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SUPERVISION EXERCISED BY STATES OVER PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION

By

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BULLETIN, 1934, No. 8

UNITED STATES DEPARTMENT OF THE INTERIOR - - Harold L. Ickes, Secretary
OFFICE OF EDUCATION - - - - - George F. Zook, Commissioner

UNITED STATES GOVERNMENT PRINTING OFFICE WASHINGTON : 1934

Sold by the Superintendent of Documents, Washington, D.C. - - - - - Price 10 cents

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FOREWORD

An important question in the field of higher education is the relationship of the State to privately controlled colleges and universities. These institutions are created by the State, and an inherent responsibility for them exists in the State.

That the policies of the several States of the Union differ widely in the discharge of this responsibility is generally recognized. Specific information, however, is lacking, and it is believed that this comprehensive analysis of the laws in force in each of the 48 States respecting State supervision of privately controlled institutions of higher education will prove a valuable contribution to this problem.

BESS GOODYKOONTZ,
Acting Commissioner.

August 1934.

SUPERVISION EXERCISED BY STATES OVER PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION

CHAPTER I: INTRODUCTION

State supervision of privately controlled universities and colleges is based upon the principle that higher education, like elementary and secondary education, is of vital concern to the public. By supervision is meant general regulatory authority of a State-wide nature external to the institutions and not specific authority to control their internal policies and affairs.

In most of the States there are privately controlled institutions providing higher education. An obligation rests upon the State in the interest of public welfare to insure the high quality of that higher education. For the achievement of this object, it is necessary that the State exercise such supervision as to permit only the establishment of universities and colleges within its borders capable of meeting this criterion. A further responsibility is that continuing State supervision be sufficient to require the institutions after their establishment to maintain standards of excellence and to restrain those institutions without adequate academic programs from granting degrees.

The purpose of this inquiry is to analyze the extent of supervision exercised over privately controlled institutions of higher education by each of the 48 States with special reference to these points. The problem has been the subject of investigation in two prior studies. As early as 1897 the United States Bureau of Education (now Office of Education) conducted a study of the subject. This investigation was made largely as a result of a resolution adopted in that year by the National Education Association recommending that the States exercise supervision over degree-conferring institutions by fixing minimum standards to be maintained by them and by depriving institutions not conforming to the

standards of the degree-conferring power. Publication of this study was included in the annual report of the Commissioner of Education, 1897-98.¹ A second inquiry was made in 1926 by Lester W. Bartlett under the title, "State Control of Private Institutions of Higher Education", which was published by Teachers College, Columbia University.² Since the appearance of these studies a number of States have adopted new measures of supervision or have extended the supervision already in force over their privately controlled institutions.

The right of States to exercise supervision over the institutions is based on their power to grant charters of incorporation and to enact regulatory legislation. - Legal provisions under which the institutions are incorporated and statutory enactments for their regulation adopted by the several States reveal information pertaining to the extent of supervision. Requirements of the different States for the granting of charters and for the enforcement of the various phases of supervision are diverse. For the purpose of clarification, these have been reduced to eight fundamental questions covering the principal issues of the problem. These questions are presented separately in chapter II, together with the data relating to them. Wherever feasible the data are given in tabular form. It is thus possible to ascertain with readiness not only the States which have adopted particular policies of supervision but also those where only a limited amount of supervision is exercised. Comparisons may also be made of the different States. In addition to the information contained in these tabulations and textual discussion, a series of accounts dealing with the individual States is given in chapter III in which are described the special legal procedures and devices of supervision peculiar to the given State.

Data utilized in the inquiry were obtained by an examination of the constitutions and statutes of the several States relating to the granting of charters of incorporation to privately controlled universities and colleges, the privileges and powers conferred upon them, and the legal restraints and restrictions imposed upon them. Since the supervision exercised by each State is subject to revision at the periodical

¹ Vol. 2, ch. XXVII, pp. 1461-1476.

² Contributions to Education, No. 207, Teachers College, Columbia University, New York City, 1926.

sessions of the legislature, enactments of the various States were examined up to and including the 1933 legislative sessions except for 13 States. The 1933 session acts of these States had not yet been published in book form and were not available for inspection.

Attention must be called to the fact that this study applies only to incorporated colleges and universities. Unincorporated and privately owned institutions of various kinds offering special types of education are not included unless the statutes of the States make specific mention of them. It must also be emphasized that no search has been made into cases involving judicial decisions where the constitutionality of legislative enactments has been questioned through court litigation. The information as presented consequently is based solely upon the laws as they appear on the statute books of the several States. The construction placed on the provisions of the State constitutions and laws was necessarily subjective. In order to assure accuracy of their interpretation, the manuscript describing the extent of supervision of privately controlled institutions of each State was submitted either to the secretary of state, attorney general, or superintendent of public instruction of that State for criticism.

CHAPTER II: EXTENT OF SUPERVISION EXERCISED BY THE SEVERAL STATES

State supervision over incorporated universities and colleges is twofold in its character. The State may exercise an initial supervision at the time that the institutions obtain their charters of incorporation. A continuing supervision may also be exercised after the charters have been granted by the State. To what extent both initial and continuing supervision is exercised by the several States will be revealed by answering a series of eight fundamental questions.

1. *What States have made special reservations of power to alter or revoke charters of incorporation or to regulate corporations after their charters have been granted?*

Of primary importance to the whole problem of State supervision is the question whether the State has reserved the right to alter or revoke charters of incorporation or to regulate corporations after their charters have been granted.

When the State has granted charters conferring certain privileges, prerogatives, and franchises on corporations, legal difficulty is encountered in attempting to amend or rescind them unless the State has expressly reserved the right of alteration, revocation, or regulation. For this reason the policy has been adopted by many States to make such special reservations in order to remove any question of doubt as to their authority.

The reservations are contained in the constitutions or in the statutes of the States. In a few instances, the legal provisions reserving the right to annul charters expressly apply to incorporated colleges and universities, but in most States the reservations do not refer specifically to incorporated colleges and universities. The language used in both the constitutions and statutes, however, is such as to make them applicable to any charter of incorporation. Power to alter or revoke charters and to regulate corporations is vested in the State legislature except in some States where the power has been conferred on a State official or agency. The result of these reservations is to retain in the State the authority of supervision over the incorporated institutions. They are com-

pelled to accept their original charters with the understanding that they are subject to the power expressly reserved in the State legislature either to alter or revoke the charters or to regulate the corporations after their charters have been granted.

In this connection, the assumption must not be made that the State may arbitrarily alter or revoke a charter of incorporation. The alteration must be reasonable and in good faith. The authority to revoke a charter must be invoked only upon clear abuse of the chartered privileges, prerogatives, and franchises. The same principle of law applies with respect to the power reserved by the State to regulate and supervise corporations after their charters have been granted. In either case the corporations have the right to appeal to the courts to pass upon the legality and constitutionality of the authority of the State. Moreover, incorporated colleges and universities holding endowments and trusts for educational purposes are not generally subjected to such rigidity in the enforcement of the law as ordinary business corporations.

Table 1 shows the States which have adopted legal provisions reserving special powers in their legislatures over corporations. Whether the legal provisions are contained in their constitutions or statutes is likewise indicated.

TABLE 1.—SPECIAL RESERVATIONS OF POWER BY STATES TO SUPERVISE AND REGULATE CORPORATIONS

["X" indicates special power reserved by State]

STATE	Power reserved in legislature to alter or annul charters by—		Power reserved in legislature to regulate incorporated institutions by—		No specific reservations made
	State constitution	State statutes	State constitution	State statutes	
1	2	3	4	5	6
Alabama.....	X				
Arizona.....			X		
Arkansas.....	X	X ¹			
California.....		X ¹			
Colorado.....	X			X	
Connecticut.....		X ¹			
Delaware.....		X ¹			
Florida.....					X
Georgia.....	X ¹				
Idaho.....	X				

Footnotes at end of table.

TABLE 1.—SPECIAL RESERVATIONS OF POWER BY STATES TO SUPERVISE AND REGULATE CORPORATIONS—Continued

STATE	Power reserved in legislature to alter or annul charters by—		Power reserved in legislature to regulate incorporated institutions by—		No specific reservations made
	State constitution	State statutes	State constitution	State statutes	
1	2	3	4	5	6
Illinois.....				X	
Indiana.....					X
Iowa.....	X	X			
Kansas.....					X
Kentucky.....	X				
Louisiana.....			X		
Maine.....	X		X		
Maryland.....	X				
Massachusetts.....	X	X ¹		X	
Michigan.....	X	X ¹			
Minnesota.....					X
Mississippi.....	X				
Missouri.....					X
Montana.....	X				
Nebraska.....			X		
Nevada.....		X ¹			
New Hampshire.....			X		
New Jersey.....	X				
New Mexico.....			X		
New York.....		X ¹		X	
North Carolina.....	X				
North Dakota.....		X			
Ohio.....	X		X		
Oklahoma.....	X	X			
Oregon.....		X			
Pennsylvania.....	X				
Rhode Island.....		X ¹			
South Carolina.....	X	X			
South Dakota.....	X				
Tennessee.....		X			
Texas.....		X			
Utah.....			X		
Vermont.....			X		
Virginia.....	X				
Washington.....			X		
West Virginia.....		X			
Wisconsin.....		X		X	
Wyoming.....			X		
Total.....	21	16	11	5	5

¹ Implied in wording of constitution.

² Statute expressly confers power on State official or agency to amend or dissolve charters of incorporated colleges and universities for failure to comply with certain legal provisions.

³ Statutes provide that corporation law and all amendments to it shall be a part of the charter of every corporation and that the legislature may at pleasure amend or repeal the law.

The States which have made special reservations of power over corporations are numerous. According to the table, only 5 of the 48 States have not expressly reserved the right to alter or revoke charters or regulate corporations. These States are generally scattered, although most of them are located in the Middle West. Of special interest is the disclosure that six States have adopted legal provisions giving the legislature the right not only to alter and revoke charters of incorporation but also to regulate corporations after their charters have been granted. There are five States where the statutes provide specifically for the revocation of the charters of colleges and universities in case they fail to comply with certain provisions of the law. It will be noticed that in the case of some States the special reservations have been included in both their constitutions and statutes.

METHOD OF INCORPORATING INSTITUTIONS

2. How do the several States provide for the incorporation of the institutions? By special acts of the legislature or under the general corporation laws? By statutes applicable to all types of corporations or applicable only to colleges and universities?

Whether institutions are incorporated by special acts of the State legislature or under its general corporation laws has an important bearing on the extent of the supervision exercised over them by the State.

By the first method persons seeking to establish an institution prepare a charter and present it to the legislature for enactment. Since the procedure by its very nature is the making of a new law, the contents of the charter are not subject to provisions of the corporation laws already existing. As a result no general limitations or restrictions are placed on the rights granted in the charter. Special privileges and prerogatives may be included that are not enjoyed by other incorporated institutions in the State. It is evident, therefore, that this method tends to limit the supervision exercised by the State.

A different situation exists in the second method, which provides for the incorporation of the institutions under the general corporation laws of the State. The provisions of the

general corporation laws apply with uniformity to all persons seeking charters to establish colleges and universities. They prescribe the scope of special rights and privileges to be granted. The requirements that must be fulfilled and the limitations that are imposed on the institutions are also specifically provided in the laws. As a result no discrimination is possible. The States exercise the same supervision over all the institutions in the granting of their charters of incorporation.

Another pertinent question is whether the statutes of the several States for the chartering of the institutions are applicable to all types of corporations or only to colleges and universities. The purposes and functions of institutions of higher education are distinct in character and differ radically from those of most other incorporated enterprises. In States where colleges and universities are chartered under the same statutes as ordinary business corporations, nonstock and nonprofit corporations, or benevolent, religious, and miscellaneous corporations, differences in their purposes and functions are not recognized. The institutions are subject to the same character of State supervision as these other types of corporations rather than being subject to State supervision applicable only to colleges and universities. The existence of separate statutes for their incorporation is, therefore, of particular significance. Since a large number of privately controlled institutions are operated by church, religious, and denominational bodies, such as State synods, conferences, and conventions, it is also of special interest whether the States have provided separate statutes for the granting of charters to such organizations for the conduct of colleges and universities.

Table 2 shows the States that have provided for the incorporation of the institutions under their general corporation laws and those where the charters are obtained by special acts of the legislature. In addition the table indicates the States where the institutions must secure their charters under statutes applicable to all types of corporations and those with statutes applicable only to colleges and universities. States having separate statutes for the granting of charters to church, religious, and denominational bodies for the conduct of institutions are also shown.

