

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

The Board of Trustees shall dispose of District property whenever it is apparent the District will have no further use for it. If property currently unused will be needed at some future time, the Board may lease it to a governmental or private agency or individual. (Education Code 17453, 17455-17484)

When required by law, the Board shall appoint a District 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. (Education Code 17388)

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

The sale, lease or rental of District property for child care purposes shall be especially encouraged for programs that are properly licensed, provide adequate insurance coverage, are financially self-supporting and maintain a safe environment through good management and supervision.

(cf. 5148 - Child Care and Development)

When surplus property is not sold or leased to child care providers, the Board 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 made by the Board will conform in all particulars to the provisions of law.

Legal Reference:

EDUCATION CODE

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

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

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

54222 Offer to sell or lease property

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY

The District advisory committee on use or disposition of surplus school buildings or space shall consist of seven to 11 members representative of the following: (Education Code 17389)

1. The District's ethnic, age group and socioeconomic composition
2. The business community, such as store owners, managers or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents of students
7. Persons with expertise in environmental impact, legal contracts, building codes, land use planning, local zoning, and other local land use restrictions.

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the Board of Trustees its recommendations regarding uses of surplus space and real property

Sale, Lease or Rental for Child Care Purposes

Any surplus real property sold or leased to designated child care providers for child care and development purposes shall comply with legally specified outdoor activity space requirements for child care facilities. The provisions of Education Code 17458 shall apply to any such sale or lease.

SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY
(continued)

The use of District facilities or grounds for extended day care services shall be granted only in accordance with the provisions of Education Code 38134. (Education Code 8469.5)

(cf. 1330 - Use of School Facilities)

Regulation
approved:

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California