

LAWS OF DELAWARE
VOLUME 85
CHAPTER 185
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 85

AN ACT TO AMEND TITLE 14 AND TITLE 31 OF THE DELAWARE CODE RELATING TO SCHOOL BOARD MEMBERS.

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

Section 1. Amend § 1054, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1054. Vacancy on school board.

(b) Unless otherwise provided in this chapter, a vacancy on a school board, for any cause other than the expiration of term, shall be filled by the remaining members of the school board for the remainder of the fiscal year, and a new member shall be elected at the next regular school board election to serve for the unexpired term as specified below:

(2) A person appointed to fill a vacant seat ~~shall~~must meet the qualifications to be elected to that seat. seat, including the completion of a background check as required under § 209 of this title. The Commissioner of Elections must make a determination that an individual seeking appointment is qualified under § 209 and § 1052 of this title before the individual may be appointed.

Section 2. Amend § 309, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 309. Background checks for child-serving entities and other organizations.

(e) Upon completion of the criminal background and Child Protection Registry checks:

(5) a. When the background checks are for a member of a school board, the SBI shall provide the criminal background information and DSCYF shall provide the Child Protection Registry check information pertaining to members and prospective members within 15 days of a request under subsection (c) of this section as follows:

1. To the Governor, for an individual seeking appointment to or serving on the State Board of Education or a vocational-technical school district.

2. To the Commissioner of Elections, for an individual seeking to be a candidate for election to a school ~~board.~~ board or seeking to be appointed to fill a vacancy on a school board until the next school board election.

3. To the superintendent of a school district, for an individual serving as a member of the school district board.

4. To the board of a charter school, for an individual seeking to serve or serving on the charter school board.

Approved September 2, 2025