



SPONSOR: Rep. Matthews & Sen. Poore & Sen. Townsend  
Reps. Bolden, Griffith, Heffernan, K. Johnson, Lambert,  
Longhurst, Morrison, K. Williams; Sens. S. McBride,  
Sokola, Walsh

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 110

AN ACT TO AMEND TITLE 14 RELATING TO TRANSPORTATION OF PUPILS.

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

1           Section 1. Amend § 2905, Title 14 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows and by redesignating accordingly:

3           § 2905. ~~Transportation of students of~~ Rules and regulations regarding the transportation of students of public and  
4           nonpublic, nonprofit elementary and high schools.

5           (a) The Department of Education shall make rules and regulations regarding the transportation of students in  
6           public elementary and secondary schools in this State. The rules and regulations must include a requirement that  
7           transportation benefits must be provided for a student in grades K through 8 who attends the school in which the student is  
8           enrolled based on the residence of the student's parent or legal guardian, and whose legal residence is 1 mile or more from  
9           the public school in which the student is enrolled.

10          (b) The Department of Education shall make rules and regulations concerning regarding the transportation of  
11          pupils students in nonpublic, nonprofit elementary and secondary ~~(high)~~ schools in this State. ~~Such~~ The rules and  
12          regulations shall provide for at least the following:

13               (1) All rules and regulations relative to ~~pupil student~~ transportation to nonpublic, nonprofit schools ~~shall be~~  
14               are the same as those applicable to public ~~schools;~~ schools.

15               (2) ~~Such~~ The rules and regulations shall limit transportation of ~~pupils students~~ in nonpublic, nonprofit schools  
16               to the elementary and secondary schools, except as provisions of this title may assign ~~such the~~ transportation  
17               responsibility to the Department of Education on behalf of ~~pupils students~~ enrolled at other levels in a public school  
18               ~~system;~~ system.

19               (3) ~~Pupils~~ Students enrolled in nonpublic, nonprofit schools ~~shall only be~~ are entitled to transportation only  
20               within the described boundaries of a public school district and not beyond those boundaries.

21          Section 2. This Act takes effect upon enactment and must be implemented no later than September 1, 2023.

## SYNOPSIS

Current Delaware regulations provide that transportation benefits must be provided for students in grades K through 6 who live 1 or more miles from the schools to which district administrators would normally assign them. In grades 7 through 12, the same students are entitled to transportation benefits if they live 2 or more miles from their assigned public schools. See 14 Del. Admin. C. § 1150-12.1.

This Act expands transportation benefits to students in grades 7 and 8 who live 1 or more miles from the public schools to which district administrators would normally assign them. This Act takes effect upon enactment and allows immediate implementation while also providing schools until September 1, 2023, to implement.

In addition, this Act does the following:

- Amends the section header for § 2905, Title 14 to more accurately reflect the section's subject matter.
- Clarifies the Department of Education's authority to promulgate rules and regulations regarding the transportation of students who are in public elementary and secondary schools. Section 2905 already expressly grants promulgation authority to the Department regarding nonpublic, nonprofit schools.
- Clarifies that the new provision of transportation benefits for students in grades K through 8 applies only to students who attend the public school in which their enrollment is based on the residences of their parents; it does not apply to students who attend charter schools or, by choice, schools in different districts.
- Makes several technical changes to conform existing law to the standards of the Delaware Legislative Drafting Manual, including changes to consistently refer to "students" instead of using both "students" and "pupils" within the same section.