

Regulation

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES; SALE, LICENSING AND RENTAL OF PROPERTY

The Shore Regional High School Board of Education believes the efficient administration of the district requires the disposition of property and goods no longer necessary for school purposes. The board directs the periodic review of all district property and authorizes the disposition by sale, donation, or discard of any property no longer required for the maintenance of the educational program or the efficient management of the school district. The disposition of any school property will be in accordance with this policy and applicable laws.

Real estate property will be disposed of by sale or other authorized means. If an approved site is to be altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Department of Education; the Department of Education will notify the district of its approval or disapproval.

The board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in an official newspaper. By resolution of the board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of the specifications to offset the price of a new purchase.

Personal property may be sold to the United States, the State of New Jersey, or to any body politic in the State of New Jersey, or any foreign nation which has diplomatic relations with these United States by private sale without advertising for bids.

Notwithstanding anything to the contrary in this policy, property acquired with federal funds for use in a federally funded program will be disposed of in accordance with applicable law and guidelines.

Facility Abandonment

The board of education recognizes its responsibility to provide a thorough and efficient program of free public education and appropriate facilities to house that program. The board further recognizes that declining enrollments, diminished resources, district reorganization, or other good cause may require that the use of one or more district facilities for educational purposes be abandoned.

The board will not commit itself to the closing of any school facility without first having collected and considered appropriate information regarding pupil enrollments, the educational adequacy of school facilities, relevant safety and traffic factors, district revenues, and alternative district organizational plans. The board will invite citizen participation in the analysis of that information on any proposed district reorganization will be disseminated to the public, and public response will invited by all appropriate means.

The board must receive a letter of approval from the Department of Education before making a final determination to close a school. To receive the letter of approval from the Department of Education, the board must provide the Division of Facilities and Transportation and the Executive County Superintendent of School assurances as required in N.J.A.C. 6A:26-7.5.

The proposed closing must be consistent with the district's approved LRFP, demonstrating that sufficient school building capacity exists to house district pupils following such closing for the succeeding five years. The use of substandard spaces in the remaining schools within the district must not result or increase from an overall facilities shortage caused by the school closing. The re-assignment of pupils to other schools in the

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district does not produce, sustain nor contribute to unlawful segregation, separation or isolation of pupil populations on the basis of race or national origin.

The following regulations are for:

- A. The disposition of district property;
- B. The review of the continued usefulness of all property in conjunction with the periodic inventory of property;
- C. The recommendation for board designation of property for sale, donation, or discard; and
- D. The disposition of property in a fair and open manner consistent with the public interest and applicable laws.

Disposition of Instructional Property

A. Definition

“Instructional property” means textbooks as defined in board policy 6161.1 Guidelines for the Evaluation and Selection of Instructional Materials and resource materials as defined in board policy 6161.1 excluding textbooks and resource materials purchase with federal funds.

B. Review

1. The principal shall appoint committees comprised of teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess periodically the continuing usefulness of instructional property in the school or program;
2. The committees will recommend for removal or replacement instructional property that:
 - a. Is so worn or damaged as to preclude effective use and economical repair or restoration;
 - b. Is so outdated as to no longer serve as worthy instructional tools;
 - c. Violates federal, state, or district affirmative action standards nor nondiscriminatory materials, pursuant to board policy 6121 Nondiscrimination/Affirmative Action; or
 - d. Although still useful, has been superseded by superior replacement materials.
3. The principal will receive and review the committee’s recommendations. A list of textbooks and materials approved for disposal will be sent to the superintendent;
4. Approval by the board of education is required for disposing of instructional property. Any such recommendation requires that the reason for disposal accompany the recommendation. No material may be removed and disposed of solely because it presents ideas that may be unpopular or offensive to some.

C. Disposal

1. Instructional property approved for disposal will be sold, where possible, to help recoup district costs for purchase;
2. Subsequent to attempted sale, instructional property approved for disposal will be offered at no cost to any educational institution public or private willing to accept the property and pay the costs of packing and delivery if applicable;
3. Any property still remaining will be donated to any entity willing to accept the property and pay the costs of packing and delivery, if applicable, or will be offered for recycle.

Disposition of Real Property

A. Disposition

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“Real property” means land and the structures upon the land and all immovable equipment and fixtures attached to the land or its structures, excluding property purchased with federal funds.

B. Review

The decision to dispose of the real property of the district that is no longer suitable or convenient for the use for which it was acquired or is no longer needed for school purpose will be made by the board of education in accordance with New Jersey Statute and board policy 7120 Public Participation.

C. Department of Education Review and Approval

1. If the board desires to have an approved site altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Division of Facilities and Transportation, Department of Education;
2. The district will send a copy of the request to the Executive County Superintendent of Schools who will make recommendations to the Division, The Executive County Superintendent will provide a copy of the recommendations to the board of education;
3. The request will indicate whether the district intends to convey the site under an exception to the public requirements of applicable laws;
4. The Division will determine whether the disposal is consistent with the district’s approved Long-Range Facility Plan, or whether it has a negative impact on the educational adequacy of an individual site;
5. The Department of Education will notify the district of its approval or disapproval.

