

THE HISTORY OF LEGAL CONTROLS
OF PUBLIC HIGHER EDUCATION
IN OKLAHOMA

By

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CHAPTER I

INTRODUCTION

The study was concerned with the establishment and development of the legal controls of public higher education in Oklahoma. Stated in specific terms, the problem was: What legal controls of public higher education in Oklahoma have been set forth in basic law, statute, judicial interpretation, and opinion of the Attorney General from the organization of the Territory of Oklahoma until July 1, 1955?

Limitation of the Problem

This problem was limited to official law and opinion for the Territory of Oklahoma and for the State of Oklahoma to the date indicated above. It did not include any materials pertaining to the Indian Territory. Furthermore, the study did not include administrative policies promulgated by governing boards of institutions or of the state system. Neither did it include any consideration of the operation of institutions or the state system as a whole nor any evaluation of the controls or their effects upon higher education.

The study covered three periods. The first was from the establishment of the Territory of Oklahoma to the establishment of Oklahoma as a state. The second period began with statehood and extended to the establishment of the statewide system of higher education in 1941. The third period was from the inauguration of the State System of Higher

Education to July 1, 1955. Thus pertinent laws enacted by the Twenty-fifth Oklahoma Legislature were included.

Controls relating to parochial and other private educational institutions were excluded from the study. Only those agencies and institutions officially created and designated as "public" and maintained as state institutions were included. Each was identified by name in appropriate places in the report.

Clarification of Terms

Certain terms were used throughout the report, each with the precise meaning set forth below. All other terms were intended to convey their usual meanings except as might be specifically noted in the text in connection with their use.

"Legal Controls" refers to official policy which is a matter of record in the basic law of the territory and state, the Organic Act and the State Constitution; in the statutes of both territorial and state legislatures; in court decisions by territorial and state courts, including pertinent decisions from the federal courts; and, in official opinions of the Attorney General.

"Organic Act" refers to the act of the Congress of the United States by which the Territory of Oklahoma was established.

"Constitution" refers to the basic law of the state as it was originally adopted and as it has been amended.

"Statutes" refers to laws enacted by the territorial and state legislatures and by the people through the use of the initiative or referendum.

"Judicial Decisions" refers to pertinent decisions by courts of proper jurisdiction, territorial, state, and federal.

"Opinions of the Attorney General" refers to official written opinions pertaining to higher education stated over the signature of the Attorney General of Oklahoma Territory and the State of Oklahoma.

"Public" refers to higher education in state institutions which are primarily supported through appropriations by the legislature or monies specifically dedicated for this purpose in the basic law. Institutions or agencies for higher education primarily supported and operated by churches or other private organizations, by public school districts or other municipalities, were not included.

"Higher Education" refers to regularly organized and formalized instruction, generally at levels higher than the twelfth grade, in institutions directly established, supported, and operated by the territory or state. It refers, except as may be noted in the text, to those institutions and their direct predecessors which were a part of the Oklahoma State System of Higher Education.

Background and Purpose of Study

In his capacity as president of one of the colleges in the Oklahoma State System of Higher Education, the author has found it necessary on more than one occasion to look into the background of some of the legal controls of the system. The difficulties encountered in locating pertinent materials have emphasized the potential value to him and others in having a compilation, in one volume, of the sources and substance of law pertaining to higher education, arranged in such a manner that the chronological sequence of the initiation of such law could readily be seen for each institution and for the state system. A careful check at the several appropriate libraries revealed that no such compilation had been made. There were, actually, no directly related studies.

Conversation with administrators within the system and with officials in the office of the Attorney General further emphasized the desirability of such a compilation. It seemed evident that this was a fruitful area for study. Accordingly, the specific problem herein stated was defined and the feasibility of such a project determined.

The purpose of the study was to meet the need expressed above by bringing together the basic legal matter, which has served through the years to control public higher education in Oklahoma, and to organize these materials in a form, convenient for access and use by administrators, students, and others in their efforts to understand the background, the evolution, and the meaning of legal controls of public higher education in the state.

Method and Procedure

The methodology used was a combination of the methods of historical and legal research considered appropriate for this study. As has been indicated earlier, the libraries at the graduate schools in the state and the state library at the Capitol were carefully explored. It soon became evident that it was necessary to confine the search to official records in the various offices and the state library at the Capitol.

The first step was to locate the Organic Act by which the Territory of Oklahoma was created and to note the content pertinent to the problem. The next step was to identify those portions of the Constitution of the state which pertained to higher education as they appeared in the original, at the time of statehood, and in each amendment thereafter, prior to 1955. These materials were transcribed and arranged in chronological order.

The next step was to locate pertinent statutory material. This was done by identifying and transcribing those portions of the territorial and subsequent state laws pertaining to higher education and arranging them in chronological order within a classification according to institutions for which each was enacted. The statutes for the territorial period and for the period from statehood to 1941 were located by use of the Compiled Oklahoma Statutes for each ten-year period. The pertinent content was systematically compared with the same subject matter contained in the Session Laws for each period. The materials were transcribed and arranged chronologically, as indicated above. This process made possible the identification of changes in the statutes, both for the territory and the state, as such changes occurred.

By the same technique, statutes enacted between 1941 and 1955 were located, examined, and transcribed. These materials were arranged chronologically according to their application to the system or to individual institutions.

The next step was to locate pertinent judicial decisions. This was done, basically, through the use of the Oklahoma Digest and the Revised Statutes Annotated. The substance of each decision was studied in relation to the law to which it pertained. Each decision was transcribed and arranged in the same order as was used for arranging the statutes and the constitutional materials.

The data on opinions of the Attorney General were secured from the files in the office of the Attorney General. These opinions were not published but were indexed by topics and arranged within each topic in chronological order. Those which applied to higher education were studied and transcribed. None was found for the territorial period.

Those for the two periods of statehood, 1907 to 1941 and 1941 to 1955, were arranged to correspond with the arrangement of the statutes.

With the data at hand, the materials from each of the four sources covering each of the three periods were studied and reported in order. The substance of the data for each period was described with use of direct quotations as seemed desirable and frequently short, direct excerpts were used. This procedure tended to create a pattern of identifying item after item in essentially the same way. This was done deliberately, at the risk of repetition, for the sake of accuracy in identification of the date and source of each item. It was felt that the date of the enactment of a law, the rendering of a decision or an opinion as part of the text, was indispensable to clarity in the chronological relationships.

It was decided, also, that all of the material of the same kind, that is, constitutional, statutory, judicial, or opinion, should be placed together in chronological order as it pertained to each institution or group of institutions and, in the fourth chapter, to the system. Accordingly, in each instance, constitutional materials were presented first, followed by statutory, judicial, and opinion, in this order. The source of each item was given in the footnotes.

No effort was made to include interpretative comment or historical background concerning the establishment of the controls. The study was concerned with "What were the legal controls?"

CHAPTER II

TERRITORIAL PERIOD

(1890-1907)

The Territory of Oklahoma was established on May 2, 1890, by an act of congress of the same date.¹ This act was referred to herein as the Organic Act. The boundaries of the Territory of Oklahoma were defined, but congress reserved the power to change them without the consent of the inhabitants of the territory. The act provided for a Governor and Legislative Assembly. Roughly, the western half of what now constitutes the State of Oklahoma comprised the new territory.

This chapter contains the substance of the territorial acts pertaining to the establishment of the public institutions of higher learning from the time the territory was created until statehood on November 16, 1907. The various legal controls imposed upon these institutions through the Organic Act, and through territorial statutes, territorial judicial decisions, and opinions of the territorial Attorney General, insofar as these data exist, were reported. The chapter was concluded with a summary of the nature and trend of these controls.

The University of Oklahoma

In the exercise of the legislative powers granted by the Organic Act, an institution of learning named The University of Oklahoma was

¹U. S., Statutes at Large, XXVI, pp. 81-100.

established at Norman, Oklahoma, by the Legislative Assembly. The act creating the university became effective on December 19, 1890.² It provided that within thirty days a bond for \$5,000 would be conveyed to the territory, also ". . . a good and sufficient warranty deed . . ." to forty acres of land within one-half mile of Norman which would be the site of the University. The law did not say who should provide the bond and the deed.

The government of the University was vested in a Board of Regents consisting of six members composed of the governor and five members appointed by him. This board was made a body corporate by the name of The Regents of the University of Oklahoma, with ". . . all the powers necessary, or convenient to accomplish the objects and perform the duties prescribed by law . . ." Provision was made for a president, secretary, and treasurer of the board. The board was given specific power to . . . enact laws for the government of the University in all its branches, elect a President and the requisite number of professors, instructors, officers and employees and fix the salaries and term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction.

Sectarian or partisan tests in the appointment of the regents or in the election of professors or other officers of the University, or in the admission of students, or for any other purpose, were prohibited. The care and preservation of the physical properties were vested in the board with the authority to assess and collect penalties and forfeitures for violations of rules and regulations made for such care and preservation.

The board was authorized to expend any of its funds for the erection of buildings and the purchase of equipment and other property, and, if

²Oklahoma, Statutes (1890), secs. 6779-6796, passim.

deemed expedient, to accept any college in the territory as a branch of the University, upon application of the board of trustees of such college.

An annual report was required to be made to the governor, who was required to send one copy to each of the land-grant colleges of the United States and one copy to the Secretary of the Interior.

Provisions concerning internal organization and the "object" of the University were set down in Sections 8 and 9 of the law as follows:

8. The president of the University shall be president of the several faculties, and the executive head of the instructional force in all its departments; as such, he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges; and so long as the interests of the institution require it he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate, and to confer upon the faculty, by by-laws, the power to suspend or expel students for misconduct or other causes prescribed in such by-laws.

9. The object of the University of Oklahoma shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, in the instruction and training of persons in the theory and art of teaching, and also instruction in the fundamental laws of the United States and of this Territory, in what regards the rights and duties of citizens, and to this end, it shall consist of the following colleges or departments, to-wit:

First. The college or department of arts;

Second. The college or department of letters;

Third. The normal college or department;

Fourth. Such professional or other colleges or departments as now are or may from time to time be added thereto or connected therewith, and the board of regents are hereby authorized to establish such professional and other colleges or departments when in their judgment they may be deemed necessary and proper: Provided, That no money shall be expended by the board of regents in establishing and organizing any of the additional colleges or departments provided for in this section until an appropriation therefor shall have first been made.

The act specified the courses of instruction to be offered by the various departments and continued with provisions pertaining to a variety

of items, but there is no evident order in the sequence in which these items are treated.

The University was made open ". . . to female as well as male students . . .," with provision for instruction and discipline in military tactics, with the requisite arms to be furnished by the territory.

Any graduate of the University, after teaching successfully in a public school in the territory for sixteen school months, could have his diploma countersigned by the territorial superintendent of public instruction, after proper examination, and thereafter become entitled to teach any of the public schools of the territory, and the diploma, so countersigned, constituted ". . . a certificate of such qualifications until annulled by the Superintendent of Public Instruction . . ."

Except in the law department and for extra studies, no student having residence in the territory for one year next preceding his admission could be required to pay any fees for tuition. The board was authorized, however, to prescribe rates of tuition for any pupil in the law department, for students not having the one year's residence, and for students wishing to be taught "extra studies." While the language of the act did not specify what was meant by "extra studies," the context seems to warrant the inference that it referred to subjects not included in the prescribed courses of instruction.

No payment for services could be made to any member of the Board of Regents, but travel expenses were authorized.

The board was authorized to prescribe rules and regulations for the admission of students, including a requirement for examination, and to require

. . . any applicant for admission in the normal department, other than such as shall prior to admission sign and file with said board a declaration of intention to follow the business of teaching common schools in this Territory for at least one year, to pay or cause to be paid such fees for tuition as the board may deem proper and reasonable.

Cleveland County was required to provide \$10,000, within six months after the passage and approval of the act, for the use of the Board of Regents ". . . for the purpose of erecting the buildings and procuring the apparatus necessary to put the Territorial University in operation . . .," but no provision was made as to what would happen if this amount was not provided within the specified six months. However, after authorizing the issuance of bonds by Cleveland County for \$10,000 for such purpose, it was provided that if the \$10,000 was not paid or the bond election was not called within one year, then the entire act ". . . shall be null and void . . ."

The Board of Regents was authorized to receive grants, additions, bequests of money, or other property for the use and benefit of the University.

There was no record of any judicial decisions or Attorney General opinions dealing specifically with the University of Oklahoma during this period.

It will be observed that the initial law establishing the University of Oklahoma remained unchanged until statehood, and that, except as to internal organization, curricula, and conditions for the admission of students, the Board of Regents had almost complete control of the University and its operations.

The Oklahoma Agricultural and Mechanical College

This institution was established by the Legislative Assembly of the Territory of Oklahoma under the same general authority granted by the Organic Act under which the University of Oklahoma was established.

On October 27, 1890, the Legislative Assembly by resolution³ accepted, and obligated itself to comply with, the provisions of an Act of Congress entitled

An act to establish agricultural experimental stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto.

approved March 2, 1887. It was required that, upon approval of the resolution by the governor, a certified copy be transmitted to the Secretary of State and the Secretary of the Interior of the United States.

A few months later, by an act of the Legislative Assembly, effective December 25, 1890,⁴ an agricultural and mechanical college was established. It was to be located at some point in Payne County to be selected by a board of three citizens appointed by the governor. The institution was designated as The Agricultural and Mechanical College of the Territory of Oklahoma. It was made an institution corporate, and the government and management thereof was vested in a Board of Regents designated as the Agricultural and Mechanical College Board of Regents. The location was to be upon ". . . not less than eighty acres of land, suitable and fit for use as an agricultural and experimental station, which land shall be conveyed to such institution for the use and benefit thereof by good and sufficient title thereto." It was provided

³Ibid., secs. 229-230, passim.

⁴Ibid., secs. 231-253, passim.

that Payne County or the municipality in or near which the agricultural college was to be located must issue its bonds in the sum of \$10,000 which were to be delivered to the Secretary of the Territory to be sold by him and the proceeds to be paid to the Treasurer of the Territory and placed to the credit of the institution. It was provided, also, that if such county or municipality ". . . shall fail or refuse to issue such bonds or convey said lands after demands made therefor by such board, such institution may be located elsewhere." The proceeds of the bonds were to be used only in the erection of a building for the institution.

The college, by its regents, was authorized to take title to real estate, enter into contracts for the location of buildings and do all things necessary to make it effective as an educational institution.

The Board of Regents consisted of six members composed of the governor and five other persons appointed by him. The act provided that . . . if there be organized a Territorial Board of Agriculture, such board may at its meeting designate two persons to be appointed members of the board of regents, and when so designated, they shall be appointed by the Governor as aforesaid.

The provisions for the organization of the board of regents were stated in the act as follows:

At the first meeting of said board, it shall organize by the members thereof taking and subscribing an oath of office as required of all civil officers of the Territory, and shall then proceed to elect a president and treasurer, and the president shall be president of the college and shall be secretary of the board. A majority of the board shall be a quorum for the transaction of business. The board shall require a bond of its treasurer and fix the amount thereof.

The time was specified for holding meetings of the board and a per diem allowed for the members. The board was charged with the responsibility of expending moneys appropriated by the Territorial Assembly and by the congress and of supervising the construction of all buildings provided for the college and for the experimental farm to be maintained

by the college. The board was authorized to employ a president, who would be the chief executive officer of the board, and to employ the necessary teachers and other staff members to carry out the purposes of the college and the farm.

The particular design of the institution was to afford practical instruction in agriculture and the appropriate natural sciences along with the sciences which bear directly upon ". . . all industrial arts and pursuits." It was provided, further, that the instruction should embrace

. . . the English language and literature, mathematics, civil engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and such other natural sciences as may be prescribed; political, rural and household economy, horticulture, moral philosophy, history, bookkeeping and especially the application of science and the mechanic arts to practical agriculture in the field.

The full course of study of the institution was to include not less than four years and each college year was to consist of not less than nine calendar months, which could be divided into terms by the Board of Regents, as, in their judgment, would ". . . best secure the objects for which the college was founded."

The president was to have the responsibility of executing the rules and regulations adopted by the board. The president and the board were to constitute a committee to fix the rates of wages to be allowed to students for labor on the farm or in the shops and kitchen of the college. However, the board was vested with authority to prescribe the wages and salaries of the president and members of the instructional and administrative staffs. The faculty was charged with the responsibility of making an annual report to the Board of Regents on or before the first Monday in December of each year, showing the condition of the school and farm. The board was to report to the governor on or before the last

Monday in December next preceding each biennial session of the Territorial Assembly.

The board and the faculty were given power to confer degrees upon persons completing the prescribed course of study, passing a satisfactory examination over the studies contained in the course and possessing good moral character. The act authorized the establishment of an agricultural experimental station to be operated in connection with the college and authorized the board to receive from the United States any and all appropriations made for the support of the agricultural experimental program. Males and females between the ages of twelve and thirty years were eligible for admission to study at the college.

The basic act of 1890, establishing the institution, was amended in 1893.⁵ The name of the institution was changed from The Agricultural and Mechanical College of the Territory of Oklahoma to The Oklahoma Agricultural and Mechanical College. The object of the college was broadened and the curriculum was extended to include military tactics. Whereas the act of 1890 provided that one of the members of the Board of Regents would be the superintendent of construction of all buildings, the act of 1893 provided that a superintendent of construction of buildings would be appointed by the board, thereby changing the requirement that such superintendent would be a member of the board. The minimum age of students eligible for admission was advanced from twelve years to fourteen years of age.

By an act of March 4, 1905,⁶ the Territorial Legislature made an

⁵Oklahoma, Statutes (1893), secs. 142-167, passim.

⁶Oklahoma, Session Laws (1905), p. 49.

appropriation of \$92,500 for the construction of Morrill Hall, to house the departments of agriculture, horticulture and administration and to provide

. . . additional shops and recitation rooms for the departments of Civil, Electrical and Mechanical Engineering and a gymnasium and for the purchase of furniture, machinery, and the necessary appliances to equip such buildings for the purpose of the college.

In the one court case involving the college during this period, the territorial court, in a decision rendered February 18, 1898,⁷ held that the Agricultural and Mechanical College was ". . . a public or quasi-corporation, created and existing under and by virtue of the laws of the Territory of Oklahoma . . ." and that such institution could not be sued for a balance due upon a written contract because such an institution had the immunity of the state or of sovereignty.

There were no records of any Attorney General opinions dealing specifically with the Oklahoma Agricultural and Mechanical College during this period.

It will be observed that the initial law establishing The Oklahoma Agricultural and Mechanical College in 1890 was changed in some respects in 1893, but that the same general purposes, objectives, and controls remained. The governing board had the same control as that of the governing board of The University of Oklahoma. It is significant to note that the territorial laws creating and establishing The Agricultural and Mechanical College provided that the president of the Board of Regents would be president of the college and secretary of the board.

⁷The Oklahoma Agricultural and Mechanical College v. Charles F. Willis and William F. Bradford, 6 Okla. 593, 52 P. 921.

Normal Schools

Three normal schools were established during the territorial period. They were treated as a group since their basic purpose, that of training teachers, was the same and since the laws founding them were common.

Central State College

By an act effective December 25, 1890,⁸ in the exercise of the legislative powers granted by the Organic Act, the Territorial Assembly established a normal school for the territory of Oklahoma

. . . at or within one mile of the village of Edmond . . . the exclusive purposes of which shall be the instruction of both male and female persons in the art of teaching and in all the various branches that pertain to a good common school education, also to give instruction in the theory and practice of teaching, in the fundamental laws of the United States, and in what regards the rights and duties of citizens.

The governing board of the institution was a Board of Education consisting of five members, three appointed by the governor and two members, ex officio: the Territorial Treasurer and Superintendent of Public Instruction. The Board of Education, as governing board, was empowered to

. . . appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties.

The board was given the power to prescribe rules and regulations for the admission of pupils, with the discretionary power to

. . . require an applicant for admission into said school, other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching schools in

⁸Oklahoma, Statutes (1890), secs. 3716-3735, passim.

this Territory, to pay or secure to be paid such fees or tuition as to said board shall seem reasonable.

Provision was made for an annual visitation by a committee of three suitable persons, not members, to be appointed by the Board of Education to examine and report the condition of the school to the Superintendent of Public Instruction. Persons attending the institution for twenty-two weeks, after passing an examination in their studies, could be given certificates to teach in the common schools.

It was provided that forty acres of land be furnished without cost to the territory, ten acres to be ". . . reserved as a site on which to erect buildings for said institution and the remainder shall be laid into lots and blocks, and disposed of for cash, for the use and benefit of such institution." The County Commissioners of Oklahoma County were authorized to issue bonds for the sum of \$5,000, to be delivered to the Territorial Treasurer to be sold by him. Provision was made for the appointment of "three discreet persons" as commissioners to ". . . select the land, plat, and make sale thereof, and to make all contracts for the erection of buildings."

Only one amendment to the original statute pertaining to this institution was made during the territorial period. In 1893⁹ it was provided that

. . . lectures on chemistry, comparative anatomy, astronomy, the mechanical arts, agricultural chemistry, and on any other science, or any branch of literature that the Board of Regents may direct, may be delivered to those attending the normal school, in such manner and on such terms and conditions as the Board of Regents may prescribe.

⁹Oklahoma, Statutes (1893), sec. 3418.

Northwestern State College

By an act effective March 12, 1897,¹⁰ there was established a normal school at Alva, Oklahoma, to be known as the Northwestern Normal School. The purpose of the school was the same as that of the normal school at Edmond. The board of education of the normal school at Edmond was made the Board of Education for the Northwestern Normal School. No further legislation pertaining to this school occurred during the period.

Southwestern State College

Effective March 8, (1901),¹¹ the Territorial Assembly authorized the establishment of a normal school in the southwestern portion of Oklahoma, to be located by a committee appointed by the governor, and to be known as the Southwestern Normal School. The purpose of the school was to be the same as that of the normal schools located at Edmond and Alva and was to have the same governing board as these schools.

By an amendment effective March 15 in 1905¹² of the law of (1890), it was provided that students completing the full course of instruction in any normal school would be given a diploma which would be a life certificate, valid in any public school.

There was one court case involving this college which was decided October 4, 1902.¹³ The committee appointed by the governor to locate

¹⁰Oklahoma, Session Laws (1897), p. 217.

¹¹Ibid., (1910), p. 210.

¹²Oklahoma, Session Laws (1905), p. 307.

¹³The Board of Education of the Territory of Oklahoma v. The Territory of Oklahoma ex rel. Taylor, County Attorney, 12 Okla. 286, 70 P. 792.

the school, as provided by law, was enjoined from locating it at Granite, it being alleged that the committee was not a valid one since the appointment of its members was not made until the time for this purpose had expired. It was held that the selection of Granite as the site for the Southwestern Normal School was invalid for the reason stated in the allegation.

There was no record of any Attorney General opinions dealing specifically with the normal schools during this period.

Langston University

Effective March 12, 1897,¹⁴ the Territorial Assembly established the Colored Agricultural and Normal University of the Territory of Oklahoma.

It was

. . . to be located at or within a convenient distance from Langston, in Logan County, Oklahoma Territory, the exclusive purpose of which shall be the instruction of both male and female colored persons in the art of teaching, and the various branches which pertain to a common school education; and in such higher education as may be deemed advisable by such board, and in the fundamental laws of the United States, in the rights and duties of citizens and in the agricultural, mechanical and industrial arts.

