

**CLASSIFICATION: Administration****ADOPTED: 8/20/03****REVISED:****SUBJECT: Lease of Classroom Facilities, Exemption  
from City or County Zoning Ordinances****PAGE: 1 of 1**

---

The duties and responsibilities of the County Board of Education include the establishment and maintenance of community schools. The Board recognizes the importance of locating these schools in areas that are convenient and accessible to the population they serve.

Pursuant to Education Code section 1042(c), leases of real property for housing the programs and services of the County Superintendent of Schools are the responsibility of the County Board of Education. The Education Code also provides that, in the maintenance and establishment of community schools, the County Board is deemed to be a school district, with the authority to enter into leases for community school facilities.

Government Code Section 53094 authorizes the County Board of Education, by a two-thirds vote of its members, to exempt from city and county zoning ordinances the proposed use of property as a community school facility that is directly used for or related to student instruction. The County Board of Education hereby assigns to the County Superintendent of Schools the authority to render city or county zoning ordinances inapplicable, on a case by case basis, to those locations designated as community school facilities directly used for or related to student instruction. The County Superintendent shall provide the city or county with notice within ten days of making a decision to render a zoning ordinance inapplicable to a proposed use of property as a community school facility.

When leases of real property are submitted for approval to the County Board of Education, cases in which the County Superintendent has rendered city or county zoning ordinances inapplicable shall be specifically identified. In these cases, a majority vote of the Board is required to approve the lease.

**Board Policy Nos.: 2122, 2124****Legal Reference: Education Code****1042(c), 1980, 1984, 1986, 35160****Government Code****53094, 65352.2****79 Op. Atty Gen. Cal. 155****Santa Cruz v. Santa Cruz City Schools Board of Education (1989) 210 Cal.App.3d 1**