



SPONSOR: Sen. Hansen & Rep. S. Moore

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

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

25 residential development and adequate school capacity and must take into account any adequate public facilities
26 ordinance or other county code provisions related to school capacity.

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

29 § 6956. Required and optional elements of comprehensive plan; studies and surveys.

30 (g) The comprehensive plan shall include:

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

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

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

SYNOPSIS

This Act addresses the relation between land development and school capacity and facilitates greater coordination between the counties and local school districts with regard to planning.

Section 1 of the Act amends Chapter 26 of Title 9 of the Delaware code pertaining to New Castle County by requiring that New Castle County's comprehensive plan for planning and development include an educational element concerning the construction and allocation of school facilities within school districts. Section 2 of the Act makes these same changes to Chapter 49 of Title 9, concerning Kent County, and Section 3 of the Act makes these same changes to Chapter 69 of Title 9, concerning Sussex County.

Section 4 of the Act directs the Department of Education to develop guidance and policies for implementing Sections 1, 2, and 3 of the Act. The Department of Education is to develop these guidance and policies by July 1, 2024.

Section 5 of the Act provides that, effective as of January 1, 2023, the Counties must include the educational element in their comprehensive plans within the next comprehensive plan update following the Act's enactment into law.

Author: Senator Hansen