

CHAPTER 37.

STATE COLLEGES.

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37.01 Board of regents of state colleges. (1) For the government of the state colleges established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of 11 regents, called "The Board of Regents of State Colleges," composed of the state superintendent, as ex officio regent, and of 10 appointed regents, at least one of whom shall be a woman; the term of office of the appointed regents commencing with the first Monday in February in the year in which appointed, shall be 5 years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into 5 classes of 2 each, and the term of office of said classes so first appointed shall be respectively 1, 2, 3, 4 and 5 years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into 5 classes of 2 each, so that the term of office of 2 regents shall expire each year. The governor shall appoint the regents, by and with the advice and consent of the senate.

(2) A member of the board shall receive the compensation fixed by the board for rendering any specific service under its direction; but he shall receive no compensation for time spent going to, attending or returning from meetings of the board.

History: 1951 c. 319 s. 201a; 1951 c. 548.

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

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

(3) For the purpose of providing dormitories, commons, field houses, stadiums, student unions, and to equip, improve or make additions to any of them, and to enable the construction, financing and ultimate acquisition thereof, and for no other purpose unless authorized by the legislature, the board of regents of state colleges shall have the following powers and duties:

(a) The power to lease and re-lease state college lands and improvements to a non-profit-sharing corporation for terms not exceeding 50 years each and to enter into con-

tracts with such corporation, all upon condition that the corporation shall construct on the leased land such dormitories, commons, field houses, stadiums and student unions, or improvements and additions thereto, and provide such equipment therefor, as the regents shall designate and shall lease the same to the regents upon satisfactory terms as to the current rental, maintenance and ultimate purchase by the regents.

(b) The duty to apply the revenues derived from the operation of such dormitories, commons, field houses, stadiums and student unions, and additions and improvements thereto, to the payment of such rentals; and to apply any surplus which may accrue toward the purchase price of such building, addition, improvement and equipment.

(c) The power to apply the revenues derived from the operation of other dormitories, commons, field houses, stadiums and student unions, and additions and improvements thereto, to the payment of such rentals.

(d) The duty to submit the plans for buildings and all contracts and leases made pursuant to this subsection to the state engineer and the governor for written approval before they are adopted.

(e) The power to enter into leases or contracts with local units of government for the purposes mentioned as the board deems for the best interests of the state colleges.

(f) Nothing in this subsection empowers the regents to incur any state debt.

History: 1951 c. 268, 548; 1953 c. 61, 402.

Board has no statutory authority to lease lands to a city on a 15-year lease for recreational purposes. 39 Atty. Gen. 275.
Board of regents is not authorized to provide for curbs and gutters on state-owned property bordering city streets, and such property is exempt from special taxes or assessments where such improvements are furnished by the city. 40 Atty. Gen. 281.

37.03 Officers. The officers of the board shall be a president, vice president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex officio the treasurer of the board, but the board may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, and pay the same to the treasurer.

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

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

History: 1951 c. 548.

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

History: 1951 c. 548.

37.07 State colleges pre-audit; payments. Unless otherwise provided by law, no bills shall be incurred in the management of state colleges nor be paid until they have been audited by the board of regents of state colleges under the supervision of the department of budget and accounts. All payments shall be made on the warrant of the director of budget and accounts drawn in accordance with the certificate of the proper designated officer or officers of the board. All claims and accounts, before being certified to the director of budget and accounts shall be verified and approved in the same manner as provided in section 36.10 (2).

History: 1951 c. 548.

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

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

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

History: 1951 c. 548.

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

History: 1951 c. 548.