TABLE 2.—HOW THE STATES PROVIDE FOR THE GRANTING OF CHARTERS TO PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION

["X" indicates particular method adopted by State]

State	Charter of incorporation must be obtained—			Charter of incorporation obtained under statutes providing for chartering of—				Statutes provide for granting of charters to church, religious and denominational bodies to conduct institutions
	Under general corporation laws	By special acts of legislature	Either under corporation laws or by special acts	Ordinary business corporations	Non-profit or non-stock corporations	Benevolent, religious, educational, and miscellaneous corporations	Corporations for conduct of colleges, universities, and seminaries of learning	
1	2	3	4	5	6	7	8	9
Alabama.....	X				X			X
Arizona.....	X				X			
Arkansas.....	X						X	X
California.....	X						X	X
Colorado.....	X					X		X
Connecticut.....	X	X	X		X			
Delaware.....	X			X				
Florida.....	X				X			
Georgia.....	X					X		
Idaho.....	X						X	
Illinois.....	X						X	
Indiana.....	X						X	X
Iowa.....	X				X			X
Kansas.....	X						X	
Kentucky.....	X					X		
Louisiana.....	X				X			X
Maine.....	X	X ⁴		X	X			
Maryland.....	X			X				
Massachusetts.....	X	X	X			X		
Michigan.....	X						X	X
Minnesota.....	X					X		X
Mississippi.....	X			X				X
Missouri.....	X					X		
Montana.....	X						X	X
Nebraska.....	X						X	X ⁵
Nevada.....	X					X		
New Hampshire.....	X	X	X			X		
New Jersey.....	X						X	
New Mexico.....	X					X		
New York.....	X	X ¹					X	
North Carolina.....	X			X				
North Dakota.....	X					X		
Ohio.....	X						X	X
Oklahoma.....	X					X		
Oregon.....	X					X		X
Pennsylvania.....	X						X	X
Rhode Island.....	X	X	X			X		
South Carolina.....	X					X		
South Dakota.....	X						X	
Tennessee.....	X						X	X

Footnotes at end of table.

TABLE 2.—HOW THE STATES PROVIDE FOR THE GRANTING OF CHARTERS TO PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION—Continued

State	Charter of incorporation must be obtained—			Charter of incorporation obtained under statutes providing for chartering of—				Statutes provide for granting of charters to church, religious and denominational bodies to conduct institutions
	Under general corporation laws	By special acts of legislature	Either under corporation laws or by special acts	Ordinary business corporations	Non-profit or non-stock corporations	Benevolent, religious, educational, and miscellaneous corporations	Corporations for conduct of colleges, universities, and seminaries of learning	
1	2	3	4	5	6	7	8	9
Texas.....	X						X	
Utah.....	X				X			X
Vermont.....	X			X				
Virginia.....	X				X			
Washington.....	X					X		
West Virginia.....	X				X			
Wisconsin.....	X	X ¹		X				X
Wyoming.....	X					X		X
Total.....	48	7	4	6	10	16	16	10

¹ When objects cannot be attained under general laws.
² For institutions providing religious instruction or theological education.

As disclosed by the table, there is not a single State that does not provide for the chartering of the institutions under its general corporation laws. In the case of four States, however, the institutions have the option of obtaining charters either by special act of the legislature or under the general laws. Charters may be secured in three additional States by special acts only in the event that the objects of the proposed institution cannot be accomplished by incorporation under the general laws.

One third of the States have statutes for the granting of charters to colleges, universities, and seminaries of learning, separate and distinct from other types of corporations. In another third the institutions obtain their charters under statutes dealing with benevolent, religious, educational, and miscellaneous corporations. The remaining third of the States provide for the chartering of the institutions under statutes creating ordinary business corporations and non-

stock or nonprofit corporations. The table shows that 19 States have separate statutes for the granting of charters to church, religious, or denominational bodies for the purpose of conducting colleges and universities.

PROCEDURE FOLLOWED TO OBTAIN CHARTERS

3. *What differences exist among the States in the legal procedure that must be followed by the institutions in obtaining their charters?*

Legal procedure necessary for the institutions to obtain their charters constitutes an important factor in appraising the extent of supervisory power exercised by the State.

The first step varies among the States. In some States persons, always more than three in number, desiring to incorporate themselves must hold a meeting, agree upon the articles for the proposed corporation, and elect trustees and officers. In other States no meeting is required. All that is necessary is for three or more persons to prepare articles for the proposed corporation. Other plans of procedure more or less similar exist in other States. A mandatory provision in all States is that the articles must be signed and acknowledged by the incorporators.

No supervisory power of any consequence is exercised by the State in these preliminary steps. The corporation laws of all the States provide that the articles of incorporation must be filed with some officer or agency of the State. It is at this point that some conception of the extent of the supervision exercised by the State may be gained. In the first place the particular officer or agency of the State designated to receive the articles is of importance. Since the corporation is being formed for the purpose of establishing and conducting an educational institution the presumption is that the articles would be filed with the State educational agency or officer having jurisdiction over the State's educational affairs.¹ In the second place arises the question of

¹ The term "State educational agency," as used in the tabulations and text throughout this study, is the State board of education in all the States with the following exceptions: Massachusetts and Texas, where the agency named in the State's law to exercise supervision is the State department of education; New York, regents of the University of the State of New York; Pennsylvania, State council of education; Ohio, State director of education; Maine, State commissioner of education; Mississippi, State superintendent of education; Colorado, Florida, Illinois, Iowa, Michigan, Nebraska, North Dakota, Oregon, South Dakota, and Wisconsin, State superintendent of public instruction.

whether the officer or agency is empowered to approve or disapprove the articles. Where the procedure consists of the mere filing of the articles with the officer or agency after which the charter is automatically granted without approval, the supervisory power exercised by the State is only perfunctory. Where the officer or agency must actually approve the articles before granting the charter, a real supervisory power is exercised by the State. A similar situation exists with regard to amendments to the charters as all States provide that the same steps must be taken as in the original incorporation.

In table 3, the legal procedure of the States for granting charters to the institutions is presented in tabular form. The table shows the particular officer or agency with whom the articles of incorporation and amendments must be filed for each of the States and indicates whether this officer or agency has authority to approve or disapprove them before the charter is granted.

TABLE 3.—LEGAL PROCEDURE PROVIDED BY STATES FOR THE GRANTING OF CHARTERS TO PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION

["X" indicates the plan of procedure in the State]

State	Articles of incorporation and amendments must be filed with—						Articles of incorporation must be approved by agency with whom filed	Charter granted upon filing of articles of incorporation without any approval
	Secretary of State	Judge of superior, circuit, or probate court	Recorder or clerk of court, county, town, or parish	State corporation commission, charter board, or tax commission	Governor of State	State educational agency		
1	2	3	4	5	6	7	8	9
Alabama.....		X			X			
Arizona.....				X	X			X
Arkansas.....								X
California.....	X					X	X	X
Colorado.....	X						X	X
Connecticut.....	X							X
Delaware.....	X							X
Florida.....		X						X
Georgia.....		X					X	X
Idaho.....	X					X	X	X
Illinois.....	X							X
Indiana.....			X					X
Iowa.....			X					X
Kansas.....			X					X
Kentucky.....	X			X			X	X

Footnotes at end of table.

TABLE 3.—LEGAL PROCEDURE PROVIDED BY STATES FOR THE GRANTING OF CHARTERS TO PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION—Con.

State	Articles of incorporation and amendments must be filed with ¹ —						Articles of incorporation must be approved by agency with whom filed	Charter granted upon filing of articles of incorporation without any approval
	Secretary of State	Judge of superior, circuit, or probate court	Recorder or clerk of court, county, town, or parish	State corporation commission, charter board, or tax commission	Governor of State	State educational agency		
1	2	3	4	5	6	7	8	9
Louisiana.....			X					X
Maine.....			X					X
Maryland.....				X				X
Massachusetts.....				X		X ²	X ³	
Michigan.....	X						X ³	
Minnesota.....	X							X
Mississippi.....		X			X		X	
Missouri.....			X				X	
Montana.....		X					X	
Nebraska.....								X
Nevada.....	X							X
New Hampshire.....			X					X
New Jersey.....			X			X ²	X ³	
New Mexico.....				X				X
New York.....						X	X	
North Carolina.....	X					X ²	X ³	
North Dakota.....	X							X
Ohio.....	X					X ²	X ³	
Oklahoma.....	X							X
Oregon.....				X				X
Pennsylvania.....						X	X	
Rhode Island.....						X	X	
South Carolina.....	X						X	
South Dakota.....	X							X
Tennessee.....	X							X
Texas.....	X							X
Utah.....			X					X
Vermont.....	X						X	
Virginia.....		X					X	
Washington.....	X							X
West Virginia.....	X					X ²	X ³	
Wisconsin.....	X							X
Wyoming.....			X					X
Total.....	22	6	9	6	3	10	20	28

¹ In many States copies of articles must be recorded with additional State or county official.

² Amendments to articles only must be filed with and approved by Governor.

³ Only articles of incorporations containing right to grant degrees must be filed with or approved by State educational agency.

As will be readily observed by an examination of the table, considerable variation exists in the legal procedure for the several States. The articles of incorporation and amendments are filed with six different officers or agencies. In 10 States the agency having jurisdiction over the educational

affairs of the State is designated. Of these States, however, there are six in which the right to confer degrees must be included in the articles or amendments, otherwise they are filed with some other officer rather than the State educational agency.

The States where the charters and amendments are granted without approval by the officer or agency with whom they are filed number 28. A question of special interest is whether these States where no approval is required before their charters are granted have made special reservations of power either to alter and revoke charters or to regulate the incorporated institutions. Information on this point is obtainable by comparing table 3 and table 1. The result shows that all the States not requiring approval of the charters with three exceptions have specifically reserved such power either in their constitutions or statutes.

LIMITATIONS AND REQUIREMENTS PRESCRIBED

4. What supervision is exercised by the several States through the prescription of specific limitations and requirements with which the institutions must comply at the time their charters are granted?

In addition to outlining the legal procedure that must be followed by the institutions, the State exercises supervision over them through the prescription of specific limitations and requirements which must be fulfilled by them at the time their charters are granted.

Among the limitations prescribed is the fixing of the time of duration of the charters. A characteristic of the incorporated institutions is their possession of certain rights, privileges, and franchises not enjoyed by the individual. Whether these special prerogatives are to be possessed by the institutions in perpetuity or whether they are granted only for a limited period of time is a question of considerable import in determining the extent of supervision to be exercised by the State.

The specific requirements adopted by different States are designed primarily to guarantee the maintenance of a minimum standard of higher education in the institutions after they have been established. Among them is the requirement that the institution have a certain amount of property, endowment, or resources at the time the charter is granted so

that it may be insured of a suitable income. Other requirements include minimum numbers of faculty members, educational facilities and equipment, and courses of study to give assurance that the academic work done in the prospective institution will be of collegiate grade. Admission and graduation requirements are among other specifications. In order to prevent the conferring of degrees and diplomas without meeting the necessary scholastic standards, specific requirements have been adopted by a number of States. Some States prescribe requirements of a miscellaneous character, such as whether the proposed institutions are of public usefulness, serve the public welfare, or are essential to the educational needs of the communities where they are to be located.

Table 4 indicates the States which have fixed limitations and requirements with which the institutions must comply at the time of granting their charters. Where States have limited the time of duration of charters, the number of years in each case is given. The actual minimum amounts of property, endowment, or resources are also shown in the States where such requirements have been prescribed.

TABLE 4.—LIMITATIONS AND REQUIREMENTS FIXED BY STATES WITH WHICH PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION MUST COMPLY AT TIME OF GRANTING CHARTERS

["X" indicates specification or requirement fixed by the State]

State	Limitation prescribed on time of duration of charter in years	Institutions before approval of articles of incorporation must meet requirements with respect to—								No specific limitations or requirements prescribed
		Minimum amount of property, endowment or resources	Minimum number of faculty members	Minimum educational facilities and equipment	Minimum courses of study offered	Admission requirements	Requirements for graduation	Conferring degrees or diplomas	Other miscellaneous requirements	
1	2	3	4	5	6	7	8	9	10	11
Alabama.....										X
Arizona.....	26									
Arkansas.....		\$50,000			X					
California.....								XX		
Colorado.....	20									
Connecticut.....										XX
Delaware.....										XX
Florida.....										
Georgia.....	20							X	XX	
Idaho.....	20									

Footnotes at end of table.

