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B-164031(1)

The Honorable M. Gene Snyder
House of Representatives

R Dear Mr. Snyder:

In response to your request of December 1, 1972, we obtained information on the charge made by Dr. Tom L. Gabbard, Superintendent, Newport City Schools, Kentucky, in his November 20, 1972, letter to you. Dr. Gabbard stated that the Kentucky Department of Education violates the Kentucky State Plan for Vocational Education and Federal regulations on vocational education because it will not fund the Newport Board of Education's application for a locally operated area vocational education center.

We discussed the matter with Dr. Gabbard and with officials of the Office of Education (OE), Department of Health, Education, and Welfare, and the Kentucky Department of Education. OE and Kentucky Department of Education officials said that State law regulates the way area vocational schools are operated. Kentucky has both State operated and locally operated vocational schools. OE officials stated that the arrangements for operating area vocational schools must be worked out between the State and the local communities involved.

The Newport Board of Education submitted an application in March 1970 to construct an area vocational school in Newport to be financed by Federal, State, and local funds. The totally new facility was to meet the vocational, industrial, technical, and academic needs of students from the Newport Independent School District. Students from other school districts in the area--Bellevue, Dayton, Fort Thomas, Silver Grove--could attend the vocational, industrial, and technical courses.

The State Board of Education commended the Newport Board of Education's proposal. In April 1971 the State Board of Education approved Newport's application, but as a State operated extension center at Newport High School. Dr. Gabbard opposes the State Board of Education decision and believes that the Newport Independent School District should operate the proposed facility.

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State officials said that Newport's application was not approved as a locally operated area vocational school because the State must control funds it supplies for operating vocational schools. State officials believe that the proposed facility cannot operate without separate State funds, because the Newport Independent School District does not have enough tax revenue to operate the school. Also, if the proposed facility were operated locally, there would be no assurance that students from other school districts could attend.

The Vocational Education Act of 1963, as amended, which authorizes the principal Federal funding for vocational education, requires the States to submit a State plan to OE. OE approved the Kentucky State Board of Education's plan which provides two options for operating vocational education programs: (1) State administration of the State plan or (2) State supervision of local administration of the State plan. These options comply with State law. Kentucky Revised Statute 156.010 states:

The Department of Education * * * may exercise certain powers and functions relating to Area Vocation Schools * * *.

The Kentucky Assistant Superintendent for Vocational Education stated that the State statute, the State Board of Education's decision, and Kentucky House Bill No. 335 which appropriated funds for the operation of State area vocational schools, prohibit Newport from operating the proposed vocational school without State consent. In Kentucky, only the Louisville and Jefferson County school districts operate their vocational educational centers. State officials said that these districts are permitted to operate an area vocational education center because they are large enough to financially support the operation without separate State funds, but that they still are responsible to the State Department of Education.

The Kentucky Superintendent of Public Instruction said that Dayton and Bellevue school district and Northern Kentucky Catholic Diocesan Board of Education officials are concerned that their students might not be able to share equitably in the facility if Newport were allowed to operate the proposed vocational school.

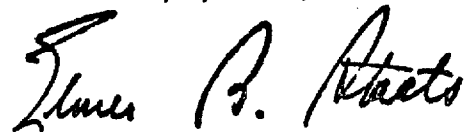
We believe the Kentucky Department of Education decision concerning operation of the Newport facility does not violate the Kentucky State Plan for Vocational Education or Federal

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regulations pertaining to vocational education. We also concur in OE's opinion that arrangements for operating the proposed area vocational education center in Newport is a matter which the State and the Newport Independent School District must work out.

We trust this information will be useful to you.

Sincerely yours,

A handwritten signature in cursive script, reading "James B. Staats". The signature is written in dark ink and is positioned above the printed name and title.

Comptroller General
of the United States