The governing board of the institution was a Board of Regents consisting of ". . . five suitable persons. . .," two of the members to be of the colored race. Three members were to be appointed by the governor and the other two members to be the Territorial Superintendent of Public Instruction and the Territorial Treasurer as ex-officio members.

The Board of Regents had the power to appoint a president and other personnel and to fix their salaries and duties, and was authorized to

¹⁴Oklahoma, Session Laws (1897), p. 37.

". . . ordain such rules and regulations for the admission of pupils to said University as they deem necessary and proper." The board was authorized to

. . . require an applicant for admission into said school, other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching school in the Territory, to pay or to secure to be paid, such fees or tuition as the board shall deem reasonable, . . . provided that this feature shall be applicable only to the normal branch of said University.

Provision was made for visitation and report, annually, by a special committee and it was provided that whenever any person had attended the institution twenty-two weeks,

. . . said person may be examined in the studies required by law, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a common school, said person shall receive a certificate authorizing him or her to teach a common school.

It was provided that the Board of Regents

. . . shall exercise a watchful guardianship over the morals of the pupils at all times, and no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in said University.

It was further provided that forty acres of land lying within a convenient distance of Langston must be furnished, without cost to the Territory, for the purpose of locating and supporting the institution. Ten acres was to be used for the site of the University and the remainder was to be used in experimental agriculture. Unlike prior territorial acts establishing other educational institutions, there was an appropriation of \$5,000 made from the Territorial Treasury

. . . for the erection and completion of one wing of a suitable building for such University, and for the maintenance of the officers and the board, and corps of teachers and instructors created and authorized to be employed under this act.

Diplomas were authorized, and it was provided that any person having obtained a diploma from the normal department of said university would be

permitted to teach in any common school of the Territory of Oklahoma for a period of five years. As in the case of graduates of normal schools, the amendment in 1905 of the law of 1890¹⁵ provided that persons receiving a diploma for completion of the full course of instruction in the normal department of this institution would be given a diploma which would be a life certificate, valid in any public school.

No record of any judicial decisions or Attorney General opinions were found dealing specifically with Langston University during this period.

It will be observed that the institution which is now known as Langston University was originally established as a combination university and normal school for colored persons with its own Board of Regents, two members being required to be of the colored race. Also, that the Territory made a beginning at assuming financial responsibility through direct appropriation of money to get the institution into operation. It will be observed further that graduates of the normal department of the institution were permitted to teach for a period of five years originally and that their diplomas later became life certificates.

Northern Oklahoma Junior College

The Territorial Assembly, by an act effective March 8, 1901,¹⁶ established a University Preparatory School for the Territory of Oklahoma to be located within one mile from the corporate limits of the town of Tonkawa. The purpose of the school was to provide instruction for the

¹⁵Ibid., (1890), p. 207.

¹⁶Oklahoma, Session Laws (1901), p. 197.

students of Oklahoma which would prepare them for a university course of study. The government of the school was vested in a Board of Regents, consisting of the governor and two members appointed by the governor, by and with the advice and consent of the upper house of the Territorial Assembly, referred to as "the Council."

It was provided that the town of Tonkawa must donate twenty acres of land for the school and that the cost of the building to be used for the school would be not less than \$10,000 nor more than \$15,000. A levy of one-fifth of a mill on the taxable property of the territory for two years was made for the purpose of constructing necessary buildings, purchasing furniture, and paying teachers salaries as well as other current expenses for the year of 1902. This is the first instance of the use by the territory of an "earmarked" tax for the support of an institution.

No record was found of any judicial decisions or Attorney General opinions dealing specifically with the Northern Oklahoma Junior College during this period.

Summary of Nature and Trends of Controls of
Higher Education From 1890 to 1907

Soon after the establishment of Oklahoma Territory, the Territorial Assembly, in the exercise of the powers vested in it by the Organic Act, began the establishment of institutions of higher learning. The University of Oklahoma was first established, and only a few days thereafter The Oklahoma Agricultural and Mechanical College was established. Simultaneously, the first normal school was established at Edmond, followed by normal schools at Alva and Weatherford, the Colored Agricultural and

Normal University at Langston, and the University Preparatory School at Tonkawa.

Each of these institutions, except the normal schools, was governed by a Board of Regents, with some ex-officio members, with a majority of the members being appointed by the Territorial Governor. The three normal schools were governed by one Board of Education. This is a precedent for the use of one board for the government of more than one institution. These boards had broad powers in the operation and control of their respective institutions and in the admission and graduation of students. It should be recalled that the board of regents of the Colored Agricultural and Normal University was to include two Negroes among the five of its membership.

The laws establishing the institutions prescribed the courses of study to be offered. In each instance, provision was made for the training of teachers for the public elementary and secondary schools. The principle of certification of teachers on the basis of college diplomas and, later, by the authority of the Superintendent of Public Instruction was recognized in the territorial laws. The selection of personnel and their compensation was vested exclusively in the governing boards of the institutions. While the governing boards, generally, had the authority to conduct entrance examinations of prospective students, minimum and maximum ages were fixed by the Territorial Assembly.

There were no statutory provisions dealing with residential housing of students during the territorial period. In general, few legal limitations were placed upon the actual operations of the institutions. A condition to the location of each institution was the furnishing of a site by the municipality at or near which the institution was to be located.

Having once established an institution, very few changes, and in most cases no changes, were made in the legislation and very little use made either of the courts or the Attorney General during the territorial period.

CHAPTER III

PERIOD OF STATEHOOD TO ESTABLISHMENT OF THE OKLAHOMA STATE SYSTEM OF HIGHER EDUCATION (1907-1941)

The Enabling Act was passed by Congress June 16, 1906,¹ authorizing statehood for Oklahoma. A constitution was adopted in convention at Guthrie, Oklahoma Territory, July 16, 1907. It was ratified by the people September 17, 1907, and became effective on November 16, 1907, with the proclamation of the president of the United States of the same date. Thus, Oklahoma became the 46th state of the union.

This chapter covers the period from the date of statehood until the establishment of the State System of Higher Education on March 11, 1941. It will show the establishment and development of institutions of higher learning in Oklahoma during this period.

It will be noted that several institutions which receive attention in this chapter were established prior to statehood. Other institutions considered were those established during the period covered by the chapter. Institutions were identified by the names they were known by at the time of this study. In those instances where names have been changed, this was noted. Throughout the period, changes in the laws tended away from separate acts for each institution toward acts applicable

¹U.S., Statutes at Large, XXXIV, pp. 267-278.

to types and groups of institutions. The laws common to the normal schools enacted during the territorial period is an example of the tendency found in the period covered by this chapter.

Controls Common to all Institutions

There were a number of laws that applied to all institutions during this period. These laws are presented in this section of the chapter.

An act of the legislature effective March 13, 1915,² authorized the State Board of Agriculture, the governing board of the Agricultural and Mechanical Colleges, and the State Board of Education, the governing board of all other state colleges at that times, to fix and collect library and laboratory fees and a reasonable tuition for all non-resident students. However, students from states permitting students from Oklahoma to attend their state institutions without tuition could not be charged tuition by the Oklahoma institutions.

An act of the legislature effective on March 26, 1917,³ provided for the distribution of dormitory space for girls in the institutions of higher education of the state by requiring quotas to be set up on a county basis. It was specifically provided, however, that no applicant under fifteen years of age could be admitted to live in dormitories.

On March 27, 1917,⁴ the legislature provided for granting of academic and professional degrees which were usually and customarily granted to graduates of institutions of college rank. The law authorized The

²Oklahoma, Session Laws (1915), p. 200.

³Oklahoma, Session Laws (1917), p. 236.

⁴Ibid., p. 456.

University of Oklahoma, The Oklahoma Agricultural and Mechanical College, The Oklahoma College for Women, and the School of Mines and Metallurgy, together with several parochial and private colleges, to grant degrees. It also gave the State Board of Education power to approve other colleges and universities for the granting of degrees upon application and when standards set by the board were met.

A law passed by the legislature effective July 12, 1929,⁵ created for the institutions of higher learning of the state a central co-ordinating body known as the "Co-ordinating Board." This board was composed of the president of the state University, the president of the Oklahoma Agricultural and Mechanical College, the State Superintendent of Public Instruction, the president of one of the state teachers colleges to be designated by the Presidents Council of the State Teachers Colleges, the president of one other state school to be designated by the State Board of Education, the president of the Oklahoma College for Women, and two other members to be designated by the governor to be selected from financial or industrial institutions. The duties of the Co-ordinating Board included the

. . . assembling of exact information that will show the actual cost of education at the several institutions, together with the immediate and future needs of each school, . . . checking of the upgrading and expanding tendency by a clear interpretation and definition of the function of each of the several institutions and the elimination of unnecessary and undesirable duplications, . . . bringing about of harmonious working relationships among the institutions by the establishment of needed councils, . . . unifying of the tax-supported institutions into a state system of higher education through the determination of an intelligent plan for their further development.

It was provided that any regulations or standards set up by the Co-ordinating Board, when approved by the Board of Regents of any institution, would be

⁵Oklahoma, Session Laws (1929), p. 374.

in full force and effect in the administration of the affairs of the institution.

An act effective April 26, 1933,⁶ amended the 1929 law by changing the membership of the board to be composed of fifteen members appointed by the governor and confirmed by the senate. The law was also amended to provide that regulations or standards set up by the Co-ordinating Board, when approved by the governor, would be in full force and effect in the administration of the affairs of the institution.

An act of the legislature effective April 8, 1937,⁷ provided authority for governing boards of state institutions to carry use and occupancy insurance on dormitories or other buildings constructed with self-liquidating bonds revenue. The cost of the insurance was to be paid from the income derived from the operation of the buildings. Any proceeds collected from the insurance coverage was to be placed in the fund created to retire outstanding bonds.

The University of Oklahoma

The laws applicable to the University during the territorial period were re-enacted as state laws. However, there were numerous changes and additions during this period.

On May 29, 1908,⁸ the State Legislature of Oklahoma created the Oklahoma Geological Survey which was placed under the direction of the State Geological Commission, composed of the governor, the president of the state University, and the State Superintendent of Public Instruction.

⁶Oklahoma, Session Laws (1933), p. 374.

⁷Oklahoma, Session Laws (1936-37), p. 188.

⁸Oklahoma, Session Laws (1907-08), p. 431.

The members of the Commission were not provided any compensation, but only their actual and necessary expenses incurred in the performance of their duties. The commission was given general charge of the Oklahoma Geological Survey and was empowered to

. . . appoint as Director of the Survey, a geologist of established reputation, who may, with the approval of the commission, appoint such assistants and employes as may be necessary to carry out the provisions of this act.

The fixing of salaries of personnel was left to the commission.

The bureau, or the Oklahoma Geological Survey, was authorized to make studies of the geological formations of the state and to prepare and publish bulletins and reports in relation thereto, and was to give consideration to such other scientific and economic questions as, in the judgment of the Commission, might be of value to the people of the State of Oklahoma. An appropriation of \$15,000 was made for the payment of the actual expenses of the Commission and for other expenses authorized by them and for the salaries or other compensation of the director, assistants, or other employees.

By the 1910 revision of the Oklahoma laws⁹ any person

. . . holding a diploma granted by the Board of Regents of the University, certifying that such person is a graduate of the University, shall upon application to the State Superintendent of Public Instruction, and after such examination as to his moral character as to such Superintendent may seem proper, be granted a permanent first-grade teacher's certificate.

This was a departure from the previous provisions by which a certificate was not issued unless the individual concerned had taught in a common school for sixteen months. It will be noted that, by the 1910 revision, no provision was made for the revocation of the teaching certificate by

⁹Oklahoma, Revised Laws (1910), secs. 7964-7965.

the State Superintendent of Public Instruction, as had been the case prior to that time.

By an amendatory act effective December 21, 1907,¹⁰ the membership of the Board of Regents was increased from six to ten members, nine to be appointed by the governor, by and with the consent of the senate, with the governor serving as the tenth member, ex-officio.

By an act effective March 6, 1911,¹¹ the State Board of Education was made the governing board of the University of Oklahoma, together with other institutions, and granted the powers and privileges previously vested in the Board of Regents of this institution. Additional powers were granted, including the power to examine applicants for teachers' certificates. The State Board of Education was thereby given broad powers and was made the governing board of all institutions of higher education in the state except the Agricultural and Mechanical Colleges.

An act approved on March 17, 1913,¹² provided that the zoological collection at the Northwestern State Normal School at Alva, Oklahoma, or such portions of it as might be determined by the State Board of Education, the president of the University of Oklahoma and the president of the Northwestern Normal School, was to be transferred to the University of Oklahoma.

On April 1, 1913,¹³ provision was made by legislative act for the furnishing of legal publications by the librarian of the Oklahoma Law Library to the library of the Law School of the University.

¹⁰Oklahoma, Session Laws (1907-08), p. 669.

¹¹Ibid., (1910-11), p. 121.

¹²Ibid., (1913), p. 97.

¹³Ibid., p. 235.

On March 21, 1917,¹⁴ the Oklahoma Legislature made an appropriation of \$200,000 for the establishment of a medical department for the University in Oklahoma City, conditioned upon whether the City would, for a consideration of \$100,000 convey to the state of Oklahoma the Emergency or Municipal Hospital, including its equipment and incidentals, owned by the City of Oklahoma City. Thereby the medical branch of the University was established in Oklahoma City. It was specifically provided that if Oklahoma City did not make the specified conveyance, then the State Board of Public Affairs could locate the medical department at some other place, for a consideration of \$100,000. Provisions were also made for a state hospital and the admission thereto of specified children and other patients, consisting mainly of those persons who were unable to obtain or pay for proper medical treatment.

By an act effective April 3, 1919,¹⁵ it was provided that the government of the University would be vested in a Board of Regents consisting of seven members appointed by the governor, by and with the consent of the senate. This was a return to the earlier practice of separate institutional boards. It changed the government of the University from the State Board of Education to an independent Board of Regents. It was specified that the board ". . . shall be non-partisan and not less than two of whom shall be members of the alumni of said institution." This act provided for the government and control of the University of Oklahoma, with provisions for its internal organization and operation.

On March 22, 1921,¹⁶ the Board of Regents of the University was

¹⁴Ibid., (1917), p. 299.

¹⁵Ibid., (1919), p. 423.

¹⁶Ibid., (1921), p. 140.

authorized to provide for the construction of dormitories for students attending the University, with the power to charge rentals and to issue bonds for the cost of construction. The Commissioners of the Land Office were authorized to invest funds derived from section thirteen lands and new college lands in such bonds.

On May 28, 1921,¹⁷ the State Industrial Chemical Library was located by legislative act at the University of Oklahoma, with an appropriation of \$10,000 for such purpose.

On March 30, 1923,¹⁸ the University Dormitory Bonds were made a proper investment of banks, trust and insurance companies, and municipal sinking funds.

On April 9, 1923,¹⁹ the Board of Regents of the University was authorized to lease

. . . to the Board of Governors of the Oklahoma Student Union not to exceed two acres of the campus of the University at Norman, Oklahoma, for the purpose of erecting and maintaining thereon a building to be erected without cost to the state and to be for the use of the students of the University.

The duration of the lease was not to exceed 99 years, with the privilege of renewal. In consideration of the service rendered by the Board of Governors of the Oklahoma Student Union in caring for the needs of the students of the University, the Board of Regents was authorized to supply heat, light, power and water for said building and to establish an annual rental not to exceed one dollar.

On March 21, 1924,²⁰ the Board of Regents of the University was authorized to set aside portions of the University campus for the

¹⁷Ibid., p. 263.

¹⁸Ibid., (1923), p. 176.

¹⁹Ibid., p. 213.

²⁰Ibid., (1923-24), p. 104.

construction of dormitories, and to issue bonds for the construction and equipment of suitable dormitories for the use of the students attending the University. A limit of \$300,000 was placed upon the amount of bonds to be issued for such purpose. Sale of the bonds was to be made by the State Board of Affairs, and construction and equipment of the dormitories were placed under the jurisdiction of the State Board of Public Affairs.

Banks, trust and insurance companies, and officers having charge of the sinking funds of the state and municipalities, were authorized to invest in the bonds. This act repealed the act of March 22, 1921, providing for dormitories, and the act of March 30, 1923, relating to University Dormitory Bonds.

On March 26, 1925,²¹ a part of the Capitol land was designated as a part of the site and location of the medical department of the University of Oklahoma.

On February 18, 1927,²² the State Board of Public Affairs was directed to build and equip The Oklahoma Hospital for Crippled Children at a cost of not to exceed \$300,000. This hospital was to be connected with and under the management of the University Hospital and to be located in Oklahoma City on lands set aside for the medical department of the University.

By legislative enactment on March 23, 1927,²³ it was provided that no resident of Cleveland County would be eligible for membership on the Board of Regents of the University.

²¹Ibid., (1925), p. 261.

²²Ibid., (1927), p. 20.

²³Ibid., p. 90.

A resolution was approved on March 25, 1927,²⁴ providing that graduates of the Oklahoma School of Mines and Metallurgy at Wilburton, Oklahoma, to be known as the Eastern Oklahoma College after July 1, 1927, could be given, upon the submission of a proper thesis, degrees by the University in lieu of those degrees formerly conferred by the Oklahoma School of Mines and Metallurgy.

The Board of Regents was authorized, by an act approved on April 5, 1927,²⁵ to set aside portions of the University campus for the construction of an infirmary building and to issue bonds, not exceeding \$130,000, for the purpose of constructing and equipping an infirmary building ". . . to be used for safeguarding the health and providing facilities for the care of sick students enrolled in said institution." Authority was given to the Commissioners of the Land Office to invest the Public Building Fund in the bonds. The Board of Regents was empowered to prescribe rules and regulations for the conduct, management, and care of the infirmary building and to impose and collect necessary rentals, charges, and fees.

On March 18, 1929,²⁶ the Board of Regents was directed to complete the Oklahoma Hospital for Crippled Children on land set aside in Oklahoma City for the medical department of the University and to improve the grounds and equip the hospital. An appropriation of \$150,000 was made for this purpose.

The Ninth Oklahoma Legislature proposed a constitutional amendment²⁷

²⁴Ibid., p. 274.

²⁵Ibid., p. 165.

²⁶Ibid., (1929), p. 88.

²⁷Ibid., p. 496.

to establish a constitutional Board of Regents for the University. It was to consist of nine members, with staggered terms of nine years. Eight members were to be appointed one each from the eight congressional districts and the ninth member to be appointed from the state at large. This proposed amendment was submitted to a vote of the people at the general election in 1930 but was not approved.²⁸

Persons making archeological explorations were required by a law of April 3, 1935,²⁹ to obtain a permit from the director of the Museum of Vertebrate Paleontology of the University of Oklahoma and from the County Superintendent of Public Instruction of the county where explorations were to be made. This permit was to be conditioned upon a donation of one-half of the findings to some museum of anthropology or paleontology approved for the purpose by the director of the Museum of Vertebrate Paleontology of the University of Oklahoma. Later, on May 13, 1935,³⁰ similar provisions with more detail were enacted, requiring that one-half of the findings be donated to and deposited with the State Museum of Anthropology and Paleontology connected with the University of Oklahoma.

On May 14, 1935,³¹ the legislature provided that the revolving fund for the University would be known as the University Revolving Fund so as to distinguish it from the Hospital Revolving Fund. The Board of Regents was authorized to fix reasonable rentals for the use of musical instruments, scientific instruments, and engineering instruments, with a view of keeping these instruments in repair and yielding an annual income of

²⁸Oklahoma, State Question (159), Referendum Petition (54).

²⁹Oklahoma, Session Laws (1935), p. 165.

³⁰Ibid., p. 166.

³¹Ibid., p. 164.

at least six per cent of the cost of these instruments. It was provided that this fund could be used

. . . for the purchase of material, apparatus, equipment, books, supplies and for the repair of instruments, but shall not be used for salaries, except that fees collected for service rendered may be used to pay persons employed to render such service.

Approval of payments was required to be made by the president of the University, the financial clerk, and the State Board of Public Affairs.

Cash payments in cases of emergency were authorized in sums of not to exceed \$5,000.

By a law enacted May 7, 1937,³² without the approval of the governor, an appropriation of \$175,000 was made for the purchase of the Clinton Hospital for the purpose of using said hospital as an auxiliary to the University Hospital and to serve the poor and indigent people of western Oklahoma. The purchase was to be made by the State Board of Public Affairs. The hospital was to be under the control of the Board of Regents of the University. Money remaining from the appropriation, after the purchase of the hospital, was to be used for the construction of a home for nurses.

On May 14, 1937,³³ the legislature appropriated \$4,000 for the purpose of constructing and equipping a cooperative dormitory on the campus of the University and the Board of Regents was authorized to

. . . do all things necessary to obtain the benefits and co-operation of the National Youth Administration of the Federal Government that are, or may be available, whether in money or labor, to supplement the appropriation herein made.

The dormitory was to be constructed in and made a part of the stadium on

³²Ibid., (1937), p. 111.

³³Ibid., p. 191.

the campus of the University, and was to be of sufficient size to house not less than ninety-six persons.

On May 10, 1939,³⁴ oil and gas revenues to the extent of \$68,750 were appropriated for the purpose of erecting and equipping an isolation building on the grounds of the Crippled Children's Hospital on the medical school campus in Oklahoma City, the building to be under the management and control of the Board of Regents of the University. It was provided that the appropriation was to be matched by federal funds.

There were several judicial decisions pertaining to The University of Oklahoma during this period and they are reviewed in the following paragraphs.

Soon after statehood, the Regents of the University of Oklahoma instituted an action against the State Board of Education to prohibit the latter from interfering with the government and control of the University. It was contended by the State Board of Education that the power vested in it by Section 5 of Article 13, Oklahoma Constitution, to exercise supervision over the public schools of Oklahoma, included the power to exercise supervision over the University of Oklahoma. The Supreme Court of Oklahoma held, however, on April 14, 1908,³⁵ that the term "public schools" as used in the cited section of the Constitution did not include the University of Oklahoma.

The State Supreme Court held in 1933³⁶ that the Board of Regents of the University had implied power to require students to pay fees

³⁴Ibid., (1939), p. 131.

³⁵Regents of University of Oklahoma v. Board of Education, 20 Okla. 805, 95 P. 429.

³⁶Rheam v. Board of Regents of University of Oklahoma, 161 Okla. 268, 18 P. 2d 535.

. . . to be used for the construction, equipment and maintenance of a Student Union building on the campus of the University and for the retirement of bonds issued by the trustees of the Stadium-Union Memorial Fund of the University of Oklahoma for the construction thereof.

On February 1, 1938,³⁷ the State Supreme Court upheld the validity of a legislative enactment pledging money in the Public Building Fund to secure the payment of Dormitory and Infirmary Bonds of the University of Oklahoma, as well as Dormitory Bonds of the Oklahoma Agricultural and Mechanical College.

In 1939³⁸ the Attorney General sought to keep Oklahoma City from claiming certain land which had previously been dedicated for park purposes, and which the legislature, in 1919, had authorized to be encompassed by the limits of Oklahoma City. The property was valuable for oil purposes. It was held by the court that

Property dedicated to a city for the use of the public as parks by a dedication which imposes the duty and expense of maintenance on the municipality does not become the property of the city until and unless accepted by it . . .

and that the involved property was not the property of Oklahoma City by reason of the failure of the city to accept the dedication. The property involved was adjacent to the site of the medical school of the University and was a part of the original tract acquired by the state from the State Capitol Building Company, a part of which was used by the medical school.

