


CALIFORNIA COMMUNITY COLLEGES

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August 29, 1995

TO: Paul Mitchell, CalSACC President  
FROM: Ralph Black, Assistant General Counsel   
Subject: Legal Opinion O 95-24

**Synopsis:** Attached is the legal opinion you requested regarding appropriate uses of student representation fee revenue.

**Action/Date Requested:** Review and distribute as necessary.

**Contact:** Ralph Black, (916) 327-5692

cc: Thelma Scott-Skillman  
Rod Tarrer

## Legal Opinion O 95-24

### Issue:

You have asked whether student representation fee revenue may be used to pay for certain ancillary expenses associated with representing student interests with governmental entities. In particular, you have asked if such funds can be used to pay for:

1. student attendance at conferences and meetings sponsored by CalSACC or other non-partisan student organizations;
2. organizational dues and or special donations to CalSACC or any other recognized student lobbying association;
3. purchase of equipment used for lobbying and or advocacy such as computers, printers, modems, faxes, and software;
4. subscriptions to newsletters and or magazines such as the Chronicle of Higher Education or the California Journal;
5. advertisements in either local or campus newspapers consisting of information about legislative issues of interest to the student body;
6. travel expenses for lobbying and or advocacy for students;
7. the cost of attending conferences that are for the purposes of legislative training, legislative awareness, disbursement of legislative information, or the election of officers of a recognized student lobbying organization; and
8. hosting conferences on legislative issues for either the general student body, the state organization, or one of the recognized caucuses within the state organization.

### Analysis:

The student representation fee is authorized by Education Code Section 76060.5 and implementing Title 5 regulations commencing with Section 54801. Section 54805 requires a notice to be provided to students stating that: "the money collected pursuant to this article shall be expended to provide support for students or representatives who may be stating their positions and viewpoints before city, county, and district government, and before offices and agencies of the state and federal government."

For purposes of this discussion, the key phrase in the quoted sentence is "to provide support for students or representatives . . . ." All of the above listed activities are ones which directly or indirectly "support" the efforts of students or their representatives to present their views to legislative or administrative bodies. The only question is how direct the connection must be between the

activity and the ultimate objective of advocating for student interests. Obviously some nexus is required, but for the reasons set forth below, we believe indirect support of the kind provided by the enumerated activities is sufficient.

First, we observe that all financial support for student representatives is indirect in a certain sense. For example, if the president of a student body association testifies before a legislative committee, the costs associated with his or her travel to the capitol can be said to "support" this legislative activity and there seems little doubt that these costs could be paid from revenue generated by the student representation fee. But these expenses are not incurred for activities which occur at the capitol at the moment the testimony is being delivered—they are incurred for activities which occur at other locations either before or after the actual legislative hearing. Travel expenses are only payable from student representation fee revenue because they indirectly support and make possible the representation activity.

Attending a conference or using a computer to obtain information necessary to prepare to give testimony would seem no less directly related. Indeed, it would seem absurd to suggest that student representation fee revenue could be used to get a student representative to a hearing but not to prepare him or her to speak intelligently to the issues at hand.

It should be noted that disseminating legislative information to students presents a slightly different issue. Here we are not dealing with supporting representatives in their efforts to advocate, but Section 54805 seems to encompass even this activity because it states that funds can be used to support "students or representatives." If individual students are to express their views to elected officials, they must have information and paying for the costs of disseminating this information would seem to be an appropriate use of student representation fee revenue.

This reasoning is consistent with the approach we took in Legal Opinion L 91-15 in which we concluded that, in view of the permissive code, Section 54805 should be interpreted to "afford districts the maximum flexibility" in use of student representation fee revenue.

### **Conclusion:**

Thus, we find that student representation fee revenue can properly be used to pay for all of the listed expenses since they directly or indirectly support students or student representatives in presenting their views to governmental entities.