D. Disposal

1. If the Department of Education approves the board’s request, the board by the affirmative votes of a majority of its full number of members, may alter or dispose of through sale, transfer or exchange of all or part of the total acreage of an approved school site, including facilities if applicable;
2. Any such real property will be sold at public sale, in accordance with applicable laws, unless it is sold at private sale without advertisement to the State of New Jersey or a political subdivision of the state or otherwise conveyed or transferred as provided by statute;
3. The public sale will be advertised at least once a week for two weeks prior to the sale in the newspapers in which official announcements of this district are made;
4. After advertisement, the property will be sold to the highest bidder, except that:
 - a. The board may by resolution fix a minimum price with or without reservation of the right upon the completion of the public sale, to accept or reject the highest bid which reservation shall be included in the advertisement and given as public notice at the time of the sale; or
 - b. The board may by resolution provide without fixing a minimum price that upon the completion of the public sale, the board may accept or reject the highest bid received;
 - c. If the board fails to accept or reject the highest bid by the second regular board meeting following the sale, the bid will be deemed to have been rejected.
5. If no bid is received or if the bids that are received are rejected by the board in the public interest, the board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder’s request before entering into such negotiations;
6. The acceptance or rejection of a negotiated price shall be by the affirmative votes of majority of the full number of board members at a regularly scheduled meeting.

Disposition of Personal Property

A. Definitions

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1. "Personal property" means all property other than real property, as defined in this regulation, instructional property, as defined above, and federal property, as defined below;
2. "Excess property" means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase;
3. "Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the board to continue storage or maintenance of any excess property.

B. Review

1. The principal will compile a list of excess property in his/her building or program at the close of each school year;
2. The Business Administrator/board secretary or designee will receive lists prepared in accordance with the principal or department supervisor and will maintain a master, district-wide list of excess property;
3. The master list of excess property will be periodically distributed to all school facilities;
4. Any school or office may request transfer of excess property on the proper form, submitted to the business administrator/board secretary or designee;
5. Requests will be granted in the order in which they are received;
6. An item transferred to another school or office will be removed from the districtwide list of excess property.
7. An item of personal property that has remained on the district-wide master list of excess property for ninety working days or more will be considered to be unusable and will be disposed of in accordance with this policy and this regulation.

C. Disposal at Public Sale

The board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder;
2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper. Such sale shall be held not less than seven or more than fourteen days after the publication of the notice thereof;
3. Personal property may be sold to the United States, the State of New Jersey, another board of education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids;
4. If no bids are received the property may then be sold at private sale without further publications or notice thereof, but in no event at less than the estimated fair value; or the board may if it so elects to reoffer the property at public sale. As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to this section,
5. The board may reject all bids if it determines such rejection to be in the public interest,
 - a. In any case in which the board has rejected all bids, it may re-advertise such personal property for a subsequent public sale;
 - b. If it elects to reject all bids at a second public sale, pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended;
 - c. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to the above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids;

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6. Notwithstanding the provisions of this regulation, by resolution of the board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of new purchase.

Disposition of Federal Property

A. Definitions

1. "federal property" means all property, real or personal or otherwise, purchased with federal grant funds, including instructional materials;
2. "Excess property" means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase;
3. "Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the board to continue storage or maintenance of any excess property.

B. Review

1. The business administrator/board secretary will compile a list of excess federal property in the district at the close of each school year;
2. The list of excess federal property will be periodically distributed to all school facilities;
3. Any school may request the business administrator/board secretary to transfer excess federal property to a currently or previously funded federal project or arrange a shared-time use with other such projects. Requests will be granted in the order in which they are received;
4. Property transferred to another school or office will be removed from the districtwide list of excess property;
5. Property that has remained on the list of excess federal property for ninety working days or more will be considered to be unusable and will either be traded in or reported to the State Department of Education with a request for disposal.

C. Trade-in

Federal property no longer usable may be traded in or sold and the proceeds are to be used to offset the cost of replacement equipment with the approval of the New Jersey Department of Education. The additional cost to acquire a replacement shall be charged directly to the federal program, if the program budget permits, and provided the board of education has approved the transaction by resolution.

D. Disposal

1. Equipment no longer needed with a unit fair market value of \$5,000 or more may be retained for other uses provided compensation is made to the United States Department of Education. The amount of compensation shall be computed by applying the percentage of federal participation in the cost of the original project or program to the current fair market value of the equipment. Payments shall be made to Treasurer, State of New Jersey-New Jersey Department of Education;
2. The business administrator/board secretary will request disposition instructions from the secretary of the United States of Department of Education for equipment no longer wanted by the school district. if so instructed or if the disposition instructions are not issued in one hundred twenty calendar days after the request is received by the secretary, the equipment will be sold in accordance the procedures below;
3. Equipment no longer needed and/or wanted with a unit fair market value of less than \$5,000 and more than fifteen percent of the bid threshold, shall be disposed of with no further obligation of the school district and as follows:
 - a. Notice of the date, time, and place of public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper;

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- b. A sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice;
 - c. If no bids are received, the board may re-advertise the public sale or sell the property at private sale without public notice. Any such property sold at private sale cannot be sold for less than the estimated fair value of the property;
 - d. The board may reject all bids if it determines that such rejection is in the public interest. If all bids are rejected, the board may re-advertise the property for a second public sale;
 - e. If the board rejects all bids at the second public sale, the board may sell the property at private sale without public notice, provided the selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and the terms and conditions announced at the public sales are unchanged.
4. federal property with a unit value of less than fifteen percent of the bid threshold, may be disposed of at private sale with no further obligation of the school district and as follows:
- a. The business administrator/board secretary shall establish the sale price and make reasonable efforts to find private buyers. The price charged shall be fair in value but in no case can it be less than the costs incurred by the board arranging the sale and maintaining and delivering the property;
 - b. Property that remains unsold after thirty working days shall be given without cost to another school district or a charitable organization or institute within the school district;
 - c. Property that has not been claimed after thirty working days shall be offered for scrap or, if that is not feasible, discarded.
5. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the federal project or program, the school district shall retain the supplies for use on non-federal activities or sell them, but shall, in either case, compensate the federal government for its share. The amount of compensation shall be computed in the same manner as for equipment.

The supplies acquired with federal funds may not be used to provide services to non-federal outside organizations for a fee that is less than private companies charge for equivalent services unless specifically authorized by federal statute.

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