

DATE: November 19, 1985

TO: Patrick Moore, Executive Director, San Diego
Regional Employment and Training Consortium

FROM: City Attorney

SUBJECT: Student Career Introduction Program

You have asked this office if the Student Career Internship Program as described by San Diego Regional Employment and Training Consortium (San Diego RETC) is a proper activity under the Job Training Partnership Act (JTPA) and the California Constitution. It is an inappropriate activity under JTPA. Our rationale is as follows:

In 1985 your staff received a grant from the State of California to conduct a student internship program. The grant has funded from the Governor's discretionary funds provided under the JTPA (PL 97-300, 29 USC 1501 et seq.) In paragraph B of the program is a description of the goal of the program:

Goal: To encourage participating

students to emphasize courses in mathematics and science during their senior year in high school and to instill a desire to continue this field of study by attending a college or technical school upon graduation from high school.

Concerns regarding the purpose of the program were also the subject of a Memorandum of Law to Jack McGrory. San Diego City Attorney's Memorandum of Law, ML-85-80 (11/5/85). Initially our office was concerned about the potential for conflict between this proposal and the State Constitutional prohibition on aid to private for profit corporations. During our review of this matter we have determined that it is not necessary to reach the Constitutional issues since the program, as designed, is not consistent with the enabling legislation.

The student career intern program includes tryout employment as the major part of its activities (13 out of 17 weeks). The program is described as being an exemplary youth programs governed by 29 USC 1605. The Job Training Partnership Act Regulations at 20 CFR 630.1(c)(2) provide that "tryout employment in private for profit worksites may be conducted only in accordance with section 205(d) of the Act."

Section 205(d)(1) of the Act is codified at 29 USC 1605(d)(1)

and reads as follows:

(1) The job training plan may provide for the conduct of an "entry employment experience program" for youth who--

(a) have completed preemployment skills training or its equivalent;

(b) have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

(c) are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of the school or education program during the current or most recent term, with priority given to youth who do not plan to continue on to postsecondary education.

(Emphasis added.)

The San Diego RETC program design contemplates instilling a desire to attend college or post secondary school upon high school graduation. The youth that the authorizing legislation mandates priority for are not the participants who would meet the goals of the Student Career Intern Program. The skill fields targeted by the program are architecture, engineering and accounting all of which would require post secondary education. (California Business & Professions Code sections 5552, 6751 and 5081.1) No provisions are made in the program for youth who do not intend to pursue the advanced educational goals of the program.

It would appear that the laudable objectives of this program are in conflict with the priorities set by Congress in its allocation of monies.

JOHN W. WITT, City Attorney

By

John K. Riess

Deputy City Attorney

JKR:mem:664.3:360(x043.2)

Attachment

ML-85-83