



SPONSOR: Rep. Lavelle & Sen. Sokola

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 569

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION AND SCHOOL PROPERTY AND EQUIPMENT.

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

1 Section 1. Amend §1056(a)(2), Title 14 of the Delaware Code by adding ", pools," between "playground
2 equipment" and "and scoreboards."

3 Section 2. Amend §1056(c), Title 14 of the Delaware Code by striking the phrase ", and subject to approval by
4 the State Board of Education." as it appears at the end of subsection (c) and substituting in lieu thereof the following:

5 "and shall submit the rules and regulations to the Department of Education. The Department shall
6 maintain a file for the rules and regulations developed pursuant to this section by each local school board to facilitate the
7 processing of inquiries regarding the use of school property and/or school equipment."

8 Section 3. Amend §1056(c), Title 14 of the Delaware Code by adding the words "and school equipment"
9 immediately after the words "school property" where they appear in both sentences in subsection (c).

10 Section 4. Amend §1056(d), Title 14 of the Delaware Code by inserting "and/or school equipment" between
11 "property" and "is" in the first sentence; and by inserting "and/or equipment" immediately following the word "property"
12 or the word "facility" wherever those words appear in subsection (d).

13 Section 5. Amend §1056(d), Title 14 of the Delaware Code by striking the phrase "(1) through (4)" and
14 substituting in lieu thereof "(1) through (3)".

15 Section 6. Amend §1056(d)(4), Title 14 of the Delaware Code by deleting paragraph (4) in its entirety.

16 Section 7. Amend §1056(e), Title 14 of the Delaware Code by striking subsection (e) in its entirety and
17 substituting in lieu thereof the following:

18 "(e) A local school board may permit the use of school property or school equipment under its
19 jurisdiction free of charge for any school-sponsored organization, such as a parent-teacher organization. A local school
20 board may also permit the use of school property or school equipment under its jurisdiction free of charge for any State
21 agency. In order to be eligible to use school property and school equipment free of charge, a school-sponsored
22 organization or a State agency must be approved by the local school board and must comply with all other building use
23 policies approved by the local school board. A local school board, however, maintains the discretion to charge school-
24 sponsored organizations and State agencies to recover any costs incurred in excess of normal operating costs if it so
25 chooses through board policy. Other organizations, including for-profit organizations, that are not formally approved as
26 school-sponsored organizations or State agencies, but which receive approval to use school property and/or school
27 equipment must be charged an amount that is at least equal to the estimated costs incurred in excess of the school's normal
28 operating costs. The amount charged must include, but not be limited to, custodial salaries, other employment costs,
29 heating, lighting, and other identifiable operational costs. The local school board shall determine the calculation of these
30 costs and shall calculate these costs so that all excess costs are recovered; and shall maintain appropriate documentation of
31 the calculations, which are subject to audit. A fee schedule developed by the local school board pursuant to this
32 subsection must be in accordance with the provisions of this title and Title 29. The school district shall retain all such fees
33 collected by a local school board and shall use them as local funds for any permissible educational purpose."

34 Section 8. Amend §1056, Title 14 of the Delaware Code by inserting "and/or equipment" immediately following
35 the word "property" wherever it appears in subsections (f), (g), and (h) of §1056.

36 Section 9. Amend §1056(g), Title 14 of the Delaware Code by deleting the phrase ", subject to approval by the
37 State Board of Education".

SYNOPSIS

This bill clarifies local school board responsibilities for authorizing and charging for the use of school property and school equipment. The bill removes from the State Board of Education the responsibility of approving each district's building use policies, and gives districts the authority to approve school-sponsored organizations and State agencies to use school property and school equipment free of charge. Further, the bill allows districts the flexibility to approve for-profit organizations to use school property and school equipment as long as all costs in excess of normal operating costs are recovered.