No other controls, emanating from judicial decisions and applying directly to the University, during this period were found. Attention is directed to the materials found in opinions of the Attorney General.

³⁷Weiss v. Commissioners of the Land Office, 182 Okla. 39, 75 P. 2d 1142.

³⁸Oklahoma City v. State ex rel. Williamson, Attorney General, 185 Okla. 219, 90 P. 2d 1064.

On April 12, 1915, the State Superintendent of Public Instruction asked the Attorney General for an opinion as to the authority of the president of the University to grant sabbatical leaves of absence to professors. On April 27, 1915,³⁹ the Attorney General gave his opinion that the State Board of Education, as the legal successor of the Regents of the University, was empowered to grant sabbatical leaves of absence on either full or partial pay.

On July 6, 1927, the president of the University of Oklahoma asked the Attorney General whether the contract for the erection of the medical school building authorized by the legislature in 1927 should be signed by the State Board of Public Affairs or the Board of Regents of the University. On July 27, 1927,⁴⁰ the Attorney General gave his opinion that the contract should be signed by the Board of Regents of the University.

On March 16, 1931, the president of the University asked for an opinion as to whether osteopathic and chiropractic practitioners could use the State University Hospital as a place for the treatment of patients. On March 20, 1931,⁴¹ the Attorney General gave his opinion that practitioners of osteopathy or chiropody, duly licensed and regulated under the laws of the state, were entitled to the use of the State University Hospital as a place for the treatment of patients.

³⁹Opinion of the Attorney General of Oklahoma, April 27, 1915, addressed to Honorable R. H. Wilson, State Superintendent of Public Instruction (in the files of the Attorney General).

⁴⁰Opinion of the Attorney General of Oklahoma, July 27, 1927, addressed to Dr. W. B. Bizzell, President, University of Oklahoma (in files of the Attorney General).

⁴¹Opinion of the Attorney General of Oklahoma, March 20, 1931, addressed to Honorable W. B. Bizzell, President, University of Oklahoma (in the files of the Attorney General).

On October 6, 1931, the president of the University asked the Attorney General whether the Board of Regents of the University could accept the gift of a farm to the University of Oklahoma, with the income to be used for the benefit of the State Hospital for Crippled Children. On October 12, 1931,⁴² the Attorney General gave his opinion that the Board of Regents of the University of Oklahoma could legally accept the property and administer the proceeds accruing therefrom as a trust for the purpose indicated.

On November 13, 1933, the president of the University asked the Attorney General whether the Board of Regents could enter into a lease agreement with the federal government, in connection with a project to be undertaken under the Public Works Act, whereby a portion of the campus of the University would be leased to the federal government on which a self-liquidating project would be constructed, the lease to be effective until all obligations to the federal government had been met. On November 28, 1933,⁴³ the Attorney General gave the opinion that such leasing authority was not vested in the Board of Regents of The University of Oklahoma.

On August 17, 1935, the president of the University asked for an opinion as to the legality of a project whereby the Works Progress Administration would do certain repairs and improvements on the athletic fields of the University, in view of the athletic association being an

⁴²Opinion of the Attorney General of Oklahoma, October 12, 1931, addressed to Honorable W. B. Bizzell, President, The University of Oklahoma (in the files of the Attorney General).

⁴³Opinion of the Attorney General of Oklahoma, November 28, 1933, addressed to Dr. W. B. Bizzell, President, The University of Oklahoma (in the files of the Attorney General).

incorporated body. On August 23, 1935,⁴⁴ the Attorney General gave the opinion that the athletic stadium on the campus of the University of Oklahoma was a part of the University and subject to the jurisdiction and authority of the Board of Regents of the University; that the fact that the athletic association of the University was incorporated did not divest the Board of Regents of its authority over the athletic fields and stadium on the campus of the University; and, that the University was authorized to expend appropriate funds provided by the legislature for the upkeep of the grounds utilized for inter-collegiate and intramural athletics and to repair the stadium and other physical properties used for athletic purposes to the same extent that funds were expended for maintaining and repairing other properties of the University.

On January 28, 1936, the Board of Regents of the University asked for an opinion as to whether oil and gas leases on lands acquired by the state for the use of the medical school of the University of Oklahoma should be made by the State Board of Public Affairs. On February 14, 1936,⁴⁵ the Attorney General gave his opinion to the effect that the broad general powers granted to the Board of Regents of the University, as construed by the Supreme Court of Oklahoma, should not be considered as having been superseded by a 1935 act giving general authority to the State Board of Public Affairs to rent state lands for oil and gas purposes. The Attorney General declined to pass upon the authority of the Board of Regents, itself, to lease lands for oil and gas purposes.

⁴⁴Opinion of the Attorney General of Oklahoma, August 23, 1935, addressed to Honorable W. B. Bizzell, President, University of Oklahoma (in the files of the Attorney General).

⁴⁵Opinion of the Attorney General of Oklahoma, February 14, 1936, addressed to The Board of Regents of the University of Oklahoma (in the files of the Attorney General).

On April 15, 1936, the president of the Board of Regents of the University asked the Attorney General whether the Board of Regents could lease, for oil and gas mining purposes, lands upon which were located the medical school, University Hospital, and Crippled Children's Hospital. On April 28, 1936,⁴⁶ the Attorney General gave his opinion that the Board of Regents of the University did not have authority to lease, for oil and gas mining purposes, the lands upon which were located the University Hospital, Crippled Children's Hospital, and the medical school. The Attorney General then considered the question as to whether any other state agency would have the authority to lease such lands and stated that the Commissioners of the Land Office had the authority to lease the lands set apart for the medical department of the University.

On May 2, 1936, the Board of Regents of the University asked for an opinion as to the purchase of insurance for members of the University staff and the University Hospital. On May 12, 1936,⁴⁷ the Attorney General gave his opinion that the Board of Regents of the University of Oklahoma was without authority to purchase such life insurance or to increase the salaries of University employees by an amount sufficient for the employees to pay for such insurance.

On November 28, 1936, the president of the University asked the Attorney General for an opinion as to the authority of the Board of Regents to prescribe a rule and regulation on how the residence of a prospective student would be determined for the purpose of attending the

⁴⁶Opinion of the Attorney General of Oklahoma, April 28, 1936, addressed to Honorable C. C. Hatchett, President, Board of Regents, University of Oklahoma (in the files of the Attorney General).

⁴⁷Opinion of the Attorney General of Oklahoma, May 12, 1936, addressed to The Board of Regents of the University of Oklahoma (in the files of the Attorney General).

University. On February 18, 1937,⁴⁸ the Attorney General gave an opinion that the proposed rule and regulation was "largely correct" and in accordance with general legal authorities as to determination of a person's residence.

On May 19, 1937, the president of the University asked for an opinion as to whether a sales tax had to be paid upon the sale of athletic tickets by the University. On June 9, 1937,⁴⁹ the Attorney General gave his opinion that a 1937 sales tax law of the state of Oklahoma applied to the sale of athletic tickets by the University of Oklahoma, as well as to free or complimentary athletic tickets issued by the University.

On November 5, 1937, a member of the Board of Regents of the University asked the Attorney General for an opinion as to whether oil and gas lease bonus money and oil royalty received from the University Hospital land in Oklahoma City could be used to erect additional buildings for the medical college and the hospitals, without an act of the legislature. On November 18, 1937,⁵⁰ the Attorney General gave his opinion that such bonus money and royalties could not be used by the Board of Regents of the University without a prior appropriation by the legislature.

It will be observed that the government of the University of Oklahoma was changed in 1911 to the State Board of Education, which

⁴⁸Opinion of the Attorney General of Oklahoma, February 18, 1937, addressed to Honorable W. B. Bizzell, President, University of Oklahoma (in the files of the Attorney General).

⁴⁹Opinion of the Attorney General of Oklahoma, June 9, 1937, addressed to Dr. W. B. Bizzell, President, University of Oklahoma (in the files of the Attorney General).

⁵⁰Opinion of the Attorney General of Oklahoma, November 18, 1937, addressed to Honorable C. C. Hatchett, Member, Board of Regents, University of Oklahoma (in the files of the Attorney General).

served as the governing board of the University until April, 1919, at which time the legislature created another Board of Regents for the University. The basic function of the University remained unchanged during this period. Education in the medical arts was expanded with the provision of a medical school located in Oklahoma City in 1917.

Housing for students at the University on a self-liquidating revenue basis had its beginning during this period with the authorization by the legislature of a bond issue for this purpose in March, 1921. Thereafter, this type of financing for dormitories was followed as a matter of policy. The policy regarding student unions had its beginning at the University in 1923 when the legislature authorized the Board of Regents to co-operate with the Board of Governors of the Oklahoma Student Union in providing student union facilities, financed with self-liquidating bonds, for the students of the University. The idea of providing a constitutional Board of Regents for the government of the University was advanced in 1929, when the State Legislature passed a resolution submitting a question to the people proposing to amend the State Constitution to provide for a constitutional Board of Regents consisting of nine members. The people voted on the question at the general election in 1930, and even though a majority of the votes cast on the question were in favor, the proposed amendment failed of adoption for the reason that it did not receive a majority of all of the votes cast in that election.

The Oklahoma Agricultural and Mechanical College

Constitutional changes pertaining to this institution during the period covered by this chapter were few in number. They pertained entirely to the governing board.

Section 31, Article 6, Oklahoma Constitution, created a Board of Agriculture composed of eleven farmer members, and provided that the Board, among other things, would be the Board of Regents of all state Agricultural and Mechanical Colleges.

By an amendment approved on November 5, 1912,⁵¹ it was provided that the Board of Agriculture would consist of a president and ten directors, and that each director would be elected by a State Institute which would assemble annually at Stillwater, Oklahoma.

By an amendment approved August 5, 1913,⁵² it was provided that the Board of Agriculture would be composed of five farmer members. These amendments did not change the provisions making the Board of Agriculture the Board of Regents of all Agricultural and Mechanical Colleges.

Statutory changes were more numerous than constitutional changes and covered a much wider range of subjects. By an act effective May 20, 1908,⁵³ the Oklahoma Legislature created a State Commission of Agricultural and Industrial Education, consisting of the State Superintendent of Public Instruction, as chairman, the president of the State Board of Agriculture, and the president of the Agricultural and Mechanical College. The purpose of this Commission was to carry out

. . . the requirements of the State Constitution relating to the teaching of the elements of agriculture, horticulture and stock feeding and domestic science in the common schools of the State.

Among other things, the act provided for a system of instruction in agriculture, horticulture, animal husbandry, and stock feeding in the

⁵¹Oklahoma, State Question (38), Initiative Petition (23).

⁵²Oklahoma, State Question (60), Referendum Petition (23).

⁵³Oklahoma, Session Laws (1907-08), p. 13.

common schools of the state, and provided that the Agricultural and Mechanical College would be the "technical head" of the system of education, and that

. . . its President, professors, and employees shall lend such assistance in carrying out the objects, aims and purposes of the State Constitution requiring the teaching of agriculture and allied practical subjects as shall not conflict with the immediate duties incumbent on them in said Institution.

There was created

. . . a chair of Agriculture for schools who shall be a member of the faculty of the Agricultural and Mechanical College, whose duty shall be to direct and advise in all matters relating to the teaching of agriculture and allied subjects in the common schools, under the supervision of the President of the Agricultural and Mechanical College, and he shall be paid from the funds of the Agricultural and Mechanical College,

It was made the duty of this college under the Board of Agriculture, the ex-officio Board of Regents of the college, to carry on all natural history surveys, soil surveys, mineral and forest surveys that are now provided for by the laws of the state, or that may hereafter be provided for. It was made the duty of the college to cooperate with the National Department of Agriculture in carrying out such surveys.

Students completing the regular four year course of study of the Agricultural and Mechanical College and receiving a diploma were granted a permanent teachers certificate of first-grade by the State Superintendent of Public Instruction, upon application approved by the State Commission of Agricultural and Industrial Education.

The change of the name of the institution from The Agricultural and Mechanical College of the Territory of Oklahoma to The Oklahoma Agricultural and Mechanical College was confirmed in the reenactment of laws in the 1910 revision of the Statutes of Oklahoma.⁵⁴

⁵⁴Oklahoma, Revised Laws (1910), sec. 7971.

The minimum age for admission to the college was changed from twelve to fourteen years on March 31, 1913.⁵⁵ In addition to requiring proper educational and moral qualifications, the authorities of the college were empowered to

Require such citizen applicants, as a condition precedent to admission, to deposit with said College a sum not exceeding two and 50/100th. . . . Dollars per term, to cover against damages, breakage, waste by said student. . . no other fees shall be charged citizen students, but the authorities may provide proper rules and regulations and tuition fees for admission of nonresident applicants and for applicants to extra courses and studies.

On February 19, 1919,⁵⁶ the legislature provided for two annual scholarships for each county of the state, for periods of two years, for the purpose of ". . . placing practical training in agriculture within the reach of every boy in the state of Oklahoma, and the stimulating of interest in scientific farming." The scholarships were awarded by examination on questions furnished by the president and faculty of the Oklahoma Agricultural and Mechanical College. Each scholarship was worth \$100 per year. The sums of \$15,400 and \$30,800 were appropriated for the years 1919-20 and 1920-21, respectively.

By an act approved April 1, 1921,⁵⁷ vacancies occurring in the representation from any county in the various scholarships authorized in 1919 were to be filled by the County Superintendent of Public Instruction of the county, and the sums of \$15,400 and \$20,600 for the years 1921-22 and 1922-23, respectively, were appropriated for the purpose of paying the scholarships.

⁵⁵Oklahoma, Session Laws (1913), p. 218.

⁵⁶Ibid., (1919), p. 43.

⁵⁷Ibid., (1921), p. 23.

By an act approved March 21, 1924,⁵⁸ the construction of dormitories for the Oklahoma Agricultural and Mechanical College was authorized with financing from self-liquidating bonds.

The legislature assented by resolution approved March 15, 1927,⁵⁹ to the provisions and requirements of the act of congress of February 24, 1925, entitled "An act to authorize the more complete endowment of agriculture experiment stations, and for other purposes," and empowered the State Board of Agriculture, as ex-officio Board of Regents of the Oklahoma Agricultural and Mechanical College, to receive the grants of money appropriated by congress, and to use such grants in accordance with the terms and conditions expressed in the law.

Another resolution, adopted March 16, 1929,⁶⁰ by the legislature assented to the provisions and requirements of the Act of Congress of May 22, 1928, entitled

. . . an Act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the Act entitled "An act donating public lands of the several states and territories which may provide colleges for the benefit of the agriculture and mechanical arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture. . .

This resolution authorized the trustees of the college to receive the grants of money appropriated under such Act of Congress, and to organize and conduct agricultural extension work to be carried on through the Extension Division of the college in accordance with the terms and conditions expressed in such Act of Congress.

⁵⁸Ibid., (1923-24), p. 104.

⁵⁹Ibid., (1927), p. 276.

⁶⁰Ibid., (1929), p. 180.

By an act approved July 6, 1929,⁶¹ the director of the Extension Division of the Agricultural and Mechanical College, subject to the approval of the president and Board of Regents of the college, was empowered to appoint four special dairy agents for each of the Extension Division Supervisory Districts of the state and determine the qualifications, compensation, and duties of each. Appropriations were made for the payment of all necessary salaries and expenses.

By a resolution approved July 12, 1929,⁶² the legislature proposed an amendment to Section 31, Article 6, Oklahoma Constitution, which would have relieved the State Board of Agricultural and Mechanical Colleges and which would have added provisions for a separate Board of Regents for the State Agricultural and Mechanical Colleges. This proposal was submitted to a vote of the people at the general election on November 4, 1930,⁶³ and was rejected.

On April 9, 1931,⁶⁴ the State Board of Agriculture, acting for and on behalf of the Agricultural and Mechanical College, was empowered to set aside portions of the college campus for the construction of student dormitories, and to issue self-liquidating bonds in an aggregate amount not exceeding \$450,000, exclusive of any dormitory bonds theretofore issued for the college. Banks, trust and insurance companies, and officers having charge of the sinking funds of the state and of municipalities, were authorized to invest their funds in such bonds.

⁶¹Ibid., p. 253.

⁶²Ibid., p. 495.

⁶³Oklahoma, State Question (158), Referendum Petition (53).

⁶⁴Oklahoma, Session Laws (1931), p. 128.

On April 21, 1937,⁶⁵ the State Board of Agriculture was authorized to issue new dormitory bonds, not to exceed \$600,000, and to use college lands as site under the same conditions as were set up in 1931.

By an act approved May 10, 1937,⁶⁶ the legislature provided for the employment of students in the Oklahoma Agricultural and Mechanical College, and other agricultural institutions, in addition to the regular work program provided by the institutions, in work ". . . growing, preparing and canning of farm, dairy, and similar products, for the use of students . . . at a minimum cost." The maximum payable to any student was \$15 per month. An appropriation of \$7,500 for this purpose was made for the fiscal year ending June 30, 1938, and it was expressly provided that no part of the appropriation shall be used ". . . to aid students living in fraternity or sorority houses."

On May 22, 1937,⁶⁷ the State Board of Agriculture, acting for and in behalf of the Agricultural and Mechanical College, was authorized to set aside portions of the college campus for the construction of a 4-H Club and Student Activity Building. An appropriation of \$110,000, to be available for each of the fiscal years ending June 30, 1938, and June 30, 1939, was made for the purpose of construction and equipping the building.

The State Board of Agriculture was empowered to supplement this appropriation by issuing "Oklahoma Agricultural and Mechanical College 4-H Club and Student Activity Building Bonds," in an aggregate amount

⁶⁵Ibid., (1937), p. 189.

⁶⁶Ibid., p. 178.

⁶⁷Ibid., p. 204.

not to exceed \$180,000. A limitation of \$400,000 was placed upon the total cost of the building. The State Board of Agriculture was empowered to

Provide for necessary rentals, charges and fees to be paid by the students attending the Agricultural and Mechanical College and such other persons who avail themselves of the use of said building, as may be necessary to provide a sufficient sinking fund for the payment of the interest and principal of the bonds authorized herein in addition to the amount necessary for the upkeep and maintenance of said building.

The foregoing are the changes made in the statutory controls of the college during the period. Attention is now directed to controls through judicial decisions.

On November 2, 1909,⁶⁸ the Supreme Court of Oklahoma held that the legislature could not empower the State Board of Public Affairs to construct buildings for the Oklahoma Agricultural and Mechanical College.

On October 8, 1912,⁶⁹ the Supreme Court held that no incidental expense could be charged and collected as a condition precedent to admission of students between the ages of 12 and 30 years, to the Oklahoma Agricultural and Mechanical College, but that deposits against negligent breakage or damage to college property, with right of refund for the unused part, could be required. It held further that the Board of Regents of the college could require students to wear a prescribed uniform. The court held also that the Board of Regents could not make it compulsory upon any student to contribute to the maintenance of the young mens and the young womens Christian organizations.

On September 26, 1933,⁷⁰ the State Supreme Court upheld the act of

⁶⁸Trapp, State Auditor, v. Cook Construction Company, 24 Okla. 850, 150 P. 667.

⁶⁹Connell v. Gray, 33 Okla. 591, 127 P. 417.

⁷⁰Baker v. Carter, State Auditor, 165 Okla. 116, 25 P. 2d 747.

1931 providing for the construction and equipment of student dormitories on the campus of the college and the issuance of bonds for such purpose.

On February 1, 1938,⁷¹ the Supreme Court upheld the validity of a legislative enactment pledging money in the Public Building Fund to secure the payment of Agricultural and Mechanical College Dormitory Building Bonds.

There were several opinions requested of the Attorney General during the period by college officials. On August 25, 1923, the president of the State Board of Agriculture requested the Attorney General's opinion as to whether an appropriation of \$6,000 that had been made to buy a generator for the college could not be used for the purchase of other electrical equipment. On September 14, 1923,⁷² the Attorney General gave his opinion that the stated appropriation could not be used for other electrical supplies for the reason that such expenditures would amount to a diversion of public funds.

On April 10, 1924, the president of the State Board of Agriculture requested an opinion as to whether preliminary and other expenses of conducting inter-scholastic meets at the college were a proper charge against the General Revenue Fund for the support and maintenance of the college. On April 15, 1924,⁷³ the Attorney General gave his opinion that the stated expenditures would not be a proper charge against any of

⁷¹Weiss v. Commissioners of the Land Office, 182 Okla. 39, 75 P. 2d 1142.

⁷²Opinion of the Attorney General of Oklahoma, September 14, 1923, addressed to Honorable J. A. Whitehurst, President, State Board of Agriculture (in the files of the Attorney General).

⁷³Opinion of the Attorney General of Oklahoma, April 15, 1924, addressed to Honorable J. A. Whitehurst, President, State Board of Agriculture (in the files of the Attorney General).

the items of appropriation that were available for the support and maintenance of the college.

On June 14, 1926, the president of the State Board of Agriculture requested the Attorney General's opinion as to whether students of the Oklahoma Agricultural and Mechanical College were compelled to take military training. On December 8, 1926,⁷⁴ the Attorney General gave his opinion that it was mandatory upon the state to provide proper facilities and to teach military tactics at the college, and that it was within legislative decision to provide optional military training at the college.

On September 5, 1928, the president of the State Board of Agriculture requested an opinion as to the legality of a contract with the Payne County Producers Cooperative Association which provided that dairy equipment belonging to the college would be moved to a building owned by the Co-operative Association and be used as a laboratory for the instruction of students of the college until annual payments for the equipment were made by the Co-operative Association, and, upon the completion of such payments, whether the Co-operative Association would become the owner of the equipment. On September 17, 1928,⁷⁵ the Attorney General gave his opinion that the proposed contract for the sale of the dairy equipment belonging to the college was not authorized.

On January 18, 1929, the president of the State Board of Agriculture asked the Attorney General for an opinion as to whether the Board of Regents of the college had the authority to lease the cafeteria building

⁷⁴Opinion of the Attorney General of Oklahoma, December 8, 1926, addressed to Honorable J. A. Whitehurst, President State Board of Agriculture (in the files of the Attorney General).

⁷⁵Opinion of the Attorney General of Oklahoma, September 17, 1928, addressed to Honorable Harry B. Cordell, President, State Board of Agriculture (in the files of the Attorney General).

and equipment owned by the college. On January 29, 1929,⁷⁶ the Attorney General gave his opinion that there was no legal authority for execution of such a lease.

On April 10, 1931, the State Auditor requested the Attorney General's opinion as to whether funds appropriated for the maintenance of the Oklahoma Agricultural and Mechanical College could be used to pay the expenses of the members of the State Board of Agriculture while acting as the Board of Regents of the college. On April 15, 1931,⁷⁷ the Attorney General gave his opinion that constitutional provisions prevented the use of an appropriation for any purpose except the purpose for which it was made.

On December 2, 1933 the president of the Oklahoma Agricultural and Mechanical College requested the Attorney General's opinion as to whether library building fees could be taxed to the student body and pledged to the federal government in connection with a loan and grant of federal funds to construct a library building on the campus of the college.

