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STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

January 16, 1974

Opinion No. 74-15

Robert H. Meyer
Attorney at Law
Mankato, Kansas 66956

Re: Beloit Vo-Tech School

Dear Mr. Meyer:

We do apologize for our delay in responding to your inquiry concerning "training mission" projects by students of the Beloit area vocational-technical school.

Under K.S.A. 72-4408 et seq. the general guidelines for vocational education in this state are established. In K.S.A. 72-4412(g) we find such education defined:

"'Vocational education' means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract . . . and is conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals"

As you can see, this definition is a sweeping legislative mandate.

The statute, K.S.A. 72-4413, provides for the development of a state plan for vocational education. The 1973 State Plan includes a chart listing the instructional programs offered; among these is one on heavy equipment in the trade and industry division. The Plan provides for cooperative vocational education programs which are arrangements between the educational

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agency and employers for the purpose of instruction both academic and vocational. This is done by the alternation of study in school with a job in any occupational field.

The standards state:

"The program will provide on-the-job training that (1) is related to existing career opportunities . . . , (2) does not replace other workers who perform similar work, (3) employs student learners in conformity with Federal, State and local laws and regulations, and in a manner not resulting in exploitation of the student-learner for private gain, (4) is conducted in accordance with a written training plan or agreement . . . , and (5) is based on student readiness to profit from both employment and classroom instruction."

In a parallel area provision is made for workstudy endeavors under federal funding. In these, the employment will be for the local educational agency or some other public agency or institution (Federal, State, or local) under a written agreement. Those doing the work are not to supplant present employees of the agency who usually do such work.

In sum, if a written agreement is entered into and the standards are met, the "in-training" programs will meet the statutory requirement of "a program designed to prepare individuals for gainful employment."

Very truly yours,



VERN MILLER
Attorney General

VM:DMH:jsm