

BP 5420 ASSOCIATED STUDENTS FINANCE

References:

Education Code Sections 76063–76065

❖ **From the current CLPCCD Policy 5410 titled Funds of the Associated Students and Student Body of Chabot and Las Positas Colleges**

1. The budget of the Associated Students of Chabot and Las Positas Colleges shall be approved annually by the College Presidents and Chancellor.
2. The colleges, as required by Education Code, shall establish an approved system that requires three signatures before funds are expended. The three individuals shall include an official of the College District, designated as the Chief Student Services Officer or designee, an advisor who is a full time employee of the District, and a representative from the Associated Students.
3. The Board of Trustees shall provide for an annual audit of the funds and records of the Associated Students of Chabot and Las Positas Colleges as provided by the law.

NOTE: *The following language in current CLPCCD Policy 5410 is addressed in detail in new AP 5410.*

- ~~4. The funds of the Associated Students of Chabot and Las Positas Colleges shall be deposited in a bank located in the District on a rotating basis as determined by the College Presidents. The treasurer or the president of the Associated Students shall be a signatory to the withdrawal of funds and such withdrawals shall be countersigned by the Vice President of Student Services or the Director of Student Activities or the Business Manager or the Business Assistant. Funds may be withdrawn only if ordered by a properly executed requisition containing the signatures of both the Vice President of Student Services and the Director of Student Activities.~~
- ~~5. The Associated Students of Chabot and Las Positas Colleges are authorized to invest surplus funds as available from time to time in insured savings accounts of savings and loan associations in accordance with the provisions of the California Education Code; and such investments are to be made subject to the approval of the Associated Students and funds invested are subject to audit in the manner prescribed by law.~~

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from the current Chabot-Las Positas CCD Policy 5410 titled Funds of the Associated Students and Student Body of Chabot and Las Positas Colleges adopted on March 19, 1996. This document was reviewed by the administrative team on June 4, 2013.

Date Adopted:

(This policy replaces current CLPCCD Policy 5410)

Legal Citations for BP 5420

EDUCATION CODE SECTIONS 76063-76065

76063. The funds of any student body organization established in the public schools of any community college district shall, subject to approval of the governing board of the district, be deposited or invested in one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government **Code** or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government **Code** or investment by the Treasurer in those securities.

(d) Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue **Code** and that are open exclusively to nonprofit colleges, universities, and independent schools.

(e) Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.

The funds shall be expended subject to procedures that may be established by the student body organization subject to the approval of each of the following three persons, which shall be obtained each time before any of the funds may be expended: an employee or official of the community college district designated by the governing board, the certificated employee who is the designated adviser of the particular student body organization, and a representative of the particular student body organization.

76064. In addition to deposit or investment pursuant to Section 76063, the funds of a student body organization may be loaned or invested in any of the following ways:

(a) Loans, with or without interest, to any student body organization established in another community college of the district for a period not to exceed three years.

(b) Invest money in permanent improvements to any community college district property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body. The investment shall be made on condition that the principal amount of the investment plus a reasonable amount of

interest thereon shall be returned to the student body organization as provided herein. Any community college district approving the investment shall establish a fund in accordance with the California Community Colleges Budget and Accounting Manual in which moneys derived from the rental of community college district property to student body organizations shall be deposited. Moneys collected by the governing board for automobile parking facilities as authorized by Section 76360 shall be deposited in the fund designated by the California Community Colleges Budget and Accounting Manual if the parking facilities were provided for by investment of student body funds under this section. Moneys shall be returned to the student body organization as contemplated by this section exclusively from the special fund and only to the extent that there are moneys in the special fund. Whenever there are no outstanding obligations against the special fund, all moneys therein may be transferred to the general fund of the school district by action of the local governing board.

Two or more student body organizations of the same community college district may join together in making the investments in the same manner as is authorized herein for a single student body. Nothing herein shall be construed so as to limit the discretion of the local governing board in charging rental for use of community college district property by student body organizations as provided in Section **76060**.

76065. The governing board of any community college district shall provide for the supervision of all funds raised by any student body or student organization using the name of the college.

The cost of supervision may constitute a proper charge against the funds of the district.

The governing board of a community college district may also provide for a continuing audit of student body funds with community college district personnel.