On December 5, 1933,⁷⁸ the Attorney General gave his opinion that the Board of Regents of the college had no authority to prescribe, as a prerequisite to the right of a student to use the proposed library, a fee to be designated as a "library building fee," or make payment of the

⁷⁶Opinion of the Attorney General of Oklahoma, January 29, 1929, addressed to Honorable H. B. Cordell, President, State Board of Agriculture (in the files of the Attorney General).

⁷⁷Opinion of the Attorney General of Oklahoma, April 15, 1931, addressed to Honorable F. C. Carter, State Auditor (in the files of the Attorney General).

⁷⁸Opinion of the Attorney General of Oklahoma, December 5, 1933, addressed to Honorable Dr. H. G. Bennett, President, Oklahoma Agricultural and Mechanical College (in the files of the Attorney General).

fee a condition precedent to enrollment, and that construction of a library on the basis of paying for the same with fees charged students could not be done without express legislative authority.

On January 17, 1938, the State Board of Agriculture requested an opinion as to the legality of a resolution of the State Board of Agriculture which would set aside a portion of the campus of the Oklahoma Agricultural and Mechanical College for the use of the City of Stillwater as a site for the construction of a building for the Oklahoma Agricultural and Mechanical College Fire Service Training School and a fire station for the City of Stillwater. On January 31, 1938,⁷⁹ the Attorney General gave his opinion that the State Board of Agriculture, as the Agricultural and Mechanical College Board of Regents, was without authority to sell or dispose of any of the real estate belonging to the state which made up what was commonly known as the campus of the Oklahoma Agricultural and Mechanical College, but that the board could enter into a contract with the City of Stillwater to use a part of the campus as a site for a fire station which would furnish fire protection to the college and equipment for the Oklahoma Agricultural and Mechanical College Fire Service Training School.

It will be observed that the government of the Oklahoma Agricultural and Mechanical College was changed to the State Board of Agriculture with the adoption of the State Constitution which created the Board of Agriculture. Even though the membership was changed in number during the period, the Board of Agriculture remained the governing board of this college throughout this period. The basic function of the Oklahoma

⁷⁹Opinion of the Attorney General of Oklahoma, January 31, 1938, addressed to State Board of Agriculture (in the files of the Attorney General).

Agricultural and Mechanical College was unchanged with the coming of statehood, except that the agricultural extension and experimental programs were considerably expanded.

It will be recalled that the law created a State Commission of Agricultural and Industrial Education, with the president of the Agricultural and Mechanical College, the State Superintendent of Public Instruction, and the president of the State Board of Agriculture as members. As a result, the Agricultural and Mechanical College extended its influence into the state generally, and into the public schools in particular in the promotion of the teaching of agriculture and industrial arts.

There was an unsuccessful attempt to create a constitutional Board of Regents for the Agricultural and Mechanical College during this period. A resolution proposing the board was passed by the legislature, but it was not approved by the people.

A program of scholarships for students to study agriculture at this institution was inaugurated during this period. The primary purpose was the promotion of interest in the study and development of agriculture in the state.

The policy for the use of self-liquidating revenue bonds for financing housing for students and other college buildings had its beginning at the Oklahoma Agricultural and Mechanical College during this period.

The Oklahoma State Colleges

Although some of the state colleges were created by separate enactments prior to statehood, several laws applicable to all such colleges then in existence were enacted after statehood. It appears from the

laws that the proper term from the date of their establishment to 1939 was "normal schools" but the term "teachers college" was commonly used during the latter part of this period. In the present report these terms are used synonymously.

All state teachers colleges or normal schools had the same basic purpose in the system of higher education although there has been some minor, separate legislation.

On May 2, 1908,⁸⁰ the legislature created a Commission of Agricultural and Industrial Education, referred to earlier, designed to promote the teachings of agriculture in common schools of the state. However, the Commission was required to co-operate with all state normal schools, subsequently known as State Teachers Colleges and now known as state colleges, as well as agricultural and mechanical colleges and the State Board of Agriculture, and reciprocal co-operation was required. It was provided that after July 1, 1909, no person would be allowed to teach and no certificates would be granted to an applicant to teach in the public schools receiving aid from the state who had not passed a satisfactory examination in the elements of agriculture and allied branches mentioned in the act. It was provided that the State Normal Schools ". . . shall lend specific assistance in carrying out the work in instruction in the elements in agricultural and allied branches named in the act . . ." This was to be done in the same manner as teachers are prepared for other required subjects. Co-operation and active support was required through their respective presidents, officers, and teachers for the successful support of a

⁸⁰Oklahoma, Session Laws (1907-08), p. 13.

system of agricultural and industrial education for the schools of the state. There was a requirement for the establishment in each of the State Normal Schools a department to be known as the department of agricultural and industrial education, with a professor in charge.

On March 6, 1911,⁸¹ the State Board of Education of Oklahoma was created as the legal successor of the State Board of Education which had previously existed. All normal schools of the state, which, in 1910, were placed under the normal school regents, were placed under the jurisdiction of this board.

On April 6, 1939,⁸² the names of five of the State Normal Schools were changed to State Colleges as follows: Central State College at Edmond, Northwestern State College at Alva, East Central State College at Ada, Northeastern State College at Tahlequah, and Southeastern State College at Durant. Each was authorized to offer courses in the various educational branches without being restricted to the purpose of educating persons in the arts of teaching. The establishment and maintenance of vocational departments were directed and authority given to ". . . establish such other departments as may be necessary to offer a full and complete course for the higher education of students in all branches . . ." A student's intention to follow the business of teaching school was not thereafter to be a prerequisite to admission to any of these colleges. Practice teaching or any other subject, ". . . which has for its primary purpose a qualification of a teacher . . ." was not required of any student other than those majoring in education.

⁸¹Ibid., (1910-11), p. 121.

⁸²Ibid., (1939), p. 204.

Each college was authorized to award undergraduate degrees in a variety of fields of learning.

On April 27, 1939,⁸³ all State Teachers Colleges were placed under the supervision, management, and control of a Board of Regents of Oklahoma Colleges which was created by this act. This new board consisted of seven members, appointed by the governor with the advice and consent of the senate.

It was provided that this Board of Regents would succeed the State Board of Education in the management and control of the State Teachers Colleges. This change was principally a change of names and jurisdiction but of the same nature as earlier changes effected through the revision in the laws in 1910. These are noted below.

The 1910 revision of the laws of Oklahoma⁸⁴ reaffirmed the establishment and changed the government of Central State College from the Board of Education, where it had been placed by the Territorial Law of 1890, to a Board of Normal School Regents. In the same act, this was done also for the other five schools, thus placing the six normal schools under the management of the same Board of Normal School Regents. No significant changes were made by this act in the purpose and internal organization of the schools.⁸⁵ Pertinent details, pertaining to each college, are noted in the following paragraphs.

The 1910 Revision of Oklahoma Laws⁸⁶ placed the school at Alva, Northwestern Normal School, under the Normal School Regents. It also

⁸³Ibid., p. 201.

⁸⁴Oklahoma, Revised Laws (1910), sec. 7995-8015.

⁸⁵Ibid., sec. 8017.

⁸⁶Ibid., sec. 8011.

officially established the Southwestern Normal School at Weatherford and provided that the government of this school would be under the direction of the Board of Regents of the Central State College. It will be recalled that previously, in 1901,⁸⁷ authority had been granted for the establishment of a normal school in the southwestern portion of the state by a special committee. The revision of 1910 gave the school and its location firm statutory status. It was many years before the name, purpose, and management were changed. On March 21, 1939,⁸⁸ it became the Southwestern State College of Diversified Occupations. This act provided that the primary purpose of this college would be ". . . to train and qualify its students for some trade or occupation, including that of teaching school, the subjects of instruction to be determined by the State Board of Education . . ." It was further provided that the government of the institution would be under the State Board of Education.

This change was of short duration. On February 28, 1941,⁸⁹ the name of the Southwestern State College of Diversified Occupations was changed to the Southwestern Institute of Technology and it was placed under the jurisdiction of the Board of Regents.

On March 6, 1909,⁹⁰ the Northeastern State Normal was established at Tahlequah, to be maintained "as other normal schools of the state already established." A committee composed of the Governor, the Secretary of State, and the Treasurer was directed to purchase from the

⁸⁷Oklahoma, Session Laws (1901), p. 210.

⁸⁸Ibid., (1939), p. 203.

⁸⁹Ibid., (1941), p. 430.

⁹⁰Ibid., (1909), p. 562.

Cherokee Tribe, at the appraised value, the building and property known as the "Cherokee Female Seminary." An appropriation of \$45,000 was made for this purpose.

By the same act⁹¹ the Southeastern Normal School was established at Durant. The purpose of the school was to be the same as the Central Normal School at Edmond with the same government. An appropriation of \$25,000 was made for the erection of a suitable building for the school.

On March 25, 1909,⁹² a normal school was located at Ada, with the same purposes and government as the Central State Normal School. An appropriation of \$100,000 was made for the erection of a suitable building for the school.

In 1935,⁹³ there were separate enactments for the construction of dormitories at the East Central school at Ada, the Central school at Edmond, and the Southwestern school at Weatherford. The State Board of Education, acting on behalf of these institutions, was authorized to provide dormitories for the use of the students, financed with self-liquidating bonds to be paid from rentals charged for occupancy of the dormitories. The maximum amount of such bonds was set at \$200,000 for East Central State College, \$350,000 for Central State College, \$200,000 for Northeastern State College, and \$250,000 for Southwestern State College. Banks, trusts, and insurance companies were authorized to invest their capital and surplus in these bonds.

⁹¹Ibid., p. 561.

⁹²Ibid., p. 560.

⁹³Ibid., (1935), pp. 150-164.

On January 26, 1937⁹⁴ provisions similar to the foregoing enactments of 1935 were made for dormitories at the Southeastern State College, the maximum bonds usable to be \$350,000.

On April 28, 1937⁹⁵ there was enacted a dormitory law for the Northwestern State College, similar to the dormitory laws of 1935 for other state colleges, with a maximum of \$365,000 for bonds to be issued and with the option that the State Board of Public Affairs perform all of the duties that were to be performed by the State Board of Education under the 1935 laws. On May 13, 1937,⁹⁶ the legislature provided that a State Board of Public Affairs would perform all of the duties with respect to the issuance of bonds and the construction of dormitories for these institutions, the power which heretofore had been vested in the State Board of Education.

No pertinent court decisions were found for this period which pertain to the control of the State Teachers Colleges.

On September 15, 1932, the financial secretary of the Central State Teachers College requested the Attorney General's opinion as to whether the federal government could collect a tax on tickets sold for admission to competitive games between Central State Teachers College and other colleges. On October 12, 1932,⁹⁷ the Attorney General gave his opinion that it would be proper for the several state institutions to refuse to collect the federal tax on admissions to athletic contests or events

⁹⁴Ibid., (1936-37), p. 199.

⁹⁵Ibid., p. 197.

⁹⁶Ibid., p. 201.

⁹⁷Opinion of the Attorney General of Oklahoma, October 12, 1932, addressed to Mr. C. M. Jenkins, Financial Secretary, Central State Teachers College (in the files of the Attorney General).

conducted by such institutions, whether alone or in contests with other state institutions, where the proceeds inured wholly to the benefit of such educational institutions.

On June 16, 1939, the secretary of the newly established Board of Regents of Oklahoma Colleges requested the Attorney General's opinion as to whether appropriations that had been made by the 1939 law for the Southwestern State College of Diversified Occupations, to be expended by the State Board of Public Affairs, should be expended by the Board of Regents of Oklahoma Colleges. On June 16, 1939,⁹⁸ he replied that the authority was vested in the State Board of Public Affairs, notwithstanding the creation of the Board of Regents of Oklahoma Colleges during the same session of the Oklahoma Legislature.

On November 29, 1939, the executive secretary of the Board of Regents of Oklahoma Colleges requested the Attorney General's opinion as to whether teachers at state colleges, whose salaries were paid in twelve equal installments, could be employed and paid additional compensation to teach during the August session. On December 4, 1939,⁹⁹ the Attorney General gave his opinion that the faculty members who were not required to perform services during the month of August under the terms of their contracts could so be employed and paid.

It will be noted that the normal school group was expanded with the establishment of three additional normal schools after statehood, namely, the ones located at Tahlequah, Durant, and Ada. The general purpose and

⁹⁸Opinion of the Attorney General of Oklahoma, June 16, 1939, addressed to Hon. Ellis F. Nantz, Secretary of the Board of Regents of Oklahoma College (in the files of the Attorney General).

⁹⁹Opinion of the Attorney General of Oklahoma, December 4, 1939, addressed to Hon. Ellis F. Nantz, Secretary of the Board of Regents of Oklahoma College (in the files of the Attorney General).

the function of these were to be the same as the normal schools already in existence at statehood, namely, the ones located at Edmond, Alva, and Weatherford. All six schools were governed by the same board. In 1910 they were placed under a new board called the Board of Normal School Regents. In 1911, however, the normal schools were placed under a reconstituted State Board of Education of Oklahoma. This arrangement continued until the Board of Regents of Oklahoma Colleges was created in 1939. The purpose of the State Teachers Colleges was broadened to include training in fields other than training teachers. However, the teacher education function continued to receive prominent emphasis.

During this period the policy of providing self-liquidating bond revenues for construction of dormitories was established. It will be noted that these institutions were originally established as normal schools and to serve general educational needs in various sections of the state, training teachers particularly. However, they were authorized to offer four years of training and grant degrees. While they were known by various names other than the normal schools at this time, by the end of the period they were officially known as State Colleges with the exception of the one at Weatherford, which was known as Southwestern Institute of Technology.

Oklahoma College for Women

By an act approved on May 16, 1908,¹⁰⁰ the "Oklahoma Industrial Institute and College for Girls" was established with the provision that the institution would be managed in the same manner as other state institutions. Its purpose was to

¹⁰⁰Oklahoma, Session Laws (1907-08), p. 614.

. . . give instruction in industrial arts, the English language and the various branches of mathematical, physical, natural and economic sciences, with special references to their application in the industries of life.

The government of the institution was vested in a Board of Regents to be known as the "Industrial Institute and College Board of Regents." This board consisted of the State Superintendent of Public Instruction, the president of the State Board of Agriculture, and three other members appointed by the governor and confirmed by the senate, two of the appointive members to be women.

It was provided that the president of the Board ". . . shall be president of the college and shall be secretary of the board." A full course of study embracing not less than four years was prescribed. The Board of Regents and faculty were empowered to confer degrees upon all female students completing the prescribed courses of study and passing a satisfactory examination. It was provided that

. . . female citizens of Oklahoma between the ages of twelve (12) and thirty-five (35) who shall pass a satisfactory examination in reading, arithmetic, geography, English grammar and United States history, who are known to possess a good moral character, may be admitted to all the privileges of the institution.

By an act approved March 27, 1909,¹⁰¹ this institution was located in Chickasha

. . . provided said city, through it's public officers or individual citizens, shall deed, in fee simple as much as 160 acres of land suitable for the site for such college, and said site shall not be more remotely located from said city than one mile of its corporate limits, and provided further, that said city shall obligate itself to furnish free of cost to said school all lights and water for its use and in the buildings necessary to its operation.

An appropriation of \$100,000 from the public building fund was made for the construction of buildings.

¹⁰¹Ibid., (1909), p. 560.

On March 6, 1911,¹⁰² the State Board of Education was made the legal successor of the Board of Regents for the Oklahoma Industrial Institute and College for Girls at Chickasha.

The name of the institution was changed on February 15, 1916,¹⁰³ from the Oklahoma Industrial Institute and College for Girls, to The Oklahoma College for Women, still under the jurisdiction of the State Board of Education.

On April 3, 1919,¹⁰⁴ the government of the Oklahoma College for Women was changed from the State Board of Education to The Regents of the Oklahoma College for Women. This board consisted of five members, the State Superintendent of Public Instruction serving as chairman, and the other four members appointed by the governor, by and with the consent of the senate. It was provided that two of the appointive members were to be women. The Board of Regents was empowered to elect a secretary, a president, professors, instructors, and other officers. Sectarian and partisan tests in the appointment of the Regents or in the election of professors, and other officers, or in the admission of students, were prohibited.

On April 17, 1931,¹⁰⁵ the Board of Regents was authorized to set aside portions of the campus of the college for the construction of dormitories to house students attending the institution, and to issue bonds in the maximum amount of \$450,000 to be paid from rentals, for the purpose of constructing and equipping the dormitories.

No judicial decisions or Attorney General opinions were found for this period pertaining to the control of Oklahoma College for Women.

¹⁰²Ibid., (1910-11), p. 121.

¹⁰³Ibid., (1916), p. 32.

¹⁰⁴Ibid., (1919), p. 426.

¹⁰⁵Ibid., (1931), p. 130.

The state of Oklahoma, in the establishment of The Oklahoma College for Women, provided for a special program of training for women and the institution was designed for this purpose. It was governed in the same manner as other state colleges, and was granted authority to offer a full four years course of instruction and to grant degrees from the beginning.

Langston University

On March 6, 1911,¹⁰⁶ the State Board of Education succeeded the Board of Regents of the Colored Agricultural and Normal University as the controlling board of the Langston University.

On May 12, 1913,¹⁰⁷ the legislature provided that all moneys collected by officials of the Colored Agricultural and Normal University from earnings of the institution, including receipts from all departments and from miscellaneous sources, would be placed in the general maintenance fund for the institution and all such moneys were appropriated for the use of the school, for expenditure by the State Board of Education.

It was on April 1, 1919,¹⁰⁸ that the legislature transferred the government of Langston University from the State Board of Education to a Board of Regents, named "Regents of the Colored Agricultural and Normal University of Oklahoma." This board consisted of five members, one, the State Superintendent of Public Instruction, as chairman, and the remaining four to be appointed by the governor, by and with the consent of the senate. The governing power was given the Board of Regents with the limitation that the State Board of Public Affairs would not be deprived

¹⁰⁶Ibid., (1910-11), p. 121.

¹⁰⁷Ibid., (1913), p. 399.

¹⁰⁸Ibid., (1919), p. 440.

of its authority to maintain and exercise control of the University in the maintenance and purchasing of supplies and the fiscal management thereof. This Board of Regents was empowered to make rules for the government of the University, and to elect a secretary, president, and the necessary number of professors, instructors and officers, and to determine the moral and educational qualifications of applicants for admission to the various courses of instruction. Sectarian or partisan tests in the appointment of the Regents or the election of professors or other officers of the University, or in the admission of students, were prohibited.

By an act of May 16, 1921,¹⁰⁹ the legislature provided for 25 annual scholarships for a period of two years with payment of \$100 per year, to Langston University, ". . . for the purpose of placing practical training in agriculture within the reach of every boy in the State of Oklahoma, and the stimulation of interest in scientific farming." Selections were made by examinations given by the County Superintendent of Schools, upon questions furnished by the president and faculty of Langston University, under rules and regulations prescribed by the president of the University. Appropriations of \$5,000 were made for each of the years 1921-22 and 1922-23 to carry out the provisions of the act.

On April 17, 1935,¹¹⁰ the Board of Regents of Langston University was authorized to set aside portions of the University campus for the construction of dormitories, to be paid for from revenue bonds, retired from rents, the bonds not to exceed \$200,000. Banks, trust and insurance

¹⁰⁹Ibid., (1921), p. 222.

¹¹⁰Ibid., (1935), p. 157.

companies were authorized to invest their capitol and surplus in the bonds.

On April 27, 1939,¹¹¹ the legislature created the Board of Regents of Oklahoma Colleges and provided that such board would be a successor of the Regents of the Colored Agricultural and Normal University of Oklahoma. This placed Langston University under the control of the same board that controlled the state colleges.

No judicial decisions were found pertaining to Langston during this period but there were a few opinions of the Attorney General.

On May 25, 1933, the president of the Langston University requested the Attorney General's opinion as to whether a county could contract with the University for transfers from public school districts to the high school operated at the University and pay the students expenses. On May 29, 1933,¹¹² the Attorney General gave an opinion that there was no law authorizing transfer of highschool pupils from school districts to high schools maintained at state institutions such as Langston University.

On June 29, 1939, the secretary of the Board of Regents of Oklahoma Colleges requested the Attorney General's opinion as to whether Langston University could receive additional money for the education of high school students who did not have a high school accessable in their respective counties and whether the University could receive additional state money for the education of wards of the state who might be sent to

¹¹¹Ibid., (1939), p. 201.

¹¹²Opinion of the Attorney General of Oklahoma, May 29, 1933, addressed to Dr. I. W. Young, President, Colored A. & M. University (in the files of the Attorney General).

the University. On July 8, 1939,¹¹³ the Attorney General gave his opinion that neither counties nor school districts could pay the University for high school pupils but that state funds could be accepted for pupils who were wards of the state if such wards had been lawfully transferred to the University. The opinion stated also that admittance to the University's high school could be refused when fees required by the Board of Regents of the Oklahoma Colleges were not paid.

It will be noted that the Colored Agricultural and Normal University at Langston, now known as Langston University, was governed by the Board of Regents created at the time of its establishment until soon after statehood when it was placed under the jurisdiction of the State Board of Education. Later, during this period it was governed by the Board of Regents for Oklahoma Colleges. The functions of the institution remained unchanged, generally, throughout this period. The policy regarding scholarships for students was established and construction of dormitories with self-liquidating bonds had its beginning during this time.

It was at this institution that the precedent was set through an opinion of the Attorney General that the institution could not accept transfer fees from a school district or county, but could accept payment for wards of the state when legally transferred to the University, provided appropriation of money had been made expressly for the purpose.

Panhandle Agricultural and Mechanical College

In an act approved June 10, 1909,¹¹⁴ the Counties of Cimarron, Texas, and Beaver were created into a separate agricultural district to

¹¹³Opinion of the Attorney General of Oklahoma, July 8, 1939, addressed to Ellis F. Nantz, Secretary, Board of Regents (in the files of the Attorney General).

¹¹⁴Oklahoma, Session Laws (1909), p. 16.

be known as the Panhandle Agricultural District. It was provided that there would be established in the district a district agricultural school of secondary grade for instruction in agricultural, mechanical, and allied branches, domestic science, and economics with courses of instruction leading to preparation for the Agricultural and Mechanical College and the State Normal School. The school was designated The Panhandle Agricultural Institute, on the condition that it would be provided with not less than eighty acres of land without cost to the state. The locating, operating, and equipping of the school was to be under the administration of the State Commission of Agricultural and Industrial Education, which had been created by the legislature in 1908, subject to the approval of the State Board of Agriculture. It was provided that the school would be governed and maintained as other agricultural schools of secondary grade.

Appropriations were made for the erection of necessary buildings and the support and maintenance of the school, one-fourth of the amount appropriated for the support and maintenance to be expended in

. . . developing agricultural experiments in fields, barns, orchards, shops, and gardens of practical value to students and to farmers of the Panhandle agricultural district in which said school may be located.

On February 25, 1921,¹¹⁵ the name of the Panhandle Agricultural Institute, which had been located at Goodwell, Texas County, Oklahoma, was changed to Panhandle Agricultural and Mechanical College, and it was provided that the institution would be governed by the State Board of Agriculture. Two years of college work, to include courses in agricultural and mechanical arts, home economic education and other auxiliary subjects, in addition to secondary subjects, were authorized.

¹¹⁵ Ibid., (1921), p. 109.

