:

North Dakota	80,000 acres ¹
South Dakota	80,000 acres ²
Montana	100,000 acres ³
Arizona	200,000 acres ⁴
New Mexico	200,000 acres ⁵
Oklahoma	300,000 acres ⁶

State lands.—Minnesota, Oklahoma, and Wisconsin set aside swamp lands for normal schools. Of these three states, Wisconsin has granted the greatest amount of aid from swamp land for the support of the normal schools. The legislature of Wisconsin, in 1865, provided that all the money received by the state for swamp land and overflow land, or for lands selected in lieu of swamp or overflow land, be divided into two equal parts, the one part to be used for a normal school fund, and the other part for a drainage fund. A normal school fund of more than \$1,922,000 was derived from the sale of Wisconsin public lands, originally granted to the state as swamp lands. The income from this fund was sufficient for the support of the normal schools until 1885. In 1885 the fifth normal school was established in Wisconsin,⁷ for the support of which the legislature appropriated \$10,000 a year. Minnesota⁸ set aside a definite amount of swamp land, 75,000 acres, for each normal school, not to exceed three such institutions.

Oklahoma also, in lieu of internal improvements and swamp land grants, granted 100,000 acres of land to the Colored Agricultural and Normal University.⁹

Kansas, in 1863,¹⁰ at the time of the establishment of her first normal school at Emporia, set aside certain lands for its benefit. The law reads thus:

That all land granted to the State of Kansas, and selected by said state, adjoining, or as contiguous as may be to each salt spring belonging to said state, and granted by the fourth subdivision of the third section of an Act of Congress entitled, "An Act for the Admission of Kansas," approved January

¹ *Constitution of North Dakota*, 1889, Art. 8, p. 67.

² *Revised Codes, State of South Dakota*, 1903, p. 18.

³ *Constitution of Montana*, 1889, Art. 9, sec. 15.

⁴ *Revised Codes of Arizona*, 1913, p. 103.

⁵ *Acts of New Mexico*, 1901, chap. 65, p. 123.

⁶ *Revised Laws of Oklahoma*, 1910, p. 80.

⁷ *Laws of Wisconsin*, 1885, chap. 364, p. 334.

⁸ *Laws of Minnesota*, 1865, chap. 5, p. 15.

⁹ *Revised Laws of Oklahoma*, 1910, sec. 8, p. 82.

¹⁰ *Laws of Kansas*, 1863, chap. 57, p. 93.

29th, 1861, save and except the salt of the springs, and the section of land upon which each of the said salt springs are located and one additional section, are hereby set apart and reserved as a perpetual endowment for the support and maintenance of the Normal School established and located by this Act.¹

West Virginia in the beginning used a different method from any of the other states to provide money for the support of its normal schools. The West Virginia "school fund" was composed of money accruing to the state from forfeited, delinquent, waste, and unappropriated lands, and from land sold for taxes.²

CONSTITUTIONAL AND LEGISLATIVE PROVISION FOR THE FINANCIAL SUPPORT OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES BY TAX AND APPROPRIATION

The funds for the financial support of public teacher-education institutions in the area of the North Central Association are provided by constitutional and legislative provisions. In the beginning this financial support was provided by a separate direct tax upon the general property of the state for these institutions. Later the state legislature appropriated a lump sum of money out of the general fund of the state for the support of these schools. Since 1915 the state legislatures have appropriated definite sums of money for the various items in the teacher-education budget out of the general fund of the state, some in more detail than others.

Constitutional provisions for support.—Twelve states, Arizona, Colorado, Kansas, Michigan, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, West Virginia, and Wisconsin, in the territory of the North Central Association of Colleges and Secondary Schools, have general or specific stipulations in their constitutions in regard to the support of normal schools.

Direct taxation as a means of support.—The earliest method of supplying funds for a normal school was by means of revenue from a fund or land, as has been shown in the foregoing pages of this chapter. The next most frequently employed method was the enactment of laws by the different legislatures, providing for a separate direct tax upon the general property of the state for the financial support of the normal schools.

In enacting a tax-law for the support of normal schools, two methods were employed by the different states: one method was to enact a law providing for a definite rate; the other was to levy a lump sum and "spread the tax accordingly." The former method was used in many of the states when financial support for teacher-education was provided by direct taxes. A third type of tax-law enacted in a few states was the levying of a tax for a definite purpose, other than general financial support, such as the erection of buildings or dormitories, or the rebuilding of structures destroyed by fire.

Definite tax rate levy for the general financial support of public normal schools.—Wisconsin was one of the first states to use the definite

¹ *Laws of Kansas, 1863*, chap. 57, p. 93.

² *Constitution of West Virginia, 1872*, Act 12, p. 38.

tax method in addition to the income from the Normal School Fund (referred to earlier in this chapter). In 1893¹ the legislature provided that there be levied and collected annually one-sixth of one mill on each dollar of all taxable property of the state, for the maintenance of normal schools and the construction of normal school buildings. In 1899² the Wisconsin legislature changed the tax levy for normal schools from a definite mill tax to a lump appropriation of \$190,000.³ The lump appropriation was increased annually, until by 1909 it had reached the sum of \$34,000.⁴ In 1928 we find that \$780,000 was transferred from the general fund to the Normal School Fund income for the support and maintenance of the normal schools and teachers colleges.⁵

Indiana is another state in which the direct tax method was first used, and later, in order to provide revenue for the normal school, was supplanted by the lump sum appropriation type of levy. In 1895,⁶ the legislature provided for one-twentieth of a mill on each dollar of taxable property in the state for the Terre Haute Normal. Eight years later⁷ the legislature changed the levy to \$.02¾ per hundred dollars for all state institutions, three-elevenths of the levy to be given to the Terre Haute Normal. In 1911,⁸ instead of raising the levy, the legislature appropriated \$24,000 to the Terre Haute Normal. Two years later,⁹ the legislature changed the levy to \$.07 per hundred dollars for all state institutions; one-fifth of the total proceeds of the tax collected was to go to the Terre Haute Normal. In 1921 the legislature appropriated a sum of \$125,000 out of the general fund of the state instead of levying a definite tax or raising the levy. Since then this method of support has been used for the Indiana State Teachers College.