16 PRIVATELY CONTROLLED HIGHER INSTITUTIONS

TABLE 4.—LIMITATIONS AND REQUIREMENTS FIXED BY STATES WITH WHICH PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION MUST COMPLY AT TIME OF GRANTING CHARTERS—Continued

State	Limitation prescribed on time of duration of charter in years	Institutions before approval of articles of incorporation must meet requirements with respect to—								No specific limitations or requirements prescribed
		Minimum amount of property, endowment or resources	Minimum number of faculty members	Minimum educational facilities and equipment	Minimum courses of study offered	Admission requirements	Requirements for graduation	Conferring degrees or diplomas	Other miscellaneous requirements	
1	2	3	4	5	6	7	8	9	10	11
Illinois.....										
Indiana.....	50									X
Iowa.....	50									
Kansas.....	50									
Kentucky.....									X	
Louisiana.....	"									X
Maine.....										X
Maryland.....										X
Massachusetts.....										X
Michigan.....		\$ 5,000 100,000						X		
Minnesota.....										
Mississippi.....	150									X
Missouri.....	20									
Montana.....	40								X	
Nebraska.....		\$ 5,000 100,000								
Nevada.....		500								
New Hampshire.....										
New Jersey.....										X
New Mexico.....	50							X		
New York.....		\$ 500,000	X	X	X	X	X	X		
North Carolina.....	60									
North Dakota.....				X		X	X	X		
Ohio.....		25,000	X	X	X			X		X
Oklahoma.....										
Oregon.....										X
Pennsylvania.....		\$ 500,000	X	X	X	X	X	X	X	
Rhode Island.....			X	X	X	X		X	X	
South Carolina.....										
South Dakota.....									X	
Tennessee.....										X
Texas.....	50									
Utah.....	100									
Vermont.....										
Virginia.....								X		
Washington.....	50								X	
West Virginia.....										
Wisconsin.....								X		
Wyoming.....										X
Total.....	15	7	4	5	4	3	3	13	7	17

¹ Applicable only to institutions seeking the right to confer degrees.
² Charter may be granted for longer period by court.
³ When the articles of incorporation contain no time limit.
⁴ In case charter fails to fix period not to exceed 30 years, time of duration is limited to 20 years.

In 33 States perpetual charters are granted to the institutions, no time limitation being placed on their duration, the table shows. In the States where such limitation is fixed, the period of duration of the charters ranges from 20 to 100 years.

There are seven States requiring institutions to possess a certain minimum amount of property, endowment, or resources before granting charters. The amounts prescribed vary considerably. In the case of only 2 States are amounts as high as \$500,000 required while 1 State prescribes \$500. The table likewise shows that very few States have fixed specifications with respect to minimum number of faculty members, educational facilities and equipment, courses of study, admission and graduation requirements that must be met by the institutions before being granted charters. A much larger number of States, however, have prescribed requirements with which the institutions must comply before the power to confer degrees and diplomas is granted to them by the charter.

In 17 States there are no limitations or requirements whatever prescribed at the time charters are granted to the institutions.

SPECIAL POWERS CONFERRED

5. What States have enacted laws conferring specific educational powers on the institutions in addition to general corporation powers?

The State in the creation of corporations endows them with certain powers for the accomplishment of their objects. The powers are legally known as general corporate powers and ordinarily include such rights as to have a common seal and to alter it at pleasure; sue and be sued in the corporate name; contract and be contracted with; acquire by purchase or receive by bequest or devise, hold, convey, and otherwise dispose of real and personal property; borrow money by mortgage or pledge on the corporation's property to secure payment; appoint and employ such officers and agents as the business may require; make bylaws and regulations for its government and management; and perform any other act necessary to carry out its purposes.

In every State, the incorporated privately controlled colleges and universities are endowed with these general cor-

porate powers. In addition a number of States have enacted laws conferring specific educational powers on the institutions directly relating to their functions. A point indicative of the relation of the State to the institutions is involved in this situation. It is evident that the institutions upon which special educational powers have been conferred are in a more favorable position than those which are compelled to depend upon more or less indefinite terms of the general corporate powers. Their status is different from the ordinary business corporation.

The specific educational powers contained in the laws of the different States relate in general to the administrative, financial, and academic phases of the institutions. In the administrative category are included the powers to appoint the president or executive officer, employ members of the faculty, and remove them at pleasure. The powers dealing with finances include the right to fix the compensation of staff members and to make tuition charges to students. Among the powers connected with academic functions are the authority to prescribe courses of study and direct the discipline to be observed by the students. Obviously the conferring of such powers by the State on the institutions serves to facilitate the conduct of their affairs. In a number of States the specific educational powers contained in the laws include the right to confer degrees and diplomas. Since this subject is to be presented separately in a subsequent section of this chapter, it has been omitted here.

Table 5 shows the States that have enacted laws conferring specific educational powers on the institutions in addition to general corporate powers. A classification of the various powers is made in the table so that the particular power that has been conferred by a given State may be ascertained.

TABLE 5.—SPECIFIC EDUCATIONAL POWERS IN ADDITION TO CORPORATE POWERS CONFERRED BY LAWS OF STATES UPON PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION AFTER CHARTERS HAVE BEEN GRANTED

["X" indicates specific power conferred]

State	Ap- point pres- ident or execu- tive officer	Em- ploy mem- bers of faculty	Re- move mem- bers of faculty	Fix com- pen- sation of faculty mem- bers	Make tuition charges to stu- dents	Pre- scribe courses of study	Direct disci- pline to be ob- served by stu- dents	No specific educa- tional powers
1	2	3	4	5	6	7	8	9
Alabama.....								X
Arizona.....								X
Arkansas.....	X	X		X				
California.....	X	X		X		X	X	
Colorado.....								X
Connecticut.....								X
Delaware.....								X
Florida.....								X
Georgia.....								X
Idaho.....	X	X	X	X		X	X	
Illinois.....	X	X	X	X		X		
Indiana.....	X					X		
Iowa.....								X
Kansas.....		X	X	X			X	
Kentucky.....								X
Louisiana.....								X
Maine.....			X					
Maryland.....								X
Massachusetts.....								X
Michigan.....	X	X				X	X	
Minnesota.....						X	X	
Mississippi.....								X
Missouri.....								X
Montana.....	X	X	X	X		X	X	
Nebraska.....	X	X		X		X	X	
Nevada.....								X
New Hampshire.....								X
New Jersey.....					X			
New Mexico.....								X
New York.....								X
North Carolina.....								X
North Dakota.....	X	X	X		X	X	X	
Ohio.....	X	X		X				
Oklahoma.....	X	X	X		X	X	X	
Oregon.....								X
Pennsylvania.....								X
Rhode Island.....								X
South Carolina.....								X
South Dakota.....	X	X	X		X	X	X	
Tennessee.....	X	X						
Texas.....		X	X	X			X	
Utah.....								X
Vermont.....								X
Virginia.....								X
Washington.....								X
West Virginia.....								X
Wisconsin.....						X		
Wyoming.....		X					X	
Total.....	13	15	9	9	4	12	13	28

An interesting feature of the information provided by the table is the number of States which grant general corporate powers only to the institutions, no specific educational powers being conferred. This condition exists in 28 States. In the States where laws have been enacted conferring specific educational powers, not a great deal of variation is found with respect to the particular functions of the institutions to which these powers apply. For example, most States which have conferred specific powers on the institutions dealing with their administrative phases have also conferred specific powers relating to academic functions. In four States the specific power is conferred on the institutions to make tuition charges to students.

CONTINUING REGULATORY SUPERVISION

6. What States maintain a continuing regulatory supervision over the institutions after their charters have been granted? To what agency is such supervision intrusted and what is the extent of the supervision exercised?

The exercise of supervision by the State at the time of granting charters is designed to prevent the establishment of unsatisfactory institutions. The exercise of continued regulatory supervision over the institutions after their charters have been granted is for the purpose of compelling them to maintain a minimum standard of excellence.

The efficacy of the continuing supervision exercised by the State is dependent upon several factors. One is the particular agency to which the power of continued regulatory supervision is intrusted. A second is the extent of the supervision vested in the agency as indicated by the legal requirements which it is empowered to enforce. The third factor is whether the agency is endowed with sufficient authority for the enforcement of its supervision.

In the States where continuing regulatory supervision has been adopted over the institutions the State educational agency has been designated to effect this object with a few exceptions. The legal requirements which the agency is empowered to enforce differ widely in the individual States. These requirements include the maintenance of minimum amounts of property, assets or income, courses of study, number of staff members, and requisite equipment and

facilities. Observance of certain requirements for admission and graduation of students is also prescribed in some States. In place of providing specific legal requirements, other States have conferred power on the supervising agency to fix the standards to be maintained by the institutions. Another plan is to empower the agency to accredit or approve the institutions thereby setting minimum standards that they must meet.

In order that the State agency may possess sufficient authority to enforce supervision, two different powers have been conferred upon it by the laws of the various States. One consists of the right of inspection or visitation of the institutions to investigate whether or not the requirements are being fulfilled. The other gives the agency the power to revoke approval of the institutions for failure to observe the requirements or maintain the prescribed minimum standards. Another instrument of continuing regulatory supervision utilized by the States is the requirement that the institutions submit reports at regular intervals of time to the State educational agency. Through the reports information is frequently furnished the supervisory agency as to whether required standards are being met. In the case of some States reports are submitted to the State educational agency voluntarily by the institutions rather than on an obligatory basis. Only States where the institutions are legally required to submit reports are here considered. It is the practice of a number of States to exercise a special continuing supervision over the institutions with respect only to their right to confer degrees. As this type of supervision is to be treated separately under the next question, it has not been presented in this section.

Table 6 shows the States maintaining continuing regulatory supervision over the institutions after their charters have been granted together with the agency intrusted with supervision and the various legal requirements it is empowered to enforce.

TABLE 6.—CONTINUING REGULATORY SUPERVISION EXERCISED BY STATE OVER PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION AFTER CHARTERS HAVE BEEN GRANTED

["X" indicates practices in the several States]

State	State educational agency exercises continuing supervision	Agency empowered to enforce legal requirements with respect to—										Agency enforces supervision by—		No special continuing regulatory supervisory agency required	Submission of reports to educational agency required	
		Minimum property, assets, or income	Fixing of standards to be maintained	Minimum courses of study	Minimum number of faculty members	Requirement of equipment and facilities	Admission requirements for students	Graduation requirements for students	Accrediting or approving institutions	Inspection or visitation of institutions	Revoking approval for failure to meet requirements	11	12			13
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
Alabama															X	
Arizona															X	
Arkansas	X		X	X						X	X	X	X		X	
California																
Colorado																
Connecticut																
Delaware	X		X	X								X	X			
Florida																
Georgia										X	X					
Idaho																
Illinois																
Indiana																
Iowa																
Kansas				X												
Kentucky										X						
Louisiana																
Maine				X												
Maryland			X	X												
Massachusetts	X				X				X			X	X		X	X

Legal provision for continuing regulatory supervision of one character or another appears in 22 States, according to the table. Of the States making up this number, the supervision is of a very limited character in several States. In 16 States an agency has been given the power to exercise the continuing supervision, the State educational agency being designated in all cases. Of special interest is the fact that most of these States are located in the East where privately controlled institutions predominate.

Considerable differences are found in the number of States prescribing particular legal requirements which the educational agency is empowered to enforce in the exercise of its supervision. In 3 States this agency is empowered to enforce legal requirements for the maintenance of minimum amounts of property, assets, or income, while 12 States authorize the agency to fix minimum standards that must be maintained by the institutions. Requirements with respect to minimum courses of study, minimum number of faculty members, requisite equipment and facilities, admission and graduation requirements for students have been prescribed in from 5 to 7 States. The State educational agency is empowered to enforce its regulatory supervision through the accrediting and approving of the institutions in seven States. In New York the table shows that the supervision exercised by the State agency over the institutions is extensive, power being vested in it to enforce all the various legal requirements listed.

There are 11 States conferring power of inspection or visitation of the institutions on the supervising agency. In four States the county judge, attorney general, legislature, or commissions appointed by the governor are empowered to visit or inspect the institutions rather than the State educational agency. States where the State educational agency possesses the authority to revoke approval of institutions for failure to meet the requirements number seven. In 16 States the institutions are required to submit reports to the State educational agency.

Of particular interest in this connection is a comparison of the States which provide for some type of initial supervision at the time of granting charters to the institutions and those providing for continued supervision of one character or another after the charters are granted. By comparing table

6 with table 4 this information is readily available. There are 10 States that provide for some type of initial supervision over the institutions but make no specific provision for continuing supervision, while there are 12 States that provide for no initial supervision but provide for continuing supervision. Ten States provide for both initial and continuing supervision.

RESTRICTIONS WITH RESPECT TO CONFERRING DEGREES

7. What States have placed specific restrictions on the right of the institutions to confer degrees?

By restricting the right of institutions to confer degrees unless adequate academic programs are maintained, the State safeguards the public in a measure at least against an unsatisfactory grade of higher education.

