

LAWS OF DELAWARE
VOLUME 83
CHAPTER 434
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 327

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SCHOOLS.

WHEREAS, planning for development must take into account all of the public services necessitated by new development; and

WHEREAS, closer coordination between New Castle County, Kent County, and Sussex County and the local school districts with regard to planning for new development is in the best interest of the community.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2656. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(11) An educational element consistent with the plans of the local school districts which guide the construction and allocation of school facilities within the districts, if such plans exist. This element will be developed with input from the local school districts, the Department of Education, and the Office of State Planning and Coordination. The educational element shall include recommendations for promoting coordination between residential development and adequate school capacity and must take into account any adequate public facilities ordinance or other county code provisions related to school capacity.

Section 2. Amend Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4956. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(11) An educational element consistent with the plans of the local school districts which guide the construction and allocation of school facilities within the districts, if such plans exist. This element will be developed with input from the local school districts, the Department of Education, and the Office of State Planning and Coordination. The educational element shall include recommendations for promoting coordination between residential development and adequate school capacity and must take into account any adequate public facilities ordinance or other county code provisions related to school capacity.

Section 3. Amend Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6956. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(11) An educational element consistent with the plans of the local school districts which guide the construction and allocation of school facilities within the districts, if such plans exist. This element will be developed with input from the local school districts, the Department of Education, and the Office of State Planning and Coordination. The educational element shall include recommendations for promoting coordination between residential development and adequate school capacity and must take into account any adequate public facilities ordinance or other county code provisions related to school capacity.

Section 4. By July 1, 2024, the Department of Education, in consultation with the local school districts, the local planning agencies, the Office of State Planning Coordination, and municipalities shall develop guidance and policies for implementing Sections 1, 2, and 3 of this Act.

Section 5. Effective as of January 1, 2023, the Counties must include the educational element as set forth of in Sections 1, 2, and 3 of this Act within their next comprehensive plan update following this Act's enactment into law.

Approved October 3, 2022