In 1903, Oklahoma¹⁰ changed from the direct tax method used for the financial support of the normal school in the territory. In that year a state tax was levied of not less than three mills on the dollar and in addition a levy sufficient to obtain \$25,000 for 1903 and 1904 for the Normal School at Edmond; a levy of \$25,000 was made in the same year for the normal school at Alva; a levy sufficient to obtain \$10,000 for the biennium for the normal school at Langston, and a levy of \$12,500 for 1903 and 1904 for the normal school at Weatherford, were also made. In 1909¹¹ the method of providing funds for the normal schools in Oklahoma was changed; this time the money appropriated for each normal was derived from a tax levy, from funds obtained by leasing section number thirteen, from funds from leasing indemnity college lands, and from other funds. By 1921 Oklahoma also had changed to the method of specific appropriation out of the general state fund, both for the regular school year and for the summer school.¹²

The change from a direct method of tax levy to a lump sum method of appropriation illustrated in the three states discussed in

¹ *Laws of Wisconsin*, 1893, chap. 91, p. 174.

² *Laws of Wisconsin*, 1899, chap. 170, p. 248.

³ *Laws of Wisconsin*, 1899, chap. 202, p. 336.

⁴ *Laws of Wisconsin*, 1909, chap. 319, p. 349.

⁵ *Laws of Wisconsin*, 1928, chap. 5, p. 7.

⁶ *Laws of Indiana*, 1895, chap. 80, p. 172.

⁷ *Laws of Indiana*, 1903, chap. 81, p. 155.

⁸ *Laws of Indiana*, 1911, chap. 120, p. 268.

⁹ *Laws of Indiana*, 1913, chap. 181, p. 507.

¹⁰ *Territorial Laws of Oklahoma*, 1903, chap. 28, p. 231.

¹¹ *Territorial Laws of Oklahoma*, 1909, chap. 3, p. 84.

¹² *Laws of Oklahoma*, 1921, chap. 209, p. 237.

the foregoing paragraphs was true in many of the other states. The states passing through similar stages in the method of support for public normal schools and teachers colleges were Arizona, Arkansas, Colorado, Kansas, Minnesota, North Dakota, and Ohio. By 1917 all the states in the territory of the North Central Association were using the lump sum method of appropriation for the support of their teacher-education institutions.

Tax levy for a definite item such as buildings, bonds, and equipment.—Some of the states adopted the practice of enacting a law to stipulate a definite tax for a specific item in the support of the state normal schools and state teachers colleges. From 1895 to 1927 there were eight states in which such legislation was enacted: Arizona, Colorado, Indiana, Iowa, Minnesota, New Mexico, North Dakota, and Oklahoma.

The first state to enact such legislation was New Mexico,¹ in 1895, when it gave the auditor of public accounts authority to levy a tax sufficient to pay, over a period of ten years, the principal and interest on \$35,000 worth of bonds issued for the benefit of the normal schools. In 1899,² in order to reimburse the general fund, the legislature provided for the levying of a special tax for an appropriation of \$5,000 for the completion of a building at Silver City. In the same year, the legislature also levied a tax, sufficient to raise \$19,300 over a term of two years or longer, for the purpose of finishing the buildings at Las Vegas.³

Oklahoma⁴ levied a building tax of .25 mills per year, to pay the claims of the contractors in building the Alva Normal School. In the same year, 1901, a special tax of .4 mills on a dollar was levied for buildings, furniture, and teachers' salaries at all the normal schools.⁵

The Iowa legislature of 1902⁶ enacted a special tax of .1 mill for the repairs, equipment, etc., of the Iowa Normal Schools.

The Arizona legislature of 1903 enacted a special tax to provide heating apparatus for the Northern Arizona Normal School. The law reads thus:

Section 2. That for providing heating apparatus and making other necessary improvements for said Northern Arizona Normal School there shall be levied for the years 1903 and 1904 in addition to all other taxes otherwise directed to be levied and collected, a tax of one cent on each one hundred dollars of the assessed value of all real and personal property in the Territory of Arizona, to be collected and when so collected, to be by the Territorial Treasurer placed in a fund known as the Northern Arizona Normal School Fund.⁷

In 1903,⁸ the North Dakota legislature provided a special tax levy sufficient to pay the principal and interest on bonds issued for the normal schools.

¹ *Territorial Laws of New Mexico*, 1895, chap. 44, p. 93.

² *Territorial Laws of New Mexico*, 1899, chap. 21, p. 46.

³ *Territorial Laws of New Mexico*, 1899, chap. 18, p. 42.

⁴ *Territorial Laws of Oklahoma*, 1901, chap. 28, p. 196.

⁵ *Ibid.*, p. 210.

⁶ *Laws of Iowa*, 1902, chap. 119, p. 73.

⁷ *Territorial Laws of Arizona*, 1903, p. 114.

⁸ *Laws of North Dakota*, 1903, chap. 125, p. 165.

Minnesota¹ in 1923 enacted a special tax law to provide sufficient funds for a bond issue for buildings at the Winona and Mankato State Teachers College.

In 1927, Indiana,² for an Improvement Fund, levied a special tax of two cents on one hundred dollars of taxable property for Indiana University, Purdue University, the Terre Haute State Teachers College, and Ball State Teachers College. The two normal schools each received 3/20 of the total sum collected. The fund was for the purpose of improving and adding to the physical property of the state educational institutions.

In 1927³ Colorado at the time of establishing the Adams State Normal School, provided for a special tax of .05 mills for its benefit, support, and maintenance.

These are the only instances in which state legislatures enacted special taxes to provide for definite items in the state financial budget for its teachers colleges or normal schools.

Legislative appropriations for the support of normal schools and state teachers colleges out of the general fund.—The most general practice on the part of most state legislatures at the present time is to appropriate, out of the general state fund, a definite sum for the support, maintenance, operation and buildings necessary for the functioning of teacher-education institutions. When the normal schools were still in their infancy the legislative appropriations were made in lump sum. Since 1915, as will be shown in the following discussion, the trend has been to appropriate definite sums for the various items necessary for the operation of the normal schools and teachers colleges.

Throughout its entire history, Illinois has used the legislative appropriation method for its normal schools. Even at the founding of the first normal school in the state, the state superintendent of public instruction was instructed by the legislature to provide, out of the general school fund of the state, \$5,000 for its operation. This method of support was continued until 1871,⁴ when the legislature appropriated \$12,444.99 to the State Normal University for its operation. In 1895, we find the first indication that the legislature intended that its appropriations should be used for definite items in the operation of a normal school, for in that year the legislature appropriated \$50,000 for the Eastern Illinois State Normal School at Charleston. Part of the law reads as follows:

The expense of the building, improving, repairing and supplying fuel and furniture and the necessary appliances and apparatus for conducting said school, and the salaries or compensation of trustees, superintendents, assistants, agents, and employees, shall be a charge upon the State Treasury; all other expenses shall be chargeable against pupils and the trustees shall regulate the charges accordingly.⁵

¹ *Laws of Minnesota*, 1923, chap. 53, p. 52.

