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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 446 **Hearing Date:** June 7, 2017  
**Author:** Bigelow  
**Version:** February 13, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Instructional materials: disposal of obsolete instructional materials

## SUMMARY

This bill 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.

## BACKGROUND

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:
  - a) By donation to a governing board, county free library, or other state institution:
  - b) 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
  - c) By donation to a nonprofit charitable organization
  - d) 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
  - e) By sale. (Education Code § 60510).
- 2) Encourages the governing board of a school district, before the disposition of any surplus or undistributed obsolete instructional materials that are usable for educational purposes, to do both of the following:
  - a) No later than 60 days prior to that disposition, notify the public of its intention to dispose of those materials through a public service announcement on a television station in the county in which the district is located, a public notice in a newspaper of general circulation published in

that county, or any other means that the governing board determines to reach most effectively specified entities.

- b) Permit representatives of those entities and members of the public to address the governing board regarding that disposition. (EC § 60510.5)
- 3) 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).

## ANALYSIS

This bill authorizes the State Board of Education, 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

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “As many are aware, rural school districts benefit greatly from collaborating and sharing resources, particularly when one school district is in possession of obsolete or surplus instructional materials. In this case, school districts that no longer need these items are allowed to donate or sell to other school districts as a way of disposing of the materials. Unfortunately, the law does not give California school districts the ability to offer these obsolete, additional resources to individuals in neighboring school districts, such as Nevada (or any other adjacent state).”
- 2) **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.
- 3) **Public Notice and comment?** Existing law encourages the governing board of a school district to provide public notice and allow public comment before disposing of surplus or undistributed obsolete instructional materials that are usable for educational purposes. **Staff recommends that the bill be amended** to encourage governing board of a school district that is contiguous with an adjoining state undertake the same public notice public comment activities described in Section 60510.5).
- 4) **Prior legislation.** AB 487, (Anderson and Brownly, Chapter 321, Statutes of 2009) authorized 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, 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. AB 525 was held in the Assembly Education Committee.

AB 1342 (Mendoza, 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, 2005-06 Session) would have authorized 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, 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.

**SUPPORT**

California School Boards Association

**OPPOSITION**

None received

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