



SPONSOR: Rep. Baumbach & Rep. K. Williams & Sen. Sturgeon &
Sen. Sokola
Reps. K. Johnson, Lambert

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 92

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE TERM OF SCHOOL BOARD MEMBERS.

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

1 Section 1. Amend § 1052, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1052. Number; qualifications of members; ~~1 member elected each year;~~ election of members; term of members.

4 (c) Unless otherwise provided in this chapter, 1 school board member shall be elected each year except where an
5 unexpired term of a former member is also to be filled. filled or the terms of 2 school board members expire the same year.

6 (d) Unless otherwise provided in this ~~chapter~~ chapter, each school board member shall be elected for a term of ~~5~~ 4
7 years commencing on July 1 following the member's election, except when such election is to fill an unexpired ~~term~~, said
8 ~~term commencing on July 1 following such member's election.~~ term.

9 Section 2. Amend § 1065, Title 14 of the Delaware Code by making deletions as shown by strike through and
10 insertions as shown by underline as follows:

11 § 1065. Dissolution of school boards upon consolidation of reorganized school districts; appointments by State
12 Board of Education; members elected annually after consolidation; appointment by Governor.

13 (b) Except as provided in subsection (c) of this section, the State Board of Education shall upon consolidation
14 appoint 5 members of the previously existing school boards of the consolidating districts to the school board of the
15 consolidated district and shall designate 1 member to serve for a term of 5 years, 4 years, 3 years, ~~2 years~~ years, and 1 year,
16 respectively. The qualified voters of the consolidated district shall, at each annual election after consolidation, elect 1
17 member for a term of ~~5~~ 4 years who shall serve from the July 1 next succeeding that member's election and until that
18 member's successor qualifies.

19 Section 3. Amend § 1066, Title 14 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

§ 1066. Dissolution of school board upon division of a reorganized school district; members of school board continue to serve terms in districts resulting from division; appointments by State Board of Education and annual election thereafter; appointments by Governor in vocational-technical districts.

(c) Except as provided in subsection (d) of this section, the State Board of Education shall appoint such additional members of the school boards of the school districts resulting from such division as are necessary to bring the total number of school board members for each such resulting district to 5 and shall designate the terms of such appointed members so that the term of 1 member shall expire each year thereafter for the succeeding 5 years. The qualified voters of any school district resulting from such division shall, at each annual election after division, elect 1 member for a term of 5 4 years who shall serve from the July 1 next succeeding that member's election and until that member's successor qualifies.

Section 4. Amend § 1066A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1066A. Elections to the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District.

(a) Notwithstanding anything contained in this chapter to the contrary, members of the school boards of the Brandywine School District, the Christina School District, the Colonial School ~~District~~ District, and the Red Clay Consolidated School District shall be elected by the procedures described herein. Elections shall be conducted in accordance with §§ 1071-1086 of this title; provided, however, that:

(2) The term of office for members of the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District shall be 5 4 years. All terms shall end on June 30 and the terms shall be staggered so that no more than 2 terms in any school district ends on any June 30. Any vacancy shall be filled for the remainder of the unexpired term in accordance with § 1054 of this title.

Section 5. Amend § 1068, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1068. Indian River School Board.

(f) Each school board member shall be elected for a term of 5 4 years, ~~said term to commence~~ commencing on July 1 following the school board member's election, except when such election is to fill an unexpired term, as provided in this chapter, until a successor has been elected and duly qualified.

Section 6. Amend § 1069, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

51 § 1069. School Board for Cape Henlopen School District.

52 (c) School board members shall be elected in the following manner:

53 (7) Except for the shortened term of Area D for 1 year from 1997 to 1998 and Area D for 4 years from 1998 to
54 2002, thereafter, each school board member shall be elected to a term of ~~5~~ 4 years. An exception shall be when such
55 election is to fill an unexpired term as provided in this chapter, until a successor has been elected and duly qualified,
56 said term of such elected school board member to commence on July 1 following the election.

57 Section 7. This Act is applicable to the terms of members elected after December 31, 2021.

SYNOPSIS

House Bill No. 92 reduces the term of a member elected to a school board from 5 years to 4 years for members elected after December 31, 2021.

House Substitute No. 1 for House Bill No. 92 differs from House Bill No. 92 because it clarifies that under § 1052(c) of Title 14, 2 members of a school board may be elected in the same year when the terms of both members expire the same year.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.