² *Laws of Indiana*, 1927, chap. 94, p. 245.

³ *Laws of Colorado*, 1927, p. 684.

⁴ *Laws of Illinois*, 1871, p. 151.

⁵ *Laws of Illinois*, 1895, p. 63.

Until 1917 the legislature appropriated money individually for each of the five normal schools; after that, however, it was appropriated for the use of one board,¹ controlling all the normal schools in the state.

Illinois does not appropriate money for the state teachers colleges in so detailed or itemized a fashion as do many of the other states. The appropriations for the state teachers colleges of Illinois are made under the following headings: for president, clerical, faculty, and operating force; for office expense; for travel; for operation; for repairs and equipment.²

South Dakota, likewise from the beginning, provided by legislative appropriation for the support, maintenance and operation of its normal schools; the first such appropriation was made in 1890³ for the Madison Normal School and the Spearfish Normal School. This method of supplying money for the teacher-education institutions has continued to date; in 1925 the legislative appropriation was divided into provisions for salaries, administration, faculty, employees, summer school, maintenance, extension work, and library.⁴

North Dakota, in 1899, made, out of funds in the state treasury, a legislative lump sum appropriation of \$22,300,⁵ for the Mayville Normal, and one of \$25,500⁶ for the Valley City Normal. The various legislatures continued to make appropriations for the normal schools in North Dakota, until, by 1933, the appropriation was itemized in detail.

All the states in the territory of the North Central Association group depend upon the legislature for appropriations out of the general state fund to secure financial support of state teacher-education institutions. A few states are using other types of taxes than the property tax, such as the income taxes, cigarette taxes, sales taxes, beer taxes, chain store taxes, corporation taxes, inheritance taxes, natural gas taxes, and severance taxes to obtain more revenue for the general state fund. The income tax was the first special tax used to obtain revenue for the teacher-education institutions.

The personal or gross income tax as a basis for state taxes is used in Arkansas, Arizona, Indiana, Kansas, Minnesota, Missouri, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin, in the North Central Association group of states. Four states, Arkansas, Kansas, Montana, and South Dakota place the revenue from cigarette taxes in the general state fund. Illinois, Indiana, North Dakota, and West Virginia now have a sales tax, the revenue of which is placed in the general fund of these states. Liquor taxes were enacted in Arkansas, Colorado, Illinois, Indiana, Missouri, Montana, Nebraska, Ohio, Oklahoma, Wisconsin, and Wyoming, in 1933. Since 1916 six states, Arizona, Arkansas, Minnesota, Montana, Oklahoma, and West Virginia, have enacted severance taxes. Chain store taxes, corporation taxes, inheritance taxes, insurance taxes, retail taxes, telegraph taxes, telephone taxes, warehouse taxes, occupation taxes, and privilege taxes are found in one or more states in this group.

¹ *Laws of Illinois*, 1917, p. 31.

² *Laws of Illinois*, 1931, p. 132.

³ *Laws of South Dakota*, 1890, chap. 10, p. 19.

⁴ *Laws of South Dakota*, 1925, chap. 11, p. 286.

⁵ *Laws of North Dakota*, 1925, chap. 11, p. 286.

⁶ *Ibid.*, chap. 13, p. 15.

Revolving funds and petty cash funds.—Illinois, Kansas, Michigan, Minnesota, Ohio, Oklahoma, and Wisconsin have revolving or petty cash funds for their normal school boards to use in case of emergency or for auxiliary purposes. These funds vary from a few hundred dollars in Michigan¹ to one million dollars in Illinois.² The first state to provide for an emergency fund was Minnesota,³ when, in 1891, the legislature allowed the normal school at Mankato an additional allowance of two thousand dollars for general expenses that year, and annually thereafter. Wisconsin was a pioneer in the use of the revolving fund. The state legislature in 1915 enacted the following law:

All moneys, collected or received by each and every person for or on account of the music department, stationery stand and cafeteria at the Milwaukee Normal School, shall be paid within one week of receipt into the Normal Fund Income, and all such deposits are appropriated to the state board of education as a revolving appropriation for the operation of said music department, stationery stand, and cafeteria respectively.⁴

The Illinois Revolving Fund is similar in character to those in the other five states, the only difference being that it contains a larger sum of money. In 1923⁵ the legislature appropriated back to the state teachers colleges \$600,000; in 1925, \$600,000; in 1927, \$750,000; in 1929, \$1,000,000; in 1931, \$1,000,000; and in 1933, \$1,000,000.

Bond issues as sources of revenue for normal schools and teachers colleges.—Very little use has been made of bond issues as a source of revenue for the teacher-education institutions. The only cases on record are those in which such funds were intended for the purpose of erecting buildings or of refunding a large outstanding debt at lower interest rates.

Deficiency appropriations.—Ten states, Indiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Ohio, South Dakota, West Virginia, and Wisconsin, have at various times had difficulty in staying within the tax levy or legislative appropriations for normal schools and teachers colleges. The amounts of the deficiency appropriations have varied from \$964.73 in Nebraska⁶ to \$38,914.64 in Missouri.⁷

Limiting expenses of appropriations.—Five states, Arkansas, Michigan, Kansas, North Dakota, and Wisconsin, have enacted legislation limiting the normal school boards in their expenditures to the money appropriated for the purpose, or stipulating that money cannot be expended before it is appropriated. Even when such legislation is on the statute books, normal school boards exceed their appropriations.

TUITION AND FEES AS SUPPORT FOR NORMAL SCHOOLS AND TEACHERS COLLEGES

Revenue from tuition and fees.—These two sources of revenue are grouped together, because they are often found treated in the same laws.

¹ *Laws of Michigan*, 1919, Act No. 98, p. 169.

² *Laws of Illinois*, 1923, p. 145.

³ *Laws of Minnesota*, 1891, chap. 241, p. 399.

⁴ *Laws of Wisconsin*, 1915, chap. 633, p. 961.

⁵ *Laws of Illinois*, 1923, p. 145.

⁶ *Laws of Nebraska*, 1875, p. 243.

⁷ *Laws of Missouri*, 1921, p. 58.

