

Sale, Rental, or Lease of Real Property and Equipment

The Board of Education believes that the Office of Education should utilize its facilities and resources in the most efficient and practical manner. The Superintendent or designee shall periodically study the current and projected use of all County Office facilities to ensure maximum utilization of space for the effective delivery of instruction and other office priorities.

The Board and Superintendent shall dispose of Office of Education property whenever it is apparent that the Office will have no further use for it. If property currently unused will be needed at some future time, it may be leased to a governmental or private agency or individual.

When required by law, the Board of Education shall appoint an advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes.

Before offering to sell or lease surplus real property to any other parties, the Office of Education may offer it to designated child care providers for child care and development purposes.

When surplus property is not sold or leased to child care providers, the Board of Education and Superintendent shall offer to sell or lease it, with an option to buy, in accordance with the priorities set forth in Education Code 17464 and 17230 and in Government Code 54222.

Any lease or sale will conform in all particulars to the provisions of law.

When selling real property purchased, constructed, or modernized with fund received within the past 10 years from a school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

The Superintendent or designee shall ensure that the proceeds from the sale, or lease with an option to purchase, of district surplus property are used in accordance with law.

Legal Reference:

EDUCATION CODE

1042 Additional powers of boards

8469.5 Use of school facilities or grounds for school age child care

17022 Approval of new facilities

17219 Acquisition of property not utilized as school site; nonuse payments; exemptions
17230 Surplus property
17385 Conveyances to and from school districts
17387-17391 Advisory committees for use of excess school facilities
17400-17429 Leasing property
17430-17447 Leasing facilities
17406 Right of district to lease property under lease providing for construction of building
17453 Lease of surplus district property
17455-17484 Sale or lease of real property
17457.5 Offer to charter school
17462.3 State Allocation Board program to reclaim funds
17463.7 Proceeds for general fund purposes
17515-17526 Joint occupancy
17527-17535 Joint use of district facilities
38134 Groups which may use school facilities without charge; charges for use by other groups

GOVERNMENT CODE

54220-54232 Surplus land, especially:
CODE OF REGULATIONS, TITLE 2
1700 Definitions related to surplus property

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App. 4th 1356