



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

July 7, 1975

ATTORNEY GENERAL OPINION NO. 75- 280

The Honorable Frank D. Gaines
State Senator
Box 219
Augusta, Kansas 67010

Re: Schools and Colleges--Dues and Membership Fees

Synopsis: Kansas community junior colleges may pay dues or membership fees in the North Central Association of Colleges and Secondary Schools and Jayhawk Junior College Conference, and not in Association of Community College Trustees, North Central Council of Junior Colleges, and American Association of Community and Junior Colleges.

* * *

Dear Senator Gaines:

You inquire concerning Opinion No. 75-226, concluding that expenditures by community junior college districts for affiliation with the Kansas Association of Community Junior Colleges was unauthorized by Kansas law. You raise the further question of the legality of paying dues or membership fees in five other organizations, North Central Association of Colleges and Secondary Schools, American Association of Community and Junior Colleges, North Central Council of Junior Colleges, Jayhawk Junior College Conference and Association of Community College Trustees.

In considering the legality of payments of dues or membership fees to each of these organizations, we must do so in light of the established statutory law, and the inferences and implications thereof, as set out in our earlier opinion. In that opinion, we stated thus:

"Any ambiguity in the general powers of boards of trustees as respects authority

The Honorable Frank D. Gaines
Page Two
July 7, 1975

to pay funds of the district for affiliation with Kansas school and college associations must be resolved in accordance with the maxim *expressio unius est exclusio alterius* -- that is, the enumeration of express authority to pay dues for membership in one such association excludes the implication of authority to join any other *like* association." [Emphasis supplied.]

Alone among the organizations listed above, the North Central Association of Colleges and Secondary Schools is an accrediting agency. Accreditation is manifestly necessary to enable the college to fulfill its educational mission to its students. You advise that accreditation is required by Kansas law. In order to remain accredited, membership dues must be paid at the beginning of the fiscal year. As an accrediting agency, the North Central Association is totally unlike the Kansas Association of Community Junior Colleges or, indeed, the Kansas Association of School Boards. The specific authority respecting the Kansas Association of School Boards does not raise an inference that payments may not be made to accrediting agencies, and we conclude that such payments are within the authority of Kansas community junior college districts.

The Jayhawk Junior College Conference, again, is unlike that single organization for which authority for payment of membership dues is authorized. You advise that it is through membership in this conference that Kansas community junior colleges hold membership in the National Junior College Athletic Association, and that without membership in these two groups, Kansas community colleges would be ineligible for participation and competition in organized national junior and community college athletic competition. Once again, the Conference is an organization in which membership is a prerequisite for participation by the colleges in formal athletic competition, and thus is totally unlike either the Kansas Association of School Boards or the Kansas Association of Community Colleges. Dues for affiliation with the Conference are similar, in our view, to payment of dues for academic accreditation, and are similarly within the authority of the colleges, in our view.

The American Association of Community and Junior Colleges serves community and junior colleges in the fifty states, you indicate,

The Honorable Frank D. Gaines
Page Three
July 7, 1975

providing its affiliates with information on curriculum and other facets of college operation. The North Central Council on Junior Colleges serve generally the same area as the North Central Association. It is not an accrediting agency, however, and its purpose is primarily the exchange of information and cooperation among colleges for the strengthening of programs for the benefits of its members. The Association of Community College Trustees is a national organization, you indicate, to provide through weekly and monthly news letters and bulletins, as well as quarterly regional meetings, information, education and assistance to local trustees in solving problems peculiar to junior and community college operation. These organizations are broadly similar in purpose and function, and are similar in a very general fashion to the kinds of services and resources provided to the members of the Kansas Association of School Boards. The latter organization is, we understand, designed as a service organization, to provide cooperation, assistance and information to its membership. The Legislature has expressly authorized membership therein, and by necessarily implication that express grant of authority prohibits an implication of authority for the payment of public moneys for membership in similar organizations, whether regional or national in scope.

I am sure you will agree that the question of authority for payment of public moneys for dues in organizations by Kansas community junior colleges deserves legislative consideration. The Legislature is able to make the kind of factual inquiry and policy determinations necessary to address the question broadly. For example, the general powers of junior college districts have been interpreted so broadly in recent years in some instances so as to permit payment of dues for membership in local chambers of commerce and other civic and social organizations, entirely unrelated to the educational mission of the districts. We have expressly disapproved this practice. In dealing with the question of authority, of course, we are restricted to working from the very narrow statutory provision in point, and the inferences to be drawn therefrom in accordance with traditional rules of statutory construction and interpretation. These conclusions, doubtless, are not entirely satisfactory to many administrators and board of trustees. They are, however, the only conclusions we believe to be legally justifiable, and consistent with the narrow statutory provision in point.

To recapitulate, however, we conclude that the payment of dues and fees to affiliation with the North Central Association of

The Honorable Frank D. Gaines
Page Four
July 7, 1975

Colleges and Secondary Schools, an accrediting agency, and the Jayhawk Junior College Conference, in which membership is a prerequisite for participation in organized junior and community college athletic competition, are permissible expenditures. However, payment of public moneys for membership in and affiliation with the other organizations described above is inconsistent, in our view, with the existing narrow statutory authority, and is thus unauthorized under Kansas law. Any official who authorizes payment of any claim concluded to be beyond the authority of the district is, as pointed out in Opinion No. 75-226 is subject to liability for the amounts so paid.

Again, I hope that the Legislature will give prompt attention to the broad question of authority, and respond with further legislative guidance on the question than we now have.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: Mr. Don Smith
Smith and Patton
Village Square
Dodge City, Kansas 67801