



SPONSOR: Rep. K. Williams & Sen. Lockman
Reps. Baumbach, Lambert, S. Moore, Morrison, Phillips,
Romer, Michael Smith; Sens. Gay, Hansen, Hoffner,
Huxtable, Lawson, S. McBride, Pettyjohn, Richardson,
Sokola, Sturgeon, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 34

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARDS.

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

1 Section 1. Amend § 1048, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1048. Regular and special meetings; quorum; roll call vote.

4 (e) School board meetings must include time for public comment on agenda items that are subject to a vote. Public
5 comment on agenda items must take place before a school board vote on agenda items. The school board may impose
6 reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted
7 for each public comment. For purposes of this subsection, “Agenda items” means major issues expected to be discussed at a
8 public meeting, and excludes procedural items such as votes to approve minutes or enter into executive session.

9 Section 2. Amend Chapter 5, Title 14 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 504B. Open Meetings.

12 (a) For purposes of this section:

13 (1) “Agenda items” means major issues expected to be discussed at a public meeting, and excludes procedural
14 items such as votes to approve minutes or enter into executive session.

15 (2) “School board” means the board of directors of a charter school.

16 (b) School board meetings must include time for public comment on agenda items that are subject to a vote. Public
17 comment on agenda items must take place before a school board vote on agenda items. The school board may impose
18 reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted
19 for each public comment.

SYNOPSIS

House Bill No. 34 requires school boards, including charter schools, to permit public comment on each agenda item presented for a vote at a school board meeting. The public comment period must take place before the school board vote on an agenda item. The school board may reasonably restrict the time, place, and manner of the public comment period.

House Substitute No. 1 for House Bill No. 34 makes the following changes:

1. Clarifies that public comment is not required on procedural items on the agenda that require a vote such as a request to approve minutes or enter into executive session;
2. Removes language referring to open meetings; and
3. Makes other non-substantive changes to improve the bill's clarity.