In general the states do not charge any tuition when persons within the state wish to attend the teacher-education institutions. As was pointed out in Chapter VI, on the legal requirements for admission to normal schools, there are exceptions when a person does not plan to teach or does not sign a declaration of intention to teach. Many of the states present a tuition charge when a person from outside the state attends a normal school or teachers college.

Matriculation, laboratory, athletic, attendance, entertainment, and incidental activities usually call for fees. A few of the states have passed definite legislation on the subject, but most of them still allow the normal school boards to use their judgment in the matter of charging for special activities.

Fees.—The right to charge the students fees for various types of extra-curricular activities is usually embodied in a general power given to the board of control. Ten states, Illinois, Indiana, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, South Dakota, West Virginia, and Wisconsin have passed specific legislation in regard to matriculation, laboratory, library, and athletic fees.

Summary of sources of financial support for normal schools and teachers colleges.—The basic data on financial receipts for normal schools and state teachers colleges given in Table VI are classified, as they were in the Biennial Survey of Education, under the following subdivisions: receipts from student fees and other educational services; receipts from productive endowment funds; receipts from the United States Government; receipts from all other sources; and the grand total for all purposes from all sources.

The foregoing data have been checked and are as accurate as data collected and reported by different officers in the various institutions ever are, when no uniform procedure is followed by all the people who take part in any project or report.

It can be seen from Table VI that there is a decided trend away from the productive fund as a source of support for the normal schools and state teachers colleges. In the period from 1918-20, \$189,545.00 was received from that source, while only \$83,434.00 was received from the same source in the 1928-30 period. A second difference in the financial support obtained in the two periods is that in the 1918-20 period none of the normal schools or teachers colleges was granted any aid by the United States Government, while in the 1928-30 period \$18,939.00 was received from that source. This may mean that a few institutions were offering a specialized type of curriculum for which they were reimbursed by the United States Government. A third difference in the source of the financial support accorded these institutions from 1918 to 1928 is that the amount of money received from student fees and other educational services increased 27.47 per cent during the decade.

It can be seen from Table VI that there was a large increase in the total amount of money provided for the support of public normal schools and teachers colleges from 1920 to 1930. There are many reasons for the increase in the cost of public teacher-education in these states. The chief reason is the change of normal schools with a two-year curricula to teachers colleges with a four-year curricula. "In the decade there

TABLE VI

FINANCIAL RECEIPTS OF PUBLICLY SUPPORTED NORMAL SCHOOLS AND STATE TEACHERS COLLEGES IN THE TERRITORY OF THE NORTH CENTRAL ASSOCIATION, 1918-1920 AND 1928-30.¹

Sources	Amount		Percentage of total		Rate of change in per cent
	1918-20	1928-30	1918-20	1928-30	
From student fees and other educational services.....	\$1,803,228.00	\$4,418,793.00	14.85	18.93	27.47
From productive funds.....	189,545.00	83,424.00	1.56	.36	76.92
From state, county, or city for current expenses.....	9,831,833.00	18,147,267.00	80.98	77.75	3.99
From U. S. Government.....	-----	18,939.00	-----	.08	100.
All other sources.....	316,624.00	670,892.00	2.61	2.88	10.
Grand total from all sources and for all purposes.....	\$12,141,230.00	\$23,339,315.00	100.	100.	

was an increase of 95 in the number of teachers colleges and a decrease of 72 normal schools."² The change from two-year institutions to four-year teachers colleges required a better educated staff, more equipment, and more buildings, and encouraged increased attendance. That there was a big increase in the number of students attending public normal schools and teachers colleges all over the United States can be seen from the Biennial Survey of Education which reports that these institutions enrolled 162,796 different students in 1920 and 179,195 in 1930. "In the ten-year period, the total expenditures of teachers colleges and normal schools rose from \$23,312,216 in 1920 to \$53,240,802 in 1930, a total increase of \$29,928,586 or 128.4 per cent."³

¹ Compiled from the *Biennial Survey of Education*, 1918-20, Office of Education Bulletin, No. 29, Vol. 11, 1923, pp. 449 and 462; and *Biennial Survey of Education*, 1928-30, Office of Education, No. 20, Vol. 11, 1931, pp. 660-663.

² *Biennial Survey of Education*, 1928-30, p. 609. Office of Education Bulletin, No. 20, Vol. 11, 1931.

³ *Ibid.*, p. 610.

CHAPTER IX

SUMMARY AND INTERPRETATION OF DATA

The purpose of this study has been to give an analytical treatment of the law as it treats of the organization and administration of the public normal schools and teachers colleges in the territory of the North Central Association, with special emphasis upon the legal requirements touching the students, the teachers, the board members, the curricula, and the financial support of these institutions. Beyond that purpose, there is another: to point out the general tendencies and trends in the different phases of the organization and administration of public normal schools and teachers colleges and to make recommendations.

THE CONSTITUTIONAL BASIS OF TEACHER-EDUCATION INSTITUTIONS

The educational policy of the people of a state is expressed through the medium of constitutional provisions and statutory enactments. The principle is well established that the legislature has plenary power in all matters not prohibited by the constitution of the state or by the Constitution of the United States. Therefore, the legislature, unless prohibited by the constitution of the state or the Constitution of the United States, has power to establish public normal schools and teachers colleges. In two instances the authority of the various state legislatures in the territory of the North Central Association to establish public normal schools has been brought into the courts. In each case the courts ruled that the state legislature had the power to create, foster, and endow public normal schools and teachers colleges. Furthermore, it has been held by the courts that the legislature is supreme and may in its wisdom enact any measure not forbidden by implication or in express terms by the state constitution or by the United States Constitution.

The constitutional provisions relative to public teacher-education institutions in the territory of the North Central Association are of two types, mandatory and prohibitory. Mandatory constitutional provisions specifically ordering the legislature to carry out certain measures relative to public normal schools or teachers colleges are found in twelve states, Arizona, Colorado, Kansas, Michigan, Minnesota, Montana, North Dakota, New Mexico, Oklahoma, South Dakota, West Virginia, and Wisconsin. The mandates in the constitutions in these twelve states deal with the establishment and the financial support of public normal schools and teachers colleges. No attempt is made in any of these state constitutions to define entirely the power of the legislature in regard either to the establishment of these institutions or to their support.

