ACQUISITION AND ALIENATION OF REAL PROPERTY BY EDUCATIONAL SERVICE DISTRICTS
POLICIES, GUIDELINES AND APPROVAL CRITERIA

RCW 28A.310.200 requires that in addition to other powers and duties as provided by law, every educational service district shall, under subsection (6), “Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender.”

Further, RCW 28A.310.460 allows the board of any educational service district to enter into contracts for their respective districts for periods not exceeding twenty years in duration to rent or lease building space.

I. POLICIES

1. Prior approval from the office of the superintendent of public instruction shall be obtained before educational service districts acquire any real property.

2. Prior approval from the office of the superintendent of public instruction shall be obtained before educational service districts alienate real property.

II. PROCEDURES

The educational service district board, by resolution, shall request from the office of the superintendent of public instruction approval to acquire or alienate any real property as set forth in 1 and 2 below:

1. The resolution for acquisition shall include and/or be supported by the following information and documentation:
   a. The location, description and square foot area of the property;
   b. The proposed use and need;
   c. The cost and certification of availability of funds, including the source of said funds;
   d. The duration of the obligation if the request involves contract;
   e. The condition of the termination of any contract;
   f. A copy of the contractual document; and
   g. Any other information deemed pertinent.

2. The resolution for the alienation of real property with title vested in the educational service district shall include and/or be supported by the following information and documentation:
   a. The reasons why such property or property interest is surplus insofar as the foreseeable needs of the educational service district are concerned;
   b. The proposed date of termination;
   c. The conditions of termination; and
   d. Any other information deemed pertinent.

III. APPROVAL CRITERIA

The office of the superintendent of public instruction will approve requests based upon the following criteria:

1. A need consistent with the intent and purpose of educational service district offices;
2. The ability to fund the proposed request; and
3. Other matters the office of the superintendent of public instruction determines are related to or will further the efficient and economic operation of the educational service district.