An act of April 15, 1935,¹¹⁶ authorized the State Board of Agriculture to set aside portions of the campus of the Panhandle Agricultural and Mechanical College for the construction of dormitories thereon and to issue self-liquidating bonds not to exceed \$100,000, to be retired from rentals. Banks, trusts, and insurance companies were authorized to invest their capital and surplus in the bonds as had been provided for other institutions.

No court decisions or Attorney General opinions were found for this period which pertained to the control of this institution.

It will be noted that the Panhandle Agricultural and Mechanical College was established particularly for the purpose of emphasizing agricultural education in the Panhandle counties of the state. It had the same governing board and was operated in the same manner as other state secondary agricultural schools.

Two-Year State Colleges

Northern Oklahoma Junior College

The University Preparatory School at Tonkawa, now known as Northern Oklahoma Junior College, was, on March 6, 1911,¹¹⁷ placed under the State Board of Education for management and operation.

An act approved March 22, 1919,¹¹⁸ provided, in effect, that the Oklahoma Preparatory School at Tonkawa would emphasize training in vocational subjects, particularly in the field of business education. In

¹¹⁶Ibid., (1935), p. 161.

¹¹⁷Ibid., (1910-11), p. 121.

¹¹⁸Ibid., (1919), p. 254.

accordance with this purpose, the school was to be known as the Oklahoma State Business Academy. It was provided that upon completion of the four year course, which was offered to students who had completed the eighth grade, an appropriate diploma or certificate would be presented to graduates. No student, however, would be permitted to graduate from the school who had not completed one or more of the strictly vocational courses. Basic studies in English, mathematics, science, history, and foreign languages, as the Board of Education may direct, together with military instruction for all able-bodied male students, were provided.

As result of an act effective April 5, 1919,¹¹⁹ a new Board of Regents for the University Preparatory School at Tonkawa was created. The board was composed of the governor of the state and two additional members appointed by the governor, who held their offices "at the will of the governor appointing them," and not to exceed four years. The duties of the Board of Regents included the general supervision, management, and control of the institution.

In 1937 a general act of the legislature,¹²⁰ authorized the Board of Regents of the University Preparatory School to issue bonds, limiting the amount to \$150,000 for dormitory construction purposes.

No record was found of any judicial decisions or Attorney General opinions during this period pertaining directly to this institution.

Oklahoma Military Academy

On March 25, 1909,¹²¹ an act of the State Legislature created and

¹¹⁹Ibid., p. 173.

¹²⁰Ibid., (1936-37), p. 202.

¹²¹Ibid., (1909), p. 559.

established the Eastern University Preparatory School located at Claremore. "The object of the school was to educate boys and girls up to and as necessary for admission to the freshman class in the State University or other institutions of higher education." The school was to be under the control and management of a Board of Regents which had power to do all that was necessary to build, equip, and maintain the school.

The act of March 6, 1911,¹²² created the State Board of Education and provided that the Eastern University Preparatory School at Claremore, along with other state colleges, would be under the State Board of Education for its management and control.

On March 10, 1919,¹²³ the State Legislature changed the school located at Claremore from the Eastern University Preparatory School to Oklahoma Military Academy. The act provided for a Board of Regents composed of the governor and two members appointed by him to hold office not to exceed four years and at the will of the governor. The curriculum of the school was prescribed to include vocational and military training. The vocational education, so provided, was to be confined to the vocations of auto mechanics and building trades and was to be below college grade. Students entering the institution were required to pursue courses of vocational education and military training. The military training was to be given by Army officers detailed by the War Department of the United States of America upon conditions established by the Board of Regents and the War Department. The minimum age of

¹²²Ibid., (1910-11), p. 121.

¹²³Ibid., (1919), p. 219.

students for admission was fixed at fourteen years. The Board of Regents was allowed an appropriation of \$75,000 with which to build fireproof barracks and dormitories to house the students. An appropriation of \$80,000 was made for improvements and extensions to the physical plant.

By an act effective March 28, 1923,¹²⁴ the State Legislature provided that

. . . each Senator of the State of Oklahoma is authorized to appoint two cadets and two alternates from his respective senatorial district and each State Representative is authorized to appoint one cadet and one alternate from his respective representative district, which appointments shall entitle said cadets, under the regulations of the Board of Regents and the United States War Department, to the right to attend the Oklahoma Military Academy . . .

This provision did not preclude the admission of other cadets from the state generally, in accordance with regulations and procedure adopted by the Board of Regents for this purpose.

An act of the State Legislature, effective April 27, 1935,¹²⁵ provided that the Board of Regents of the Oklahoma Military Academy was authorized to issue bonds, not to exceed \$150,000, for the purpose of constructing and equipping buildings for the use of students attending the institution and for administrative personnel. It will be noted that this authorization was for buildings on the campus and was not restricted to dormitories only.

No record was found of any court decisions or Attorney General opinions for this institution during this period.

¹²⁴Ibid., (1923), p. 148.

¹²⁵Ibid., (1935), p. 159

Murray, Connors, and Cameron State Agricultural Colleges

An act passed by the First Oklahoma Legislature effective May 20, 1908,¹²⁶ provided for the establishment

. . . in each of the Supreme Court judicial districts a district agricultural school of secondary grade for instruction in agriculture and mechanics and allied branches, and domestic science, and economics, with courses of instruction leading to the agricultural and mechanical college and the State Normal schools . . .

The State Commission of Agricultural and Mechanical Education,¹²⁷ was authorized and directed to locate, equip, operate, and administer, these agricultural schools, subject to the approval of the State Board of Agriculture. As a result of this legislation, the Murray State School of Agriculture, the Connors State Agricultural College, and the Cameron State Agricultural College were established at Tishomingo, Warner, and Lawton, respectively.

On March 17, 1924,¹²⁸ government of the Murray State School of Agriculture was transferred to the State Board of Agriculture and the governing board was

Authorized and empowered to provide and establish two (2) years of educational college work and all such work shall include courses in agriculture, dairying, animal husbandry, science, mechanical art, home economics, educational and other allied and auxiliary subjects . . .

As the result of an act of the legislature effective March 24, 1927,¹²⁹ and an act effective March 28, 1927,¹³⁰ legislation was passed establishing the names Connors State Agricultural College and Cameron State Agricultural

¹²⁶Ibid., (1907-08), p. 18.

¹²⁷Ibid., p. 13.

¹²⁸Ibid., (1923-24), p. 85.

¹²⁹Ibid., (1927), p. 74.

¹³⁰Ibid., p. 65.

College for the two schools respectively and making other provisions, as regards function identical with those made for Murray State School of Agriculture.

In 1935,¹³¹ the legislature authorized the State Board of Agriculture to issue bonds for Cameron State Agricultural College, not to exceed \$200,000, for the purpose of the construction of dormitories for the housing of students; in 1937,¹³² the legislature authorized the issuance of bonds for the Murray State School of Agriculture, limiting the amount to \$100,000, for dormitories; and, in the same act,¹³³ authorized bonds for the Connors State Agricultural College for the same purpose, limiting the amount to \$100,000.

On May 10, 1937,¹³⁴ the legislature provided for a special program for employment of students at certain agricultural colleges of the state, including Murray, Connors and Cameron. Students were to be paid at an hourly rate and were permitted to earn not more than \$15 each, per month. An appropriation was made for this purpose and the law provided that ". . . no part of this appropriation shall be used to aid students living in fraternities or sorority houses."

No record was found of any judicial decisions or Attorney General opinions directly affecting the control of these colleges during this period.

¹³¹Ibid., (1935), p. 148.

¹³²Ibid., (1936-37), p. 193.

¹³³Ibid., p. 191.

¹³⁴Ibid., p. 178.

Eastern Oklahoma Agricultural and Mechanical College

On May 28, 1908,¹³⁵ a School of Mines and Metallurgy was created and was located at Wilburton, provided the citizens thereof gave a good title to forty acres of land within three miles of the town, ". . . for the site and exclusive occupancy of said school." The purpose of this institution was to:

Teach such branches in mining and metallurgy as will give a thorough technical knowledge of mines and mining, and of subjects pertaining thereto, including physics and mining engineering, mathematics, chemistry, geology, mineralogy, metallurgy, and subject of shop work and drawing, the technical knowledge and properties of mine gasses, assaying, surveying, drafting of maps and plans, and such other subjects pertaining to mining engineering as may add to the safety and economical operation of mines within this state.

The faculty was empowered, under the direction of the Board of Regents of the school, to grant degrees and issue diplomas, to fix a standard of grades of the students, and to make rules and regulations for the purpose of control and management of the school. Regular courses were to extend over a period of four years. The school was controlled by a Board of Regents composed of three members, selected by the governor, from the Board of Regents of the state Agricultural and Mechanical Colleges.

On March 6, 1911,¹³⁶ the State Board of Education was made the legal successor of the Board of Regents of the School of Mines and Metallurgy at Wilburton, and was thereafter made the governing board of the institution.

On March 10, 1919,¹³⁷ it was provided that the principal purpose of the School of Mines and Metallurgy would be to teach mining and

¹³⁵Ibid., (1907-08), p. 621.
¹³⁶Ibid., (1910-11), p. 121.
¹³⁷Ibid., (1919), p. 251.

metallurgy and promote thorough, technical, knowledge of mines and mining through appropriate vocational and kindred subjects. The vocational education mentioned was to be confined to vocations relating to mining industries. It was expressly provided that the institution would ". . . include and accentuate in its curriculum vocational instruction below college grade in vocations relating to mining industries." By this same act a Board of Regents for this school was created consisting of the governor, the State Superintendent of Public Instruction, and three other members to be designated by the governor. The management of the school was thereby transferred from the State Board of Education to this new Board of Regents.

By an act approved March 25, 1927,¹³⁸ it was provided that persons who had been granted degrees prior to 1927 by the School of Mines and Metallurgy could be granted degrees by the University of Oklahoma upon presentation of proper theses in lieu of the degrees granted by the School of Mines and Metallurgy.

By an act approved June 22, 1927,¹³⁹ the statute fixing the purpose of the School of Mines and Metallurgy was repealed, and it was provided that the school would be known as the Eastern Oklahoma College on and after June 1, 1927. The faculty, under the direction of the Board of Regents, was authorized to issue certificates in addition to conferring degrees and issuing diplomas. The school was directed to emphasize vocational instruction below college grade in vocations relating to trades and industries.

¹³⁸Ibid., (1927), p. 274.

¹³⁹Ibid., p. 129.

On April 18, 1935,¹⁴⁰ it was provided that the Eastern Oklahoma College would thereafter be maintained as an institution for the care, training, and education of dependent youth and orphans of the state, who had obtained the equivalent of a common school educational standing. A county and welfare board was constituted for the purpose of determining the eligibility of youth and orphans to be admitted to the college.

On April 21, 1937,¹⁴¹ the Board of Regents of the Eastern Oklahoma College was authorized to issue self-liquidating bonds for the construction and equipment of dormitories for students of the institution, the bonds not to exceed \$150,000.

On February 1, 1939,¹⁴² the name of the Eastern Oklahoma College at Wilburton was changed to the Eastern Oklahoma Agricultural and Mechanical College, and it was provided that the college would be one of the Agricultural and Mechanical Colleges of the state. The Board of Regents of the college was abolished and the State Board of Agriculture was made the governing board of the college.

No record was found of any judicial decisions or Attorney General opinions during this period pertaining to the control of this institution.

It will be noted that the Eastern Oklahoma Agricultural and Mechanical College was established as the Oklahoma School of Mines and Metallurgy by the First Oklahoma Legislature. It was created as a separate and independent college of the state, having as its purpose education in mining and metallurgy. The course consisted of four years and the college was authorized to confer degrees and issue diplomas.

¹⁴⁰Ibid., (1935), p. 167.

¹⁴¹Ibid., (1936-37), p. 195.

¹⁴²Ibid., (1939), p. 200.

A Board of Regents for management and supervision of the institution was composed of three members selected by the governor from the membership of the Board of Regents of Oklahoma Agricultural and Mechanical College. Early in statehood the government of the institution was changed to the State Board of Education, and later the college was authorized to confer academic and professional degrees.

After World War II, this institution extended its curriculum to include vocational education below college grade and its government was placed with a Board of Regents composed of five members consisting of the Governor of the State, the State Superintendent of Public Instruction, and three members appointed by the governor.

Later in this period, the name of the college was changed to Eastern Oklahoma College and it was authorized to grant degrees and issue certificates and diplomas.

The vocational program was changed to emphasize training in trades and industries. The University of Oklahoma at this time, as result of a Resolution adopted by the legislature, recognized degrees conferred upon graduates of the Oklahoma School of Mines and Metallurgy, and upon meeting certain additional requirements of the University, re-issued the degrees in the name of the University of Oklahoma. Inasmuch as the Oklahoma School of Mines and Metallurgy was being discontinued, this was done in order to preserve and perpetuate the academic respect for the degrees.

During the depression period of the 1930's, this college was directed, by the State Legislature, to provide training, care, and medical attention for dependent youth and orphans of the state who had completed a common school education.

During the latter part of the period, this college was authorized to issue self-liquidating bonds not to exceed \$150,000 for the construction of dormitories.

Toward the end of the period, the name of the institution was changed to Eastern Oklahoma Agricultural and Mechanical College. It was made a part of the Agricultural and Mechanical College system of the state, and its government was placed with the State Board of Agriculture.

Northeastern Oklahoma Agricultural and Mechanical College

On March 17, 1919,¹⁴³ the Oklahoma Legislature created the Miami School of Mines and provided that the school would be erected and maintained by the state of Oklahoma at or near the city of Miami on a site consisting of forty acres of land to be donated by the citizens of the community where the school was to be located. The site and plans for the buildings were to be approved by the State Board of Education but the erection and construction of the buildings was to be under the supervision of the State Board of Public Affairs. Title to the site was to be conveyed by general warranty deed to the state of Oklahoma and was to be approved by the Attorney General. Proper conveyance of the site and approval of the title were required before the act creating the school became effective.

The State Board of Education was given the management and general supervisory control of the school. The school was to be one ". . . where the science of mining and the study of metals shall be taught. . ." and it was provided that

¹⁴³Ibid., (1919), p. 116.

. . . the courses of study to be prescribed for the students of the school shall, at all times, be selected with the view of the further development of the mining industries of the State of Oklahoma.

The courses of study also included general education courses such as

. . . mathematics, history, English, manual training, such of the natural sciences as are necessary in a school of this character, and such vocational subjects as may be necessary and provided by the State Board of Education.

The State Board of Education was authorized to ". . . add such higher courses of study as will meet the needs of the mining industries of the state of Oklahoma." Students successfully completing the courses of study prescribed in the common schools of the state were to be admitted under rules and regulations prescribed by the State Board of Education.

By an act approved April 4, 1919,¹⁴⁴ the management of the Miami School of Mines was vested in a Board of Regents consisting of the State Superintendent of Public Instruction as chairman, and four other members appointed by the governor by and with the consent of the senate. The Board of Regents was given the name of the Regents of the Miami School of Mines. It was given authority to elect a secretary, a president, and the necessary number of professors, instructors and officers. Sectarian and partisan tests in the appointment of regents and in the election of professors and other officers of the school and in the admission of students were prohibited.

On March 18, 1924,¹⁴⁵ the name of the institution was changed, effective July 1, 1924, from the Miami School of Mines to Northeastern Oklahoma Junior College. The Board of Regents had authority for the general management of the institution with the exception of purchases of

¹⁴⁴Ibid., (1919), p. 439.

¹⁴⁵Ibid., (1923-24), p. 67.

fuel, placing of insurance, and erection of new buildings, which were to be done by the State Board of Public Affairs. It was provided that the Board of Regents would determine the subjects of study, which, however, would be subject to approval of the Board of Regents of the University of Oklahoma, and which were to be limited

. . . to those suitable for the first two years above highschool graduation, except that field courses in mining and geological engineering for advanced students in the College of Engineering of the University of Oklahoma may be maintained.

It was provided that the subjects of study would be those designed to serve best those students who did not expect to continue beyond junior college work, and the professional school of the University of Oklahoma or other institutions of higher learning.

On March 13, 1935,¹⁴⁶ this institution was authorized to issue self-liquidating bonds not to exceed \$200,000 for the construction and equipment of suitable dormitories for the use of students attending the institution.

No record was found of any judicial decisions during this period pertaining to the control of this institution.

On August 30, 1937, the Board of Regents of the Northeastern Oklahoma Junior College requested the Attorney General's opinion as to what expenditures for the institution had to be made through the State Board of Affairs. On September 7, 1937,¹⁴⁷ the Attorney General gave his opinion that the State Board of Public Affairs had the authority to purchase fuel and to place insurance for the Northeastern Oklahoma

¹⁴⁶Ibid., (1935), p. 151.

¹⁴⁷Opinion of the Attorney General of Oklahoma, September 7, 1937, addressed to The Honorable Board of Regents for Northeastern Oklahoma Junior College (in the files of the Attorney General).

Junior College within amounts designated by the Board of Regents in the absence of an appropriation of a specific sum for such purposes, and that insurance could not be provided by the State Board of Public Affairs on the buildings or other property of the Northeastern Junior College from an appropriation made only for the maintenance of the institution. The Attorney General also gave his opinion that the authority to contract for the erection of new buildings, after the Board of Regents had designated the amount to be spent therefor, was in the State Board of Public Affairs in the absence of a specific appropriation for such purpose; and that neither the president of the college nor the president of the Board of Regents could expend funds of the college without express authorization from the Board of Regents; and, that "mops, brooms and incidentals, and lumber for repairs may be purchased by the Board of Regents of the Northeastern Junior College and not by the State Board of Public Affairs."

It will be noted that the Miami School of Mines, founded in the year 1919, was the last of the public institutions of higher learning to be established. Its purpose was primarily to provide training at the college level in mining and metals for the promotion and development of the mining industry of the state.

The law creating the school placed it under the State Board of Education for management and control, however, the same legislature, a few weeks later, created a Board of Regents of five members composed of the State Superintendent of Public Instruction and four others appointed by the governor, by and with the consent of the State Senate, which board was to have the control and management of the institution.

The college, also, provided training in basic courses, mathematics, science, arts, and others, as approved by the State Board of Education.

Of significant note will be the fact that in the year 1924, the State Legislature prescribed for the first time a formal program of junior college education for the state. An act of the same legislature changed the name of this institution to Northeastern Oklahoma Junior College. The school was to continue its vocational program of education in mining, but was to emphasize general education for students in the first two years of college work with primary attention being given for those students who would not continue their college education beyond the second year. This program of studies was to be approved by the Board of Regents of the University of Oklahoma.

During the latter part of this period, as was the case for almost all other state colleges, the legislature authorized the Board of Regents of this college to issue self-liquidating bonds not to exceed \$200,000 for the construction and equipping of dormitories. It will be noted that, according to the opinion of the Attorney General, the State Board of Public Affairs was given certain expenditure powers in connection with the institution but could not proceed to provide for the construction of buildings from general appropriations without the request, approval, and designation of amounts of expenditures by the governing board of the college.

Summary of Nature and Trends of Controls
of Higher Education From 1907 to 1941

At the time of statehood, seven institutions of the state system were already in existence and all other colleges were established immediately after statehood, with the exception of Northeastern Oklahoma Agricultural and Mechanical College which was established in 1919 as the Miami School of Mines.

Most of the institutions had their individual boards for awhile, but in 1911 the State Board of Education became the control board for all institutions, except the agricultural and mechanical colleges.

Beginning at about 1919, there was a trend away from the State Board toward individual boards of regents, except for the normal schools. They remained under the jurisdiction of the State Board of Education until the latter part of the period when a Board of Regents for the State Colleges was created for these six schools and Langston University.

A State Co-ordinating Board, composed of representatives from the institutions of higher learning, was created in 1929 to co-ordinate the functions of the various institutions of higher learning of the state, and to establish a state system. This was the beginning of statewide controls for all institutions. The basic function of the various institutions of the system generally remained unchanged during this period.

A trend became apparent, however, during the latter part of the period after the establishment of the Co-ordinating Board, to more and more group colleges having a kindred purpose. Names were changed, modifications were made in the legal definition of purposes, and governing boards were reorganized, with a tendency toward increasing the membership and lengthening terms of members, thus strengthening stability. Powers were increased for boards and administrative officers to require, by regulation, higher standards of qualification of staffs.

With the revision of laws, organization for more effective operation resulted. There was a trend for greater opportunities for more people to receive benefits of educational programs at the level of higher learning. Student aid and scholarships were inaugurated, curriculums were broadened and the policy of providing housing for students on the campuses was established.

Governing boards were given authority to fix and collect incidental fees and to require tuition payments of students who were non-residents of Oklahoma.

Powers of governing boards were broadened to provide more adequate physical plants and more funds for this purpose were made available. Authority for boards to issue self-liquidating bonds for construction of dormitories and other buildings on campuses had its beginning about midway in this period and became very common-place by the end of the period. Controls, generally, for the institutions of higher learning were greatly improved throughout the period to make for greater effectiveness in the state's operation of institutions of higher education for its citizens.

CHAPTER IV

PERIOD OF ESTABLISHMENT OF THE OKLAHOMA STATE SYSTEM OF HIGHER EDUCATION TO JULY 1, 1955 (1941-1955)

This chapter attempts to tell the story of controls of public higher education in the state as they came into existence from the time of the establishment of the state system of higher education, by constitutional amendment,¹ March 11, 1941, to July 1, 1955.

As result of this amendment, all state institutions of higher learning became part of the state system of higher education. There was at this point, in the treatment of the data, a shift in emphasis from individual institutions to the system as a whole. The data were organized and presented, first as controls affecting the system and then as the controls may have been applied separately to individual institutions.

It will be noted that through the years the four major forms of controls, constitutional, statutory, judicial, and the opinions of the Attorney General as they came into existence, increasingly were designed to apply to groups of institutions and to all institutions as a whole, and decreasingly to institutions separately and individually.

It will be further noted that there was a tendency in the period covered by this chapter toward fewer changes in the controls, particularly

¹Oklahoma, Constitution (1907), Art. XIII-A.

in statutory controls. Such changes as occurred tended strongly to pertain to the system rather than to individual institutions separately. This was a logical consequence of the establishment of a constitutional, statewide system.

Constitutional Provisions

The State System

On March 11, 1941, the people of Oklahoma added to the Constitution of Oklahoma a new article known as Article XIII-A,² which was referred by the legislature in 1941.³ This amendment provided that all institutions of higher education, supported wholly or in part by direct legislative appropriation, would be integral parts of a unified system to be known as The Oklahoma State System of Higher Education. The amendment established the Oklahoma State Regents for Higher Education, consisting of nine members with staggered terms of nine years, appointed by the governor and confirmed by the senate.

It was provided that the Regents would constitute a co-ordinating board of control over all of such state institutions, with the power to prescribe standards of higher education for each institution, to determine the function and courses of study in each institution, to grant degrees and other forms of academic recognition for completion of prescribed courses of study, to recommend to the legislature budget allocations to each institution, and to recommend to the legislature proposed fees for all such institutions. It was provided that

²Oklahoma, State Question (300), Legislative Referendum 82.