The right to confer degrees is generally granted to the privately controlled institutions by the State either at the time of their incorporation or through subsequent amendments made to their charters. This privilege is conferred directly on the institutions through special educational powers contained in their corporation laws. Restrictions placed on the right to confer degrees and diplomas are more usually found in the States providing regulatory supervision of the institutions.

In the States where restrictions have been placed on the right of the institutions to confer degrees, two general procedures have been adopted for their enforcement. One consists of the provision that some State agency must expressly authorize the institution to grant degrees or must specifically approve the institutions entitled to grant degrees. The particular agency endowed with this power varies in the different States, being either the State educational agency, legislature, or secretary of State. The second procedure provides for the prescription of standards or requirements either by the State educational agency or the State statutes, themselves, that must be met by the institutions before being permitted to confer degrees. In the States where no specific restrictions are made, the legal provisions of the corporation laws explicitly empower the institutions to confer degrees and diplomas such as are conferred by similar colleges and universities or no mention of them is made in the statutes.

In addition to this particular aspect of restrictive control, a number of States have enacted laws designed to prevent the conferring of fraudulent degrees. The statutes are applicable to the issuance of degrees without legal authority, outright sale of a degree, or acceptance of a sum of money by the officer or faculty member of an institution for conferring an unearned degree. A penalty usually consisting of a fine and imprisonment is prescribed.

Table 7 shows the States that provide restrictions on the right of the institutions to confer degrees, those that place no restraint on the privilege, and those that prescribe penalties for the conferring of fraudulent degrees. The particular State agency from which approval must be obtained in order to confer degrees is also shown for the States where restrictions have been adopted.

TABLE 7.—RESTRICTIONS OF STATES ON THE RIGHT OF PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION TO CONFER DEGREES

["X" indicates restrictions in force for each State]

State	State educational agency must approve	State legislature must authorize	Secretary of State must approve	Must meet standards prescribed by State educational agency	Must meet requirements prescribed by statutes	Statutes do not mention degrees	No specific restrictions on granting degrees ¹	Penalty prescribed for conferring fraudulent degrees
1	2	3	4	5	6	7	8	9
Alabama.....							X	
Arizona.....						X		
Arkansas.....	X							X
California.....					X			X
Colorado.....							X	
Connecticut.....		X ²						
Delaware.....				X				X
Florida.....						X		
Georgia.....				X				
Idaho.....							X	
Illinois.....							X	
Indiana.....							X	
Iowa.....					X			X
Kansas.....							X	
Kentucky.....						X		
Louisiana.....					X			
Maine.....		X						X
Maryland.....	X							
Massachusetts.....		X ²						
Michigan.....					X			

¹ State empowers institutions to confer degrees usually conferred by similar colleges and universities.

² State educational agency recommends to State legislature whether right to confer degrees should be authorized.

TABLE 7.—RESTRICTIONS OF STATES ON THE RIGHT OF PRIVATELY CONTROLLED INSTITUTIONS OF HIGHER EDUCATION TO CONFER DEGREES—Continued

State	State educational agency must approve	State legislature must authorize	Secretary of State must approve	Must meet standards prescribed by State educational agency	Must meet requirements prescribed by statutes	Statutes do not mention degrees	No specific restrictions on granting degrees	Penalty prescribed for conferring fraudulent degrees
1	2	3	4	5	6	7	8	9
Minnesota.....							X	
Mississippi.....						X		
Missouri.....						X		
Montana.....							X	
Nebraska.....							X	
Nevada.....						X		
New Hampshire.....						X		
New Jersey.....	X							X
New Mexico.....							X	
New York.....	X							X
North Carolina.....	X							
North Dakota.....							X	
Ohio.....	X							
Oklahoma.....	X							X
Oregon.....						X		
Pennsylvania.....	X							X
Rhode Island.....	X							X
South Carolina.....						X		
South Dakota.....							X	
Tennessee.....							X	
Texas.....							X	
Utah.....						X		
Vermont.....			X					
Virginia.....						X		
Washington.....							X	
West Virginia.....	X							
Wisconsin.....							X	
Wyoming.....							X	
Total.....	10	3	1	2	4	11	17	10

The table reveals that 17 States place no specific restraint on the right of the institutions to confer degrees. Of the States where restrictions have been adopted, specific approval of the State educational agency is required in the great majority of cases. There are three States, however, where the legislature must expressly authorize the institutions to confer degrees. In restricting the institutions there are six States which provide that they must meet standards prescribed by the State educational agency or must comply with State statutes before they are permitted to confer degrees. Ten States have enacted laws against the conferring of fraudulent degrees.

SUPERVISION OF TEACHER TRAINING IN INSTITUTIONS

8. *What supervision do the States exercise over teacher-training work in privately controlled institutions whose graduates are to receive State teachers' certificates without examination?*

The State has a direct interest in providing efficiently trained public-school teachers to educate its youth. For this reason supervision is exercised universally by the States over teacher-training work in privately controlled institutions.

Due doubtless to the fact that the State educational agency is responsible for the certification of teachers, the laws of the States vest supervision over the training of teachers by these institutions in this agency. Dependent on the particular legal provisions contained in their statutes, differences exist in the type of supervision exercised among the several States.

In the case of some States, the laws confer general power on the State educational agency to adopt its own rules and regulations with which the institutions must comply in conducting teacher training. Others have enacted specific legal requirements that the agency must enforce. The requirements are numerous and vary from State to State. Institutions in some States are required to possess a minimum amount of capital or income. A requirement in other States is that the State educational agency prescribe teacher-training standards that the institutions must maintain. Another requirement in a number of States is that the agency fix the teacher-training courses of study that must be given by them. In still other States the law requires that the institutions provide, and the students earn, a certain number of credit-hours in educational subjects. Among other requirements are that the institutions maintain adequate equipment and facilities, that they employ a minimum number of instructors with requisite qualifications, and that they conform with prescribed admission and graduation requirements for students pursuing teacher-training work.

Of special significance is the legal requirement of States which places the privately controlled institutions on the same basis as public institutions. In such case the law specifically provides that the teacher-training work in the privately controlled institutions must be equivalent to that given in the State teacher-training institutions. Approval or accrediting

of the institutions complying with standards of teacher training prescribed by the State educational agency is included among the legal provisions of a number of States.

The laws providing for the enforcement of State supervision usually confer authority on the agency to examine or inspect the teacher-training work in the institutions for the purpose of ascertaining whether the requirements are being fulfilled. The examination or inspection is made in some instances only at the time the privately controlled college or university is first granted the right to train teachers. In others the legal provisions stipulate that it must be made annually. Another method of enforcing supervision is the conferring of power on the agency to revoke approval or accrediting of the institutions failing to maintain the required teacher-training standards. Under the statutes of some States supervision is exercised only in case the institutions make application to the State educational agency for recognition of their teacher-training work.

Table 8 indicates the supervision exercised by the States over the teacher-training work in the institutions including the particular legal requirements adopted by them.

An examination of the table discloses that all States exercise some type of supervision over the teacher-training work in the institutions. Eight States have empowered the State educational agency to adopt its own rules and regulations of supervision. In the remaining States considerable variation is found in the specific legal requirements that have been adopted and must be enforced by this agency. The table reveals that in 20 States the agency is empowered to prescribe teacher-training courses of study in the institutions, while in 12 States the institutions must provide and the students must earn a certain number of credit hours in educational subjects. Eleven States require that the teacher-training work in the institutions be equivalent to that in the State teacher-training institutions.

The most common method of supervision existing among the States is the approval or accrediting by the State educational agency of the institutions meeting prescribed teacher-training standards. This provision is included in the statutes of 26 States. In enforcing its supervision the agency makes examinations or inspections of the teacher-training work in the institutions in 11 States. Specific power to revoke approval or accrediting is conferred on the agency in five States. There are six States which exercise supervision only upon request or application of the institutions for recognition.

A question of interest is the divergency in the policies of the States with regard to the exercise of general supervision over the institutions as presented in table 6 and of specific supervision over their teacher-training work as presented in table 8. There are 26 States exercising no general supervision while all States exercise specific supervision over teacher training in the institution.

CHAPTER III: ASPECTS OF SUPERVISION CHARACTERISTIC OF THE DIFFERENT STATES

The several States have adopted special legal procedures and devices in order to exercise supervision over their privately controlled institutions of higher education. It was impossible to show all of the significant legal provisions in the tabulations contained in the preceding chapter. Since such special aspects are enlightening in the disclosure of the extent of supervision exercised by the State, their presentation in separate State accounts is deemed essential. Only States with some significant phase of supervision are included.

ARKANSAS

Arkansas is one of the States that has enacted laws both for the initial and the continued regulatory supervision of the institutions.

Before a charter is granted to an institution in the State, the applicants are required to submit it to the State board of education. The board has the power to examine into the question of whether the charter complies with the terms of the law and whether the course of study to be offered in the proposed institution is equal or equivalent to the customary courses of similar colleges and universities. A majority vote of the board is required for the final granting of the charter and the issuance of a certificate of incorporation.

Continuing regulatory supervision over the institutions after charter rights are granted is also vested in the State board of education. This board is empowered to revoke the charter of any institution after finding that it has conferred degrees or diplomas without requiring sufficient work or has violated any other terms of the law. The trustees of the affected institution must be given 30 days' notice in writing of such proposed revocation in order that they may have the opportunity to show cause why such action should not be taken. Other provisions of the law expressly forbid universities and colleges from granting degrees for correspondence courses or upon students who have not studied in residence for one scholastic year. Honorary degrees may

not be granted except by institutions maintaining standard collegiate or university courses with at least six full professors and a body of genuine college or university students in residence. Any president, professor, or other officer violating these provisions is subject, after conviction, to a fine of not less than \$50 nor more than \$1,000.

The law authorizing the State board of education to exercise supervision over the privately controlled institutions was enacted by the legislature in 1911. Of special interest is the fact that the law instead of excluding institutions already established made its terms retroactive upon them. The board was empowered to inspect all chartered institutions in the State, determine which institutions were entitled to confer degrees and under what conditions, and revoke the charters of those failing to comply with the standards required by its rules. The charters of institutions were also to be revised or new charters issued by the board in order to bring all of them into conformity. In dealing with the charters the attorney general was to be consulted and no rules adopted by the board without his approval.

CALIFORNIA

Supervision exercised by the State of California over privately controlled institutions is directed principally toward their restriction in the conferring of degrees.

Under one provision of its laws any corporation organized for the purpose of establishing a college or seminary of learning, with power to confer academic or professional degrees, is prohibited from having dividend-paying stock. Such a corporation is also required to possess real and personal property valued at not less than \$50,000 to be used exclusively for educational purposes. Before granting the charter the secretary of state must satisfy himself that these requirements have been complied with.

Another provision specifically forbids any person, firm, association, or corporation which has not been incorporated in accordance with these terms from advertising or conferring academic and professional degrees. After obtaining their charters every institution with power to confer degrees is compelled to file annually with the State superintendent of public instruction a verified report giving the number of

students in attendance, their names and addresses, courses of study offered, names and addresses of teachers, subjects taught by them, and the degrees granted and to whom granted. Violation in either of these cases is deemed a misdemeanor. The attorney general is specially charged with the duty of enforcing this statute. Where an institution holding a charter confers degrees in violation of the law, he is authorized to take legal steps to dissolve the corporation or to punish the persons guilty of fraudulent practices. The latter provisions are of recent origin having been enacted by the State legislature in 1931.

Of special interest is a section of the California corporation laws permitting consolidation of colleges and institutions of higher education controlled by religious and other organizations for the purpose of greater efficiency in the administration of educational interests. This may be accomplished by the formation of a new corporation consisting of the combined boards of trustees of the several consolidating institutions. Transfer of all property, real and personal, together with the privileges and authority is then made to the new corporation, which assumes all indebtedness and liabilities of the former institutions. The law provides that the number of trustees of the new corporation shall be gradually reduced over a period of 5 years.

CONNECTICUT

Prior to 1931 the State of Connecticut exercised no specific regulatory supervision over its privately controlled institutions.

In that year a law was enacted forbidding any person, board, association, or corporation from conferring any academic, professional, or graduate degree unless authorized by an act of the State legislature. One of its important provisions is that no applications for authority to confer degrees may be heard by the State legislature or its committees until they have been first submitted to the State board of education for consideration, endorsement, and recommendation.

Institutions existing at the time of the enactment of the law and already having power to confer degrees under their charters of incorporation were allowed to continue this

privilege until July 1, 1933, when they were required to comply with its provisions. Any person, school, association, or corporation found guilty of conferring degrees without authority of the legislature is subject to a fine of not more than \$500.

DELAWARE

Although exercising no particular supervision over the institutions at the time of granting charters, the State of Delaware maintains a regulatory supervision over them after their charters have been granted.

