

Regulations Follow

7300 DISPOSITION OF PROPERTY

The Board of Education believes that 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.

Real estate property shall be disposed of by sale or otherwise, in accordance with N.J.S.A. 18A:20-5 through 18A:20-7 and N.J.A.C. 6A:26-7.4. Property the value of which does not exceed the threshold established in accordance with law in any one sale and property that consists of livestock or is perishable shall be disposed of by the Business Administrator in such a manner as will be in the public interest and benefit the school district.

Any district property designated for donation or unsold after public offer shall be offered without cost to school-related community organizations or charitable and nonprofit organizations located in this district.

Property acquired with federal funds for use in a federally funded program will be disposed of in accordance with applicable law and guidelines.

N.J.S.A. 18A:18A-5; 18A:18A-45; 18A:18A:20-5 through 18A:20-7;
N.J.A.C. 6A:26-7.4

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Reviewed: January 16, 2018

R 7300.1 DISPOSITION OF INSTRUCTIONAL PROPERTY

A. Definition

"Instructional property" means textbooks as defined in Policy No. 2510 and resource materials as defined in Policy No. 2530, excluding textbooks and resource materials purchased with federal funds.

B. Review

1. The Business Administrator will consult with teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess the continuing usefulness of instructional property in the school or program.
2. The Business Administrator will recommend for removal or replacement instructional property that:
 - a. Is so worn and/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 - b. Is so outdated as to no longer serve as worthy instructional tools,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 for nondiscriminatory materials, pursuant to Policy No. 2260, or
 - d. Although still useful, has been superseded by superior replacement materials.
3. 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 must comply with Policy Nos. 2530 and 9130, which require 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.

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C. Disposal

1. Instructional property approved for disposal may 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 or otherwise disposed of at the discretion of the Business Administrator.

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R 7300.2 DISPOSITION OF REAL PROPERTY

A. Definition

"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 Policy No. 7100.

C. Disposal

1. The Board may determine, by the affirmative votes of a majority of its full number of members, to dispose of real property.
2. Any such real property will be sold at public sale, in accordance with N.J.S.A. 18A:20-5 through 18A:20-7, N.J.A.C. 6A:26-7.4 and Policy 7100, 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

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- 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. 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 a majority of the full number of Board members at a regularly scheduled meeting.

R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. "Personal property" means all property other than real property, as defined in Regulation 7300.2; instructional property, as defined in Regulation 7300.1; and federal property, as defined in Regulation No. 7300.4.
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. Disposal at Public Sale

1. Excess personal property shall be sold at public sale to the highest bidder in accordance with N.J.S.A. 18A:18A-45 when:
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 a legal newspaper.
3. The sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice.
4. 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.
5. The Board may reject all bids if it determines that such rejection is in the public interest. If bids are rejected, the Board may re-advertise the property for a second

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public sale. If the Board rejects all bids at the second public sale, the Board may sell the property at private sale without public notice, provided:

- a. The selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and
- b. The terms and conditions announced at the public sales are unchanged.

C. Disposal at Private Sale

1. If the estimated fair market value of the excess property to be sold does not exceed the amount specified by law, the property may be disposed of at private sale.
2. The Business Administrator 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 in arranging the sale and maintaining and delivering the property.
3. Property that remains unsold after thirty days shall be given without cost to:
 - a. Another school district, or
 - b. A charitable organization or institution within the school district.
4. Property that has not been claimed after thirty days shall be offered for scrap or, if sale as scrap is not feasible, discarded.

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R 7300.4 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, 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. Trade-in

Federal property no longer usable may be traded in to offset the cost of replacement. 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.

C. Disposal

1. Property with a unit value of more than \$1000 shall be disposed of 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.
 - 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.

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- 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 readvertise 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.
2. Federal property with a unit value of less than \$1000 may be disposed of at private sale as follows:
- a. The Business Administrator 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 in arranging the sale and maintaining and delivering the property.
 - b. Property that remains unsold after thirty days shall be given without cost to another school district, a charitable organization or institute within the school district.
 - c. Property that has not been claimed after thirty days shall be offered for scrap or, if that is not feasible, discarded.

D. Receipts

The receipts from the sale of any federal property or the value of any such property retained in the district and used for other than federal projects shall be handled as follows:

1. If the property is retained in the district, an amount equal to the fair market value of the property shall be paid to the State Department of Education by warrant payable to the "Treasurer, State of New Jersey."
2. If the property has been disposed of by sale, \$100 or ten percent of the sale proceeds, whichever amount is greater, may be deducted and retained by the district for selling and handling expenses. The balance shall be paid to the State Department of Education by warrant payable to the "Treasurer, State of New Jersey."