

EXHIBIT

MONTGOMERY COUNTY PUBLIC SCHOOLS

Disposal of School Property (State Law)

- (b) *Acquisition of real property; construction, etc., of school buildings.* - With the approval of the State Superintendent, each county board may:
- (1) Buy or otherwise acquire land, school sites, or buildings; and
 - (2) Rent, repair, improve, and build school buildings or approve contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.
- (c) *Disposition of real property.* –
- (1) Except as provided in this paragraph, if, with the approval of the State Superintendent, a county board finds that any land, school site, or building no longer is needed for school purposes, it shall be transferred by the board to the county commissioners or county council and may be used, sold, leased, or otherwise disposed of, except by gift, by the county commissioners or county council.
- Source:* Annotated Code of Maryland, Education Article, Section 4-115.
- (i) *Disposition of proceeds from sale of certain public school buildings.* –
- (1) This subsection does not apply to the proceeds from the sale, lease, or disposition of public school buildings constructed under contracts executed before February 1, 1971.
 - (2) Consistent with §4-115 of this article and regulations adopted by the Board of Public Works to implement §4-126 of this article, the Board of Public Works may require by regulation that the portion of the proceeds received by a county from the sale, lease, or disposal of any public school building that represent State funds provided within 15 years prior to the date of the transaction shall be used solely as part of the State funding of the construction of future public school buildings in the county in which the sale, lease, or disposal occurred, if the public school building was constructed under a contract executed on or after February 1, 1971.

- (3) The part of the proceeds from the sale, lease, or disposal of a public school building that fairly represents the appraised value of land and that part of the cost of the public school building that was funded by the county shall remain as the funds of the county.

Source: *Annotated Code of Maryland*, Education Article, Section 5-301.

MCPS Exhibit History: January 1983; revised April 1988; revised March 9, 2012.