

**SALE, LEASE, RENTAL OF DISTRICT-OWNED REAL PROPERTY**

**District Advisory Committee**

The district advisory committee on use or disposition of surplus school buildings or space shall consist of 7-11 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)

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

8469.5 *Use of school facilities or grounds for school age child care*  
17219 *Acquisition of property not utilized as school site; nonuse payments; exemptions*  
17230-17234 *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*  
17453 *Lease of surplus district property*  
17455-17484 *Sale or lease of real property*  
17485-17500 *Surplus school playground (Naylor Act)*  
17515-17526 *Joint occupancy*  
17527-17535 *Joint use of district facilities*  
33050 *Request for waiver*  
38130-38139 *Civic Center Act*

GOVERNMENT CODE

54220-54232 *Surplus land*  
54222 *Offer to sell or lease property*  
54950-54963 *Brown Act, especially:*  
54952 *Legislative body, definition*

PUBLIC RESOURCES CODE

21000-21177 *California Environmental Quality Act*

COURT DECISIONS

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

*Management Resources:*

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

*Unused Site Program Handbook*, October 2004

WEB SITES

*Coalition for Adequate School Housing*: <http://www.cashnet.org>  
*Office of Public School Construction*: <http://www.dgs.ca.gov/opsc>