

# CLIENT NEWS BRIEF

## Requirement to Offer Surplus Property to Interested Charter Schools Prior to Sale or Lease No Longer in Effect

School districts selling or leasing surplus property are no longer required to first offer that property to interested charter schools. The requirement has expired and is no longer effective as of July 1, 2016.

Surplus property is real property belonging to a school district that is not needed for school classroom buildings. Before a school district can dispose of surplus property, it must generally take certain steps, which include making written offers or solicitations to sell or lease the property to various statutorily designated agencies. (Ed. Code, §§ 17455, et seq.) If the property remains unsold or unleased after this process, it can be put out to bid to the general public.

Education Code section 17457.5, which became effective on June 27, 2012, required school districts seeking to sell or lease surplus property to first offer that property to any charter school that had submitted a written request to be notified of surplus property offered for sale or lease. Such offers were required for any property designed to provide instruction or instructional support, and interested charter schools received priority over other entities.

Section 17457.5 was originally set to become inoperative on June 30, 2013, and to be repealed on January 1, 2014. However, as part of the trailer bills adopted to implement the 2013-2014 state budget, these deadlines were extended to July 1, 2016. That date has now passed without further legislative action. As a result, the charter school requirements of section 17457.5 are no longer in effect.

We will continue to monitor and provide updates regarding any future legislation related to surplus property. The sunset of section 17457.5 does not impact any other school district obligations to charter schools under Proposition 39 or otherwise.

If you have any questions regarding this Client News Brief, or surplus property issues in general, please contact the authors of this Client News Brief or an attorney at one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

School districts are also invited to review our Checklist for Sale or Lease of School District Surplus Property, which describes the requirements and other rules applicable to the lease or sale of surplus school property in detail. To access a copy of the most recent edition of the Checklist, click [here](#).

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