

Department Approval of School Buildings, Equipment and Premises Leased for Educational Purposes by School Districts Except School Districts of the First Class

24 P.S. §7-775

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PURPOSE

Pursuant to 24 P.S. § 7-775, all school districts have the authority to lease any part of their respective school buildings, equipment and premises, or any vacant building, for educational purposes. Except in school districts of the first class, these leases are subject to the approval of the Department of Education.

In lieu of requiring districts to submit these leases to the Department for its review and approval prior to their execution, the Department has developed a one-page self-certification application (PDE-359) similar in approach to that currently used for the approval of non-reimbursable school construction projects. This BEC identifies the conditions the school board must certify have been met and provides the application form for this certification.

CONDITIONS

The application requires the school board to certify that the following conditions have been met:

1. The building, premises or equipment to be leased for educational purposes complies with all applicable laws and regulations pertaining to health and safety;
2. The lease agreement contains, at a minimum, the following:
 - a) A description of the building, premises or equipment to be leased and its intended use;
 - b) The term of the lease (commencing on a specific date and ending on a specific date);
 - c) The rental amount, costs included and excluded in rental payment, and payment due date (weekly, monthly or annually);
 - d) The party responsible for maintenance and repair, alterations and additions and insurance coverage; and
 - e) The party liable in the event of any of the following: condemnation; damage and destruction of the building, premises or equipment and payment default (along with a description of the remedies in the event of a default).

Districts must submit the self-certification application and receive PDE approval *before* entering into any lease requiring such approval. For leases already fully executed, districts are advised that the renewal of these leases must be approved by the Department.

ATTACHMENT:

[Leases for Educational Purposes - 24 P.S. § 7-775 \(PDF\)](#)

REFERENCES:

Purdon's Statutes

24 P.S. §7-775

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