37.10 Model schools; department for teachers of deaf. (1) The board shall also establish a model school or schools for practice in connection with each state college, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition. The board may enter into a contract with any school, for a period of not more than 5 years, whereby children selected from such district may be pupils in such model school or schools for the practical demonstration of methods of teaching and the instruction of the students enrolled in any state college. The board may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the district. Any contract or agreement jointly entered into between any state college and any school districts, and having for its purpose the education of the pupils of the district is hereby validated, and shall be continued in full force and effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools in whole or in part, on account of the contract authorized under the provisions of this subsection shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools without such contract and in addition the district shall receive aid on account of transportation at the rate of \$24 per school year per child transported to and from the state college whose residence is more than 2 miles and not more than 5 miles from such college by the nearest traveled route and at the rate of \$36 per school year per pupil transported who resides more than 5 miles from such college by the nearest traveled route under the conditions provided by ss. 40.53 to 40.56. The governing body of any school district operating a high school or municipality in or near which there is a state-supported institution of higher learning which provides high school grades is authorized to provide or contract for the transportation of such pupils to such high school grades, and such district or municipality shall be entitled to transportation aids under the conditions provided in ss. 40.53 to 40.56 for all pupils so transported.

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

History: 1951 c. 548.

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

(1) To make rules, regulations and by-laws for the good government and management of the same and each department thereof, and to adopt such designation for said colleges as in the judgment of the board best fits their functions and purposes as institutions offering the liberal arts degree while maintaining a strong teachers' training program.

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

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

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

(5) To prescribe the courses of study and the various books to be used in such colleges, and upon completion of a course for a bachelor of arts degree for preparing teachers, to confer such certificates, diplomas, the bachelor of arts degree and professional degrees in education in testimony thereof as are usually conferred by other institutions of like character and rank and to prescribe the course of study for and to confer the degree of master of education. But when any state college shall offer a course for the express purpose of training teachers for county schools, the completion of which shall entitle one to the certificate mentioned in section 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county rural normal schools by the state superintendent.

(5m) To prescribe the courses of study and the various books to be used in such schools, and upon completion of a course for preparing teachers, to confer such certificates, diplomas and professional degrees in education in testimony thereof as are usually conferred by other institutions of like character and rank; and such degree only upon completion of a 4-year course above high school or its equivalent unless otherwise provided by law. But when any state college shall offer a course for the express purpose of training teachers for country schools, the completion of which shall entitle one to the certificate mentioned in section 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county rural normal schools by the state superintendent.

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

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

(8) To require any applicant for admission, who shall not have been exempted by any of the provisions of this section, to pay or to secure to be paid such fees for tuition as the board may deem proper and reasonable. The board may also charge any student laboratory fees, book rents, fees for special departments or any incidental fee covering all such special costs. Any adult student who shall have been a resident of the state for one year next preceding his first admission to the state college, or any minor student whose parents have been bona fide residents of this state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student, whose natural parents are divorced or legally separated, and who has resided continuously for the preceding year with either his mother or father, provided that such mother or father has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student who is an orphan who has resided continuously for the preceding year with a grandparent or a legally appointed guardian, provided that such grandparent or guardian has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, or any minor student who is under guardianship in this state pursuant to ch. 48 or 319, provided that the parental rights of the parents of such minor have been judicially terminated, and provided that, if the guardian of such minor is an individual, such individual has been a bona fide resident of the state for one year next preceding the beginning of any semester for which such student enters the state college, shall, while he continues a resident of the state, be entitled to exemption from fees for nonresident tuition, but not from incidental fees in the state colleges except that the board may admit nonresidents to summer schools on the same basis as residents. So far as applicable the provisions of s. 6.51 shall be used in determining such residence.

(8a) Nonresident members of the armed forces who are stationed in the state, and their wives and children, shall be entitled to exemption from fees for tuition but not from incidental fees in the state college.

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

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

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

(12) The board of regents of state colleges shall have authority to grant scholarships equivalent in value to the payment of all incidental fees to freshmen who, during their

high school course, ranked first in scholarship in Wisconsin public high schools and private secondary schools enrolling less than 250 students; to those ranking first and second in scholarships in Wisconsin public high schools and private secondary schools enrolling 250 to 750 students; and to those ranking first, second and third in scholarships in Wisconsin public high schools and private secondary schools enrolling 750 or more students. In case the person or persons eligible for scholarships under the provisions of this subsection do not elect to enroll at a state college, then the regents shall have the authority to grant the scholarships to the freshmen who were next highest in scholastic rank in the Wisconsin public high schools and Wisconsin private secondary schools.