³Oklahoma, Session Laws (1941), p. 549.

appropriations made by the legislature for such institutions be in consolidated form without reference to individual institutions, and that the Board of Regents allocate these appropriations to institutions according to their needs and functions. It was provided also that other institutions could become co-ordinated with the state system under regulations of the Regents. The new board for the system, as the law states, was to ". . . constitute a co-ordinating board of control for all state institutions . . ." included in the system. *control*

This action did not abolish existing operating boards of institutions or groups of institutions. These boards continued and as they were changed from statutory to constitutional status, they were designated as governing boards for their respective institutions. Clarification of the distribution of powers between the control board and the governing boards was attempted through the "vitalizing" and subsequent statutes. *governing*

Individual Institutions

On July 11, 1944, the people of Oklahoma adopted an amendment of Article XIII of the Oklahoma Constitution by adding Section 8,⁴ which was referred by the legislature in 1943.⁵ This amendment provided that the government of the University of Oklahoma would be vested in a Board of Regents consisting of seven members to be appointed by the governor, by and with the advice and consent of the senate, with terms of seven years. Appointed members of the Board of Regents of the University, in office at the time of the adoption of the amendment, as provided by law, were allowed to continue in office for the remainder of their terms.

⁴Oklahoma, State Question (311), Legislative Referendum 88.

⁵Oklahoma, Session Laws (1943), p. 349.

Also, on this date, July 11, 1944, the people of Oklahoma adopted an amendment of Article VI of the Constitution, as Section 31-A of such article,⁶ which was referred by the legislature in 1943.⁷ This amendment created a Board of Regents for the Oklahoma Agricultural and Mechanical College and all agricultural and mechanical schools and colleges maintained in whole or in part by the state. The board consisted of nine members, eight to be appointed by the governor, by and with the advice and consent of the senate, the majority to be farmers, with staggered terms of eight years each. The ninth member was to be the president of the State Board of Agriculture.

On July 6, 1948, the people of Oklahoma adopted an amendment to the Oklahoma Constitution known as Article XIII-B⁸ which was referred by the legislature in 1947.⁹ This amendment created the Board of Regents of Oklahoma Colleges, consisting of nine members appointed by the governor, by and with the consent of the senate, one member to come from each congressional district, and the ninth member to be the State Superintendent of Public Instruction. Executive board meetings, unless ordered by a unanimous vote of the board, were prohibited. Not more than two members from any one profession, vocation, or occupation could serve on this board; nor could any member be eligible within two years from date of expiration of his term to be an officer, supervisor, president, instructor or employee of any of the colleges placed under the supervision of the board. This board was given the supervision, management,

⁶Oklahoma, State Question (310), Legislative Referendum 87.

⁷Oklahoma, Session Laws (1943), p. 340.

⁸Oklahoma, State Question (328), Legislative Referendum 93.

⁹Oklahoma, Session Laws (1947), p. 721.

and control of the Central State College at Edmond, East Central State College at Ada, Southwestern Institute of Technology at Weatherford, Southeastern State College at Durant, Northwestern State College at Alva, and the Northeastern State College at Tahlequah. The Oklahoma State Regents for Higher Education was authorized to provide from money allocated for the support of these colleges such amounts as it considered necessary to pay administrative expenses.

On June 3, 1955, the legislature referred to the people two proposed amendments to the Constitution of Oklahoma. One amendment was to be Article XIII-C,¹⁰ providing for a Board of Regents of seven members, to be appointed by the governor by and with the advice and consent of the senate, for the Oklahoma Military Academy. The other amendment was to be Article XIII-D,¹¹ providing for a Board of Regents of seven members, to be appointed by the governor by and with the advice and consent of the senate, for the Oklahoma College for Women. These amendments had not been voted upon as of July 1, 1955.

see also...

Statutory Provisions

The State System

The addition of Article XIII-A to the Oklahoma Constitution operated to unify into a single system all institutions of higher education supported wholly or in part by direct legislative appropriation, and to put an end to the previous legislative practice of making individual appropriations for the support and maintenance of all such institutions. The requirement for appropriations in consolidated form

¹⁰Ibid., (1955), p. 564.

¹¹Ibid., p. 565.

transferred from the legislature to the Regents the determination of the individual needs of the respective institutions and the functions of each. Although the amendment did not replace the governing boards of the respective institutions, it did make it possible for the Regents to prescribe standards for each institution and to fix the courses of study to be offered at each institution, and to determine the amount of legislative appropriations to be used by each institution. The amendment provided also, that private, denominational, and other institutions of higher learning could become co-ordinated with the system under regulations of the Oklahoma State Regents for Higher Education.

On May 8, 1941,¹² the legislature enacted legislation vitalizing Article XIII-A of the Constitution. The constitutional amendment did not prescribe the qualifications for the Regents, leaving this to be prescribed by law. The legislature provided that members must be citizens of the state, not less than 35 years of age. A member must not be an employee of or a member of the staff or a member of a governing board of any constituent institution of the system or an official or employee of the State of Oklahoma. It provided that not more than four of the nine members could be from the same profession or occupation and that not more than three graduates or former students of any one institution in the system would be eligible to serve as Regent during the same period of time. Provision was made for the selection of membership of the Regents geographically, with not more than two members serving at one time from the same congressional district. Provision was made for the internal organization of the Regents, and the State Board of Public

¹²Ibid., (1941), p. 431.

Affairs or other proper state officials were required to furnish suitable permanent quarters for the Regents at the State Capitol.

The cost of maintaining the office and paying the personnel and expenses of the Regents was to be assessed against members of the system, Pro-rata, on the basis of their respective total regular student enrollment, such assessment not to exceed seventy-five cents per regular student enrolled per annum, and to be paid to the Regents by the respective institutions.

The amounts received from such assessments were to be placed in the Oklahoma State Regents of Higher Education Revolving Fund which was to be a continuing fund not subject to appropriation by the legislature and subject to expenditure only by order of the Regents.

Degrees and other forms of academic recognition for the completion of the prescribed courses of the constituent institutions were to be granted by the Regents through such institutions. The Regents were required to publish, annually, requirements for admission to, retention in, or graduation from any or all of the institutions in the system. Public hearing after notice was required before changing the function of a constituent institution or changes in courses of study to be offered by an institution. Members were to receive no per diem or other monetary remuneration for their services, but were to be reimbursed in full for all necessary expenditures incurred in attending meetings of the Regents or in carrying out any duty authorized by the Regents. Other provisions of the vitalizing act reiterated and implemented, in considerable detail, provisions of the Constitutional amendment.

On May 31, 1941,¹³ the legislature provided that a student in any institution of the system who has not been an actual bona fide resident

¹³Ibid., p. 436.

of the state for more than one year next preceding the date that he or she intends to enroll shall, upon admission or enrollment, pay a specified tuition fee, and a schedule of fees was fixed. The Regents were authorized to prescribe a reciprocal enrollment fee for students enrolling from states not requiring a non-resident fee, the fee to be not less than set forth in the statutory fee schedule nor more than that required of Oklahoma students in the states from whence the non-resident students came.

On March 2, 1943,¹⁴ Boards of Regents and other educational agencies, were empowered to issue diplomas, certificates or degrees to college seniors in the second semester where such seniors went into the military service, if they had a passing grade average in all courses. Such persons were not required to be in attendance at the graduation exercises.

By an act approved April 3, 1943,¹⁵ the Revolving Fund of the Oklahoma State Regents for Higher Education was created in the State Treasury, and \$200,000 was appropriated for the purpose. It was provided that the revolving fund would be a continuing fund and could be used to assist institutions of the system in training persons pursuant to activating contracts with the United States of America or any agency thereof for the training of such persons.

On May 5, 1945,¹⁶ the legislature provided that no student matriculated in an institution of higher education after September 1, 1945, would be entitled to receive a degree unless he had completed not less than six semester hours of college credit in American history and

¹⁴Ibid., (1943), p. 231.

¹⁵Ibid., p. 230.

¹⁶Ibid., (1945), p. 363.

government. The Regents were required to include such courses as a part of the curriculums leading to degrees.

On March 22, 1947,¹⁷ the Oklahoma State Regents for Higher Education was authorized to

Prescribe and co-ordinate matriculation, enrollment, non-resident course, laboratory, library, infirmary, student activity, and other fees commonly charged students at institutions of higher learning.

Also, the board was authorized to establish fees for special and new courses, including but not limited to, technical training, aviation, refresher, and professional courses. The total of such fees for any one student was limited to the maximum amount allowable for the ordinary school year, as provided by the United States Congress in Public Law 346, 78th Congress, as amended, and, so long as necessary, preference was given veterans in all courses. It was provided that the State Regents could authorize institutions of the state system to contract for, charge, collect, receive, and use any and all fees, tuition, charges, grants and allowances available through the United States Veterans Administration or any federal agency for the education and training of veterans. The Regents were directed to authorize a system of student scholarships in each state-owned institution of higher learning to be administered by the governing board of the institution.

On May 16, 1947,¹⁸ tax-supported institutions of higher learning were authorized to carry group insurance policies for their faculties, staff members, employees and their families. The premiums on the insurance were to be paid by the participating faculty, staff members and

¹⁷Ibid., (1947), p. 567.

¹⁸Ibid., p. 573.

employees. Authority was given for voluntary withholding from monthly salaries of the necessary premiums.

By an act of May 16, 1947,¹⁹ which was amended on May 13, 1949,²⁰ institutions in the state system were authorized to accept grants of airport property from the United States, with provision being made for the operation of the airports.

On May 15, 1951,²¹ the legislature provided that the Revolving Fund of the Oklahoma State Regents of Higher Education created on April 3, 1943 and reported earlier in this chapter, could also be used

. . . for making temporary loans to the institutions of higher learning for projects relating to the training of war veterans and for other projects which are authorized by the governing board and approved by the Regents.

Individual Institutions

On April 21, 1941,²² the name of the University Preparatory School at Tonkawa was changed to Northern Oklahoma Junior College, but it was provided that the college would not lose its identity as the University Preparatory School referred to in the Enabling Act in the State Constitution. The college was to continue to offer courses of instruction preparatory for entrance to the State University and was to receive the moneys set aside for the University Preparatory School pursuant to the provisions of Section 5, Article II of the Oklahoma Constitution. A Board of Regents to have supervision and control of the Northern Oklahoma

¹⁹Ibid., p. 571.

²⁰Ibid., (1949), p. 616.

²¹Ibid., (1951), p. 244.

²²Ibid., (1941), p. 430.

Junior College, at Tonkawa, was established. This board was to be composed of three members appointed by the governor, with terms ". . . not to exceed four years and at the will of the governor appointing them." No compensation was to be paid to the members of the board, but they were allowed their actual expenses while engaged in the duties of their offices.

On May 1, 1941,²³ the name of the Colored Agricultural and Normal University at Langston was changed to Langston University. It was specifically provided that the change in name would in no way affect existing law and regulations concerning the institution.

On May 12, 1941,²⁴ the "Western Oklahoma Charity Hospital Revolving Fund" was created, with control of the fund being placed in the State Board of Public Affairs. The revolving fund was to be used

. . . to purchase supplies for said hospital, to pay compensation to nurses for the care of patients paying for surgical and medical treatment and hospitalization, to purchase food and clothing for patients, and to pay other expenses necessary for the general maintenance of said hospital.

By an act approved May 20, 1941,²⁵ the State Board of Agriculture, acting as the Regents of the Oklahoma Agricultural and Mechanical College Co-operative was authorized to lease not to exceed two acres of the campus of the college for the purpose of erecting and maintaining a building thereon, to be erected without cost to the state, for the students and co-operating agencies of the Oklahoma Agricultural and Mechanical College. The lease was not to exceed ninety-nine years.

²³Ibid., p. 428.

²⁴Ibid., p. 426.

²⁵Ibid., (1941), p. 427.

The State Board of Agriculture, acting as Regents for the College, was authorized to supply heat, light, power, and water for one dollar per year.

On May 31, 1941,²⁶ the supervising and administrative control of the Oklahoma Military Academy was vested in a Board of Regents, created by this act to replace its predecessor, composed of three members appointed by the governor with terms of office coterminous with that of the governor.

On June 6, 1941,²⁷ the Colored Agricultural and Normal University at Langston was authorized to establish an Agricultural Experiment Station and to maintain it in co-operation with the Oklahoma Agricultural and Mechanical College ". . . in accordance with the terms of the Acts of Congress establishing Agricultural Colleges and Experiment Stations." The Oklahoma State Regents for Higher Education was given final authority to establish the Agricultural Experiment Station, and the Board of Regents of Oklahoma Colleges was given general supervision of the Agricultural Experiment Station in conjunction with the State Board of Agriculture.

On February 5, 1943,²⁸ the Board of Regents of the Oklahoma Military Academy was changed to a board composed of three members, consisting of the governor and two other members appointed by the governor. The two members appointed by the governor were to hold office coterminous with that of the governor, and one of the appointive members was to serve as secretary of the board.

²⁶Ibid., p. 428.

²⁷Ibid., p. 427.

²⁸Ibid., (1943), p. 230.

On March 26, 1943,²⁹ the Oklahoma Agricultural and Mechanical College Housing Authority was created with the power to purchase and lease land or buildings suitable for its purpose, or to erect dormitories and create and furnish dining facilities. This Housing Authority was empowered to provide for the erection of dormitories and dining facilities convenient to the college and for the use of the students thereof. The Housing Authority was to be supervised by a Board of Directors consisting of five members, selected from the Board of Regents of the college. The president of the Board of Regents was to be Chairman of the Board of Directors of the Housing Authority and the Vice-President of the Board of Regents to be the Vice-Chairman.

An act passed by the State Legislature effective March 29, 1943,³⁰ created the University of Oklahoma Housing Authority, a public purpose, non-profit agency, a body politic and corporate, with the authority to exercise the rights, privileges, and functions as provided by the act. The Authority was given the power to purchase and lease land or buildings, to erect dormitories and create and furnish dining facilities. The Board of Regents of the University was authorized to execute leases of building sites to the Housing Authority. It was provided that nothing in the act would authorize the Housing Authority to create any indebtedness payable out of taxes or assessments or out of the funds of the State of Oklahoma, or of any sub-division, institution or agency thereof, nor in any manner to pledge the credit of the state of Oklahoma.

The Housing Authority was specifically authorized by the act to erect dormitories and dining facilities convenient to the University of

²⁹Ibid., p. 276.

³⁰Ibid., p. 226.

Oklahoma and for the use of its students; to erect, operate and manage the dormitories and dining facilities for the students of the University on a basis that would enable the Housing Authority to meet its obligations and finance the building, housing and boarding program; and, to utilize the property, buildings and facilities so acquired in co-operation with the government of the United States by appropriate agreement in the administration of any educational or training program which might be instituted by the United States or its agencies in the prosecution of a national defense, including post-war rehabilitation.

The Housing Authority was also authorized to sell or otherwise dispose of property of any kind ". . . real, personal or mixed . . ." which would not be necessary for the carrying out of the purposes of the Housing Authority. It was provided, however, that no sub-lease of properties leased from the University could be made to any person or corporation unless express consent to do so was first obtained from the Board of Regents of the University. The Authority was also authorized to borrow money and to accept gifts for its proper purposes, and to borrow money and accept grants from the United States of America or from any corporation or agency created or designated by the United States of America, and in connection with any such loan or grant, to enter into such agreements as the United States or such corporation or agency created and designated by the United States may require, and to issue its bonds or notes for moneys borrowed. No bonds or notes authorized by the Housing Authority could be secured by the revenues derived from the property leased by the Housing Authority from the University except with the approval of the Board of Regents of the University. It was provided, however, that when necessary for the financing of its operations, the Authority could execute mortgages on

any property owned by it, the title to which was not subject to any claim on the part of the Regents of the University. The Authority was authorized only to do the things as expressly provided in the law.

The powers and functions of the Housing Authority were to be exercised by a board of seven directors. The membership of the Board of Directors of the Housing Authority was to be composed of the same persons and identical with that of the Board of Regents of the University of Oklahoma. It was provided that the president of the Board of Regents would be chairman of the Board of Directors of the Housing Authority, and the Vice President of the Board of Regents would be Vice Chairman of the Housing Authority. A per diem and expenses were provided for members of the Housing Authority and the time and place of meetings were to be set forth in the by-laws of the Authority. It was further provided that the Board of Directors would select a general manager who would be the chief executive officer, and a treasurer who would collect, have custody of, and disburse any funds received by the Authority. The Housing Authority was authorized and directed to establish and collect rents and board from or on account of students occupying the dormitories or other buildings erected, owned, or leased by the Authority. The rents for rooms and board would be reasonable, considering the current charges in the locality, and would be sufficient to: pay all expenses necessary to operate and maintain the facilities and properties, to pay the interest on all bonds and evidences of indebtedness, to establish a sinking or reserve fund to retire the obligations of the Housing Authority, and to fulfill any agreements made with the holders of such obligations. It was finally provided that the act and all of its terms and provisions would be liberally construed to effectuate the purposes set forth in the act.

On April 3, 1943,³¹ the State Legislature abolished the Board of Regents of Oklahoma Colleges. The supervision, management, and control of the six state colleges, commonly known as the State Teachers Colleges, were vested in the State Board of Education, and this board was empowered to do any and all things in connection with the operation of the colleges as theretofore authorized to be performed by the Board of Regents of Oklahoma Colleges. Government of Langston University and the Northeastern Oklahoma Junior College, previously governed by the board now being abolished, was vested in the State Board of Agriculture.

An Act of the Oklahoma Legislature effective April 3, 1943,³² changed the name of Northeastern Oklahoma Junior College to Northeastern Oklahoma Agricultural and Mechanical College, and the government of the institution continued with the State Board of Agriculture.

The Oklahoma Legislature, in the passage of an act effective February 23, 1945,³³ authorized the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to sell and execute oil and gas leases and other mining leases on any of the lands of the state of Oklahoma under the control of the Board of Regents whenever, in the judgment of the board, the leasing of the lands for the development of oil and gas would not interfere with the use of the lands being made by the state and which would not endanger the buildings or other property situated on adjoining tracts. It was provided that the sales would be made upon the basis of retaining royalty of not less than one-eighth of all the oil, gas and other minerals produced therefrom, and such cash

³¹Ibid., p. 211.

³²Ibid., p. 275.

³³Ibid., (1945), p. 344.

bonus as may be procured. It was provided that in the event of the discovery of natural gas, such gas would be furnished free of charge to any state institution located or thereafter located upon the lands covered by said lease or leases. It was further provided that all money derived from the sale of leases or from royalties accruing would be paid to the State Treasury and credited to the general revenue fund of the state.

On March 2, 1945,³⁴ the Oklahoma Legislature authorized the Board of Regents of the University of Oklahoma and the Board of Regents of the Agricultural and Mechanical College to set aside portions of their respective campuses as may be necessary and suitable for the construction thereon of

. . . dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, other self-liquidating projects, and other revenue-producing buildings, including additions to existing buildings.

An act effective March 19, 1945,³⁵ vitalized a Constitutional Amendment approved by the people on July 11, 1944, creating a Board of Regents for the Agricultural and Mechanical Colleges of Oklahoma. The board was composed of nine members, eight appointed by the governor, one each from the then existing eight Congressional Districts, the president of the State Board of Agriculture being the ninth member. It was provided that a majority of the members of the board must be farmers actually engaged in farming or livestock growing as their principal business or occupation in earning a livelihood. It was provided that each member would take the Constitutional oath required by law and give his bond to the state of

³⁴Ibid., p. 295.

³⁵Ibid., p. 361.

Oklahoma in the amount of \$5,000 for the faithful performance of his duties. The board was directed to elect a chairman, vice-chairman, and a secretary, and adopt rules and regulations as they deemed necessary for the governing of the board in the discharge of its duties, not inconsistent with the general laws of the state. The act provided for the internal organization of the Board of Regents, with the usual power to employ and fix the compensation and duties of necessary personnel. ✓

On March 26, 1945,³⁶ self-liquidating bonds were authorized for the Southeastern State College at Durant to finance the construction of ". . . dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, and other revenue-producing buildings, including additions to existing buildings used for such purposes."

On March 27, 1945,³⁷ the Board of Regents of the University of Oklahoma was authorized to lease to the Board of Governors of the Oklahoma Student Union, Incorporated not to exceed two acres of the campus of the University of Oklahoma

. . . for the purpose of erecting, equipping and maintaining thereon an addition or additions to the present Student Union Building, to be erected without cost to the State and to be for the use of the students of the University.

On April 10, 1945,³⁸ control of Langston University was vested in the Board of Regents for Oklahoma Agricultural and Mechanical Colleges created by Section 31, Article VI of the Oklahoma Constitution.

On April 10, 1945,³⁹ the Southern Oklahoma Hospital was established at Ardmore as an auxiliary to the University Hospital. A revolving fund

³⁶Ibid., p. 291.

³⁷Ibid., p. 343.

³⁸Ibid., p. 345.

³⁹Ibid., p. 338.

was created with directions as to the expenditures therefrom. The Board of Regents of the University of Oklahoma was made the controlling board of the Hospital. The physical property of this hospital had been the Oklahoma Confederate Home but was, by this act, transferred to the jurisdiction of the Regents of the University.

An Act of the State Legislature on April 16, 1945,⁴⁰ authorized a petty cash fund out of the revolving fund in the amount of \$500 for the Western Oklahoma State Hospital at Clinton, at that time a part of the University Medical School.

An act of the State Legislature effective April 17, 1945,⁴¹ authorized the State Board of Education, acting for the Northeastern State College at Tahlequah, to set aside a certain portion of the campus for the construction of the dormitories, kitchens, dining halls, auditoriums, student union buildings, and other revenue producing buildings. The act also authorized the issuance of self-liquidating bonds.

On April 19, 1945,⁴² the Board of Regents of the Oklahoma College for Women was authorized to issue self-liquidating bonds for the construction, on the campus of The Oklahoma College for Women, of dormitories, kitchens, dining halls, cafeterias, student recreational buildings, and ". . . other revenue producing buildings including additions to existing buildings used for such purposes." There was no limitation as to the amount of bonds to be issued.

On April 19, 1945,⁴³ the State Board of Education, acting in the behalf of the Northwestern State College at Alva, East Central College

⁴⁰Ibid., p. 340.

⁴¹Ibid., p. 357.

⁴²Ibid., p. 306.

⁴³Ibid., p. 316.

at Ada, Central State College at Edmond, Southwestern Institute of Technology at Weatherford, and Southeastern State College at Durant, was authorized to set aside campus space and to issue self-liquidating bonds for the construction of

. . . dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, and other revenue producing buildings, to include additions to existing buildings used for such purposes.

On April 24, 1945,⁴⁴ the Board of Regents of the Oklahoma Military Academy was authorized to set aside, from the reservation, a site for construction and equipment of buildings for ". . . barracks, mess halls, science class rooms, and laboratory buildings or any or all of such buildings and equipment therefore . . ." and to issue self-liquidating bonds to pay for the same.

On April 28, 1945,⁴⁵ the Oklahoma Legislature designated a certain real property as a part of the site and location of the School of Medicine of the University of Oklahoma. The act involved was an amendatory act relating to the site of the School of Medicine of the University and the University Hospital.

By an act of May 5, 1945,⁴⁶ the Board of Regents of the Eastern Oklahoma Agricultural and Mechanical College was empowered to set aside a portion of the campus of the Eastern Oklahoma Agricultural and Mechanical College and to issue self-liquidating bonds for the construction of

. . . dormitories, kitchens, dining halls, cafeterias, auditoriums, student union buildings, and other revenue producing buildings including additions to existing buildings used for such purposes.

⁴⁴Ibid., p. 354.

⁴⁵Ibid., p. 341.

