

**OPINION
69-364**

February 19, 1969 (OPINION)

Mr. Reuben Guenther

State Supervisor of Manpower

State Board for Vocational Education

RE: State - Vocational Education - Contract with Private Agencies

This is in reply to your letter of February 14, 1969, in which you ask the following question:

May State funds appropriated to the State Board for Vocational Education for Manpower Developing and Training be used to reimburse private industry for training purposes?"

The vocational education and vocational rehabilitation statutes are both found in chapter 15-20 of the North Dakota Century Code, as amended. The vocational rehabilitation statutes are found in sections 15-20-11 through 15-20-24 of the North Dakota Century Code, as amended. The vocational education statutes are found in sections 15-20-01 through 15-20-10.4 of the North Dakota Century Code, as amended. The vocational rehabilitation statutes leave no doubt but that private facilities may be used to further the program. See, e.g., section 15-20-12(7) and section 15-20-14 of the North Dakota Century Code.

The vocational education statutes, on the other hand, do not provide for agreements with private agencies or institutions. Thus sections 15-20-04 and 15-20-06 refer to school districts, county agricultural and training schools, the public school system of education in the State, etc. Section 15-20-06, as amended, specifically authorizes the governing body of any school district and the board of trustees of any county agricultural and training school to cooperate with the State in the establishment and maintenance of schools, departments, or classes in vocational education giving instruction in agricultural, trade, industrial, home economics, distributive education, office education, health occupations, or technical education subjects. The section further provides that these schools may use moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. The statute makes no reference to private schools or institutions or private industry.

While subsection 7 of section 15-20-04 does authorize the board for vocational education to "cooperate with local communities in the maintenance of vocational schools, departments, or classes," there is no mention of private schools or private industry in the statutes.

In view of the fact the applicable statutes make no reference to private schools or institutions in the vocational education program, we must conclude there is no authority for the State Board for Vocational Education to expend State funds to reimburse private

industry for training purposes.

HELGI JOHANNESON

Attorney General