

## **Disposal of District Property**

Except when disposing of a school district building, the board may dispose of property in a manner the board deems to be in the district's best interest. Whenever such excess district property is to be sold at auction, all sales shall be to the highest bidder. No credit shall be extended.

### Disposal of a School District Building

Within 30 days after the board of education adopts a resolution to dispose of a school district building, the board shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following:

- A description of the school district's use of such building immediately prior to the decision to dispose of such building;
- the reason for such building's disuse and the decision to dispose of such building;
- the legal description of the real property that is to be disposed; and
- a copy of the resolution adopted by the board of education.

Upon receipt of the notice, the legislature may adopt a concurrent resolution state the legislature's intention that the state acquire the school district building in the following manner.

If the notice is received by the legislature during a regular legislative session, the legislature shall have 45 days to adopt a concurrent resolution as outlined below.

If the notice is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution as outlined below.

If the legislature does not adopt a concurrent resolution as outlined below within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law.

Such concurrent resolution shall include:

- The name of the school district that owns such building;
- the information contained in the written notice as outlined above; and
- the state agency that intends to acquire such building and the intended use of such building upon acquisition.

Upon adoption of a concurrent resolution, the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days.

The board shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof.

If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law

and any written agreements entered into between such state agency and the school district.

For purposes of this policy, the term "state agency" means any state agency, department, authority, institution, division, bureau, or other state governmental entity.

**Policy Reference:** DFM

Adoption Date: 06/06/2006, Revised: 07/07/2008; 06/26/2023