This supervision is limited to restriction on the degree-conferring right of the institutions. A law of the State enacted in 1919 expressly forbids any institution of higher learning, public or private, to issue diplomas, certificates, or degrees of any character unless in accord with requirements prescribed by the State board of education. A special feature of the law is that the board in preparing minimum standards for the conferring of degrees must cooperate with the president of the University of Delaware and the dean of the State Women's College. According to the law's provisions the standards of the board must include separate requirements for academic, normal school, collegiate, and university degrees.

FLORIDA

A special feature of supervision found in Florida is the requirement for regular visitation and inspection of privately-controlled colleges, seminaries, and other educational institutions. The visits are made by a commission appointed in every county in the State by the governor upon the recommendation of the county commissioners. Each commission is composed of 3 women and 3 men. The law makes it the duty of the several commissions to visit all institutions situated in their particular county annually, or oftener if deemed necessary, for the purpose of ascertaining the conditions existing in them. Findings of the commissions must be reported to the governor and county commissioners. A provision of the law stipulates that the visits of the commission shall not be known or announced beforehand to the institutions.

GEORGIA

Several restrictive requirements are in force in Georgia for the purpose of supervising the institutions at the time of their incorporation.

The legal provisions require applicants for a charter to present it to the judge of the superior court of the county in which the institution is to be located. The judge has discretionary power to decide the question of the suitability of the establishment of the proposed institution in the county. According to his decision he may either grant or refuse to grant the charter. In addition, the law provides that if the right to confer degrees or issue diplomas is included in the charter, the institution must give evidence of its ability to meet standard requirements set up by the State board of education before the charter may be granted.

IDAHO

Idaho exercises supervision only over the privately controlled institutions offering teacher-training work whose graduates are entitled to receive State teachers' certificates. The State board of education is empowered by law to prescribe the courses of study leading to the teachers' certificates and to accredit the institutions installing such courses.

Of special interest is an Idaho law authorizing the State board to accredit private schools of music in the State for the certification of music teachers. Under its provisions the board upon application of this type of school prescribes the courses of study, qualification of instructors, and other requirements which must be enforced in order for its graduates to receive teachers' certificates and degrees in music. Before accrediting the school, an inspection must be made under the direction of the board to see that the requirements have been fulfilled. The inspections must be continued annually, the school defraying their cost. The law requires that the credits, diplomas, and degrees from a school of music thus accredited must be accepted in all public institutions and schools in Idaho.

INDIANA

Indiana is one of the States where broad powers are conferred on the privately controlled institutions, little or no supervision being exercised over them except in the case of those training teachers to receive State teachers' licenses.

This is illustrated by one section of the State's corporation laws which gives the colleges and universities the right to establish law, medical, normal, agricultural, and military departments and to confer degrees in these departments without restriction. The institutions are also authorized to confer other academic degrees deemed appropriate.

As a result of the liberal provisions of the Indiana statutes, a large number of privately-controlled institutions have been established in the State. Apparently for the purpose of encouraging a reduction in the number, the State has enacted a law providing for the consolidation of institutions. Its terms are such as to make consolidation free from legal difficulties. Power is conferred on the institutions to merge or consolidate their stock, real estate, moneys, bonds, bills, notes, mortgages, and debts through a resolution adopted by the boards of trustees. The only legal procedure necessary to complete the consolidation is the filing of copies of the resolution with the clerk of the circuit court of the county in which the institutions are located and with the secretary of state.

In exercising supervision over teacher training in the institutions whose graduates are to be issued State teachers' licenses, the Indiana law vests power in the State board of education to accredit those institutions complying with its rules and regulations. Before accrediting an institution, the board is required to inspect it, approve the courses of study for the training of particular kinds of teachers, and specify the grades of teachers' licenses that will be granted to its graduates. Institutions so accredited have the legal right to use the word "accredited" in advertising their teacher-training courses. The law, however, confers authority on the State board of education to revoke this right at any time when an institution refuses to abide by its rules and regulations.

IOWA

An interesting aspect of Iowa's supervision over the institutions deals with restrictions on their right to confer degrees and the heavy penalty provided for violations. The State's corporation laws prohibit the institutions from conferring a degree on any person who has not at least 1 academic year of resident work. A severe penalty is attached to its violation.

Any officer of an institution found guilty of violating its terms is punishable by imprisonment of not more than 7 years in a State penal institution or by a fine not exceeding \$500 or imprisonment in the county jail for not more than 1 year or both.

KANSAS

Supervision of privately controlled institutions by Kansas is largely limited to those institutions conducting teacher training leading to State teachers' certificates.

The State board of education is empowered by law to compile an accredited list of such institutions who voluntarily request recognition from the State. In order to be placed on the list a college or university must make application to the board. An examination is then conducted by the board of the teacher-training courses of study prescribed and the character of work done in the institution. If, in the judgment of the board, the courses and work are of such standing as to prepare the graduates to teach successfully in the public schools of the State, the institution is placed on the list.

Colleges and universities on the accredited list are subject to further examination at the pleasure of the board with respect to their teacher-training courses of study, their equipment, and the character of their work. Additional requirements may be made by the board at its pleasure with which the institutions must comply. A requirement of law is that any institution failing to maintain a standard satisfactory to the board shall be dropped from the accredited list.

Publicly controlled institutions offering teacher-training courses, such as the State university and the State agricultural college, are under the same supervision of the State board of education.

KENTUCKY

Kentucky has several phases of supervision applicable only to privately controlled institutions whose graduates are to be granted State certificates for teaching without examination.

The supervision exercised over such institutions consists of the prescription that their teacher-training courses of study must be equivalent to any and all courses maintained by the regular State normal schools and teachers colleges.

In addition each individual institution must be fully incorporated and have at least \$50,000 invested and available for use of the institution or have an adequate source of income. Another requirement is that the institution must be a member of the Kentucky Association of Colleges and Universities. If not a member of this organization, it must either be on or eligible to the list of accredited junior colleges and secondary schools of the University of Kentucky. Before issuing State certificates to the students of any privately controlled institution, the State board of education must see that these requirements have been met.

LOUISIANA

Louisiana is another State that has taken steps to restrict the institutions in the conferring of degrees.

For many years the legal provisions of the State prohibited any institution from conferring degrees unless authorized by a special act of the State legislature. Between 1890 and 1918 there were 15 special acts passed by the State legislature granting individual institutions the right to confer degrees.

In 1918 the legislature abandoned this procedure and enacted a law placing definite restrictions on the degree-conferring power applicable to all institutions. Its terms forbid any institution to confer the degree of bachelor of arts or science unless courses of study are offered by it above and beyond graduation from an approved high school. A requirement of the law is that the courses extend over a period of 4 years of not fewer than 180 school days.

An interesting feature of the relation of the State of Louisiana to the privately controlled institutions is a legal provision giving their presidents and trustees the privilege of depositing either money or endowments in the State treasury for investment in State or Federal Government bonds. The State treasurer is charged with the duty of investing the funds and paying the accrued interest regularly to the institutions.

MAINE

Supervision of the degree-conferring right of privately controlled institutions has also been adopted by the State of Maine. Under a State statute no institution, incorporated or otherwise, is permitted to confer any educational, literary,

or academic degree unless expressly authorized by the State legislature. A fine of not more than \$1,000 or imprisonment of not more than 11 months or both is fixed as a penalty for violation of this statute. Another provision of the State law prohibits officers of a college from receiving as a perquisite any compensation for a diploma or medical degree.

MARYLAND

Maryland has a special feature for the supervision of institutions conducted by religious denominations not existing in any other State.

A provision of the State constitution prohibits any denominational institution from accepting any gift and devise or making any sale of land without prior or subsequent sanction by the State legislature. The result is that the institutions are compelled to secure the passage of a special act of the legislature in order to obtain the benefit of gifts or devises made by benefactors or to make transactions involving the disposal of lands.

The State exercises a continuing supervision over the institutions, broad powers being vested in the State board of education to regulate them. The law provides that no public or private educational institution shall issue any certificate, diploma, or academic, collegiate, professional, or university degree without first obtaining the assent of the board and its approval of the conditions of entrance, scholarship, and residence upon which the certificate, diploma, or degree is to be issued. In the performance of this duty the board is authorized to prescribe minimum requirements that must be met by the institutions with respect to these conditions. It is also empowered in its discretion to prepare and publish annually a list of approved colleges and universities determining through its bylaws the standards to serve as a basis of approval.

MASSACHUSETTS

Supervision exercised by the State of Massachusetts over privately controlled institutions deals mainly with restrictive measures on their right to confer degrees.

In Massachusetts the institutions may obtain their charters either through special acts of the State legislature or under the general corporation laws. When persons desire to obtain a charter by special act of the legislature for an insti-

tution with the privilege of conferring degrees, the law requires that a petition embodying the substance of the charter must be deposited in the office of the State department of education on or before November 1, prior to the convening of the session of the legislature. In the meantime the proposed incorporators must give public notice by publishing a copy of the petition in a newspaper selected by the State commissioner of education. When the legislature meets it is the duty of the commissioner to file the petition and a bill with the clerk of the house of representatives for its introduction in the legislature together with his recommendations as to whether the charter shall be granted.

Where the institutions obtain charters under the general corporation laws they are precluded from the right to confer degrees. In order to obtain this privilege it is necessary for them to secure special authorization from the State legislature. Before presenting a petition to the legislature for such power the institutions must first submit it to the State department of education for the recommendation of the commissioner of education. The legislature in granting this right to an institution makes it a practice to specify the particular degree or degrees to be conferred rather than giving the institution general power to grant any and all degrees.

The State department of education is also authorized by law to require the institutions to report annually on the number of students and instructors, courses of study, cost of tuition, and their general condition.

MICHIGAN

Michigan exercises supervision over the institutions not only at the time of granting their charters but also after they have been granted.

Supervision at the time of granting charters is centered in the prescription of certain minimum property requirements that must be complied with. In order to obtain a charter for a college or university in which courses in arts, sciences, professions, and higher learning are to be offered and degrees are to be conferred, the law prescribes that the proposed institution must possess at least \$100,000 in capital or property. To incorporate a special college, seminary,

academy, or preparatory school, the proposed institution must have from \$5,000 to \$100,000 in capital or property. Articles of incorporation for the chartering of a corporation in Michigan must be filed with the secretary of state. At the time of their filing at least 50 percent of the property or capital must actually be in the possession of the proposed institution.

The secretary of state is empowered to examine into the question of whether the property requirements have been fulfilled and to refuse to grant the charter in the event that they have not been complied with. The law provides that institutions originally chartered with between \$5,000 and \$100,000 in capital or property may obtain the privileges conferred on those with \$100,000 or more by amending their charters when they have increased their capital or property to the latter amount. The legal provisions in force in Michigan permit the incorporation of institutions under the control of ecclesiastical and religious orders and societies, but the property requirements are not applicable to them.

After charters have been granted to the institutions, the State maintains a continuing regulatory supervision over them. The State superintendent of instruction is empowered to inspect the institutions whenever he may desire for the purpose of obtaining information regarding their condition, management, instruction, and practices. He is also charged with ascertaining whether they are continuing to maintain the required minimum amounts of capital or property. Should he find that an institution has failed to maintain the necessary amount, it is his duty under the law to serve notice on its trustees and officers to correct the deficiency. In case no action is taken, the superintendent is required to inaugurate legal action in the courts to dissolve the corporation. The institutions must report annually to the superintendent on the amount of property held by them, the names of the trustees, officers, and teachers, and the number of students enrolled. Information regarding the institutions must be published regularly by the superintendent.

Michigan is one of the few States, the corporation laws of which provide specifically for the consolidation of privately controlled colleges and universities. Under their terms any two or more institutions may combine and become consolidated into a single institution by a vote or resolution of

a majority of the stockholders at a meeting called for the purpose. The consolidation is legally complete upon the filing of an attested record of the proceedings with the secretary of state. A provision of the law stipulates that the new corporation is liable for all the debts of the consolidated corporations.

Institutions in Michigan having courses of study for the training of teachers leading to State teachers' certificates without examination are also subject to State supervision. Under the provisions of the statutes, the State board of education must formally approve institutions enjoying this prerogative. In giving its approval, the State board is required to enforce certain requirements of law. No institution of collegiate grade is to be approved unless the course of study is actually 4 years in length, includes 11 semester-hours of work in course in the science and art of teaching, and 2 class periods a day for 12 weeks or its equivalent in practice teaching. Each student receiving a State teachers' certificate must be individually recommended by the faculty to the State board of education. Similar requirements are provided for institutions of junior college grade except that the length of the course of study and of practice teaching work is reduced correspondingly. The State board has the right to withdraw its approval of an institution at any time by formal resolution upon the conclusion that it is not giving the required instruction in the art of science of teaching and other branches. Notice must be given to the trustees of the college or university of the withdrawal of approval.

