

LEASE, SALE, OR DISPOSAL OF SCHOOL DISTRICT BUILDINGS & SITES
Code No. 803.2

The Board shall make decisions regarding the lease, sale, or disposal of school district real property. In making its decision the Board will consider the needs of the education program and the efficient use of public funds.

The Board must hold a public hearing before it can authorize the sale of real property or the lease of real property for a term of more than one year. The Board will adopt a resolution announcing the proposed sale, which will contain notice of the time and place of the public hearing and the legal description or local address of the property. Notice of the time and place of the public hearing will be published at least once, not less than 10 days and not more than 20 days prior to the hearing date. After the public hearing, the Board may make a final determination on the proposal for the sale of the real property.

The Board is not, however, required to publish notice or hold a public hearing before authorizing the sale of a student-constructed building or the lease of real property for a term of one year or less.

If the real property to be sold contains less than two acres, is located outside of a city, is not adjacent to a city, and was previously used as a schoolhouse site, the property shall revert to the owner of the tract from whom the property was taken following the procedures set forth in Iowa Code §§ 297.15-25.

In the case of a sale or lease of school district real property not being used for the education program, unless otherwise exempted, advertisements for bids will be taken. If the bids received by the Board are deemed inadequate, the Board may decline to sell or lease the property and re-advertise.

Proceeds from the sale or disposition of real property shall be deposited into the fund which was used to account for the acquisition of the property. If the district cannot determine which fund was used to account for the acquisition of the property or if the fund no longer exists in the district, the proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund, and the proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real property or other property shall be placed in the general fund.

The superintendent is responsible for coordinating the action necessary for the Board to accomplish the lease, sale, or disposal of school district real property. It shall also be the responsibility of the superintendent to make a recommendation to the Board regarding the use of school district real property not being utilized for the education program.

Legal Reference: Iowa Code §§ 297.15-.25
Cross Reference: 705.1 Purchasing – Bidding

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