

CLIENT NEWS BRIEF

No. 44

October 2009

NEW LAW EASES THE REQUIREMENTS FOR THE SALE OR DONATION OF SURPLUS OR OBSOLETE INSTRUCTIONAL MATERIALS

Assembly Bill (“AB”) 487, which takes effect on January 1, 2010, eases restrictions on the sale or donation of surplus or undistributed obsolete instructional materials under Education Code sections 60510, et seq.

Under section 60510, a school district may: (1) donate surplus or undistributed obsolete instructional materials to any governing board, county free library, state institution, public agency within the United States or its territories or possessions, nonprofit charity, or, for the purpose of increasing literacy, to children or adults in California or in foreign countries; or (2) sell surplus or undistributed obsolete instructional materials to any organization that agrees to use the materials solely for educational purposes. Before AB 487, any organization receiving such materials from a school district, whether by sale or donation, was required to certify that the materials would be used for educational purposes and that the organization would not charge for the use of the materials.

AB 487 eliminates the requirement that a recipient of such materials certify that they are for “educational purposes”. Additionally, now only organizations that receive materials by donation are required to certify that use of the materials will be offered free of charge.

AB 487 also expands the permitted uses of sale proceeds. Under existing law, Education Code section 60521 requires that all sale proceeds be used to purchase “instructional materials”. While AB 487 does not alter section 60521, it does add Education Code section 60510.1, which describes the permitted uses of sale proceeds as including “basic instructional materials, supplemental instructional materials, or technology-based materials”. We have confirmed with the Assembly Education Committee that this was meant to broaden the scope of what is included as an “instructional material”.

Finally, AB 487 now authorizes county offices of education also to dispose of instructional materials under these provisions. If you have any questions about this new law, please contact one of our seven offices statewide.

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.



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Session 1: Thursday, October 29, 2009

Alternative Financing Opportunities. In today's world, districts cannot always depend on traditional bond funding. This session will discuss alternative methods for funding, including surplus property proceeds, Qualified Zone Academy Bonds (QZAB) and the Qualified School Construction Bonds (QSCB) available under the American Recovery and Reinvestment Act.

Session 2: Tuesday, January 19, 2010

Contracting for Construction in a Tough Market. During these challenging economic times, districts are experiencing an increase in bid protests, change orders and similar contractor issues. During this Webinar, we will cover strategies to minimize these challenges, including prequalification, lease-leaseback, and other alternative delivery methods.

Session 3: Thursday, March 18, 2010

Going Green and Conserving Energy. School districts are being presented with numerous ways to "go green" – from purchasing energy saving equipment to developing a solar farm. We will examine details to consider in these proposals, along with statutory bid exceptions and CEQA issues related to these projects.

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