MINNESOTA

Supervision exercised by the State of Minnesota over the institutions is rather indefinite in character.

A section of the corporation laws confers full powers on institutions in granting their charters to prescribe their courses of study, award literary honors, degrees, and diplomas and make rules and ordinances necessary to carry into effect these powers. In the same section, the provision is made that the institutions shall be subject to visitation and examination by the State superintendent of public instruction. No particular authority, however, is vested in the superintendent to regulate the institutions in connection with such visits and examinations.

MISSOURI

Missouri exercises supervision over the institutions through the prescription of a somewhat complicated legal procedure which they must undergo in securing their charter.

Persons desiring to obtain a charter for the purpose of conducting an institution in the State must file a petition including the articles of incorporation with the judge of the circuit court of the county or city of the particular county or city where it is to be located. The judge is authorized by law to examine into the usefulness of the institution. In case of doubt, he appoints an attorney to investigate in detail the prospective institution. A court hearing is then held, testimony is heard, and a formal decision rendered by the court either approving or denying the petition for the charter.

When the incorporated institutions desire to amend their charters, the same procedure must be followed before the court.

NEBRASKA

A feature of the supervision exercised by Nebraska over the institutions is the number of requirements with which they must comply before being granted charters.

Persons desiring to incorporate a privately controlled university, college, normal school, or academy must apply in writing to the judge of the county in which the institution is to be located. In presenting the application the proposed incorporators must have acquired a certain amount of real and personal property for the benefit of the institution. There are 2 sections of the law fixing the amount of property; 1 of which prescribes \$5,000 and the other \$100,000. Upon the receipt of the application, the judge appoints three appraisers to ascertain the true value of the property and to discover whether it conforms to the requirement of the law. If a favorable report is made by the appraisers, the judge issues a certificate of incorporation. Another requirement is that notice of the organization of the corporation be published once a week for a period of 4 weeks in some newspaper near its principal place of business.

Nebraska also exercises a special supervision over the institutions whose graduates are certificated as teachers by the State educational agency. In order to be entitled to this privilege, an institution must be incorporated under the laws

of Nebraska, must have at least \$50,000 invested or available for its use, must have not fewer than five teachers devoting full time to giving instruction, must have full and ample equipment, and must conduct courses of study equal in extent and similar in subject to those in the State normal schools or teachers colleges. The State superintendent of public instruction is charged by law with supervision over the institutions recognized for State certification. He is required to make a personal inspection of them annually for the purpose of ascertaining whether they are continuing to fulfill the various requirements.

A provision of special interest in the Nebraska corporation laws is one which permits the creation of separate corporations for erecting, owning, leasing, and managing college buildings, halls, dormitories, or apartments. The majority of the trustees of a college building or dormitory must also be members of the board of trustees of the college for whose use it is being conducted.

NEW HAMPSHIRE

New Hampshire has adopted a legal device for the enforcement of a continuing regulatory supervision over the institutions not found in any other State. It relates to their tax exemption privileges.

Under the terms of an act passed by the legislature in 1931, no institution whose curriculum has not been regularly approved by the State board of education and whose training is given for less than 6 months each year is exempted from taxation. Prior to 1931, the board was authorized merely to designate the privately controlled schools in New Hampshire to be treated as approved.

NEW JERSEY

Privately controlled institutions with power to confer degrees are subject to supervision by the State of New Jersey both at the time of their incorporation and after their charters have been granted.

The agency designated to exercise supervision is the State board of education. This board is empowered to prescribe the terms, conditions, and basis for the conferring of degrees in the State. Any proposed corporation for the purpose of furnishing instruction in arts, science, and professions leading

to the awarding of degrees must file a copy of its articles of incorporation with the board at the time of its application for a charter and obtain a license from the board to conduct such business. Institutions already incorporated are also expressly forbidden by law from conferring degrees without first securing approval of the board. Requirements with which they must comply are rigid in their several aspects. The board must approve the courses of study conducted by the institutions, the admission requirements, and the attainment of efficiency required for completion of the courses upon which the degrees are to be awarded. Persons or corporations granting degrees without first securing a license from the board are liable to a penalty of \$500 for each offense.

The State board of education is also empowered by law for proper cause and in its discretion to revoke the license of any institution to confer degrees. Before taking such action the board is required to hold a hearing, the institution being given 20 days' notice of its time and place. Proof must be presented at the hearing to the satisfaction of the board that the standards and conditions prescribed for the conferring of degrees are not being satisfactorily maintained, practiced, or taught by the institution. Any institution conferring degrees after its license has been revoked by the board is subject to a penalty amounting to \$300 for each separate offense. In order that the public may be informed of the institutions holding licenses to confer degrees, the board is required by law to keep a written record in a book open to inspection showing them.

Laws providing for this plan of supervision of the institutions by the State board of education were enacted at the sessions of the New Jersey Legislature in 1912 and 1916. A provision of these enactments specifically exempted institutions established and conducted within the State for a period of 25 years prior to their passage from complying with them.

NEW MEXICO

Although no privately controlled institutions of higher education have been established in New Mexico, the State has enacted laws providing for regulatory supervision over them when established.

This regulatory supervision is vested in the State board of education which is authorized to adopt a standard of effi-

ciency for private or denominational institutions and to issue certificates of recognition to those conforming to the standard. The board is also empowered to require such reports as it may deem necessary from the institutions.

NEW YORK

New York is the only State in the Union that provides for complete regulatory supervision over privately controlled institutions. A legal entity known as the regents of the University of the State of New York was established many years ago in 1784 and later confirmed by the State constitution in 1894. The university included in its membership all incorporated, private, as well as public institutions in New York, every one of which is subject to the control of its regents.

Under the terms of the New York laws, plenary power is vested in the regents to grant charters to privately controlled institutions. Charters may be obtained either through the regents or under the State's corporation laws. In either event they must be approved by the regents and must conform with all limitations and restrictions adopted by them. In addition to the prescriptions imposed by the regents there are certain requirements of law that must also be met. No institution is permitted to be granted a charter to confer degrees unless it has resources of at least \$500,000 and unless it has made suitable provision for educational equipment and proper maintenance approved by the regents. In granting a charter the regents have full authority to prescribe the powers of the trustees governing the institution and to designate the educational instruction and work to be carried on by it.

A continued regulatory supervision is exercised by the regents under the legal provisions in force in New York. Being members of the university the institutions are continually subject to the rules and regulations adopted by its regents upon whom have been conferred legislative functions in determining the State's educational policies. The regents are empowered to exclude from membership in the university any institution failing to comply with their rules and to suspend or revoke the charter of any institution for sufficient cause. In the latter case 30 days' notice must be served on the trustees of the institution affected and they must be given

opportunity at a hearing to present their objections. The regents are also authorized to hold examinations and prescribe standards for admission to colleges and for graduation from them.

No privately controlled institution is permitted to confer degrees, transact any business, or in any way assume the name of college or university without first obtaining written permission from the regents under their seal. Violation of this section of the law is deemed a misdemeanor. Power is vested in the regents, the commissioner of education, or their representatives to visit, examine into, and inspect the institutions for the purpose of ascertaining whether they are complying with prescribed standards and regulations. The regents may also require certified reports from the institutions giving any information desired and in such form as may be prescribed by them. For failure to furnish reports the regents may suspend the charter including any of the rights and privileges of the institution concerned. Under certain circumstances the regents have authority to fill vacancies in the boards of trustees of privately controlled institutions, to change their names, to extend their educational activities, and to dissolve their corporate existence.

The only privately controlled institutions exempted from the supervisory and regulatory control of the regents are seminaries for the training of priests and clergymen. Under the law governing boards of such institutions are given full freedom to determine and regulate their courses of religious, doctrinal, and theological instructions without interference by the regents.

NORTH CAROLINA

Prior to 1923 the State of North Carolina exercised no particular supervision over its privately controlled institutions. In that year an act was passed by the State legislature vesting power in the State board of education to maintain supervision over all such institutions conferring degrees.

No educational institution is permitted to be created or incorporated in the State with authority to confer degrees unless a license is first obtained from the board. Before being granted the license, the institution must have the necessary income to maintain a faculty and equipment sufficient to provide adequate means of instruction in arts and sciences.

Another requirement is that the institution confer the baccalaureate degree only upon students who have completed a 4-year college course preceded by the usual 4-year high-school course or its equivalent. In the enforcement of these requirements, the board has full authority to send an expert to the institution applying for a license and examine into the question of whether it possesses the ability to meet them.

Power is further conferred on the State board of education to exercise a continuing supervision over the institutions and to revoke their license to grant degrees upon failure to maintain the required standards. This revocation is subject to review by the judge of the superior court upon action instituted by the institution, the license of which has been revoked. The institutions are compelled under the law to file any information concerning their affairs with the State superintendent of public instruction that the board may direct.

OHIO

The institutions in Ohio are subject to several measures of supervision adopted by the State. In the legal procedure for their enforcement a considerable difference is found from that prevailing in other States.

Charters are granted to the institutions in Ohio upon the submission of the articles of incorporation to the secretary of state without any special restrictions. Before an institution is permitted to exercise any of the powers granted in the charter and to begin actual operation, however, it must file a schedule verified by the oath of its trustees with the secretary of state to the effect that it has acquired \$25,000 in real or personal property. The schedule must also show the kind and value of the property.

Having met this requirement the institution may proceed to the organization and conduct of the college providing no degrees are awarded. Before any degrees are conferred the institution must first file with the secretary of state a certificate issued by the State director of education that its course of study has been submitted to his office and that the equipment as to faculty and other facilities for carrying out the courses are proportionate to its property and to the number of students in actual attendance at the institution so as to warrant the issuing of degrees.

OKLAHOMA

The principal supervision exercised by the State of Oklahoma over its institutions relates to restrictions on the conferring of degrees by them and to State certification of their graduates as teachers.

No institution is permitted to confer degrees without first obtaining the approval of the State board of education. In applying for approval an institution is required to set out clearly the courses of study offered, the condition of equipment, and other information specified by the board.

The laws of the State provide that any person granting, offering to grant, or collecting fees on the promise to grant academic or professional degrees without first obtaining approval of the board is guilty of a misdemeanor. The penalty is a fine of from \$100 to \$500 and imprisonment from 30 to 60 days. A similar penalty is prescribed for any person advertising the granting of degrees without authority.

In order for their graduates to be certified as teachers, the privately controlled institutions must make application to the State board of education for this right. In such case, the board is empowered to examine the courses of study prescribed and the character of work done in the particular institution. If they are found to be as efficient as those given in the State normal schools or teachers colleges, the institution is approved and its graduates are entitled to receive State teachers' certificates without examination.

OREGON

The State of Oregon exercises a limited continuing supervision over its institutions. Under the law, the superintendent of public instruction is required to visit in person all the chartered institutions when practicable and to secure such information as he deems advisable concerning their courses of study, number of students, teachers, value of property, libraries, and salaries.

Supervision is also exercised over the teacher-training work in the institutions in connection with the State certification of teachers. Such certificates are issued to graduates of privately controlled institutions recognized as standard. The State has contrived an unusual plan for supervising the institutions offering teacher-training work

based upon their qualifying or failing to qualify as standard institutions.

Under one provision of the Oregon law, standard institutions were to be those standardized by the United States Office of Education at Washington, D.C., in case this agency passed on the standards of institutions of higher education. Since the Federal Office at the present time does not undertake this standardization, another provision of the law is applicable. It provides for the organization of a board composed of the president of the University of Oregon, the president of the Oregon State College, a president of one of the Oregon normal schools to be designated by the State board of education, the city superintendent of the largest city in the State, one person selected by the Catholic Educational Association of Oregon, and the State superintendent of public instruction. This board is required to meet from time to time in the statehouse at Salem upon the call of the State superintendent and prepare a list of institutions which in its judgment shall be recognized as standard.

When an institution has been standardized by the board, its president must file a sworn statement with the State superintendent that all the requirements for standardization have been fully complied with before its graduates may be awarded State teachers' certificates without examination. In the State's statutes are defined the requirements for a standard normal school, no definition being included for a 4-year standard college. A standard normal school is described as one requiring 4 years' work above the eighth grade in a secondary school for entrance, 2 years' additional work including a thorough review of the common branches of knowledge and training in practice school for graduation. The institutions must also maintain a well-equipped training school for observation and practice teaching, and its students must have pursued secondary school and college work for 216 weeks above the eighth grade.

PENNSYLVANIA

The State of Pennsylvania has adopted a rigid plan of supervision over the institutions applicable both at the time of and after their incorporation.

