



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

**June 14, 1973**

**The Honorable Oscar H. Mauzy  
Chairman, Education Committee  
Senate Chamber  
Austin, Texas 78711**

**Letter Advisory No. 50**

**Re: Application of student  
service fees to various  
non-student related  
services.**

**Dear Senator Mauzy:**

**As Chairman of the Committee on Education of the Senate you have asked:**

**"I would greatly appreciate an opinion as to whether student services fees collected under the authority of Section 54. 503 of the Texas Education Code may be applied to non-student related services. Specifically, may such fees be budgeted to alumni affairs, the office of an assistant to the university president, campus security, 'institutional special services' and the office of the Director of Staff Personnel Services."**

**This same section of the Education Code was the subject of an earlier Letter Advisory which we wrote you on April 12, 1973 (Letter Advisory No. 6). In that letter we pointed out that § 54. 503(b) of the Code authorizes the governing board of any institution of higher learning to collect fees to cover such student services "which the board deems necessary or desirable in carrying out the educational functions of the institution." We stated at that time, that this was a legislative function of the board and, in the absence of a clear showing that it acted arbitrarily or had abused the authority vested in it, the courts would not interfere.**

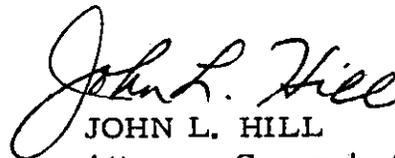
**We do believe that § 54. 503 requires that the student service fees must be for student services such as those defined in subsection (a):**

" . . . textbook rentals, recreational activities, health and hospital services, automobile parking privileges, intra-mural and inter-collegiate athletics, artists and lectures series, cultural entertainment series, debating and oratorical activities, student publications, student government, and any other student activities and services specifically authorized and approved by the appropriate governing board. "

Each of the specific services named has one common trait, i. e., it either involves students or would be of direct interest or benefit to students. It is not possible to tell from your inquiry whether the expenditures to which you refer would fall within the sphere of "student services." This would involve a determination of fact by the university authorities, in the first instance, and by the courts, in the second, if the decision were to be reversed. It is a decision we are neither authorized nor equipped to make.

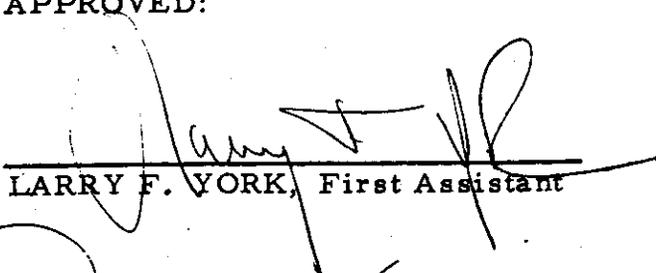
It is our opinion, therefore, that the fees collected under Section 54. 503 of the Texas Education Code must be used for student services directly involving or being of benefit or interest to students and that whether those suggested in your letter requesting our opinion or others may be held to be outside the scope of the permissible expenditures is a question of fact which we cannot determine.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman  
Opinion Committee