

Date of Hearing: March 22, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 446 (Bigelow) – As Introduced February 13, 2017

SUBJECT: Instructional materials: disposal of obsolete instructional materials

SUMMARY: Authorizes the State Board of Education (SBE), the governing board of a school district that is contiguous with an adjoining state, or a county office of education of a county that is contiguous with an adjoining state to donate surplus or undistributed obsolete instructional materials to children or adults in the adjoining state for the purpose of increasing the general literacy of the people. Specifically, **this bill:**

EXISTING LAW:

- 1) Authorizes the SBE, the governing board of a school district, or a county office of education to dispose of surplus or undistributed obsolete instructional materials that are usable for educational purposes in any of the following ways by donation to a governing board, county free library, or other state institution (EC 60510).
 - a) by donation to a public agency or institution of any territory or possession of the United States, or the government of a country that formerly was a territory or possession of the United States
 - b) by donation to a nonprofit charitable organization
 - c) by donation to children or adults in the State of California, or foreign countries for the purpose of increasing the general literacy of the people
 - d) by sale
- 2) Requires that any organization, agency, or institution receiving obsolete instructional materials donated certify to the governing board of the school district or the county board of education, as appropriate, that it agrees to make no charge of any kind to the persons to whom the organization gives or lends those materials (EC 60511).

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author's office, a school district on the Nevada border would like to be able to donate surplus and obsolete materials to individuals across the border. Current law does not permit the donation of obsolete materials to individuals in other states, and this bill would authorize it. The author notes that "students across the Nevada border would likely benefit by a donation of the supplies."

Where do obsolete materials go? School districts dispose of obsolete instructional materials in a variety of ways. Some donate them to non-profit entities which, in turn, pass the books on to others such as individuals, home schooling groups or overseas organizations. Some donate them

to libraries or individuals. Other school districts dispose of the materials as either solid waste or recyclable material, and others pay for storage of these materials.

Donation to public agencies in other states is permitted, but not donations to individuals.

Current law permits California school districts to donate obsolete instructional materials to public agencies in other states. It also permits donation to individuals within California, but not in other states.

This bill authorizes such a donation to individuals in contiguous states. If the goal of the author is to authorize the donation of materials to individuals in Nevada, it appears that another option, permitted under current law, would be to donate the materials to a public agency in Nevada (such as a school district), which could in turn donate them to individuals in that state.

Prior legislation. Chapter 321, Statutes of 2009 (AB 487, Anderson and Brownley) authorizes the State Board of Education, the governing board of a school district, or a county office of education to sell surplus or obsolete undistributed instructional materials and makes changes to the existing restrictions placed on the disposal of such materials.

AB 525 (Anderson) of the 2009-10 Session would have authorized school districts to sell surplus or obsolete instructional materials to any organization, without an assurance that the materials will be used solely for educational purposes. This bill was held in the Assembly Education Committee.

AB 1342 (Mendoza) of the 2007-08 Session would have changed the restrictions placed on the State Board of Education and school districts in the disposal of surplus or undistributed obsolete instructional materials. AB 1342 was held in the Assembly Education Committee.

AB 2654 (Coto) of the 2005-06 Session authorizes the sale of usable surplus or undistributed obsolete instructional materials by school districts to organizations that would be permitted, with an assurance the materials will be used for educational purposes, to sell the materials for a profit. AB 2654 was held in the Senate Appropriations Committee.

AB 93 (J. Horton) of the 2005-06 Session would have allowed school districts to sell surplus and obsolete instructional materials to any organization that agrees to use the materials only for educational purposes and that agrees not to resell the materials for a profit. AB 93 was held in the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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