A special chapter of the State's corporation laws is devoted to the conditions which must be met and the procedure

that must be followed by the institutions in obtaining their charters. The requirements apply particularly to institutions seeking the right to confer degrees. The first step is the publication of the notice of intention to apply for a charter in two newspapers of general circulation once a week for 3 weeks in the county where the institution is to be located. The proposed incorporators then prepare the certificate of incorporation and present it to the court of general pleas of the county with proof of publication. After examination as to whether it is in proper form, meets with the purposes of the act, and is not injurious to the community, the judge with his endorsement transmits the certificate to the State superintendent of public instruction. Within a period of 60 days the State superintendent must present the application to the State council of education to consider and pass on its merits from an educational standpoint.

In considering the application the law specifies certain requirements that must be enforced by the council before approval is given the proposed charter. The institution must have a minimum productive endowment of not less than \$500,000 for the exclusive use of promoting instruction beyond all indebtedness and assets invested in buildings and apparatus. The faculty must consist of at least eight regular professors devoting all their time to the instruction of college or university classes. Baccalaureate degrees in arts, science, philosophy, and literature shall be conferred only on students who have completed college and university courses covering 4 years. The standards of admission must not be less than 4 years of high-school preparation or its equivalent as approved by the council. In the case of institutions offering work in a single specific subject, such as art, archeology, literature, and science, a minimum faculty of 3 regular full-time professors with 2 or more instructors or fellows is permissible. Colleges and universities maintained by religious and similar organizations may have financial support or contributed service equal to the income from the \$500,000 required endowment.

Besides enforcing these specific requirements of the law, the State council of education has discretionary power in deciding the question of whether the educational needs of the

particular locality where the proposed institution is to be situated and the State at large will be served by the granting of the charter. Upon the completion of its consideration the council endorses its findings with recommendations either for its approval or disapproval to the judge of the court to whom the articles of incorporation were originally presented. In finally issuing a decree with respect to the charter, the judge is required by law to be guided by the findings of the council and under no circumstances is he permitted to grant the charter if disapproved by the council.

The Pennsylvania law fixing specific requirements regarding assets, faculty, degrees, and standards of admission for privately controlled institutions was originally enacted in 1895. A subsequent amendment adopted in 1901 stipulates that the right of colleges already in existence to confer degrees shall not be impaired in case they file sworn statements with the State superintendent of public instruction showing the possession of property or capital of \$100,000 or assets of similar amount for the promotion of education in the higher branches of learning. Universities were required to file a sworn statement showing property values of \$500,000. All the privately controlled colleges and universities of the State, therefore, were compelled to conform to the same standards. Chartered institutions are permitted to amend their charters at any time for the purpose of obtaining the right to confer degrees. Application must be filed with the judge of the county court and be submitted to the State council of education for its approval under the same requirements as in the original incorporation.

Continued supervision is also exercised over the institutions by the State council after their charters have been granted. The institutions are subject to visitation and inspection by its representatives. If any of them fail to maintain the required standards, the right to confer degrees may be revoked by the county judge after recommendations have been submitted to him by the State council. Of special interest is a Pennsylvania statute making it unlawful to sell an academic degree or diploma. Any person knowingly signing a diploma or degree for which payment or promise of payment has been made is guilty of a misdemeanor. The penalty is either a fine not exceeding \$100 or imprisonment not exceeding 6 months or both.

RHODE ISLAND

Rhode Island is another one of the States that has only recently adopted measures for the supervision of its privately controlled institutions. Through a law enacted by its legislature in 1932, the State provided for their supervision not only at the time of granting charters but also after the charters are granted.

In order to obtain a charter in Rhode Island, the incorporators of an institution are required to prepare articles of incorporation and submit them to the secretary of state. Prior to 1932 the charter was granted upon the filing of the articles with this official and the issuance of a certificate by him, but the new law provided for a complete change in the procedure. Under its terms, the secretary of state before taking any final action is required to submit the articles to the State commissioner of education for approval by the State board of education. Before such approval is given the proposed institution must have made suitable provisions for adequate faculty, educational facilities, equipment, and proper maintenance as may be recommended by the State commissioner. In case the charter provides for the granting of academic, collegiate, and professional degrees, special authorization must be obtained from the State commissioner and State board of education for each particular type of degree to be conferred. The State commissioner of education must file with the secretary of state an official notification over his signature that the State board of education has approved the articles of incorporation and that the institution has complied with these various requirements before the charter is finally granted.

Continuing supervision over the institutions is provided in the 1932 law by the grant of power to the State board of education to revoke its approval of any privately controlled college or university upon proof that the institution is not maintaining adequate faculty, educational facilities, and equipment. In taking such a step the board must hold a hearing, the institution being given 20 days' notice of its time and place. An institution conferring a degree after its approval has been revoked is subject to the forfeiture of its charter through legal action brought by the board in the district court. Any officer or officers of the institution

conferring or participating in the conferring of the degree are also liable upon conviction to a penalty of \$300 for each offense. For failure to pay the fine, they may be imprisoned for 90 days.

The State board of education is required to keep a record of the approved institutions as well as those whose approval has been revoked open to public inspection upon request. Another requirement of the law is that all privately controlled institutions shall be registered in the office of the State board of education. The registry must show the name, location, officers in charge, grade of instruction, and common language used in teaching. Institutions must likewise report annually to the board the number of students enrolled, age, average attendance, number of teachers employed, subjects of instruction, and other facts concerning their affairs prescribed by the board.

The provisions of 1932 do not apply to privately controlled colleges and universities established and conducted in Rhode Island for a period of 10 years prior to the its passage nor to those chartered by special acts of the State legislature.

TENNESSEE

A provision of particular interest contained in the Tennessee laws provides for the consolidation of two or more privately controlled institutions. All that is necessary to effect a consolidation is for two thirds of the trustees of each institution to vote favorably on the proposal at a special meeting called for the purpose. The institutions may consolidate either by taking the name of one of the former corporations or by creating a new corporation.

TEXAS

The State of Texas exercises supervision only over privately controlled institutions maintaining teacher-training departments whose graduates are to receive State teachers' certificates without examination.

Under the law, the State superintendent of public instruction has authority to fix minimum standards of teacher training for such institutions, to rate them on a basis of their work, and to approve or recognize those meeting the standards. This supervision is exercised only when the privately

controlled colleges and universities apply voluntarily for recognition to the board of examiners of the State board of education. A fee of \$25 must be paid by the applicant. Upon the receipt of an application the State superintendent appoints a suitable person or persons of recognized college standing to make a thorough inspection of the equipment and standards of teacher-training instruction in the institution. A detailed report of the findings is then submitted to the board of examiners which makes recommendations to the State superintendent as to the classification and rating to which the institution is entitled and whether it should be approved. The State superintendent is required to have each approved institution in the State inspected from year to year to see that the standards and facilities of instruction are being maintained. In case any institution fails to maintain the approved standards of classification, the State superintendent is authorized to suspend approval or recognition.

An interesting provision of the Texas statutes places a limitation on the contraction of debts applicable to all privately controlled institutions. This limitation prohibits any institution from incurring obligations beyond the means of the corporation. Trustees responsible for contracting debts greater than the resources of an institution are liable individually for the amount in excess of the assets available to pay them.

VERMONT

The laws of Vermont contain a provision of special interest designed to supervise privately controlled institutions in the granting of degrees.

The provision is applicable only at the time an institution applies for a charter and files its articles of incorporation with the secretary of state. If the articles provide for the conferring of degrees, the secretary is required to make an investigation into the question of whether the granting of this privilege to the institution will promote the public good. The statute specifically forbids the approval of the charter unless the secretary's findings are favorable.

Vermont is the only State where the secretary of state is empowered to pass upon the question of whether the institution should be granted the right to confer degrees. All other States regulating the granting of degrees have desig-

nated either the State educational agency or State legislature to exercise this power.

A unique plan of providing teacher training above the 2-year level not found in any other State has been established in Vermont. Whenever a teacher or other candidate applies to the State board of education for advanced teacher training not provided in the regular State normal schools, the board is authorized to arrange for such training at any institution of higher learning within the State chosen by the applicant. A contract must be made with the selected institution and the student's tuition paid by the State. The board has the power to prepare the courses of study to be given, make rules governing admission requirements and prescribe the standards for graduation. State teachers' certificates are granted candidates upon successfully completing the advanced teacher-training work.

WASHINGTON

Although Washington is among the States exercising no general supervision over privately controlled institutions, specific supervision is exercised over those whose graduates are to be awarded State teachers' certificates without examination.

The State board of education is authorized to prepare an accredited list of institutions with teacher-training departments, the students of which are entitled to State teachers' certificates. Institutions desiring to be placed on the list are required to make an application to the board. Upon the receipt of the application, the board sends an inspector to the institution to examine into the equipment of the department, extent and character of the courses, preparatory requirements for admission which must include the completion of a high-school course or its equivalent, and particularly the qualifications of the instructors and supervisors. The inspector is required to make a detailed report of his examination together with a declaration of his opinion of the adequacy of the department for the work of educating and training teachers. If the report is favorable, the board accredits the institution.

The board exercises continuing supervision over the accredited institutions, a stipulation in the law making it the duty of the board to inspect each of them annually.

WEST VIRGINIA

West Virginia provides for continuing supervision of institutions after their charters have been granted. In the event that new charters are applied for with the right to confer degrees and diplomas, initial control is also exercised.

The supervision is exercised by the State board of education. This board is empowered by law to make rules and regulations for the classification and standardization of all institutions in the State with the exception of West Virginia University. It is also the duty of the board to determine minimum standards for the conferring of degrees and diplomas. Before being granted charters containing the degree-conferring right, new privately controlled universities and colleges must first obtain the approval in writing of the board. No institution is permitted to confer any degree or diploma on any basis of work or merit below the minimum standards prescribed by the board. A college or university doing work equal to the minimum standards may be authorized by the board to confer degrees and diplomas as are appropriate to its class, but this authorization continues only so long as it maintains the standards.

The West Virginia law vesting these powers in the State board of education was enacted in 1919. One of its provisions stipulates that all institutions whose degrees and diplomas were recognized in 1918 by the board should be rated as approved institutions, but it requires that they continue in the future to measure up to the minimum standards prescribed by the board for institutions of their respective classes. Another provision declares that the law shall not infringe upon rights granted to any institution by charter previous to its enactment.

WYOMING

Wyoming at present has no privately controlled institutions. The State, however, has provided for the supervision of the institutions in the event that they are later established. Under the legal provisions now in force the State board of education is authorized to publish, in its discretion, lists of approved normal schools, colleges, and universities in the State and to fix the standards for their approval.

CHAPTER IV: SUMMARY AND REFERENCES USED

The results of this inquiry indicate considerable differences in the extent of the supervision exercised by the individual States over privately controlled institutions.

In approximately one half of the States the statutes provide little or no supervision over the institutions either at the time of granting their charters or after their incorporation. This is shown in the case of these States by the absence of any legal provisions for the incorporation of the institutions separate from ordinary business or other types of corporations, by the facility of the procedure by which the institutions obtain charters, by the lack of any property or educational requirements with which they must comply, and by the failure to adopt any minimum academic standards that they must meet before being permitted to confer degrees.

In the States where supervision of some type has been established, the laws apparently are designed to require the institutions to maintain a minimum quality of higher education. This is indicated by the enactment of specific laws for the incorporation of the institutions, by the designation of State agencies empowered to approve or disapprove their charters before they are granted, by the enforcement of continued regulatory supervision over them after their incorporation, and by the placing of restrictions and conditions upon their right to confer degrees.

A significant disclosure in the inquiry is that in nearly all the States where the extent of supervision exercised is limited in its scope, special reservations of power either to alter and revoke charters or to regulate the incorporated institutions have been made in the State constitutions or statutes. These States, therefore, are in a position to reverse their present attitudes and to enact legislation for the supervision of the institutions. That a tendency is developing among the several States to take such action is evidenced by the increasing number which have only recently adopted legal provisions requiring the institutions to maintain minimum educational standards and academic programs, especially in the case of those conferring degrees.

The inquiry further indicates that all States exercise special supervision over the teacher-training work in the privately controlled institutions whose graduates are to receive State teachers' certificates without examination. In this supervision the State has a direct interest at stake, namely, the maintenance of a certain quality of excellence in the training of its public-school teachers.

The information included in both the tabulations and accounts of individual States presented in the preceding pages was obtained from the following sources:

ALABAMA: Constitution of Alabama, art. XII, secs. 229, 238; Code of Alabama, 1923, vol. 3, secs. 6964-6967, 7015, 7071-7075, 7167-7169; General Acts Alabama, 1919, pp. 572-573.

ARIZONA: Constitution of Arizona, art. XIV, sec. 2; Revised Code of Arizona, 1928, Struckmeyer, secs. 570, 587-591, 602-604, 608, 989.

