

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

November 13, 2012

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Tentative Action, Policy DNA, *Disposition of Board of Education Property*

On January 17, 2012, in accordance with the Montgomery County Board of Education's policy review process, staff recommended, and the Montgomery County Board of Education Policy Committee agreed, to nonsubstantive changes to Policy DNA, *Disposition of Board of Education Property*. Policy DNA provides for the disposal of Montgomery County Board of Education (Board) property.

At the Board meeting of October 9, 2012, Policy DNA, *Disposition of Board of Education Property*, was discussed and it was decided that the Board of Education Policy Committee would review and recommend further changes. There were questions about the Board receiving notice of the sale of high-dollar items.

Currently, records of items sold are maintained in the property control module of the Financial Management System. Monies received as a result of these sales are deposited in a revenue account and reported as miscellaneous revenue in the financial report. During the past five years, three items were sold with a value of more than \$5,000. One of those three items, a fuel transport tanker, was valued at more than \$25,000.

The Montgomery County Board of Education Policy Committee further discussed Policy DNA, *Disposition of Board of Education Property*, on October 18, 2012. The Policy Committee recommended that the sale of any item exceeding \$25,000 in proceeds be reported to the Board as an item of information. A copy of Policy DNA, *Disposition of Board of Education Property*, also is attached.

The following resolution is provided for your consideration:

WHEREAS, Policy DNA, *Disposition of Board of Education Property*, provides for the disposal of Montgomery County Board of Education property; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy DNA, *Disposition of Board of Education Property*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy DNA, *Disposition of Board of Education Property*; and be it further

Resolved, That Policy DNA, *Disposition of Board of Education Property*, be sent out for public comment.

Present at the Board table for the discussion are Mrs. Kathleen C. Lazor, director, Department of Materials Management, Office of the Chief Operating Officer and Mrs. Stephanie P. Williams, director, Department of Policy, Records, and Reporting, Office of Shared Accountability.

PO:hp

Attachment

1 Related Entries: **DNA-EA**, DNA-RA
2 **Responsible Office: Chief Operating Office**
3 **Related Source: Annotated Code of Maryland, Education Article, §4-**
4 **115, §5-301**

5
6 Disposition of Board of Education Property
7
8

9 A. PURPOSE

10
11 To provide for the disposal of **Montgomery County** Board of
12 Education **(Board)** property
13

14 B. PROCESS AND CONTENT

15
16 1. ~~The Annotated Code of Maryland, Education,~~ **Maryland law**
17 **governs** ~~ing~~ **the** disposal of real property **by local boards**
18 **of education.** ~~provides that:~~

19
20 a) Subject to the approval of the state superintendent
21 of schools, local boards of education shall
22 transfer grounds, school sites, or buildings no
23 longer needed for school purposes to the County
24 Council.

25
26 b) ~~The~~ **T**he State Board of Public Works, by rule and
27 regulation, can require that the proceeds from the

28 sale, lease, or disposal of school buildings
29 constructed primarily with state funds after
30 February 1, 1971, be utilized solely as a part of
31 the state funding of future school buildings within
32 the subdivision in which the disposal occurred.

33

34 2. Board ~~of Education~~ property will be disposed of as
35 follows:

36

37 a) Real Property – Buildings and Grounds

38

39 (1) Disposal

40

41 In the event that any Board ~~of Education~~ real
42 property is considered to have no further use
43 for school system purposes, the superintendent
44 of schools shall make a recommendation to the
45 Board ~~of Education~~ for disposition. The
46 recommendation will include the rationale for
47 the proposal, an estimate of the market value
48 of the property, and the identification of the
49 amount and year of state appropriations for
50 construction and/or improvements of buildings
51 on the site.

52

53 (2) Easements and Rights-of-Way

54

55 The granting of easements and rights-of-way
56 requested by other public agencies and utility

57 firms in the public interest shall be by Board
58 action upon the recommendation of the
59 superintendent **of schools**.

60
61 b) Other Than Real Property

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63 (1) The superintendent of schools will effect the
64 trade-in of other than real property and
65 equipment at the time bids are invited for
66 replacement. The superintendent **of schools** is
67 authorized to effect the direct sale of items
68 which have no trade-in value nor significant
69 use to the instructional or support programs.
70 ~~The sale of any item exceeding \$5,000 in~~
71 ~~proceeds will be approved by the Board.~~

72
73 (2) Requested authorization for the disposition of
74 obsolete school books by sale or transfer to
75 such agencies as may have use for these books
76 ~~be and it~~ is hereby approved, it being
77 understood that any transfer to an agency
78 would be at no cost to the Board ~~of Education~~.

79
80 C. REVIEW AND REPORTING

81
82 1. **The sale of any item exceeding \$~~5,000~~ 25,000 in proceeds**
83 **will be reported to the Board as an item of information.**

84

85 ~~1. The superintendent will report to the Board annually the~~
86 ~~disposition of nontraded items indicating quantity,~~
87 ~~description of property, method of disposal, and value~~
88 ~~received.~~

89
90 This policy will be reviewed ~~every three years~~ in accordance
91 with the Board ~~of Education~~ policy review process.

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94 *Policy History:* Adopted by Resolution No. 431-58, August 12, 1958,
95 amended by Resolution No. 447-73, July 10, 1973; reformatted by
96 Resolution No. 333-86, June 12, 1986, and Resolution No. 458-86,
97 August 12, 1986; **amended**

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