

Delaware Code provisions related to Surplus Property, Certificate of Need Process and other relevant sections

Title 14, Chapter 10

§ 1056 School property; use, control and management.

(a) As used in this section:

(1) "School equipment" as used in this section shall be deemed to mean, and to include, but not be limited to: kitchen equipment, projection equipment, office machines, laboratory equipment, industrial arts equipment, art equipment, home economics equipment, playground equipment, pools and scoreboards.

(2) "School property or school facilities" means buildings and land.

(b) All property, estate, effects, money, funds, claims and state donations vested by law in the public school authorities of any public school district prior to June 3, 1968, for the benefit of the public schools of such district, shall be under the control, management and custody of the school board of such district subject to § 1047 of this title. Any real and personal estate granted, conveyed, devised or bequeathed, or which may hereafter be granted, conveyed, devised or bequeathed on or after June 3, 1968, for the use of any public school district, shall be held in trust by the school board for the benefit of the public schools of the respective district. Such grants, bequests or money invested in trust for the use of any public school district shall be exempt from all state, county and local taxes.

(c) The control, management and custody of school property and school equipment in all public school districts shall be subject to the laws of this State, the rules and regulations of the Department of Education and the rules and regulations of the school boards of the respective school districts. Each school board shall adopt a set of rules and regulations governing the use of school property and school equipment within the respective district subject to the provisions hereinafter set forth.

(d) The primary purpose for the use of school property is the education of children and youth. The use of such property for purposes other than the primary purpose shall not be permitted whenever such use would interfere with the primary purpose. Any scheduled public school activity, whether taking place during the school day or otherwise, shall have precedence over any other activity for the use of such property. However, in order to encourage the citizens of any community to participate in worthwhile community activities, a school board shall consider any written request by 10 citizens of the respective district, or a recognized community organization, for the use of school property in such district for purposes other than the primary purpose. The decision of such school board regarding the granting of such requests shall be based upon a consideration of the following conditions, paragraphs (d)(1) through (3) of this section, listed in order of importance:

(1) The facility requested for use has not been scheduled for use at the time requested;

(2) The use of the facility requested will be beneficial to children and youth and consistent with the program of education of the school district;

(3) The use of the facility requested will serve a purpose that is educational, cultural, civic, political or recreational;

(e) A local school board may permit the use of school property or school equipment under its jurisdiction free of charge for any school-sponsored organization, such as parent teacher organizations, as well as specified nonprofit organizations (including any youth group designated in Title 36 of the United States Code as a patriotic society). A local school board may also permit the use of school property or school equipment under its jurisdiction free of charge for any specified governmental agency. In order to be eligible to use school property and school equipment free of charge, a school-sponsored organization, a specified nonprofit organization or a specified governmental agency must be individually designated and approved by the local school board and

must comply with all other building use policies approved by the local school board. A local school board may, however, adopt a policy charging school-sponsored organizations, nonprofit organizations and governmental agencies for costs incurred in excess of normal operations. Other organizations, including for-profit organizations, which receive approval to use school property and/or school equipment, shall be charged an amount at least equal to the costs incurred in excess of normal operations. Such costs shall be determined by the local school board, and shall include custodial salaries, other employment costs, heat, lighting and other identifiable operational costs. It shall be the local school board's responsibility to calculate these costs so that all excess costs are recovered and to maintain appropriate documentation of such calculations, which shall be subject to audit. Any fee schedule developed by the local school board shall be in accordance with the provisions of this title and Title 29. All such fees collected by a local school board shall be retained by the school district to be used as local funds for any permissible educational purpose.

(f) Any school board may refuse to permit the use of any school property under its jurisdiction for any purpose which, in its discretion, would tend to interfere with the program of the public schools or would not be in harmony with the purposes of public education in such matters as character building, the development of unprejudiced social attitudes and the training of pupils for responsible citizenship. Any dispute which may arise because of the refusal of any school board to permit the use of any school property under its jurisdiction to any organization or group of citizens shall be reviewed by appeal, in writing, to the State Board of Education.

(g) Any group of citizens permitted to use school property shall be responsible for any damages done to such property over and above the ordinary wear. The extent of such damage shall be determined by the school board having control over such property.

(h) Any school board which permits the use of public school property for any use other than for public school use shall not be liable in tort for any damages by reason of negligence in the construction or maintenance of such property.

(i) All public schools receiving an appropriation of state funds shall be governed by this section as a condition for the receipt of such state funds.

14 Del. C. 1953, § 1056; 56 Del. Laws, c. 292, § 6; 62 Del. Laws, c. 365, § 1; 64 Del. Laws, c. 50, § 2; 66 Del. Laws, c. 303, § 303; 71 Del. Laws, c. 6, §§ 1, 2; 71 Del. Laws, c. 180, § 50; 73 Del. Laws, c. 380, §§ 1-7.;

§ 1057 Sale or lease of property; disposition of proceeds.

