

CHAPTER 139  
FORMERLY  
SENATE BILL NO. 122

AN ACT TO AMEND TITLE 14, CHAPTER 10 OF THE DELAWARE CODE RELATING TO EDUCATION AND THE REORGANIZATION AND CHANGING OF SCHOOL DISTRICT BOUNDARIES.

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

Section 1. Amend § 1026, Title 14 of the Delaware Code as follows:

§ 1026. Changing boundaries; vocational-technical school districts; City of Wilmington.

(a) The State Board of Education may, in accordance with this section, change or alter the boundaries of any reorganized school district except the reorganized district of the City of Wilmington, the boundaries of which shall at all times be the same as the boundaries of the City of Wilmington.

(b) Before making changes in the boundaries of a reorganized school district, the State Board of Education shall consult with the school boards of the districts affected by the proposed change. Thereafter, the State Board of Education shall submit for approval or rejection the question of the change of boundary to the qualified voters of the district or districts affected at a special referendum to be held for that purpose, after 2 weeks' notice of the referendum and proposed change has been posted at the school or schools of the district or districts affected. The referendum shall be conducted in each district by the school board of the district. Any person who possesses the qualifications prescribed in § 1077 of this title may vote at the referendum. The question shall be determined by a majority of the total vote cast in each district affected. Each school board shall immediately certify to the State Board of Education the result of the referendum in the district.

(c) Subject to subsection (a) of this section, the State Board of Education may change or alter the boundaries of any reorganized school district without a referendum of the voters if the written consent of the owners of the real property to be transferred has been obtained and if also the school boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.

(d) (1) Notwithstanding the provisions of subsections (b) and (c) of this section, the State Board of Education may change or alter the boundaries of school districts in New Castle County in a manner consistent with some or all of the redistricting recommendations made by the Wilmington Education Advisory Committee in the report issued March 31, 2015, provided that the General Assembly passes, and the Governor signs, a Joint Resolution supporting the proposed changes.

(2) Prior to ordering a change or alteration of a school district boundary under this subsection, the State Board or the Wilmington Education Improvement Commission, shall conduct at least one public hearing in each of the school districts to be affected, including at least two in the City of Wilmington.

(3) In its decision and order to change or alter a school district boundary under this subsection, the State Board of Education shall adopt a transition, resource, and implementation plan. The plan shall be developed by the Wilmington Education Improvement Commission, for presentation to and approval by the State Board, and shall, at a minimum, provide for (1) the orderly and minimally disruptive reassignment of students affected by the boundary change and the reassignment of governance responsibilities, (2) implications for educators, administrators, and other personnel that may lead to equitable adjustments to local collective bargaining agreements, (3) resources that will be required, from state, district, and local sources, to support the redistricting transition and provide for the effective ongoing education of all affected students, and for the support of schools with high concentrations of low income students and English Language Learners, (4) student transportation, (5) distribution of capital assets, and (6) engagement of educators, staff, parents, district personnel, and community members through-out the transition. The plan shall permit students to continue their attendance at the school they attended prior to the boundary change, with tuition payments by the sending district as provided in Chapter 6 of this title, until such time as the pupils complete the grade levels offered in that school. If the State Board does not approve the plan as submitted by the Wilmington Education Improvement Commission, it shall notify the chairperson of the Commission in writing, give reasons why the plan was not approved, and allow the Commission to resubmit the plan within 60 days of the chairperson receiving the notice of denial.

(4) The State Board shall base its decision to change or alter school district boundaries on a record developed in compliance with state open meetings laws.

(5) The authority of the Wilmington Education Improvement Commission and the State Board of Education to act under the provisions of this subsection shall terminate on March 31, 2016.

(e) Notwithstanding subsection (b) of this section, the State Board of Education may change or alter the boundaries of any reorganized vocational-technical school district if the school boards of the districts affected by such change or alteration have adopted resolutions favoring such change or alteration.

Approved August 04, 2015