Sixteen out of twenty states in the territory of the North Central Association have embodied in their constitutions limitations affecting public normal schools and teachers colleges; the only state constitutions not containing any such limitations are those of Arkansas, Iowa, Kansas, and Wisconsin. These constitutional limitations upon the state legislature deal with such matters as financial support, sectarian instruction, location, separate schools for white and colored persons, and the number of members on the board of control, their term of office and the manner of their appointment or election. Eleven states prohibit the legislature from spending any public money for sectarian institutions or for the benefit of such institutions; five states definitely prohibit the giving of sectarian instruction in public normal schools; three states prohibit the legislature from establishing schools for the instruction of white and colored persons in the same institution; six states limit the legislature in regard to the board of control over the teacher-education institutions; and only one state restricts the legislature in the location of the public normal schools.

THE LOCATION OF PUBLIC NORMAL SCHOOLS AND TEACHERS COLLEGES DURING THE PERIOD FROM 1894 TO 1934

Three methods were used in locating public normal schools and teachers colleges in the territory of the North Central Association. The three methods were as follows: location directly by the legislature; appointment by the legislature of a committee, a board, or a commission to locate the institutions; and location by constitutional provisions. Nineteen of the twenty states in this study used the first or second method, and in some instances, both types. Only one state, North Dakota, located its teacher-education institutions by constitutional provisions.

A comparison of the two methods used most frequently in the location of the institutions in these states shows that in eight states all such institutions were located by the legislature directly, as compared with four states in which all the teacher-education institutions were located by a commission, a board, or a committee. In six states first one method and then the other was used in locating such institutions.

A comparison of the three methods used in the twenty states included in this study shows that location by the legislature directly is again first in frequency, with forty institutions; location by a commission, a committee, or a board is next in frequency with thirty-three; and location by constitutional provision is last with six. A further comparison of the three methods by which these seventy-nine institutions were located shows that from 1849 to 1874 thirteen institutions, or 61.9 per cent, were located by a committee, a commission, or a board, as against eight, or 38.1 per cent, located by the legislature directly; that from 1875 to 1899 only six institutions, or 20 per cent, were located by a commission, a committee, or a board, as against eighteen institutions, or 60 per cent, located by the legislature directly and six institutions, or 20 per cent, located by constitutional provision. Since 1900 there has been no difference in the frequency of the use of the two methods, as fourteen institutions or 50 per cent of those located between 1900 and 1934 have been located by each method.

A large number of public normal schools and teachers colleges are located in small cities. Of all the institutions of this type in the territory of the North Central Association of Colleges and Secondary Schools, 64.4 per cent are located in cities of less than 10,000 people, and only 16.4 per cent in cities having a population of 30,000 or more. These institutions were often located in small cities, regardless of the fact that larger cities were available. Survey experts and educators agree that educational institutions located in small cities are likely to be handicapped in railroad facilities, highways, practice teaching facilities, observation work, rooming places, and opportunities to participate in the activities often found only in large cities.

There are many factors which have influenced legislatures and commissions to locate public normal schools and teachers colleges in certain cities. The most important factors have been the donation of sites, buildings, money, and bonds by the city obtaining the location of the institution. From 1863 to 1929, fourteen out of twenty states in the territory of the North Central Association required the donation of a site by the locality desiring the public normal school or teachers college. The only six states not requiring the donation of a site for such purposes were Iowa, Montana, New Mexico, North Dakota, Ohio, and Wyoming. During the period from 1857 to 1907, eight states, Arkansas, Illinois, Indiana, Michigan, Missouri, Minnesota, Oklahoma, and West Virginia, required the donation of money or bonds by the city in which teacher-education institutions were located. Thirty-six of the seventy-nine institutions of this type were located on donated sites; fourteen were located in cities in which people had donated money or bonds; and ten were located in cities which donated buildings. From 1880 to 1910, the donation of money, bonds, and buildings was fairly common, but it has been discontinued entirely since 1910.

STATE CONTROL AND ADMINISTRATION

Out of the twenty states in the territory of the North Central Association, each of fifteen legislatures has enacted laws placing one board of control in charge of all its public teacher-education institutions. The law in regard to normal school boards of control deals with such matters as the qualification for membership, the number of members, the methods of selection, the length of their term of office, their compensation, their duties, their powers, and the restrictions imposed upon them. The legislative specifications dealing with the qualifications for membership on the board of control have to do with competency, geographical location, and political affiliation. Nineteen out of the twenty states in this study authorize the governor to make such appointments; the exception is Michigan, where the board of control is elected by the people of the state. In a few states the appointments of the governor must be made with and by the consent of the senate, but in all the rest the governor alone makes the appointments. The median number of board members is six. The term of office is from four to six years, with ten states having a six-year term.

These twenty states, with the exception of Iowa, North Dakota, South Dakota, and West Virginia, have non-salaried normal school

boards; in the other sixteen states the board members are allowed a *per diem* charge and expenses, only "actual and necessary expenses" incurred in attending the board meetings.

Some of the duties and powers of the public normal school and teachers college boards are laid down for them by the state legislature, but in many matters they are allowed to use their own judgment. Normal school boards who act in good faith in the exercise of their duties or powers are not held liable for an action growing out of an error in judgment. The normal school board is an agent of the state and is without capacity to sue or to be sued, unless it is stated definitely in the state statutes that the board has corporate status. The courts will not interfere with an educational board in making rules and regulations for the control and administration of educational institutions, unless such rules are unreasonable. Four states prohibit the normal school boards from employing relatives in the college or colleges under their supervision. All the normal school boards enjoy the right of eminent domain if a piece of property is needed for a state teachers college or normal school. They have the right to elect a treasurer, to elect a president, to grant diplomas, and to confer degrees. Ten states have granted to the board of control the power to establish model schools in connection with the teachers colleges for observation and practice teaching, and six, the right to sell bonds to build dormitories for the students.

Some of the duties and powers of certain officials—the state superintendents of public instruction, the governor, the auditor, and the finance director—are directly related to the normal school board or the teacher-education institutions. In sixteen states the state superintendent of public instruction is a member of the normal school board. In several of these sixteen states he serves in the capacity of secretary for the normal school board. In all the states except Michigan the governor appoints the members of the normal school boards. In some of the states he alone appoints the members, while in other states he appoints them "with the advice and consent of the Senate." The governor is most frequently the state official who receives from the normal school board the reports concerning the conditions of the normal schools. In many of these states he must in turn submit the reports of the normal school board to the legislature.