⁴⁶Ibid., p. 320.

By an act of May 5, 1945,⁴⁷ the legislature provided for the refund of outstanding dormitory bonds issued by the schools and colleges of higher education of the state of Oklahoma and created a Dormitory Bonds Fund Commission composed of the Governor, Attorney General, State Superintendent of Public Instruction, President of the State Board of Agriculture, and the Chancellor of the State Board of Regents for Higher Education.

On May 5, 1945,⁴⁸ the Board of Regents of Langston University was authorized to set aside a portion of the campus of the University, and to issue self-liquidating bonds for

. . . dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, and other revenue producing buildings, including addition to existing buildings used for such purposes.

On May 5, 1945,⁴⁹ the objects of the Oklahoma Agricultural and Mechanical College were extended to include research on problems involving the welfare and culture of Oklahoma citizens, and other research work. The governing board of the college was authorized to create a research fund for the purpose of ". . . centralizing research work, and receiving gifts and endowments for research work, and receiving earned profit from any research work."

On May 5, 1945,⁵⁰ a program of research for the prevention of Anaplasmosis was provided for, and an appropriation of \$100,000 was made. This program was to be under the supervision of the Board of Regents of

⁴⁷Ibid., p. 303.

⁴⁸Ibid., p. 346.

⁴⁹Ibid., p. 344.

⁵⁰Ibid., p. 430.

the Oklahoma Agricultural and Mechanical College for the experiment station of such college.

By an act effective on July 1, 1945,⁵¹ the Board of Regents of the University of Oklahoma was authorized to accept gifts ". . . for the benefit of the Southern Oklahoma Hospital, located at Ardmore, and for the benefit of the communities or individuals to be served by said hospital."

On February 13, 1947,⁵² the control of the Oklahoma Military Academy was vested in a Board of Regents composed of five members with terms of five years, appointed by the governor with the consent of the senate. Each member of the Board of Regents was required to be a citizen of the state and not an elected or appointed official of any state or county office. Not more than one member could serve from a county and not more than one member from any profession or occupation. Travel expenses but no compensation was authorized for each member of this board. Provision was made for the internal organization of the board.

On February 13, 1947,⁵³ there was enacted a law known as the vitalizing law of the Constitutional Amendment creating a Board of Regents for the University of Oklahoma. Provision was made for the internal organization of the board and power was given to enact rules for the government of the University and all of its branches. The board was empowered to

. . . elect a president and the requisite number of professors, including officers and employees and fix the salary and term of office of each, and determine the moral and educational qualifications of applicants for admission.

⁵¹Ibid., p. 340.

⁵²Ibid., (1947), p. 556.

⁵³Ibid., p. 546.

Partisan, political, sectarian, religious and all such tests were forbidden in any of the departments of the University and in the appointment of the Regents, professors, or other officers or in the admission of students.

The Board of Regents was empowered to take title to real estate, to locate buildings, and to make necessary contracts for the operation of the University. Each member of the Board of Regents was allowed a per diem of ten dollars, together with actual traveling and hotel expenses.

On March 28, 1947,⁵⁴ the Panhandle Agricultural and Mechanical College was authorized to set aside a portion of its campus and to use self-liquidating bonds for

. . . kitchens, dining halls, cafeterias, auditoriums, student recreation buildings, and other revenue producing buildings including additions to existing buildings used for such purposes and to construct such buildings thereon and to equip, furnish, maintain, and operate such buildings.

On April 1, 1947,⁵⁵ a Board of Regents of Oklahoma Colleges was created, consisting of nine members with staggered terms of nine years, appointed by the governor by and with the consent of the senate. One member was to be selected from each of the eight Congressional Districts then existing, and the ninth member was to be the State Superintendent of Public Instruction. Provision was made for the internal organization of the board.

No more than two members could be from any one profession, vocation or occupation and no person would be eligible for membership if he was

⁵⁴Ibid., p. 552.

⁵⁵Ibid., p. 564.

*not for
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an officer, supervisor, president, instructor or employee of any of the colleges under the supervision of the board.

This Board of Regents was given control of the Central State College at Edmond, East Central State College at Ada, Southwestern Institute of Technology at Weatherford, Southeastern State College at Durant, Northwestern State College at Alva, and Northeastern State College at Tahlequah.

On April 4, 1947,⁵⁶ the State Board of Public Affairs was authorized to convey to the Oklahoma Medical Research Foundation a part of the campus of the School of Medicine of the University of Oklahoma.

On April 18, 1947,⁵⁷ the Oklahoma Agricultural and Mechanical College at Stillwater and the Extension Division of college were directed to ". . . aid in the development and presentation of an artificial insemination program in behalf of the dairy industry of the state of Oklahoma."

On April 24, 1947,⁵⁸ the Boards of Regents of the University of Oklahoma and the Agricultural and Mechanical Colleges were authorized, for institutions under their respective jurisdiction, to set aside a portion of the campuses of such institutions for

. . . the construction thereon of dormitories; kitchens; dining halls; auditoriums; student union buildings; field houses; stadiums; proper utility plants and systems for the supply of water, gas, heat or power to the University or such colleges or institutions; and to issue self-liquidating bonds for these and other revenue-producing buildings deemed necessary by said boards for the comfort, convenience, and welfare of the students and suitable for the purpose for which said institutions were established, including additions to existing buildings used for such purposes.

⁵⁶Ibid., p. 549.

⁵⁷Ibid., p. 550.

⁵⁸Ibid., p. 568.

Authorization was given for charging and collecting fees from students at the institutions for retiring the bonds.

On May 8, 1947,⁵⁹ the number of directors for the Housing Authority of the University of Oklahoma was increased from five to nine, with five instead of three as a quorum.

On May 16, 1947,⁶⁰ the law of 1945 authorizing the issuance of self-liquidating bonds for The Oklahoma College for Women was broadened to include, among the purposes for which the bonds might be issued, recreation buildings and public utility plants and systems for supplying of water, gas, heat, or power to the college.

On May 21, 1947,⁶¹ the governing board of Oklahoma colleges, for and on behalf of specified colleges under its jurisdiction, was authorized to set aside portions of the respective campuses and to issue self-liquidating bonds for the construction of dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants and systems for supplying water, gas, heat or power to the colleges or institutions and other self-liquidating projects and other revenue producing buildings deemed necessary by this board. The purpose was for the comfort, convenience, and welfare of their students, and suitable for the purposes for which the institutions were established. Authority to make additions to existing buildings used for such purposes was included. The board was also given authority to fix charges and collect fees for payment of the bonds.

⁵⁹Ibid., p. 550.

⁶⁰Ibid., p. 557.

⁶¹Ibid., p. 560.

On April 1, 1949,⁶² the State Legislature enacted a law to vitalize the constitutional amendment presented earlier in this chapter, creating the Board of Regents for Oklahoma colleges. Provisions of the act followed, generally, provisions of the constitutional amendment.

On April 26, 1949,⁶³ the name of the college at Weatherford was changed from the Southwestern Institute of Technology to Southwestern State College.

On May 13, 1949,⁶⁴ the legislature authorized agricultural organizations, associations and co-operatives, including agricultural co-operatives for agricultural research, to voluntarily support and participate in activities of the Oklahoma Agricultural Experiment Stations and the Oklahoma Agricultural Extension Service.

By an act approved on May 24, 1949,⁶⁵ the Oklahoma Legislature broadened the terms and provisions of the 1947 law providing for a program of artificial insemination for the benefit of the livestock industry of this state.

On May 31, 1949,⁶⁶ the Oklahoma Legislature eliminated the previous recommendation for the Board of Regents of the Oklahoma Agricultural and Mechanical colleges to have its office in the State Capitol and broadened the powers of the Board of Regents in many respects.

On May 31, 1949,⁶⁷ the properties formerly used as the Oklahoma

⁶²Ibid., (1949), p. 799.

⁶³Ibid., p. 616.

⁶⁴Ibid., p. 614.

⁶⁵Ibid., p. 615.

⁶⁶Ibid., p. 612.

⁶⁷Ibid., p. 620.

Confederate Home and by the Southern Oklahoma Hospital at Ardmore, were transferred to the War Veterans Commission for the use of the Oklahoma Veterans Home and the Board of Regents of the University of Oklahoma was thereby relieved of the control of that institution.

By an act approved June 3, 1949,⁶⁸ an appropriation of \$25,000 was made to the State Board of Public Affairs to establish a pecan experiment station in Lincoln County to be operated under the direction and supervision of Oklahoma Agricultural and Mechanical College.

On May 14, 1951,⁶⁹ the Oklahoma Legislature provided a fee of \$6.00 for services rendered in the artificial insemination program that was authorized by the 1949 legislature.

On May 16, 1951,⁷⁰ the Board of Regents of the Northern Oklahoma Junior College was authorized to set aside a portion of the campus of the college for stadium purposes and to issue self-liquidating bonds in connection therewith.

In the May 26, 1951⁷¹ Institutional Appropriation Bill, the State Board of Health was made the controlling board of the Western Oklahoma State Hospital, whereas the hospital had previously been under the jurisdiction of the Board of Regents of the University of Oklahoma.

By an act which became a law without the governor's signature in May, 1951,⁷² the Board of Regents of Oklahoma Agricultural and Mechanical College and the Experiment Station of the college were authorized to

⁶⁸Ibid., p. 716.

⁶⁹Ibid., (1951), p. 280.

⁷⁰Ibid., p. 241.

⁷¹Ibid., p. 307.

⁷²Ibid., p. 240.

establish soil experiment stations in Southwestern Oklahoma and one desirably located in the hilly area of east-central Oklahoma. These experiment stations, when established, were to be operated under the direction and supervision of the Oklahoma Agricultural and Mechanical College and were to be designed to ". . . determine the most practical means of restoring the desirable physical properties of the soil to the end of reclaiming and putting into profitable production the depleted soil of Oklahoma . . ." Research was to be made

. . . as to the long time effect of deep plowing, determination of types of the lands or fertilizers adaptable to the soil of Oklahoma, coordinated with practical legume rotation for soil improvement, and determination of fertilizers and crops adaptable to the areas and any other studies that will aid in the development of Oklahoma's agriculture.

The legislature appropriated \$50,000 for the purchase, improvement, and operation of the station in southwestern Oklahoma, and \$40,000 for the purchase, improvement, and operation of the station in east-central Oklahoma.

On June 8, 1953,⁷³ the Board of Regents of the Oklahoma Agricultural and Mechanical College and the Extension Division of the college were authorized to establish and promote a pasture program to be known as Northeastern Oklahoma Pasture Improvement Program.

On June 8, 1953,⁷⁴ the Medical Center Improvement and Zoning Districts were created to provide a comprehensive plan for the orderly development for the district including and surrounding the University of Oklahoma Medical School, University Hospital, and Crippled Children's Hospital grounds.

⁷³Ibid., (1953), p. 390.

⁷⁴Ibid., p. 387.

On June 15, 1953,⁷⁵ the University Hospital Psychiatric and Neurological Service Act was enacted for the School of Medicine of the University of Oklahoma.

On June 20, 1953,⁷⁶ the Oklahoma Legislature created the Oklahoma Agricultural and Mechanical College Agricultural Research Greenhouse Fund for the purpose of sponsoring, erecting, constructing, and maintaining an agricultural research greenhouse on the College Farm of the college.

On February 17, 1955,⁷⁷ the name of Murray State School of Agriculture was changed to Murray State Agriculture College.

On March 1, 1955,⁷⁸ the governing board of each state institution of higher education was authorized to enter into contracts for the use of federal Military Property and to give bonds and other securities as might be required by federal law or regulations for the care and safe-keeping of such property and equipment.

On April 4, 1955,⁷⁹ the Board of Regents of Northern Oklahoma Junior College was authorized to set aside a portion of the college campus for the construction thereon of

. . . dormitories, kitchens, dining halls, auditoriums, student union buildings, field houses, stadiums, public utility plants, and systems which would supply water, gas, heat or power to the Northern Oklahoma Junior College or such college or institution, and other self-liquidating projects for other revenue producing plants determined necessary by said Board for the comfort, convenience or welfare of its students and suitable for the purpose for which said institution was established, including additions to existing buildings used for such purposes.

⁷⁵Ibid., p. 385.

⁷⁶Ibid., p. 391.

⁷⁷Ibid., (1955), p. 581.

⁷⁸Ibid., p. 451.

⁷⁹Ibid., p. 581.

Judicial Decisions

State System

On July 9, 1946⁸⁰ the Supreme Court of Oklahoma held that Article XIII-A of the Constitution of Oklahoma made it impossible for the legislature to make a direct appropriation for the Southern Oklahoma Hospital as an auxiliary of the School of Medicine of The University of Oklahoma.

The end of segregation of races in the institutions of higher education in the state of Oklahoma came with the historic decision of the United States Supreme Court in 1954.⁸¹ In this case it was held that segregation of races in public schools was in contravention of the Constitution of the United States. While the state of Oklahoma was not a party in the case, the Attorney General filed a brief amicus curiae. The decision has been observed by the State System of Higher Education.

Individual Institutions

On September 23, 1941,⁸² the president of the University of Oklahoma and the dean of the Medical School of the University were sued for damages for conspiracy in causing the dismissal of a librarian from the Medical School. The Supreme Court of Oklahoma held that statements made by the president and the dean as to the fitness of the librarian were privileged and that the president and dean were not liable for damages in making such statements causing the discharge of the librarian.

⁸⁰Board of Regents of University of Oklahoma v. Childers, 197 Okla. 350, 170 P. 2d 1018.

⁸¹Brown v. Board of Education of Topeka, 344 (U.S.), P. 1, 97 L. Ed. P. 3.

⁸²Hughes v. Bizzell, 189 Okla. 472, 117 P. 2d. 763.

On December 21, 1943, with the Court opinion corrected on January 12, 1944,⁸³ the Supreme Court of Oklahoma held that a member of the Board of Regents of the University of Oklahoma who, as a reserve officer, entered upon military duty, vacated his position on the Board of Regents.

On August 21, 1945⁸⁴ the Supreme Court of Oklahoma, on application of the Board of Regents of the University of Oklahoma, upheld the validity of dormitory bonds.

On April 2, 1946,⁸⁵ on application of the Board of Regents for Oklahoma Agricultural and Mechanical Colleges, the Supreme Court of Oklahoma approved the issuance of Apartment Dormitory Bonds, the proceeds of which were to be used for the purpose of making additions to the existing buildings, theretofore erected for barracks from funds received from the United States government in order to convert the barracks into apartments for use by veterans of World War II attending the college and which were payable out of a fund derived from rents and fees to be received from students using the dormitories while attending college.

On June 29, 1946,⁸⁶ the Supreme Court of Oklahoma held that dormitories and music building bonds issued by the University of Oklahoma for the purpose of constructing dormitories and music buildings under a legislative act providing that the obligations would be payable solely from revenues to be derived from the operation of the buildings, must be

⁸³Wimberly v. Deacon, 195 Okla. 561, 144 P. 2d. 447.

⁸⁴Application of Board of Regents of University of Oklahoma, 195 Okla. 641, 161 P. 2d. 447.

⁸⁵Application of Board of Regents for Oklahoma Agricultural and Mechanical Colleges, 196 Okla. 622, 167 P. 2d. 883.

⁸⁶Application of Board of Regents of University of Oklahoma, 197 Okla. 327, 171 P. 2d. 597.

paid solely from revenues to be derived from the operation of the buildings, and that bonds which pledged funds to be derived from general fees imposed upon students to make up any deficiency would not be approved by the Court.

On October 6, 1948,⁸⁷ the United States District Court for the Western District of Oklahoma refused to enjoin the Board of Regents of the University of Oklahoma from denying admittance of a Negro to post-graduate instruction at the University of Oklahoma.

On November 22, 1949,⁸⁸ the United States District Court for the Western District of Oklahoma upheld action of the officials of the University of Oklahoma in requiring a Negro student to sit at a designated desk in or near a wide opening into the class room with other students and requiring him to take his books in the library to a designated desk and requiring him to be served food at a designated table and at a time other than when white students were served.

On April 17, 1951,⁸⁹ the Supreme Court of Oklahoma held the bonds issued for the extension and improvements of the dormitories of the Oklahoma College for Women were not in violation of constitutional provisions regarding the state's rights to contract debts.

On March 3, 1952,⁹⁰ a federal court refused to enjoin the Board of Regents of the University of Oklahoma from enforcing a rule requiring

⁸⁷McLaurin v. Oklahoma State Regents for Higher Education, 870 F. Supp. P. 526.

⁸⁸McLaurin v. Oklahoma State Regents of Higher Education, 870 F. Supp. P. 528.

⁸⁹Application of Board of Regents of Oklahoma College for Women, 204 Okla. 385, 230 P. 2d. 453.

⁹⁰Pyeatte v. Board of Regents of University of Oklahoma, 102 F. Supp. P. 407.

undergraduate students to live in housing facilities provided by the University.

On April 29, 1947,⁹¹ the Supreme Court of Oklahoma held that a Negro citizen had the same rights as a white citizen to attend a law school at public expense, but that the Negro student could not be admitted to the Law School of the University of Oklahoma, an institution for white students, without prior opportunity for public officials to establish a law school at public expense for Negro citizens. This decision of the Oklahoma State Supreme Court, however, was reversed by the Supreme Court of the United States,⁹² and the Supreme Court of Oklahoma followed the decision of the United States Supreme Court.⁹³

On February 16, 1948,⁹⁴ the Supreme Court of the United States held that an order of the Oklahoma Court

. . . requiring the Regents of the state University, unless and until a separate school of law for Negroes with educational advantages substantially equal to those afforded to white students is established and ready to function at the time applicants of any other groups may apply for admission to the first-year class of the state University School of Law, either to admit thereto a Negro applicant, who shall be entitled to remain on the same scholastic basis as other students until a separate school for Negroes is established and ready to function, or not to enroll any applicant of any group in such class until such separate school is established and ready to function, complies with a mandate of Supreme Court of the United States requiring the state to provide legal education for a Negro applicant for admission to a state-maintained law school as soon as it does for applicants of any other group.

⁹¹Sipuel v. Board of Regents of University of Oklahoma, 199 Okla. 36, 180 P. 2d. 134.

⁹²Sipuel v. Board of Regents of University of Oklahoma, 332 U.S. P. 631, 92 L. Ed. P. 247.

⁹³Sipuel v. Board of Regents of University of Oklahoma, 200 Okla. 442, 195 P. 2d. 936.

⁹⁴Fisher v. Hurst, 333 U.S. P. 152, 92 L. Ed. P. 604.

On June 30, 1948,⁹⁵ the Supreme Court of Oklahoma upheld a bond issue of the Board of Regents of The University of Oklahoma for a power and heating plant on the campus of the University to be paid for from student fees.

On December 14, 1948,⁹⁶ the Supreme Court of Oklahoma approved the issuance of three million dollars utility system revenue bonds for the Oklahoma Agricultural and Mechanical College for a public utility plant and water system sufficient for the college's future needs, even though the Board of Regents contemplated that a surplus of water would be produced which would be sold to the city of Stillwater under contract.

Attorney General Opinions

State System

The files of the Attorney General's office reveal the fact that a great number of opinions were given by the Attorney General during this period. Those that were found to have bearing on or set precedent with respect to control of public higher education in the state were referred to in this chapter. There was a great number dealing primarily with interpretations for purposes of administrative procedure. Since they did not bear directly on basic controls they, of course, were not used in this report.

⁹⁵Application of Board of Regents of The Oklahoma University for Utilities System Revenue Bonds, 195, P. 2d. 936.

⁹⁶Application of Board of Regents of Oklahoma Agricultural and Mechanical College for Utilities System Revenue Bonds, 201 Okla. 54, 200 P. 2d. 901.

On December 12, 1941⁹⁷ the Attorney General gave an opinion to the effect that the authorization to grant degrees to persons completing course of study at state institutions comprising the Oklahoma State System for Higher Education was vested in the Oklahoma State Regents for Higher Education and not in the governing boards of the institutions and that neither the Oklahoma State Regents for Higher Education nor an institutional governing board had a record authorizing it to confer honorary degrees upon persons not completing the prescribed course of study entitling them to such degrees.

On August 18, 1944,⁹⁸ the Attorney General gave his opinion that the Constitutional Amendment, creating the Board of Regents for Oklahoma Agricultural and Mechanical Colleges, was self-executing and needed no legislation to put it into effect.

On March 19, 1945,⁹⁹ the Attorney General gave his opinion that, until authorized by the legislature, the Oklahoma State Regents of Higher Education could not charge general tuition fees of resident students and could not bill the Veterans Administration for tuition or compensation for cost of instruction in lieu of tuition for veterans who were residents of the state, nor accept such tuition or compensation.

⁹⁷Opinion of the Attorney General of Oklahoma, December 12, 1941, addressed to Honorable John Oliver, Administrator's Office, State Board of Regents (in the files of the Attorney General).

⁹⁸Opinion of the Attorney General of Oklahoma, August 18, 1944, addressed to Honorable M. A. Nash, Chancellor, State Regents of Higher Education (in the files of the Attorney General).

⁹⁹Opinion of the Attorney General of Oklahoma, March 19, 1945, addressed to Honorable Murrell H. Thornton, Chairman, Senate Appropriations Committee (in the files of the Attorney General).

On February 16, 1950,¹⁰⁰ the Attorney General gave his opinion that the respective boards of control of state institutions of higher education, including The Oklahoma College for Women at Chickasha, the Northern Oklahoma Junior College at Tonkawa, and the Oklahoma Military Academy at Claremore, were authorized to expend allocations made to them by the Oklahoma State Regents for Higher Education without using the State Board of Public Affairs as their purchasing agent.

Individual Institutions

On June 23, 1943,¹⁰¹ the Attorney General gave his opinion that fraternity houses leased to the Regents of The University of Oklahoma for house trainees in the Army and Navy specialized training program would not thereby become subject to taxation.

On August 21, 1944,¹⁰² the Attorney General gave his opinion that the authority to pay operating expenses for the Board of Regents for Oklahoma colleges was vested in the Oklahoma State Regents for Higher Education and that the Board of Regents for Oklahoma colleges could not exceed the amount so allocated, by using funds allocated for the maintenance of Oklahoma colleges for operating costs of the Board of Regents for Oklahoma colleges.

¹⁰⁰Opinion of the Attorney General of Oklahoma, February 16, 1950, addressed to Honorable M. A. Nash, Chancellor, Oklahoma State Regents for Higher Education (in the files of the Attorney General).

¹⁰¹Opinion of the Attorney General of Oklahoma, June 23, 1943, addressed to Honorable Joseph A. Brandt, President, University of Oklahoma (in the files of the Attorney General).

¹⁰²Opinion of the Attorney General of Oklahoma, August 21, 1944, addressed to Honorable B. D. Eddie, Chairman, Board of Regents for Oklahoma Colleges (in the files of the Attorney General).

On February 21, 1945,¹⁰³ the Attorney General gave his opinion that unneeded space in a building constructed with funds appropriated for the purpose of erecting a building for the college of business administration on the campus of the University of Oklahoma could be used for other University purposes.

On March 10, 1945,¹⁰⁴ the Attorney General gave his opinion that the Board of Regents of the Oklahoma Agricultural and Mechanical Colleges could give easements on lands of the Northeastern Agricultural and Mechanical College to the Southwestern Power Administration subject to the approval of the governor.

