

# CSBA Sample

## Administrative Regulation

### Business and Noninstructional Operations

AR 3270(a)

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

Note: The following administrative regulation addresses the sale and disposal of district-owned personal property, such as instructional materials, equipment, and supplies. For procedures regarding the disposal of real property, see BP/AR 3280 - Sale or Lease of District-Owned Real Property.

~~Education Code 42303, which established conditions for the sale of school buses by districts receiving a state apportionment to replace the buses, was repealed by SB 78 (Ch. 19, Statutes of 2015).~~

### Instructional Materials

Note: Education Code 60510-60530 address the sale or disposal of surplus or undistributed obsolete instructional materials that are either usable or unusable for educational purposes. See the accompanying Board policy for language regarding the determination of instructional materials as obsolete or unusable.

~~The legal requirement to use the proceeds of the sale of surplus or obsolete instructional materials to purchase new instructional materials, supplemental instructional materials, or technology based materials was repealed by SB 971 (Ch. 923, Statutes of 2014).~~

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. 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
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 the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

Note: Education Code 60510.5 encourages, but does not require, districts to take actions described in the following **optional** paragraph.

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

At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above. Representatives of those entities and members of the public also shall 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. Mutilated 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. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

*(cf. 3510 - Green School Operations)*

*(cf. 3511.1 - Integrated Waste Management)*

**Equipment/Supplies Acquired with Federal Funds**

Note: **34 CFR 80.32 80.33 2 CFR 200.313-200.314** address the sale or disposal of equipment and supplies that were acquired under a federal grant or subgrant. See BP 3512 - Equipment for additional requirements pertaining to the management of such equipment and supplies.

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. (**34 CFR 80.32 2 CFR 200.313**)

***(cf. 3230 - Federal Grant Funds)***

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 that have 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. (**34 CFR 80.32 80.33 2 CFR 200.313, 200.314**)

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

In the event that 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. (~~34 CFR 80.32~~ **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:

Note: Pursuant to Education Code 17546, advertising without bids is authorized when the Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value; see the accompanying Board policy.
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- a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

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

Note: Education Code 17540 authorizes the sale of property to government agencies eligible under the federal surplus property law, renumbered as 40 USC 549.
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- 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

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

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)

Money received from the sale of surplus personal 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)*

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TITLE 5

*3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds*

## Attachment E - Use CSBA Sample As Revised

4424 *Comparability of services*

16023 *Class 1 - Permanent records*

UNITED STATES CODE, TITLE 20

6321 *Fiscal requirements*

**CODE OF FEDERAL REGULATIONS, TITLE 2**

**200.0-200.521 Federal uniform grant guidance**

**CODE OF FEDERAL REGULATIONS, TITLE 34**

**80.1 80.52 Uniform administration requirements for grants to state and local governments**

### *Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

**OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS**

**Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A 87**

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

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### **Policy Reference UPDATE Service**

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