

Disposal of District Property

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(See DFM)

Except when disposing of a building as defined herein, the board may dispose of district 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.

When disposing of any school district property, neither the board nor its agent shall refuse to sell, lease, or convey any interest in a building or property to a prospective buyer or lessee solely because the prospective buyer or lessee may use or intends to use the building or property as a nonpublic school building.

Disposal of a School District Building

For the purposes of this policy, terms have the following meanings.

- “Building” means any building that was used in any prior school year as an attendance center for students enrolled in kindergarten or any of the grades one through 12.
- “State agency” means any state agency, department, authority, institution, division, bureau, or other state governmental entity.

Within 30 days after the board of education adopts a resolution to dispose of a 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 stating the legislature's intention that the state acquire the building in the following manner. Such concurrent resolution shall include:

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

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

If the notice is received when the legislature is not in regular session, then, not more than 45 days after the notice is received by the legislature, the legislative coordinating council may deny the legislative option for the state to acquire the building. If the legislative coordinating council denies this option, the district may proceed with disposing of the building in accordance with Kansas law. If the legislative coordinating council does not deny the option for the state to acquire the building within the 45-day period, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution as outlined herein.

Upon adoption of a concurrent resolution, the state agency named in such resolution shall have 180 days to complete the acquisition of such building and take title to the real property. Upon request of the state agency acquiring the 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 the 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 legislature does not adopt a concurrent resolution as described herein within the 45-day period or if the state agency does not take title to the property within the 180-day period or any extension thereof, the school district may proceed with disposition of such property in such manner and upon such terms and conditions the board deems to be in the best interest of the district. Conveyances of buildings and real property described on any legislative notice described herein shall be executed by the president of the board and attested to by the clerk.

School district buildings not meeting the definition of “building” as defined herein, may be disposed of in any manner deemed to be in the best interest of the district by the board, without need for legislative notice under this policy.

Approved:

KASB Recommendation – 3/00; 4/07; 6/23; 6/24