A tabulation of the various types of boards of control having supervision over public teacher-education institutions in the territory of the North Central Association indicates a definite trend toward the use of one board for all such institutions. Only five out of twenty states have separate normal school boards for each institution; seven have single boards for all the normal schools in the state; four have a single board of control for all the state institutions; three have a single board for the state university, of which the normal department for the training of teachers is a part.

Several states in this group have passed laws in recent years designed to bring about unification in the administration and control of teacher-education institutions under a state. These laws deal with such matters as one director of finance for all institutions; centralization of

the buying of supplies, especially coal; the adoption of a uniform budget; and standardization of courses of study at the various institutions within a state.

AUTHORITY TO GRANT CERTIFICATES, DIPLOMAS, AND DEGREES

In all the states in the territory of the North Central Association the legislatures have given the boards of control having supervision over public teacher-education institutions the authority to issue diplomas and to grant degrees to students who have completed specified courses of study. The authority to issue diplomas was granted to a normal school board in 1857, but no board of control was given authority to grant degrees until 1897. Since the latter date, all the state legislatures have given their respective boards of control such authority.

The authority of public normal school boards to issue diplomas valid as certificates passed through three stages. From 1860 to 1880 some of the boards of control were permitted to issue such diplomas valid as certificates to students who were in training for as short a period as twenty-two weeks. From 1881 to 1915 most of the boards of control required two years of normal training for a diploma or certificate; from 1915 to 1930 the authority to issue diplomas valid as certificates was gradually taken away from the board of control and placed in the hands of the state superintendent of public instruction, until by 1927, only five states out of twenty gave their normal school board the authority to issue diplomas valid as certificates.

Sixteen different states have enacted specific requirements which must be met by persons who desire to teach. These requirements deal with such matters as good moral character, age, knowledge of the effect of alcohol and narcotics upon the human system, ability to pass an examination in physiology and hygiene, willingness to take an oath of allegiance to the United States and the state, and various minor items.

STUDENTS

In all the states in the territory of the North Central Association except Wyoming and North Dakota, the boards of control of the public normal schools and teachers colleges have been given the power by the legislatures to make and enforce rules, regulations, and standards for the admission of students, the legislatures reserving only the right to enact laws dealing with age, residence, intention to teach, character, health, and tuition fees.

The law specifies sixteen as the minimum age of students desiring to enter teacher-education institutions. Until 1915 the commonest academic requirement for entrance was proof of graduation from an elementary school. At present, however, graduation from an accredited high school is an entrance requirement for all students desiring to enter public teacher-education institutions. Thirteen states have laws requiring students to sign a declaration of intention to teach before being permitted to enter a teachers college without paying tuition. The declaration of intention to teach usually stipulates that the student shall teach in the state for at least two years after graduation.

Ten states grant some sort of scholarships for a limited number of students wishing to attend public teachers colleges. Three states, Indiana, Kansas, and Minnesota, have passed legislation within the last two decades to aid blind students in attending public teachers colleges.

In many instances courts have held that the boards of control of public normal schools or teachers colleges may expel students for refusing to abide by reasonable rules and regulations. Drunkenness and defiance of school authorities through the public press were also considered by the courts sufficient cause for the school authorities to expel students. The board of control may even expel students for conduct off the campus, if such conduct affects discipline directly. The method for re-entrance, when students have been expelled arbitrarily or without cause, is a writ of mandamus.

Eight states have a requirement that students must pay tuition unless they have been residents of the state for one year before entering the teacher-education institutions; three others have a residence requirement of six months. The courts have held that the residence requirement of one year for entering a teachers college without paying tuition is a reasonable rule.

The courts very generally hold that school authorities are not liable for damages or injuries to students caused by the negligence of their employees, unless such liability is imposed by statute.

TEACHERS

The laws in the different states give the normal school boards or state educational boards the authority to engage teachers, remove them for a just cause, fix their salaries, and prescribe their duties. The courts have held that teachers may be asked to perform duties unrelated to the principal function of higher education; for example, a chemistry teacher may be required to act as a state gasoline tester as part of his duties. The courts have upheld normal school boards in dismissing teachers for a just cause, but if the teachers are dismissed unlawfully, they can collect their salary for the term of their contract. Wisconsin, in 1931, enacted a law providing that the tenure of teachers in normal schools and teachers colleges should, after a three year probation period, be permanent during efficiency and good behavior. The other states permit contracts for periods of from one to three years.

CURRICULA CONTROL

All the states except Wyoming in the territory of the North Central Association have enacted laws affecting the content of the public normal school and teachers college curricula. The number of subjects legislated upon varies from one subject in Montana to twenty-five subjects in Arkansas. In this group of states all the different subjects affected by legislation of public teacher-education curricula, total only sixty-six, which is a very small percentage of the total offerings of public normal schools and teachers colleges in these states. The laws are of three types—mandatory, permissive, and restrictive,—one hundred fifty-four being mandatory, forty-nine permissive, and eight restrictive.

The various state legislatures enacted specific laws upon certain subjects in the public normal school and teachers college curricula at about the same time. This was the case with legislation dealing with the effect of alcohol and narcotics upon the human system, with physical education, American history, the Constitution of the United States, flag display, and state constitutions. In many such instances the phraseology of the law in one state is nearly identical with that of a law in another state upon the same subject.

The two hundred six curricular prescriptions classified under eight headings were distributed as follows: health has forty-six; teaching of nationalism, forty; practical and cultural subjects, thirty-four; the science and art of teaching, twenty-seven; the teaching of secondary school subjects, twenty-six; instruction in the common branches, nineteen; religion, eleven; and the teaching of humaneness, three. Even the states that specify definite subjects to be taught in the normal schools or teachers colleges often end the law with the phrase, "and such subjects as the board may see fit to prescribe." The legislative prescriptions in most cases specify only minimum limits, and allow the teacher or the executive officer in charge of the institution to decide to what extent the subject should be taught. Usually the teachers are also permitted to exercise their prerogative as to method, time, and arrangement of instruction in a subject.

FINANCIAL SUPPORT

There are three main sources of financial support for the public normal schools and teachers colleges in the territory of the North Central Association: revenue from lands donated to these institutions, 3.42 per cent; taxes, 77.75 per cent; and student fees, 19.93 per cent. Only six states, Arizona, Montana, New Mexico, North Dakota, Oklahoma, and South Dakota, received land from the Federal Government for the support of public normal schools. Five states, Kansas, Minnesota, Oklahoma, Wisconsin, and West Virginia, set aside state land for the benefit of the normal schools.

