

OFFICE OF THE
ATTORNEY GENERAL

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STATE OF ALABAMA

JAN 4 1988

88-00097

Honorable Thad McClammy
President
Trenholm State Technical College
P. O. Box 9000
Montgomery, AL 36108

Trade Schools and Junior
Colleges - Private Work -
Students

"Live work" projects of state
technical colleges must comply
with requirements of the State
Department of Education.

Dear President McClammy:

Reference is made to your request for an opinion of the Attorney General regarding certain "live work" projects undertaken by Trenholm State Technical College. These projects involved work on St. Stephens Baptist Church in Montgomery and the refurbishing of school buses by Wright's Auto Repair, Inc.

The Attorney General does not render opinions on events or factual situations which have already occurred (Code of Alabama 1975, Section 36-15-20). However, I will give you some guidance to use in the future on projects similar to those discussed in your request.

The State Department of Education has approved on-site work projects as part of a student's training at a state technical college or institute provided that there is no personal profit, gain or competition with private enterprise. "Live work" projects such as those described in your request are valid provided such projects meet the requirements of the State Department of Education for "live work" projects.

The "live work" project in your first example involved a church, the pastor of which is a member of the State Board of Education. An officer or employee of the State Board of Education or the State Department of Education who has any connection with a "live work" project must be careful that there is no conflict of interest involved and that he receives no personal or financial benefit from the project.

In the policies of the State Department of Education dated April 10, 1975, a copy of which is enclosed in your request, there are certain restrictions placed on "live work" projects in order to avoid competition with private enterprise. These restrictions are as follows:

- "(1) Live work will be done only when it is essential to training and necessary for the acquisition of occupational skills leading to employment.
- (2) Live work will not be performed when there is any connection with or relation to the making of a financial profit by a program, organization, institution, or individual.
- (3) No person regardless of his connections shall use the State Technical Institutes/Colleges for personal gain or profit."

A "live work" project, such as the one in your second example involving a private business, must be carefully reviewed to assure that there is full compliance with the policies of the Department of Education. There must not be any connection or relation to the making of a financial profit by the business.

The policies of the Department of Education state that "live work" projects may be conducted for individuals or organizations other than public employees, students in technical colleges or charitable organizations if the director of the college justifies in writing why the project is necessary and files a signed copy with the State Superintendent of Education. This requirement must be followed when any "live work" project similar to that in your second example is undertaken.

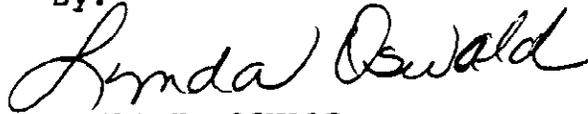
Honorable Thad McClammy
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If our office can be of assistance in the future, please
let us knōw.

Sincerely,

DON SIEGELMAN
Attorney General

By:

A handwritten signature in cursive script that reads "Lynda Oswald". The signature is written in dark ink and is positioned above the typed name and title.

LYNDA K. OSWALD
Assistant Attorney General

DS/LKO/jho