

**Regulation 3280: Sale Or Lease Of District-Owned Real Property**

Status: DRAFT

Original Adopted Date: 11/27/2012 | Last Reviewed Date: 11/27/2012

**Definitions**

***Dispose* means either (1) the sale of surplus land or (2) the lease of surplus land for a term longer than 15 years, inclusive of any extension or renewal options included in the terms of the initial lease. Dispose does not include the entering of a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease. (Government Code 54221)**

***Under the Surplus Land Act, exempt surplus land* means land, as described in Items #1-10 below, that is: (Government Code 54221)**

1. **Less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes**
2. **Being exchanged for another property necessary for the district's use, including easements, pursuant to Education Code 17536**
3. **Subject to the district advisory committee pursuant to Education Code 17388**
4. **Jointly occupied by the district and any private person, firm, local governmental agency or corporation pursuant to Education Code 17515**
5. **Being transferred to a local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe**
6. **A former street, right of way, or easement, and is conveyed to an owner of an adjacent property**
7. **Developed for low- or moderate-income housing development that meets specified criteria**
8. **Subject to a valid legal restriction that is not imposed by the district and that makes housing prohibited, such as a conservation easement**
9. **Transferred to a community land trust, and meets certain specified conditions**
10. **Included in any of the other exemptions specified in Government Code 54221**

**District Advisory Committee**

The district advisory committee, **which may be referred to as a "7-11 Committee,"** on use or disposition of surplus school buildings or space shall consist of **7-not less than seven or more than 11** members representative of each 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/guardians of students
7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located

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 Governing Board a report recommending uses of surplus space and real property

The district advisory committee shall comply with open meeting requirements of the Brown Act. (Government Code 54952)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

	<b>Description</b>
14 CCR 15061-15062	<a href="#">Preliminary review of projects and conduct of initial study</a>
2 CCR 1700-1702	<a href="#">Surplus property; use of proceeds</a>
Ed. Code 17219-17224	<a href="#">Acquisition of property not utilized as school site; nonuse payments; exemptions</a>
Ed. Code 17230-17234	<a href="#">Surplus property</a>
Ed. Code 17387-17391	<a href="#">Advisory committees for use of excess school facilities</a>
Ed. Code 17400-17429	<a href="#">Leasing of school buildings</a>
Ed. Code 17430-17447	<a href="#">Leasing facilities</a>
Ed. Code 17453	<a href="#">Lease of surplus district property</a>
Ed. Code 17455-17484	<a href="#">Sale or lease of real property</a>
Ed. Code 17462.3	<a href="#">State Allocation Board program to reclaim funds</a>
Ed. Code 17485-17500	<a href="#">Surplus school playground (Naylor Act)</a>
Ed. Code 17515-17526	<a href="#">Joint occupancy</a>
Ed. Code 17527-17535	<a href="#">Joint use of district facilities</a>
Ed. Code 17536	Exchange of district property
Ed. Code 33050	<a href="#">Nonwaivable provisions</a>
Ed. Code 38130-38139	<a href="#">Civic Center Act</a>
Gov. Code 50001-50002	<a href="#">Definitions</a>
Gov. Code 54220-54234	<a href="#">Surplus land</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54952	<a href="#">Legislative body; definition</a>
Pub. Res. Code 21000-21177	<a href="#">California Environmental Quality Act of 1970</a>

**Management Resources References**

	<b>Description</b>
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Publication	<a href="#">Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California, April 2023</a>
CA Dept of Housing & Community Development Pub	<a href="#">Updated Surplus Land Act Guidelines, August 2024</a>
California Department of Education Publication	<a href="#">Best Practices Guide for Potential School Closure, 2024</a>
Court Decision	San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
Office of Public School Construction Publication	<a href="#">Unused Site Program Handbook, December 2015</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

**Management Resources References**

Website	<a href="#">Department of General Services, Office of Public School Construction</a>
Website	<a href="#">Coalition for Adequate School Housing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">California Department of Education, School Facilities</a>

**Cross References**

	<b>Description</b>
1100	<a href="#">Communication With The Public</a>
1220	<a href="#">Citizen Advisory Committees</a>
1220	<a href="#">Citizen Advisory Committees</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1431	<a href="#">Waivers</a>
3100	<a href="#">Budget</a>
3100	<a href="#">Budget</a>
3311.2	<a href="#">Lease-Leaseback Contracts</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
5148.3	<a href="#">Preschool/Early Childhood Education</a>
6020	<a href="#">Parent Involvement</a>
6020	<a href="#">Parent Involvement</a>
7110	<a href="#">Facilities Master Plan</a>
7111	<a href="#">Evaluating Existing Buildings</a>
7160	<a href="#">Charter School Facilities</a>
7160	<a href="#">Charter School Facilities</a>
7210	<a href="#">Facilities Financing</a>
9130	<a href="#">Board Committees</a>
9320	<a href="#">Meetings And Notices</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9323.2	<a href="#">Actions By The Board</a>
9323.2-E(1)	<a href="#">Actions By The Board</a>