

Board Office Use: Legislative File Info.	
File ID Number	14-1955
Introduction Date	10-8-14
Enactment Number	14-1760
Enactment Date	10-8-14



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

To Board of Education  
 From Jacqueline Minor, General Counsel  
 Board Meeting Date October 8, 2014  
 Subject Amendments to Board Policy BP 3280

**Action Requested** Approval by the Board of Education of Amendments to Board Policy 3280

**Background** Staff is recommending approval of changes in Board Policy 3280 to conform to State Law which provides under some circumstances the District shall first offer to sell property to Charter Schools.

**Discussion** The following changes are being recommended to Board Policy 3280:  
 The District shall first offer to sell surplus district property to a charter school that projects an in-district average daily attendance of at least 80 students, has requested to be notified of surplus property to be offered for sale or lease, and intends to use the property exclusively to provide instruction or instructional support.

**Recommendation** Approval by the Board of Education of Amendments to Board Policy 3280

**Fiscal Impact** N/A

**Attachments**

- Redline of Board Policy 3280

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 3280

### Business and Noninstructional Operations

Sale, Lease, Rental of District-owned Real Property

The Governing Board 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)~~ The District shall first offer to sell surplus district property to a charter school that projects an in-district average daily attendance of at least 80 students, has requested to be notified of surplus property to be offered for sale or lease, and intends to use the property exclusively to provide instruction or instructional support.

When surplus property is not sold ~~or leased to child care provider~~ to a charter school, 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

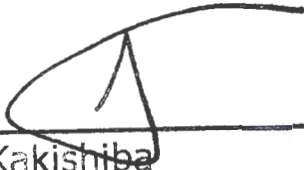
17455-17484 Sale or lease of real property

17515-17526 Joint occupancy

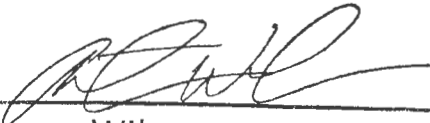
17527-17535 Joint use of district facilities

38134 Groups which may use school facilities without charge; charges for use by other groups  
GOVERNMENT CODE  
54222 Offer to sell or lease property

| 7/14/04; 8/13/14A10/8/14



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David Kakishiba  
President, Board of Education



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Antwan Wilson  
Secretary, Board of Education

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By: