

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES**

~~When any District owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulations. Upon Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items.~~

The Board of Education recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

*(cf. 0440 – District Technology Plan)*

*(cf. 3512 – Equipment)*

*(cf. 6161.11 – Supplementary Instructional Materials)*

*(cf. 6163.1 – Library Media Centers)*

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

*(cf. 9323.2 – Actions by the Board)*

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of in the local public dump. (Education Code 17546)

~~Instructional materials may~~ shall be considered obsolete or unusable by the district if ~~when~~ they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

- ~~1. Have been replaced by more recent or editions or new materials selected by the Board and have no foreseeable value in other instructional areas~~  
Contain information rendered inaccurate or incomplete by new research or technologies

*(cf. 6161.1 – Selection and Evaluation of Instructional Materials)*

## SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)

2. ~~Are not aligned with the District's academic standards or course of study~~  
 Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

~~(cf. 6011 – Academic Standards)~~

~~(cf. 6143 – Courses of Study)~~

3. ~~Contain information rendered inaccurate or incomplete by new research or technologies~~  
 Are damaged beyond use or repair

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)~~

~~(cf. 1312.4 – Williams Uniform Complaint Procedures)~~

~~(cf. 6011 – Academic Standards)~~

~~(cf. 6143 – Courses of Study)~~

~~(cf. 6161.1 – Selection and Evaluation of Instructional Materials)~~

4. ~~Contain demeaning, stereotyping or patronizing references to any group of persons protected against discrimination by law or Board policy~~

5. ~~Are damaged beyond use or repair~~

The Superintendent or designee shall establish procedures to be used ~~when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.~~ whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (2 CFR 200.313)

~~(cf. 3230 – Federal Grant Funds)~~

~~(cf. 3440 - Inventories)~~

*Legal References:*

EDUCATION CODE

~~17540-17542 Sale or lease of personal property by one district to another~~

~~17545-17555 Sale of personal property~~

~~35168 Inventory, including record of time and mode of disposal~~

~~42291.5 Temporary school bus designation~~

~~42303 School bus sale to another district~~

~~6050010 - 60530 Sale, donation, or disposal of instructional materials~~

GOVERNMENT CODE

~~25505 District property; disposition; proceeds~~

CODE OF REGULATIONS, TITLE 5

~~3944 Consolidated categorical programs, district title to equipment~~

~~3946 Disposal of equipment purchased with state and federal consolidated application funds~~

UNITED STATES CODE, TITLE 40

~~484 549 Surplus property~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~80.32 Equipment acquired under a grant or subgrant.~~

CODE OF FEDERAL REGULATIONS, TITLE 2

~~200.0 – 200.521 Federal uniform grant guidance~~

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)**

*Management Resources:*

*California Department of Education Publications*

*California School Accounting Manual*

*Standards for Evaluating Instructional Materials for Social Content, ~~2000~~ 2013*

WEBSITES

*California Department of Education: <http://www.cde.ca.gov>*

*School Services of California, Inc.: <http://www.sscal.com>*

**Policy amended: April 15, 2021**

Policy amended: January 14, 2010

Policy adopted: April 19, 2007

## Business and Noninstructional Operations

AR 3270 (a)

### SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES

The Board of Education may dispose of personal property belonging to the District by any of the following methods:

- ~~1. If the Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any District employee to sell the property without advertising. (Education Code 17546)~~
- ~~2. The Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 17545)~~

~~Notice for bids shall be posted in at least three public places in the District for at least two weeks or published at least once a week for at least two weeks in a newspaper having a general circulation in the District and, if possible, published within the District. (Education Code 17545)~~

~~Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)~~

- ~~3. The Board may authorize the sale of the property by means of a public auction conducted by District employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #2 above. (Education Code 17545)~~
- ~~4. Without advertising for bids, the Board may sell the property to agencies of federal, state or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484(j)(3)). In such cases, the sale price shall equal the cost of the property plus estimated cost of purchasing, storing and handling. (Education Code 17540)~~
- ~~5. Without advertising for bids, the Board may sell or lease the property to agencies of federal, state or local government or to any other school district. In such cases, the price and terms of the sale or lease shall be fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)~~
- ~~6. If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)~~

### Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be donated to any governing board, county free library or other state institution; any United States public agency or institution; any nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing literacy. They also may be sold by the district, to any organization that agrees to use the materials for educational purposes. **Alternatively, such materials may be donated to:** (Education Code 60510)

- 1. Another district, county free library, or other state institution**
- 2. A United States public agency or institution**

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)**

3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

*(cf. 0440 - District Technology Plan)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

Any organization, agency, or institution receiving obsolete instructional materials **donated by** ~~from~~ the district shall certify to the Board of Education **that** it agrees to ~~use the materials for educational purposes and~~ make no charge to any persons to whom it gives or lends these ~~the~~ materials ~~are given or lent~~. (Education Code 60511)

At least 60 days before **selling or donating surplus or undistributed obsolete** ~~disposing of these~~ instructional materials, the **Superintendent or designee** ~~Board~~ shall notify the public of ~~its~~ the **district's** intention to do so through an ~~public service announcement on a local television station,~~ in a local newspaper, or by another means **that the Board believes** will most effectively reach the entities described above. ~~The Board shall also permit~~ **Representatives of these those** entities and members of the public **shall also be notified of the opportunity** to address the Board regarding the distribution of these materials.

*(cf. 9323 - Meeting Conduct)*

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. ~~By being m~~**Mutilated so** as not to be salable **as instructional materials** and sold for scrap ~~or for use in the manufacture of paper pulp or other substances~~ at the highest obtainable price
2. ~~By being d~~**Destroyed** by any economical means, **provided the materials are not destroyed until** at least 30 days after the ~~Board~~ **district** has given notice to all persons who have **filed a request for** ~~requested~~ such notice

*(cf. 9323.2 - Actions by the Board)*

*(cf. 3510 - Green School Operations)*

*(cf. 3511.1 - Integrated Waste Management)*

**Equipment/Supplies Acquired with Federal Funds**

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (2 CFR 200.313)

*(cf. 3230 - Federal Grant Funds)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)**

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies with a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (2 CFR 200.313, 200.314)

In the event the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (2 CFR 200.313)

**Other Personal Property**

The district may sell other surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

*(cf. 3311 - Bids)*

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:
  - a. The Board members in attendance at a meeting have unanimously determined the property does not exceed \$2,500 in value (Education Code 17546)

*(cf. 9323.2 - Actions by the Board)*

- b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling (Education Code 17540; 40 USC 549)
- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools (Education Code 17542)

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES (continued)**

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

*(cf. 3100 - Budget)*

Regulation amended: April 15, 2021

Regulation approved: April 19, 2007