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

(14) The board of regents of state colleges shall have authority to grant scholarships equivalent in value to the payment of incidental fees to disabled bona fide residents of the state who are recommended and supervised by the rehabilitation division of the state board of vocational and adult education.

History: 1951 c. 548; 1953 c. 249, 271.

See note to 20.38, citing 38 Atty. Gen. 516. depends upon the residence of his parents.
Liability of a minor for the payment of 39 Atty. Gen. 44.
nonresident tuition at state teachers colleges

37.12 College courses. The board of state college regents may extend the course of instruction at any state college to include a 4-year college liberal arts course. The board shall have the power to confer upon persons completing the 4-year course such degrees as are usual in universities and colleges.

History: 1951 c. 548.

37.13 Diplomas; certificates. Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state 2 years, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, issue to such teacher an unlimited state certificate, and thereafter such unlimited certificate shall be evidence of his qualification to teach in any common school. The said board may also, on such conditions as they may determine, grant a certificate of attendance certifying that the holder has completed the elementary course in a state college and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, issue a limited state certificate, and thereafter such certificate shall be evidence of his qualification to teach in any common school of the state. The said board of regents may also on such conditions as they may determine, grant a certificate, certifying that the holder has completed the course for teachers of country schools in a state college and is of good moral character. It shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the college.

History: 1951 c. 548.

37.14 Teachers' institutes. Institutes for the instruction of teachers shall be held in each year in such counties as may be designated by the state superintendent, with the advice and concurrence of said board, preference being given to such counties as receive the least direct benefits from the state colleges. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable, be uniform, and be prescribed by the state superintendent with the assistance of such agents, but subject to revision by said board.

History: 1951 c. 548.

37.15 Regents' report. The president of said board shall make to the governor a biennial report, bearing date August 31 of the year in which the biennial fiscal term closes, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said state colleges; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the governor.

History: 1951 c. 548.

37.29 Teacher training. The governing boards of the university, state colleges and county normal schools shall provide in their respective institutions adequate and essential instruction in co-operative marketing and consumers' co-operatives, and in conservation of natural resources.

History: 1953 c. 90.

37.30 Agricultural economics. Course in agricultural economics shall be given (including the business principles involved in farming and marketing and in financing agriculture), in the several state colleges and county normal schools, and shall be extended to schools in which agricultural subjects are taught, and to other schools as rapidly as practicable. The courses in agricultural economics to be given in the various schools shall be such as are prescribed from time to time by the state superintendent of public instruction, with the advice of the state department of agriculture and the chairman of the department of agricultural economics of the state university.

History: 1951 c. 548.

37.31 Teachers employed on probation; tenure; compulsory retirement. (1) All teachers in any state college shall be employed on probation and after successful probation for 4 years, the employment shall be permanent, during efficiency and good behavior, provided, that the teachers having taught 4 years or more in any such college shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided, by reason of 4 or more years of continuous service, shall be discharged except for cause upon written charges. Said charges shall after 10 days' written notice thereof to such teacher, and upon such teacher's written request, be investigated, heard and determined by the board of regents of state colleges, whose action and decision in the matter shall be final. The term "teachers" as used in this section shall include all persons engaged in teaching as their principal occupation but shall not include the president or acting president of any state college.

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

History: 1951 c. 438, 548; 1953 c. 61.

Right of teacher to permanent employment subject to removal for cause arises upon completion of 3 years of teaching in teachers college, irrespective of any notice to the teacher, either prior to or subsequent to the completion of the third year of teach-

ing, that he will or will not be employed for a fourth year. 39 Atty. Gen. 212.

Teacher in state college who retires June 30 pursuant to (2) is entitled to be paid for summer leave which he would have received but for retirement. 42 Atty. Gen. 33.