ARKANSAS: Constitution of Arkansas, art. XII, secs. 2, 6; Digest of Statutes of Arkansas, Crawford and Moses, 1921, secs. 1711, 1717-1718, 1764-1773, 8763; Acts of Arkansas, 1931, p. 489.

CALIFORNIA: Constitution of California, art. XII, sec. 1; Civil Code of California, 1931, title XVII, secs. 596-597, 649-650, 651a-651b, 652-653; Political Code of California, 1923, Deering, secs. 1519a; General Laws of California, 1931, Deering, secs. 5121, 5123.

COLORADO: Constitution of Colorado, art. XV, secs. 2-3; Courtwright's Mills Annotated Statutes of Colorado, 1930, vol. 1, sec. 1054, Compiled Laws of Colorado, 1921, secs. 2243, 2384-2393; Session Laws of Colorado, 1923, pp. 557-558.

CONNECTICUT: General Statutes of Connecticut, Revision of 1930, vol. II, secs. 3371, 3382, 3498; Public Acts of Connecticut, 1931, p. 36, 51-52.

DELAWARE: Constitution of Delaware, art. IX, sec. 1; Revised Code of Delaware, 1915, sec. 1996; Laws of Delaware, 1919, p. 356; Laws of Delaware, 1927, pp. 220-251; Laws of Delaware, 1929, pp. 336-387.

FLORIDA: Constitution of Florida, art. III, sec. 25; Compiled General Laws of Florida, 1927, Annotated, vol. 1, secs. 641, 648 and vol. 3, secs. 890-892, 6495-6498, 6533-6534.

GEORGIA: Constitution of Georgia, art. 1, sec. 3, par. 3 and art. 3, sec. 7, par. 18; Park's Annotated Code of Georgia, 1914, vol. 1, secs. 1494-1496; Georgia Code, 1926, Annotated, secs. 1551 (15), 1551 (66), 2209-2212, 2216-2217, 2824-2825.

IDAHO: Constitution of Idaho, art. XI, secs. 2-3; Idaho Compiled Statutes, 1919, vol. 2, secs. 4696, 4701; Idaho Code, Annotated, 1932, vol. 2, secs. 32-120 to 32-123, 32-3301 to 32-3310.

ILLINOIS: Constitution of Illinois, art. XI, sec. 1; Illinois Revised Statutes, 1923, Cahill, chap. 122, secs. 291-312; Smith-Hurd Illinois Revised Statutes, 1929, chap. 32, secs. 146, 158-160 and chap. 144, secs. 1-11.

INDIANA: Constitution of Indiana, art. 11, sec. 212; Burns Annotated Indiana Statutes, 1926, vol. 2, secs. 5289-5297, 5300-5303, 5309-5312, 5324, 5328, 6946-6950.

IOWA: Constitution of Iowa, art. VIII, secs. 1, 12; Code of Iowa, 1921, secs. 3858, 3866, 8582-8583, 8588-8588b1, 8589-8594.

KANSAS: Constitution of Kansas, art. 12, sec. 1; General Statutes of Kansas, 1915, sec. 2110; Revised Statutes of Kansas, Annotated, 1923, secs. 17-101 to 17-712, 72-101, 72-1303 to 72-1305, 72-1339 to 72-1342; 1931 Supplement of Revised Statutes of Kansas, 1923, sec. 17-403.

KENTUCKY: Constitution of Kentucky, secs. 59, 205; Carroll's Kentucky Statutes, 1930, secs. 879-883, 4535c-1 to 4535c-2.

LOUISIANA: Constitution of Louisiana, secs. 5, 7; Louisiana General Statutes, Dart, Annotated, 1932, secs. 1080-1085, 1260-1281, 1296-1305, 2598-2600; Acts, State of Louisiana, 1922, p. 208; Acts, State of Louisiana, 1924, pp. 293-294; Acts, State of Louisiana, 1928, pp. 216-217.

MAINE: Constitution of Maine, art. IV, sec. 14 and art. VIII; Revised Statutes of Maine, 1930, chap. 19, secs. 120-124, 155 and chap. 56, secs. 3-6 and chap. 70, secs. 1-5.

MARYLAND: Constitution of Maryland, Declaration of Rights, art. 38 and art. III, sec. 48; Annotated Code of Maryland, Bagby, 1924, art. 23, secs. 3-7, 8-18, 28, 115 and art. 77, secs. 14, 16, 20-21.

MASSACHUSETTS: Constitution of Massachusetts, Articles of Amendment, art. LIX; General Laws of Massachusetts, 1921, vol. 1, chap. 69, sec. 4-6; vol. II, chap. 155, secs. 6-9 and chap. 156, secs. 6, 8-12 and chap. 180, secs. 1-3; Acts and Resolves of Massachusetts, 1924, pp. 157-158.

MICHIGAN: Constitution of Michigan, art. XII, sec. 1; Compiled Laws of Michigan, 1929, vol. 2, secs. 7607-7611, 9946, 9953-9954, 10102-10108.

MINNESOTA: Constitution of Minnesota, art. 10, secs. 1-2; Mason's Minnesota Statutes, 1927, vol. 2, secs. 2900-3, 2900-5, 2900-6, 7455, 7472, 7892-7900.

MISSISSIPPI: Constitution of Mississippi, art. 4, sec. 90 and art. 7, secs. 178-179; Mississippi Code, 1930, Annotated, vol. 2, secs. 4130-4146, 4169, 6557, 6609, 6559.

MISSOURI: Constitution of Missouri, art. XII, sec. 2; Revised Statutes Missouri, 1929, vol. 1, secs. 4555, 4996-5000, 5005, 5020-5023, 9408, 9444, 9478, 9510.

MONTANA: Constitution of Montana, art. XV, secs. 2-3; Revised Code of Montana, 1921, vol. 2, secs. 5908, 6450-6452; Laws of Montana, 1931, pp. 88-90, pp. 339-342.

NEBRASKA: Constitution of Nebraska, art. XII, sec. 1; The Compiled Laws of Nebraska, 1922, secs. 464-466, 511-513, 515-516, 525-527, 531; Laws of Nebraska, 1925, pp. 471-477; Laws of Nebraska, 1929, pp. 219-221.

NEVADA: Constitution of Nevada, art. VIII, sec. 1; Nevada Compiled Laws, 1929, Hillyer, vol. 1, Secs. 1601-1604, 1607-1608; Statutes of Nevada, 1931, p. 317.

NEW HAMPSHIRE: Constitution of New Hampshire, art. 83; Public Laws of New Hampshire, vol. 1, chap. 116, sec. 11 and vol. 2, chap. 116, sec. 11 and chap. 223, secs. 1-7 and chap. 226, secs. 2-7; New Hampshire Laws, 1931, pp. 341-342.

NEW JERSEY: Constitution of New Jersey, art. IV, sec. VII, par. 11; Compiled Statutes of New Jersey, 1709-1910, vol. 2, pp. 1595-1599, 1601-1604, 4296-4297, 4300-4301 and vol. 4, p. 4729; Cumulative Supplement to Revised Statutes, 1911-1924, vol. 2, secs. 172-31 to 172-37, 185-450 to 185-460.

NEW MEXICO: Constitution of New Mexico, art. IV, sec. 24; New Mexico Statutes, Annotated, 1929, secs. 32-102, 32-506 to 32-510; Laws of New Mexico, 1931, pp. 210-213.

NEW YORK: Constitution of New York, art. VIII, sec. 1 and art. IX, sec. 2; Cahill's Consolidated Laws of New York, 1930, chap. 15, secs. 41, 46, 48, 52, 57-58, 94, 96 and chap. 24, sec. 5.

NORTH CAROLINA: Constitution of North Carolina, sec. 1; North Carolina Code, 1927, chap. 22, secs. 1114-1128, 1132, and chap. 95, secs. 5570, 5780 (e)-5780 (g).

NORTH DAKOTA: Constitution of North Dakota, art. 7, secs. 131-134; Compiled Code of North Dakota, 1913, Annotated, vol. 1, secs. 4495, 4501-4514, 4532-4535, 4541, 5005, 5013-5016; Supplement to 1913 Compiled Laws of North Dakota, 1913-1925, chap. 5, secs. 283b1-283b16.

OHIO: Constitution of Ohio, art. 1, sec. 2, and art. XIII, secs. 1-2; Page's Annotated Ohio General Code, vol. 1, secs. 359, 7807-3 to 7807-6, and vol. 2, secs. 8623-8627, 9922-9937a, 9943, 9950.

OKLAHOMA: Constitution of Oklahoma, art. IX, secs. 38, 47; Harlow's Oklahoma Statutes, 1931, vol. 1, secs. 7162-7165, and vol. II, secs. 9715, 9730-9742, 9749; Compiled Oklahoma Statutes, Annotated, 1921, Bunn, secs. 10292-10294.

OREGON: Constitution of Oregon, art. XI, sec. 2; Oregon Code Annotated, 1930, vol. 2, secs. 25-259, 25-295, 25-901 to 25-905, 25-917 to 25-924, 35-104, 35-2502, 35-2525 to 35-2529.

PENNSYLVANIA: Constitution of Pennsylvania, art. II, sec. 7, and art. XXI, secs. 2, 10, 13; Pennsylvania Statutes, Complete to 1920, secs. 4481-4484, 4490-4491, 4496-4498; Pennsylvania Statutes Supplement, 1924, 4485-4491, 5017-5018; Laws of Pennsylvania, 1931, pp. 364-365.

RHODE ISLAND: Constitution of Rhode Island, Articles of Amendment, art. IX, sec. 1; General Laws of Rhode Island, 1932, chap. 71, secs. 999, 1001, and chap. 248, secs. 72-79, 91; Rhode Island Acts and Resolves, 1925, p. 231; Rhode Island Acts and Resolves, 1932, pp. 161-163.

SOUTH CAROLINA: Constitution of South Carolina, art. IX, sec. 2; Code of Laws of South Carolina, 1922, secs. 2550-2553, 2766, 4250, 4344-4353, 7685.

SOUTH DAKOTA: Constitution of South Dakota, secs. 1, 9; Compiled Laws South Dakota, 1929, vol. 2, secs. 7388-a to 7388-b, 8760-8763, 8873-8878.

TENNESSEE: Constitution of Tennessee, art. XI, sec. 8; Code of Tennessee, William Shannon Harsh, 1932, secs. 2336, 2355-2356, 3718-3720, 4146-4175.

TEXAS: Constitution of Texas, art. XII, sec. 2; Revised Civil Statutes, Texas, 1925, arts. 1366-1367; Complete Statutes of Texas, 1928, arts. 1302-1318, 1410-1415, 2888.

UTAH: Constitution of Utah, art. XII, secs. 1-4; Compiled Laws of Utah, 1917, vol. 1, Title 19, chap. 1, secs. 861, 865-866, 887; Laws of Utah, 1921, p. 76; Laws of Utah, 1923, pp. 23-24; Laws of Utah, 1925, pp. 6-7; Laws of Utah, 1927, pp. 57-58.

VERMONT: Constitution of Vermont, chap. 2, secs. 64-65; General Laws of Vermont, 1917, secs. 1437-1439, 1445-1449, 4894-4908, 4913-4914, 4919, 4922, 4974; Laws of Vermont, 1921, pp. 47-49; Laws of Vermont, 1923, pp. 7-8; Laws of Vermont, 1925, pp. 119-120.

VIRGINIA: Constitution of Virginia, art. XII, sec. 154; Virginia Code of 1924, Annotated, sec. 610; Virginia Code of 1930, Annotated, secs. 3872-3877; Virginia School Laws, 1930, Bulletin, State Board of Education, pp. 8-9.

WASHINGTON: Constitution of Washington, art. XII; Pierce's Code, 1929, Washington, vol. 2, secs. 4505, 4613-4625, 4726-4730.

WEST VIRGINIA: Constitution of West Virginia, art. XI, sec. 1; Official Code of West Virginia, 1921, chap. 18, art. 2, sec. 6, and chap. 30, art. 1, secs. 6-21, 63, and chap. 35, art. 2, secs. 1-4.

WISCONSIN: Constitution of Wisconsin, art. IV, sec. 31, and art. XI, sec. 1; Wisconsin Statutes, 1925, chap. 37, sec. 37.16; Wisconsin Statutes, 1929, sec. 182-22; Laws of Wisconsin, 1927, chap. 425, sec. 6, and chap. 534, secs. 1-2, 32-34, 44.

WYOMING: Constitution of Wyoming, art. III, sec. 27, and art. X, secs. 1-2; Wyoming Revised Statutes, 1931, Annotated, secs. 28-601, 28-801 to 28-805, 28-811, 28-815 to 28-816, 99-115, 99-125, 99-127.

