

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET
SACRAMENTO, CA 95811-6549
(916) 445-8752
<http://www.cccco.edu>



Date: March 27, 2012

To: Linda Michalowski
Vice Chancellor, Student Services Division

From: Michelle Goldberg
Staff Counsel, Legal Affairs Division

Re: Representation Fee for Advocacy
Legal Opinion 12-04

ISSUE

You have asked whether local student body organizations can donate the student representation fees collected pursuant to Education Code section 76060.5 to the Student Senate for California Community Colleges (SSCCC) to be used for student attendance at conferences and general meetings sponsored by the SSSCC.

BACKGROUND

The SSSCC was "established in conjunction with local associated student organizations so that the community college students of California may have a formal and effective means for participating in the formation of state policies that have or may have a significant impact on students." (Cal. Code Regs., tit. 5, § 50002, subd. (a); see also Procedures and Standing Orders of the Board of Governors (Standing Order) 333(a).) The Board of Governors recognizes the SSSCC as "the representative of community college students in the Consultation Process and before the Board of Governors and Chancellor's Office." (Standing Order 333(b).)

SSCCC replaced California Student Association of Community Colleges (CalSACC) as the statewide student representative body in about 2006. Not dissimilar to SSSCC, one of CalSACC's primary purposes was to provide a mechanism by which student body associations could cooperate in addressing statewide issues. (See, Legal Opinion 93-10.)

ANALYSIS

Student representation fees are collected pursuant to Education Code section 76060.5. "The money collected pursuant to this section shall be expended to provide for the support of governmental affairs representatives who may be stating their positions and viewpoints before city, county, and district governments, and before offices and agencies of the state government." (Ed. Code § 76060.5;

see also title 5, § 50480, subd. (a), which restates this requirement.) The term “governmental affairs representatives” would include students advocating on behalf of students.

In Legal Opinion 95-24, we concluded that the student representation fee could properly be used to pay for certain expenses by CalSACC since they directly or indirectly supported students or student representatives in presenting their view to governmental entities. Those authorized expenses included:

- student attendance at conferences and meetings sponsored by CalSACC;
- organizational dues to CalSACC;
- special donations to CalSACC;
- equipment used for lobbying and or advocacy such as computers, printers, modems, faxes and software;
- subscription to specified newsletters or magazines;
- advertisement in local or campus newspapers regarding legislative issues of interest to the student body;
- travel expenses for lobbying and or advocacy for students;
- 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
- hosting conferences on legislative issues for the general student body, the state organization, or one of the recognized caucuses within the state organization.

In finding that the student representation fees could properly be used for these expenses, including payment of dues and making donations to CalSACC, we reasoned that while some nexus was required between the activity for which the expense was being made and the ultimate objective of advocating for student interests, expenses for indirect support such as those set forth above was an appropriate use of student representation fees collected pursuant to Education Code section 76060.5. (Legal Opinion 95-24, at p. 2.)

Much like its predecessor CalSACC, SSSCC has as one of its primary purposes, “[t]o serve as the voice of the students in matters of statewide concern and before the Board of Governors, Consultation Council, and all statewide boards, committees, and ad hoc groups.” (SSSCC, Const., art. II, § 1(a).) To fulfill this purpose, SSSCC representatives state their positions and viewpoints before various governmental entities, not the least of which is the Board of Governors. Thus, consistent with our opinion regarding appropriate use of student representation fees by CalSACC, it would be appropriate for student representation fees to be donated to SSSCC for their use for these purposes. Further, as long as there is some nexus between the activities for which the expenses are being made and the ultimate objective of advocating for the students’ interests, expenses for indirect support such as those set forth above are also an appropriate use of the student representation fees.

CONCLUSION

Therefore, student representation fees can be donated to SSSCC for direct and indirect expenses related to advocating for student interests. This would, of course, include the attendance of SSSCC representatives at the General Assembly, as well as expenses related to the General Assembly and other conferences, as long as there is some articulable and rational relationship between the expense and the purpose of allowing governmental affairs representatives to advocate for students' interests.