

Site Acquisition/Lease

Site Acquisitions and Lease-to-Own

All site acquisitions and/or all lease-to-own of real property by ESD 123 must receive approval from the Office of the Superintendent of Public Instruction (OSPI). The need for additional leased space to house new or existing cooperatives may warrant action sooner than the official process. Specifically, it can take a considerable amount of time to find the appropriate premises, negotiate with the owner, and submit the request to OSPI. The Superintendent is authorized to investigate sites, negotiate for the terms and conditions of any such leases, and sign lease approval(s) with the notation the lease(s) must be ratified by the ESD 123 Board and approved by OSPI prior to legally binding ESD 123.

All temporary agreements will include language which requests these approvals as a condition precedent to creating an ongoing lease obligation.

Lease of Real Property

For leases of real property to be used by the ESD, the following thresholds apply:

- a. Any lease with a term of more than three (3) years or a total financial commitment (annual base rent × term) in excess of \$300,000 must receive prior Board approval.
- b. Leases with a term of three (3) years or less and a total financial commitment of \$300,000 or less may be entered into by the Superintendent or designee, provided the lease terms are consistent with Board policy, budgeted, and do not significantly change the ESD's long-term financial obligations.
- c. Routine renewals or extensions of existing leases (within the same premises, with materially the same terms, and within budgeted amounts) are delegated to the Superintendent or designee.
- d. Any lease that materially changes the ESD's long-term financial commitment (for example, build-to-suit, tenant improvements funded by the ESD, or embedded obligations of the ESD beyond the initial term) shall be treated as a new transaction and must be reviewed by the Board under item (2a).

Adoption Date: 2/24/22

Revision Adoption: 12/18/25

Reference:

[RCW 8.16 Eminent domain by school districts](#)

[RCW 28A.310.200 ESD board—Powers and duties—Rules.](#)

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 28A.310.460 Contracts to lease building space and portable buildings and lease or have maintained security systems, computers and other equipment.](#)

[RCW 74.46.020 Definitions.](#)