On July 10, 1945,¹⁰⁵ the Attorney General gave his opinion that members of the State Board of Education could not be elected as presidents of state colleges until they had resigned as members of the State Board of Education and the resignation had been accepted by the governor.

On September 29, 1945,¹⁰⁶ the Attorney General gave his opinion that the Board of Regents of the Oklahoma Military Academy could not, without special legislative authority, sell real estate belonging to the Oklahoma Military Academy.

¹⁰³Opinion of the Attorney General of Oklahoma, February 21, 1945, addressed to Dr. G. L. Cross, President, University of Oklahoma (in the files of the Attorney General).

¹⁰⁴Opinion of the Attorney General of Oklahoma, March 10, 1945, addressed to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (in the files of the Attorney General).

¹⁰⁵Opinion of the Attorney General of Oklahoma, July 10, 1945, addressed to Honorable A. L. Crable, President, State Board of Education (in the files of the Attorney General).

¹⁰⁶Opinion of the Attorney General of Oklahoma, September 29, 1945, addressed to Colonel K. S. Perkins, Oklahoma Military Academy (in the files of the Attorney General).

On February 16, 1946,¹⁰⁷ the Attorney General gave his opinion that the Oklahoma Agricultural and Mechanical College acting through the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges had the authority to borrow \$325,000 from the Reconstruction Finance Corporation for the purposes of acquiring housing facilities for veterans desiring to attend the college as students and to allocate promissory notes in the name of Oklahoma Agricultural and Mechanical College as evidence of the loan, provided the notes stipulated that they were to be paid solely from the net revenues derived from the newly acquired housing facilities and that the notes were not an obligation of the State of Oklahoma but that other institutions, with the possible exception of Langston University, under the jurisdiction of the Board of Regents of the Oklahoma Agricultural and Mechanical Colleges, could not do so.

On March 6, 1946,¹⁰⁸ the Attorney General gave his opinion that the Regents of The University of Oklahoma had the same authority referred to in the last mentioned opinion of the Attorney General.

On August 22, 1946,¹⁰⁹ the Attorney General gave his opinion that neither the Board of Regents of the University nor any other state agency was authorized to convey to the Oklahoma Medical Research Foundation any

¹⁰⁷Opinion of the Attorney General of Oklahoma, February 16, 1946, addressed to Honorable P. E. Harrill, Chairman, Board of Regents of the Oklahoma Agricultural and Mechanical Colleges (in the files of the Attorney General).

¹⁰⁸Opinion of the Attorney General of Oklahoma, March 6, 1946, addressed to Dr. G. L. Cross, President of University of Oklahoma (in the files of the Attorney General).

¹⁰⁹Opinion of the Attorney General of Oklahoma, August 22, 1946, addressed to Dr. G. L. Cross, President of University of Oklahoma (in the files of the Attorney General).

of the lands set aside and designated for the Medical Department of the University of Oklahoma.

On April 16, 1947,¹¹⁰ the Attorney General gave his opinion that even though not provided for by law, a vice president of the Board of Regents of The University of Oklahoma could be provided for by an appropriate resolution of the Board of Regents.

On May 16, 1947,¹¹¹ the Attorney General gave his opinion that the University of Oklahoma, acting by and through its Board of Regents, could accept grants of air corps property from the United States and use and operate such air corps property for training, instruction, and research purposes.

During the year of 1948, the Attorney General gave several opinions as to the right of Negroes to attend the University of Oklahoma, but none of these opinions are discussed herein for the reason that court decisions on the question were subsequently rendered and have already been discussed in this chapter.

On May 5, 1948,¹¹² the Attorney General gave his opinion that a free will offering from people to erect a chapel on the campus of Central State College could be accepted by the Board of Regents of Oklahoma Colleges and used for the purpose intended.

¹¹⁰Opinion of the Attorney General of Oklahoma, April 16, 1947, addressed to Dr. G. L. Cross, President, University of Oklahoma (in the files of the Attorney General).

¹¹¹Opinion of the Attorney General of Oklahoma, May 16, 1947, addressed to Dr. G. L. Cross, President, University of Oklahoma (in the files of the Attorney General).

¹¹²Opinion of the Attorney General of Oklahoma, May 5, 1948, addressed to Honorable R. R. Robinson, President, Central State College (in the files of the Attorney General).

On July 9, 1948,¹¹³ the Attorney General gave his opinion that the Board of Regents of the University of Oklahoma was without legal authority to sell and dispose of equipment or materials which were beyond repair or no longer usable by the University of Oklahoma and use the proceeds in connection with its regular funds.

On November 15, 1948,¹¹⁴ the Attorney General gave his opinion that a state college could not carry insurance on groceries and other supplies stored in a college building.

On February 15, 1949,¹¹⁵ the Attorney General gave his opinion that a member of the Board of Regents of the University of Oklahoma continues to serve in such capacity until his successor has been duly appointed and qualified.

On June 4, 1949,¹¹⁶ the Attorney General gave his opinion that money in the dormitory sinking fund of the Northern Oklahoma Junior College could not be invested in United States Savings Bonds or other securities.

On June 6, 1949,¹¹⁷ the Attorney General gave his opinion that the

¹¹³Opinion of the Attorney General of Oklahoma, July 9, 1948, addressed to Dr. G. L. Cross, President of University of Oklahoma (in the files of the Attorney General).

¹¹⁴Opinion of the Attorney General of Oklahoma, November 15, 1948, addressed to Board of Regents for Oklahoma Agricultural and Mechanical Colleges (in the files of the Attorney General).

¹¹⁵Opinion of the Attorney General of Oklahoma, February 15, 1949, addressed to Mr. Erl Deacon, President, Board of Regents of University of Oklahoma (in the files of the Attorney General).

¹¹⁶Opinion of the Attorney General of Oklahoma, June 4, 1949, addressed to Honorable Loren N. Brown, President, Northern Oklahoma Junior College (in the files of the Attorney General).

¹¹⁷Opinion of the Attorney General of Oklahoma, June 6, 1949, addressed to W. T. Doyel, Executive Secretary, Board of Regents of Oklahoma Colleges (in the files of the Attorney General).

Board of Regents of Oklahoma Colleges was authorized to receive bids, let contracts, supervise and have charge of construction of all buildings of the colleges under its jurisdiction, which buildings were constructed with funds allocated to the colleges by the State Regents for Higher Education.

On May 23, 1950,¹¹⁸ the Attorney General gave his opinion that the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges had authority to grant a 99 year lease on a part of the demonstration farm of Oklahoma Agricultural and Mechanical College.

On June 14, 1951,¹¹⁹ the Attorney General gave his opinion that the Constitutional Amendment,¹²⁰ creating the Board of Regents for Oklahoma Colleges, did not empower such Board of Regents to prescribe standards of higher education applicable to colleges under its jurisdiction or to determine the function and uses of study in such institution or to grant degrees or other forms or academic recognition for the completion of prescribed courses in such institutions.

On October 29, 1952,¹²¹ the Attorney General gave his opinion that the Oklahoma Geological Survey, being under the direction or supervision of the Board of Regents of the University of Oklahoma, was authorized to operate a revolving fund.

¹¹⁸ Opinion of the Attorney General of Oklahoma, May 24, 1950, addressed to Honorable R. T. Stuart, Chairman, Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (in the files of the Attorney General).

¹¹⁹ Opinion of the Attorney General of Oklahoma, June 14, 1951, addressed to State Board of Regents of Oklahoma Colleges (in the files of the Attorney General).

¹²⁰ Oklahoma, Constitution (1907), Art. XIII-B.

¹²¹ Opinion of the Attorney General of Oklahoma, October 29, 1952, addressed to Dr. G. L. Cross, President, University of Oklahoma (in the files of the Attorney General).

On June 5, 1954,¹²² the Attorney General gave his opinion that the Cameron State Agricultural College could not legally become a part of a paving district in which property of the college was situated so as to made the state liable for payment of part of the cost of payment of paving of the district.

Summary of Nature and Trends of Controls
of Higher Education From 1941 to 1955

This period had its beginning with the adoption of the amendment to the State Constitution, Section XIII-A, providing for a state system of higher education and creating a co-ordinating board of control for all state institutions of higher learning. This board was given broad powers in determining functions, approving courses of study, and allocating funds for the support of the various institutions of the system.

A predominant trend, during this period, was the tendency of the legislature to concern itself with broad policies and adjustments having to do with the system of higher education and less with operational policies and procedures of individual institutions. There was a tendency for the people, through constitutional amendment and the legislature to delegate broad powers to the control board of the system and to the governing boards of institutions.

There was a definite trend toward constitutionalizing governing boards. During the period, all but three of the eighteen institutions in the system were placed under the jurisdiction of constitutional

¹²²Opinion of the Attorney General of Oklahoma, June 5, 1954, addressed to Mrs. Helen Sittel, Executive Secretary, Board of Regents for Oklahoma Agricultural and Mechanical Colleges (in the files of the Attorney General).

boards for operation, and resolutions proposing constitutional boards for two of these institutions were adopted by the Twenty-fifth Oklahoma Legislature.

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It will be noted that, during this period, authority for the use of self-liquidating bonds to provide buildings and equipment for institutions of the system was broadened to allow for this method of financing to be used for almost any part or all of the physical plant, when in the judgment of the governing boards it seemed feasible to do so.

CHAPTER V

SUMMARY

The study was concerned with the establishment and development of the legal controls of public higher education in Oklahoma. The problem was to identify and compile a chronological record of the legal controls of public higher education as set forth in the constitution, the statutes, judicial decisions, and opinions of the Attorney General from the establishment of Oklahoma territorial government in 1890 to July 1, 1955.

Only public institutions of higher learning, those established by the territory or by the state which currently comprise the State System of Higher Education in Oklahoma and whose financial support comes primarily from appropriations made by the state legislature, were included in the study.

The study did not include data pertaining to the institutions of Indian Territory. It did not include administrative policies promulgated by governing boards of institutions and the control board of the state system. Neither did the study include the background for establishment of the legal controls or the effect of their application; rather, it was concerned with: What were the legal controls? Controls relating to private and municipal institutions of higher learning were excluded.

The purpose of the study was to bring together the legal provisions which have served through the years to control public higher education in

Oklahoma and to organize them in a form convenient for use by administrators, students and other interested persons in their pursuit of knowledge and understanding of the development of legal controls of public higher education in the state.

The methodology used was a combination of the methods of historical and legal research considered appropriate for this study. Pertinent provisions of the Organic Act, the State Constitution, the statutes, and opinions of the Attorney General were identified and transcribed. The materials were arranged to form a chronological record of the controls as they were established during the three periods 1890 to 1907, 1907 to 1941, and 1941 to 1955. *3 periods*

Establishment and Trends of Controls
During the Period of 1890 to 1907

Immediately after the territorial government was organized in 1890, the territorial legislature and governor, in exercising their legislative powers, began the establishment of institutions of higher learning. The first institution established was The University of Oklahoma which was established on December 19, 1890. Its purpose was to provide university education and train teachers for the common schools of the territory. It was governed by a Board of Regents of six members and was located at Norman.

The next institution established was the Oklahoma Agricultural and Mechanical College which was established on December 25, 1890. Its primary purpose was to provide practical instruction in agriculture and the appropriate natural sciences. It was governed by a Board of Regents of six members and was located at Stillwater.

Also, on December 25, 1890, a normal school, now known as Central State College, was established at Edmond. It had as its purpose the training of teachers for the common schools of the territory and was governed by a Board of Education composed of five members.

On March 12, 1897, another normal school, now known as Northwestern State College, was established at Alva. It had the same purpose and was governed by the same Board of Education as the normal school at Edmond.

Also, on March 12, 1897, the Colored Agricultural and Normal University, now known as Langston University, was established at Langston. Its purpose was to provide education in agriculture for Negroes and to train teachers for Negro schools. It was governed by a Board of Regents composed of five members.

On March 8, 1901, another normal school, now known as Southwestern State College, was authorized for the southwestern portion of the territory and ultimately was located at Weatherford. Its purpose was the same as that of the normal schools at Edmond and Alva and was governed by the same Board of Education which had control of these schools.

On March 8, 1901, the University Preparatory School, now known as Northern Oklahoma Junior College, was established at Tonkawa. Its primary purpose was to prepare students for admission to the University of Oklahoma. It was governed by a Board of Regents composed of three members. A levy of one-fifth of a mill on the taxable property of the territory was made for the support of the institution and this was the first instance of the use by the territory of an ear-marked tax for the support of an institution of higher learning.

The people of the towns where the institutions were located were required by law to provide the sites for the institutions. The laws establishing the institutions prescribed the courses of study. In each

*concerned with
or colleges left
now.*

quotable

institution, provision was made for the training of teachers for the public elementary and secondary schools except at Tonkawa, and the institution there was university preparatory in nature. The laws authorized certification of teachers on the basis of college diplomas and by the authority of the Superintendent of Public Instruction.

The selection of personnel and their compensation were fixed by the governing boards of the institutions. The law provided that no religious or sectarian tests could be applied in the selection of personnel or in prescribing rules for admission of students.

The governing boards were given authority to conduct entrance examinations of prospective students. Minimum and maximum ages for admission were fixed by law.

Few legal limitations were placed upon the actual operation of the institutions. Very few changes were made in the statutes following the establishment of institutions of higher learning. The records reveal that few cases were taken to the courts and no opinions were requested of the Attorney General during the territorial period.

Establishment and Trends of Controls
During the Period of 1907 to 1941

Soon after statehood, eleven other institutions now in the state system of higher education were established by sessions of the state legislature.

The Northeastern Normal School, now known as Northeastern State College, was established at Tahlequah on March 6, 1909. Also on this date, the Southeastern Normal School, now known as Southeastern State College, was established at Durant. On March 25, 1909, the East Central Normal School, now known as East Central State College, was established

at Ada. The law provided that the purpose of these three normal schools was to train teachers. The normal schools at Tahlequah, Durant, and Ada were governed by the Board of Education, which was the board of control for the normal schools at Edmond, Alva, and Weatherford.

In 1910, a Board of Normal School Regents was created as the governing board of the six normal schools. In 1911, these six schools were placed under the control of the State Board of Education. In 1939, a special Board of Regents was created for the control of the six normal schools.

On May 16, 1908, the Oklahoma Industrial Institute and College for Girls, now known as The Oklahoma College for Women, was established at Chickasha. Its purpose was to provide a special program of education for women. It was governed by a Board of Regents until 1911 when it was placed under the State Board of Education. The State Board of Education was the board of control until 1919, when the legislature created a special board of control for the college.

On June 10, 1909, a district agricultural college, now known as Panhandle Agricultural and Mechanical College, was located at Goodwell. Its purpose was to provide instruction in agricultural and mechanical arts at the secondary level, preparing students for the Oklahoma Agricultural and Mechanical College and the state normal schools. It was operated by the State Commission of Agricultural and Industrial Education until 1911 when it was placed under the State Board of Agriculture.

On May 20, 1908, three district secondary agricultural schools, now known as Murray State Agricultural College, Connors State Agricultural College, and Cameron State Agricultural College, were established at Tishomingo, Warner, and Lawton, respectively. Their purpose

was to provide instruction in agricultural and mechanical arts at the secondary level, preparing students for the Oklahoma Agricultural and Mechanical College and the state normal schools. These district secondary schools were operated by the State Commission of Agricultural and Industrial Education until 1911, when they were placed under the State Board of Agriculture.

On May 25, 1909, the Eastern University Preparatory School, now known as Oklahoma Military Academy, was established at Claremore. The purpose of the school was to prepare students for admission to the University and other institutions of higher education in the state. The school was governed by a Board of Regents until 1911 when it was placed under the State Board of Education, under whose control it remained until 1919, when a special Board of Regents was again created as the governing board of the school.

On May 28, 1908, the School of Mines and Metallurgy, now known as Eastern Oklahoma Agricultural and Mechanical College, was established at Wilburton. Its purpose was to provide training in mining and metallurgy. The course of study was to include four years of training and it was authorized to grant degrees. It was governed by a Board of Regents until 1911 when it was placed under the State Board of Education, under whose control it remained until 1919 when a special Board of Regents was again set up as the governing board of the school.

The last college in the present system of higher education to be established was the Miami School of Mines, now known as Northeastern Oklahoma Agricultural and Mechanical College. This school was established at Miami on March 17, 1919. It had as its purpose training in the science of mining and the study of metals, but the courses of study

were also to include general education courses. The school was governed by a Board of Regents. In 1924, it became the first designated state junior college, with its primary purpose being that of providing training for those students who planned no further college education beyond the sophomore year. *first terminal*

It will be noted that in 1911 the State Board of Education became the governing board for all institutions except the agricultural and mechanical colleges which were governed by the State Board of Agriculture.

Beginning in 1919, there was a trend to remove institutions from the control of the State Board of Education and to create boards of regents for individual institutions. The normal schools remained under the control of the State Board of Education. Also, the agricultural schools remained under the control of the State Board of Agriculture.

In 1915, governing boards were authorized to fix and collect fees and to charge tuition for non-resident students of Oklahoma. It was provided, however, that students from states whose institutions did not charge Oklahoma students could not be charged tuition.

In 1917, an act of the legislature listed the names of institutions authorized to grant degrees. They were The University of Oklahoma, The Oklahoma Agricultural and Mechanical College, The Oklahoma College for Women, The School of Mines and Metallurgy, and several private colleges. The act also empowered the State Board of Education to approve other institutions to grant degrees upon proper application and after having met standards provided by it for this purpose. *also when no money class 2 yrs*

In 1921, the first law was passed permitting construction of dormitories through the use of self-liquidating bonds. This law marked the beginning of a series of laws granting authority to governing boards

of various colleges for the issuance of self-liquidating bonds to build and equip dormitories, student unions, power plants, and cafeterias on the campuses of the various state institutions of higher education.

A State Co-ordinating Board of eight members, which included five representatives chosen from the institutions of higher learning, was created in 1929 to co-ordinate the functions of the various institutions and to unify the group as a state system of higher education. This was the beginning of statewide co-ordination for institutions of higher education.

In 1937, the legislature authorized governing boards to carry use and occupancy insurance on buildings constructed with self-liquidating revenue bonds.

After the establishment of the Co-ordinating Board, a trend developed to group colleges having a kindred purpose. Names were changed, modifications were made in the legal definition of purposes, and governing boards were reorganized with a tendency toward increasing the membership and lengthening terms of office, thus aiming at strengthening stability. Powers were increased for boards and administrative officers to require, by regulation, higher standards of qualifications for staffs.

There was a trend for greater opportunities for more people to receive benefits of programs of higher education. Student aid and scholarships were inaugurated, curriculums were broadened, and the policy of providing housing for students on campuses was established.

*extension of
Co-ordinating
Board*

Establishment and Trends of Controls
During the Period of 1941 to 1955

The adoption of an amendment to the State Constitution in 1941 providing for a State System of Higher Education and creating a

co-ordinating board of control for all state institutions of higher learning marked the beginning of the third period as used in the study. The control board was given broad powers in determining functions, approving courses of study, and allocating funds for the support of the various institutions of the system.

A trend noted during this period was the tendency of the legislature to concern itself with broad policies and adjustments having to do with the system of higher education and less with detailed policies of individual institutions. There was a tendency for the people, through constitutional amendment, and for the legislature by statute, to delegate broad powers to the control board of the system and to the governing boards of institutions.

There was a definite trend toward constitutionalizing governing boards. By 1948, all except three institutions of the system had been placed under constitutional boards for operation. The legislature in 1955 adopted resolutions referring to the people proposals for constitutional boards for two of the remaining three institutions being governed by statutory boards.

During the period 1941 to 1955, authority for the use of self-liquidating bonds to provide buildings and equipment for the institutions of the system was broadened to authorize this method of financing to be used for such part or parts of the physical plant as, in the judgment of the governing boards, seemed feasible.

Significant Controls and Trends

There were several controls and trends which are considered to be of unusual significance in the establishment and operation of the institutions of higher education and the State System of Higher Education

for Oklahoma. Some of the significant controls and trends, and observations regarding them, are as follows:

*make it apply
just to
colleges*

1. Territorial and state legislatures, in the exercise of powers granted them by the Organic Act and the State Constitution, established the eighteen institutions which now comprise the Oklahoma State System of Higher Education. These were established for the purpose of providing public higher education for Oklahoma.
2. During the territorial period, institutions of higher education, when once established, generally remained unchanged regarding purpose and control.
3. Provisions for the training of teachers and education for agricultural development were emphasized in the purposes of institutions of higher learning during the territorial period.
4. Communities where institutions were located were required to provide sites for the campuses. Also, laws establishing The University of Oklahoma, The Oklahoma Agricultural and Mechanical College, and the Central State College, required counties in which the institutions were located to issue bonds to provide funds to help construct the buildings.
5. A trend for grouping institutions under fewer boards for their operation was established in 1911 in the placing of institutions under the State Board of Education or the State Board of Agriculture.
6. In a significant judicial decision of April 14, 1908, the Supreme Court held that the State Board of Education, created by the State Constitution, had no jurisdiction over the affairs of administration of the University of Oklahoma.
7. In 1915, the legislature authorized governing boards to fix and collect fees, and charge tuition for non-resident students.
8. In 1917, the legislature provided for the granting of degrees by naming institutions in the law which were authorized to grant them. The act also empowered the State Board of Education to approve other institutions to grant degrees upon proper application and after having met standards set by the board for this purpose.
9. In 1921, the legislature authorized the issuance of self-liquidating bonds for the construction of dormitories. Later, this authority was extended for the construction of student unions, power plants, cafeterias, and other buildings considered essential by the governing boards of the respective institutions.
10. In 1929, a State Co-ordinating Board was established for the purpose of co-ordinating the functions of the various institutions and unifying them into a state system of higher education.

- 11. In 1937, the legislature authorized governing boards to carry use and occupancy insurance on buildings constructed with self-liquidating bond revenues.
- 12. On March 11, 1941, the people of the state adopted an amendment to the constitution providing for a State System of Higher Education and a co-ordinating board known as the State Regents for Higher Education.
- 13. In 1944, the people adopted an amendment to the State Constitution providing for a constitutional Board of Regents for the Agricultural and Mechanical Colleges of Oklahoma. *3 - Cannon*
- 14. In 1944, the people adopted an amendment to the State Constitution providing for a constitutional Board of Regents for The University of Oklahoma.
- 15. In 1948, the people adopted an amendment to the State Constitution providing for a constitutional Board of Regents for the six Oklahoma State Colleges.
- 16. In 1955, the legislature adopted resolutions submitting questions to the people proposing constitutional governing boards for The Oklahoma College for Women and the Oklahoma Military Academy. *6/11/55*

This study reveals that Oklahoma has provided extensive opportunities for eligible students to attend institutions of higher education. The institutions are distributed geographically so as to provide education beyond high school within reasonable distance of students in all sections of Oklahoma. Steps have been taken to provide the bases of control for developing a stable, co-ordinated and adequate system of higher education for the youth of Oklahoma.

Suggested Areas for Further Study

Two areas for further study are suggested as a basis for supplementing the findings of this study. These are: (1) the effect of controls on operation and adaptability of educational programs in the institutions of public higher education in Oklahoma, and (2) the history of financial support of public higher education in Oklahoma.

*3 - Cannon
Cannon
Cannon*

*Good
summary
see
p. 11
p. 12
p. 13*

*see
to look
for them*

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