

Disposition of Surplus School Property

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If any item listed on the District property inventory becomes worn out, obsolete, unsafe and/uneconomical, the Superintendent may recommend to the Board that such item(s) be deleted from the inventory, declared surplus and sold. The disposal of such items must be accomplished in accordance with state law and regulation. The business office shall establish administrative procedures governing the disposal of District property, in accordance with the State Auditor's rule.

The Board may approval the disposal of any item of tangible personal property belonging to the District and delete the item from its public inventory upon a finding that the item of property is:

- (1) of a current resale value of five thousand dollars (\$5,000) or less; and
- (2) worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

The Board designates the Superintendent, appropriate Department Director, and appropriate Building Principal as committee members to approve and oversee the disposition of surplus tangible personal property. The Superintendent shall assure that reporting of all dispositions of surplus tangible personal property is made in accordance with applicable federal and state law.

After approval of disposal of any tangible personal property belonging to the District, the Board shall dispose of the property by:

- negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico, or
- negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities, or
- means of competitive sealed bid or public auction.

If the District is unable to dispose of the tangible personal property as set forth above, the property may be sold, or if it has no value, it may be donated to any nonprofit organization, as described in Section 501(c)(3) of the Internal Revenue Code.

If the District is unable to dispose of the tangible personal property, the Board may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable law.

If the Board determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of in accordance with state law.

No tangible personal property of the District may be donated to a District employee or relative of an employee; however, a District employee may bid for such property at a public auction.

Legal References:

34 CFR 80.32

§13-6-1 NMSA 1978

§13-6-2 NMSA 1978