

PROPERTIES DISPOSAL AND DISPOSITION

FILE: DN

TITLE: **Disposing of Surplus, Obsolete, and Unusable Textbooks and Instructional Materials**

POLICY:

It shall be the policy of The School Board of Orange County, Florida ("Board") that any instructional materials which become unserviceable or surplus or are no longer on state contract shall be disposed of as provided herein.

- (1) Unserviceable or surplus instructional materials no longer under contract to the state shall be made available to other schools in the district prior to disposal. Any material which is not requested by another school in the district may be disposed of by:
 - (a) Providing the materials to instructional employees to use in the development of supplementary teaching materials, to district students, or other members of district staff for use in curriculum development.
 - (b) Selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the Board.
- (2) Instructional materials that cannot be disposed of as provided in subsection (1) may be destroyed or discarded by the Board.
- (3) All moneys received by reason of sale, exchange, loss, damage, or other disposition of instructional materials shall be transmitted to the Superintendent or designee to be deposited into the appropriate district fund for instructional materials and added to the district appropriation for instructional materials and then credited back to the school's instructional materials account.
- (4) The State Board of Education Rules and the Florida Statutes shall prevail whenever any provisions of this policy conflict.

SPECIFIC AUTHORITY: Sections 1001.42; 1006.28; 1006.41, Florida Statutes

TITLE: **Disposal of District Real Property**

POLICY:

- (1) District real property may be disposed of only after having been recommended in an educational plant survey and being officially declared

unnecessary or unsuitable for educational or ancillary purposes by resolution of the Board.

- (2) The Board may sell, transfer, or dispose of any district real property, regardless of value, by public sale, private sale, negotiation, donation, or any other means deemed in the best interest of the district by the Board, in accordance with the minimum requirements of the State Board of Education Rules.
- (3) Notwithstanding the provisions contained in sections (1) and (2) above, prior to selling, transferring, or otherwise disposing of any district real property that has been officially declared unnecessary or unsuitable for educational or ancillary purposes, said real property shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district in compliance with any and all minimum requirements set forth in the Florida Statutes regulating the use and availability of Board real property to charter schools. If a charter school is dissolved or otherwise terminated, all Board property, improvements, furnishings, and equipment shall automatically revert to full ownership by the Board, subject to complete satisfaction of any lawful liens or encumbrances.
- (4) The Board may reserve all mineral rights to any land acreage legally owned and controlled by the Board, if and when such district real property is disposed of in any manner.
- (5) Upon disposal of any district real property, any and all funds received for the sale, transfer, or disposal of said district real property shall be deposited into a depository account and expended for capital outlay projects in accordance with the minimum requirements of the Auditor General and State Board of Education Rules.

SPECIFIC AUTHORITY: Sections 1001.42; 1002.33; 1013.28, Florida Statutes

TITLE: Disposal of Tangible Personal Property

POLICY:

- (1) For purposes of this policy, "tangible personal property" shall mean any fixtures, furniture, and equipment and other tangible personal property of a nonconsumable nature.
- (2) The Board may classify as surplus any tangible personal property owned by the Board, provided that such property is not otherwise lawfully disposed of, when that property is determined to be obsolete, or the continued use of the property is uneconomical or inefficient, or the property serves no useful function to the district.

- (3) Tangible personal property that is excess to school or department needs must enter the surplus disposal process and shall be disposed of in the manner prescribed by Chapter 274, Florida Statutes.
- (4) Initial efforts will be made to redistribute any tangible personal property to other Board facilities or public schools within the district. Such tangible personal property may not be sold or donated to an individual or non-district agency, except as otherwise described herein.
- (5) In accordance with Section 274.06, Florida Statutes, after the initial efforts to redistribute are exhausted, tangible personal property may be disposed of as follows:
 - (a) If the property is without commercial value, it may be donated, destroyed, or abandoned;
 - (b) Property, the value of which the Board estimates to be under \$5,000.00, may be disposed of in the most efficient and cost-effective means as determined by the Board. This manner of disposition may include, but is not limited to, public sale, private sale, or negotiation;
 - (c) Any sale of property, the value of which the Board estimates to be \$5,000.00 or more, shall be sold pursuant to the provisions of Section 274.06, Florida Statutes.
- (6) Requests from other governmental agencies, charter schools, and non-profit organizations for the surplus tangible personal property may be considered after all options within sections (1) through (5) above have been exhausted.
- (7) Tangible personal property not otherwise disposed of in accordance with sections (1) through (6) herein shall be disposed of in the manner prescribed by Chapter 274, Florida Statutes, unless such property was purchased with federal grant funds, in which case the regulations contained in the Code of Federal Regulations shall apply.
- (8) The Superintendent or designee shall develop, implement, and administer procedures for the disposal of tangible personal property in accordance with all applicable laws and regulations. Said procedures shall include provisions for the keeping of records regarding the authorization of the disposal of any tangible personal property.
- (9) Upon disposal of any tangible personal property, any and all funds received for the sale, transfer, or disposal of said tangible personal property shall be deposited and expended in accordance with the minimum requirements of the Auditor General and the applicable Florida Statutes.

SPECIFIC AUTHORITY: Sections 274.05; 274.06; 274.07; 1001.42; 1002.33; 1013.28, Florida Statutes

Section 7 CFR 3015.168

ADOPTED: 11/17/08
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