Eleven out of twenty states in the territory of the North Central Association have definite stipulations in their constitutions providing for the financial support of the public teacher-education institutions; the legislatures in the other nine states have the power to appropriate money for the financial support of these institutions. Even where the state constitution specifies no authority, the power of the legislature to appropriate money for the support of public teacher-education institutions has been confirmed by the courts.

From 1890 to 1917 ten states, Arizona, Arkansas, Colorado, Indiana, Kansas, Minnesota, North Dakota, Ohio, Oklahoma, and Wisconsin, used two methods for the financial support of the institutions for the preparation of teachers. During the early part of this period from 1890 to 1910 the direct tax method was used in most of these states. Beginning about 1900 many of these same states used the lump sum appropriation method from the general fund of the state, and by 1917 all had adopted that method of providing financial support for their normal schools or teachers colleges.

Eight out of twenty states dealt with in this study at some time between 1895 and 1927 enacted legislation levying a definite tax for some specific item concerning the public teacher-education institutions, such as buildings, repairs, bonds, or equipment. Since 1915 many of the state legislatures have adopted the practice of appropriating money out of the general fund of the state for specific items in the budget of the teacher-education institutions in their respective states. Until 1913 all the revenue for the general state fund was received from a general property tax, but since that date part of the revenue for the general state fund has been obtained from income taxes, natural gas taxes, chain store taxes, and miscellaneous taxes.

Ten states have legislation specifically instructing all state officers or persons in charge of the educational institutions of the state not to exceed the tax levy or the amount of appropriation in the expenditures. In spite of such laws, many states have made appropriations to meet deficiency bills incurred by the public normal school or teachers college boards.

Several state legislatures have found it necessary from time to time to transfer money from some state fund to their normal school fund to meet emergency bills. To do away with this procedure, seven states have granted their normal school boards revolving or petty cash funds which may be used by the normal school boards in meeting some of their financial obligations.

Very little use has been made in these states of bond issues as a source of income for the support of public normal schools and teachers colleges. Montana and New Mexico issued bonds for the benefit of their normal schools in general; Colorado, Indiana, Iowa, Minnesota, North Dakota, and West Virginia, permit the normal school boards to issue bonds to build dormitories with the condition that the bonds are not a debt against the state but against the income from the dormitory.

The amount of money received from tuition and student fees of various types is very small, as was pointed out earlier in this summary. The student fees charged in many states are of the following types: matriculation, laboratory, athletic, health, attendance, entertainment, and incidental. In a few states the amount of the fees is definitely set by laws, but the majority of the states have given the normal school boards the authority to charge such fees as they deem best.

In each decade there has been an increase in the amount of money provided for the financial support of the teacher-education institutions in the territory of the North Central Association. From 1920 to 1930 the total amount increased almost one hundred per cent, from \$12,141,230 in 1920 to \$23,330,315 in 1930. The percentage of money received from the various sources changed somewhat during the decade. The amount of money received from student fees and other educational services increased 27.47 per cent; receipts from productive funds decreased 76.92 per cent; revenue received from the state, county, or city for current expenses decreased 3.99 per cent; money received from the United States government increased 100 per cent; and the revenue from all other sources increased 10 per cent.

INTERPRETATION OF DATA

The findings summarized in the first part of this chapter have an importance beyond their factual significance. Their implications are far-reaching. These findings bring anew to the attention of educators the whole problem of the relation of the state to teacher-education and the best means for fulfilling that obligation. An attempt will be made to point out the desirability of granting the boards of control greater discretion in the organization and administration of public normal schools and teachers colleges in the territory of the North Central Association than is allowed them at the present time. To present the need for such delegation of discretionary powers involves a discussion under two heads: (1) Should specific regulations governing public teacher-education institutions be embodied in state constitutions? (2) Should the legislatures, as a matter of state policy, enact detailed, regulatory legislation with respect to teacher-education institutions?

Should specific regulations governing public teacher-education institutions be embodied in state constitutions?—The implications of the specific regulations governing public teacher-education institutions embodied in state constitutions which have been presented in this thesis are of pointed significance. It was pointed out in Chapter II that the constitutions of sixteen out of twenty states in the territory of the North Central Association contain some regulations in regard to public teacher-education institutions. Recent decisions by State Supreme Courts relative to matters involving state constitutions, and by the United States Supreme Court in regard to the Agricultural Adjustment Act, have forced people to realize afresh that the constitution of a state or of the United States is a restraining instrument. This realization brings up the question of the extent to which a state, through its constitution, should attempt to regulate its public teacher-education institutions. The point of view taken by the investigator is that state constitutions should in general terms give the legislature power to establish and maintain teacher-education institutions. Such matters as the organization of the boards of control, the number of teacher-education institutions established, the administration of the individual institutions, and their support should be left to the state legislature. This point of view is supported by Street, who wrote thus:

The general policies of a state in educational matters, including the form of educational organization and provisions for educational institutions and their control, should be determined by legislative action rather than by constitutional enactment.¹

Because of definite restrictions in state constitutions, teacher-education institutions in the territory of the North Central Association have been handicapped in two ways: The state legislatures have not in all instances been permitted to determine the type of educational board of control to supervise these institutions, nor have they been permitted to locate such institutions at points likely to serve the state most

¹ Claude W. Street, *State Control of Teacher Training in the United States*, p. 86. Bureau of Educational Research Monograph No. 2, Kansas State Teachers College, Pittsburg, Kansas, 1932.

efficiently. Illustrations will be selected from the various state constitutions to point out how these restrictions have hampered teacher-education in certain states.

Five states, Michigan, Montana, Nebraska, New Mexico, and Wyoming, have constitutional limitations concerning the boards of control of public teacher-education institutions. The constitutions of these five states contain provisions dealing with the number of members, the term of office, and the manner of appointment or election of board members for the control of these institutions.¹

The effect of such constitutional limitations concerning the board of control over teacher-education institutions in these five states is to restrict the jurisdiction of the legislature over them. This principle was well expressed by the Supreme Court of Minnesota, in the following opinion:

The board of Regents, in the management of the University, is constitutionally independent of all other executive authority. All the executive power over the University affairs having been put in the regents by the constitution, none of it may lawfully be exercised or placed elsewhere by the legislature.²

North Dakota provided for the establishment and location of its teacher-education institutions by constitutional provision. Thus, unless the constitution is amended or a new one is adopted, the teacher-education institutions in North Dakota are permanently located in certain villages or cities. Within recent years, several attempts to change state constitutions have demonstrated the difficulty of effecting such changes. Location of teacher-education institutions by constitutional provision does not permit the freedom of choice that is deemed expedient by educational experts. The four factors that should be considered in locating public normal schools are listed by Judd and Parker as follows:

1. Each one should be so located as to serve a well defined area of population.
2. It should be centrally located in the area, which usually should have a radius of about 50 miles from the normal schools as a center.
3. It should be located in the most convenient railroad center in this area.
4. It should be located in a town large enough to provide more than adequate practice-teaching facilities for any number of teachers that the area might need at any time in the future.³

Should the legislature as a matter of state policy enact specific laws with respect to teacher-education institutions?—This study shows that the state legislatures have enacted many specific laws to govern state policy in such matters as the location of these institutions, the composition of the boards of control, the authority of these boards, and the

¹ Page 15, Chapter II.

² *State ex rel. University of Minnesota v. Chase*, 220 N. W. 951.

³ Charles Hubbard Judd and Samuel Chester Parker, "Problems Involved in Standardizing State Normal Schools", Dept. of the Interior, *U. S. Bureau of Education Bulletin*, 1910, No. 12, Washington, D. C., p. 23.

content of the curricula. A few of these specific laws will be discussed to illustrate the extent to which the legislature has defined state policy in these matters.

It was pointed out in Chapter III that out of 79 teacher-education institutions, 40 were directly located by the legislature; in 64.4 per cent of the instances in small cities. Educational experts have shown that these small cities lack some of the advantages found only in larger cities, such as good living conditions, adequate practice-teaching facilities, and the opportunity to participate in present day social activities. In practically every instance these institutions were so located because the people of such cities had agreed to donate a site, a building, bonds, or money. The location of teacher-education institutions in such a manner often has embarrassing results, one of which is that people who have contributed toward the establishment of an institution believe they have a vested interest in its administration. Very few of these individuals are motivated by what educational theory would dictate. The commonest interference deals with the buying of supplies or the housing of students or the hiring of non-instructional employees. Teacher-education institutions should be established at such points in the state as need them most and serve the community best, irrespective of donations. These points should be determined by a survey conducted by experts in teacher-education.

Boards of control of public teacher-education institutions should be given greater discretion in the administration of these institutions than is the practice today. It is evident from the data presented in Chapter IV that the trend is toward dictation, centralization, and detailed legislation in specifying what boards of control are permitted to do in the supervision of teacher-education institutions. For example, a decade ago public normal school boards could grant such degrees as they thought best to graduates. Now several states definitely specify the type of degree which may be granted. With the continuous demand for more and better preparation for teachers who are to qualify for better positions, some state teacher-education institutions are handicapped by being unable to grant the master's degree despite the fact that such degrees may be granted by the institutions of neighboring states. Indiana and Illinois are two states in point. Illinois is limited by legislative enactments to granting the degree of Bachelor of Education. Indiana is therefore able to prepare teachers for large high schools demanding master's degrees, whereas Illinois cannot prepare such teachers in its public state teachers colleges.

Since 1917 four states, Illinois, Iowa, South Dakota, and Wisconsin, have placed the financial affairs of teacher-education institutions under the control of a director of finance or a small committee. Educational experts in the field of purchasing and budgeting do not agree that real economy is effected by such centralization, especially where there are only a few such institutions within a state. The disadvantages of waiting for funds, the requisitions to spend such funds, and in certain instances the consent of the governor before such funds can be expended are discouraging to the normal school boards in administering these institutions. The dictation of the buying of supplies is even more

of a handicap than the dictation of expenditures of centralized funds. Seven states now have laws dealing with the buying of supplies within the home state or with the centralization of buying. In some instances the long delay necessary before supplies are obtained offsets any advantage there may be in the saving obtained by centralized buying. Boards of control should be given larger autonomy in the allocation and expending of funds after they have been appropriated by the legislature.

Boards of control should be given greater freedom than they have for determining what the admission requirement should be for entering a teacher-education institution. The commonest admission requirements specified by law today have been given in detail in Chapter VI. They are high school graduation, physical fitness, and the signing of a declaration of intention to teach within the state for a certain number of years after graduation. With the ever increasing demand for better teachers and the annual graduation of thousands of teachers for whom there are no positions, boards of control should be given authority to set up more exacting entrance requirements. These requirements should be such as would sift applicants and enable the schools to select the persons who are most likely to succeed as teachers.

The data in Chapter VII show that 66 different subjects in the public normal schools and teachers colleges in the North Central Association are required by law. Although this is not a large number as compared to all the subjects offered in these institutions, we might well ask ourselves if these knowledges and skills are so important for the common welfare that the states are justified in requiring that they be taught. While it is true that, at the present time, these legislative prescriptions do not seriously handicap the boards of control in the supervision of the teacher-education curricula, it must be recognized that if the trend now evident is persisted in, it will eventually result in legislative dictation of the entire curricula. Legislatures should not attempt to dictate specific subjects which should be included in teacher-education curricula, but should leave such matters to educational experts. The curriculum in a teacher-education institution is not a static affair, but must be changed constantly the better to prepare people to teach in a rapidly changing, complex society. In the very nature of the case, the boards of control should receive from the legislature no specific mandates concerning what should be taught. This point of view is borne out by Samuel A. Rutledge. In a study made in 1930 of guiding principles for the administration of teachers colleges and normal schools, he found that 94 per cent of the jurors* thought that the presidents of such institutions should control the curricula. He spoke thus:

The president of the teachers college or the normal school should be held responsible for the progressive development of the curricula along the line of approved educational theory and practice, and for the effective administration thereof.¹

The foregoing discussion may be summarized by saying that we are living in a rapidly changing society. In order to meet these changes as

* Prominent educators in the United States.

¹ Samuel A. Rutledge, *The Development of Guiding Principles for the Administration of Teachers Colleges and Normal Schools*, p. 27. Bureau of Publications, Teachers College, Columbia University, New York, 1930.

swiftly as possible, and to avoid the cumbrous machinery of legislative passage, boards of control of teacher-education institutions should be given large autonomy in the supervision of these institutions. At the present time they are handicapped by constitutional and legislative mandates which do not permit the experimentation that is necessary to find what is the best type of program for the preparation of teachers. For example, many states require a certain number of hours of practice-teaching to qualify for a certificate. These legislative prescriptions were enacted on an a priori basis, for experiments to date have failed to show conclusively that students who have had practice-teaching are better teachers than persons who have not had practice-teaching.

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