(a) When any real property, title to which is held by a reorganized school district, is no longer needed for school purposes, it may be sold by the school district subject to the following:

- (1) The board of education of the school district shall receive documented recommendations from the superintendent of schools of the district showing why the property is no longer needed for school district purposes;
- (2) The board shall take action to consider such recommendations;
- (3) The board shall release the recommendations for public review and shall announce by 10 days' notice in a news release to print and electronic media covering the district the time and place of a public hearing on the recommendation to dispose of the property in question;
- (4) The board shall conduct the public hearing as announced;
- (5) The board shall within 60 days of said hearing take action to accept, reject or modify the recommendation and proceed according to the terms of the recommendation in its current status. If the recommendation was rejected, no further action is required pending any future recommendation;
- (6) Except for property acquired or constructed with 100% state funds upon affirmative decision to sell a property the board shall retain the services of 1 or more licensed real estate brokers or

realtors who are not associated with any member of the board of education of that district and who shall determine a minimum price at which the property is to be offered for sale. In the event the property was acquired or constructed with 100% state funding, then this paragraph shall not apply;

(7) The property for sale shall be offered to other state agencies at the price determined in paragraph (6) of this subsection. Such offer to other state agencies shall be made through the Director of the Office of Management and Budget who shall in turn confer with the Department of Education. Together, they shall approve a purchase or release the district to proceed with another sale within 30 days of the offer by the board of education to the Director of the Office of Management and Budget;

(8) A state agency may negotiate to the extent feasible and practical to assume the state share in such property by transfer of the debt service obligation to the account of that agency without payment of cash for that share of the price set;

(9) If no other agency of state government declares its intent to purchase the property, the Board of Education shall proceed to offer said property to the local government in whose jurisdiction the property is located. Such an offer shall be made to the chief elected official of that local government. If the offer is not accepted within 30 days, the Board may proceed to sell the property on the open market;

(10) A public hearing for the sale of the property on the open market must be advertised at least once a week for 2 consecutive weeks in a newspaper published or circulated in each county of the State. Any proposal to purchase the property shall be delivered to the office of the Executive Secretary of the Board, or to such other place as shall be specified in the advertisement, no later than 5:00 p.m. on the last working day preceding the day fixed for the hearing, and the Board shall not consider any proposal submitted subsequent to that time. The Board shall act upon the proposals no sooner than 7 days and no more than 14 days following the hearing, during which period residents of the district may review the proposals at the office of the district during regular business hours and submit comments on the proposals. The Board shall consider such comments in acting upon the proposals. In its discretion, the Board may reject all proposals or accept a proposal subject to such modifications, except as to price, as the Board determines are appropriate;

(11) A sale on the open market may be conducted by the board and administrative staff of the district or through a licensed realtor or agency who is not associated with the appraiser or any member of the board of education of that district. Any final contract for such sale shall be approved within a period of 60 days by the Director of the Office of Management and Budget, who shall confer with the Department of Education. Approval will not be withheld unless the contract is found by the Director to be unreasonable, in which event the Director shall disapprove the sale and make specific written findings for such disapproval;

(12) When an offer to purchase the property at a price not less than fixed pursuant to paragraph (6) of this subsection is accepted by the board, the Facilities Management of the Office of Management and Budget shall direct that an appraisal be prepared by 2 independent appraisers licensed in Delaware who are from different firms. The amount of this confirmatory appraisal will be the average of the 2 appraisals. Any offer to purchase the property, including offers from state agencies or local governments, at a price not less than that fixed pursuant to paragraph (a)(6) of this section may be accepted by the board provided that the purchase price specified in the offer is either not less than the amount established by the confirmatory appraisal or is amended to increase to the amount established by the confirmatory appraisal;

(13) The rights of bond holders shall not be jeopardized through such sale. This section shall be construed so as not to impair the rights of any bondholder, and all bonds outstanding shall remain in full force and effect according to the terms thereof;

(14) No sales agreement shall be entered into until it can be demonstrated that the purchaser of the property will use the property for purposes authorized according to the zoning requirements, if any, for the area in which the property is located. If any modification of zoning requirements is

necessary, those modifications must be certified to by the appropriate zoning authority prior to the conclusion of the sale;

(15)a. The proceeds of sale of school district property financed, in whole or in part, with the proceeds of bonds issued by the State shall be paid to the State less costs incurred in selling the property after such costs have been met or provision for their payment has been made. The proceeds of sale attributable to the State financing of the property shall be deposited in the School Bond Reversion Account of the State in an amount that bears the same proportion to total net sale proceeds as the State's contribution to meet the cost of the property bears to the total cost of the property.

b. The remaining proceeds shall be deposited in a special fund of the State for the benefit of the selling school district. The money in those special funds shall be invested by and subject to the guidelines established by the Cash Management Policy Board separate and apart from other money invested by the Board. Interest earned, but not profit realized, from the investment of such proceeds shall be paid by the State Treasurer, not less than once nor more than 4 times in each fiscal year of the State, to the school district for which the proceeds are held, for any lawful school purpose, or reinvested pursuant to a written request to the State Treasurer from the school board for such school district. If the school board directs the reinvestment of the interest earnings, they shall become part of the corpus of such special fund.

c. The corpus of the special funds shall, at the direction of the appropriate school board, be applied to retire bonds issued by the school district or to meet the school district's local share of construction required by any school construction bond authorization act, as defined in Chapter 75 of Title 29, as amended.

d. Notwithstanding any other provisions of the above subparagraphs, when it can be documented that all or a part of the property was a gift to a reorganized school district, or its antecedent, the portion of the residual representing the gift shall be assigned to the school district to be used in conformance with paragraphs (a)(15)b. and c. of this section. That portion not identifiable as a gift shall be distributed and deposited in conformance with paragraphs (a)(15)a. and b. of this section.

(b)(1) Notwithstanding § 1056 of this title, when any real property or part thereof of any reorganized school district is not then deemed necessary for school purposes, temporarily or permanently, the board of education of the district may lease such property or part thereof to any person or organization. The leasing person or organization may be required to pay a rental or fee to be determined by the board and to assume sole responsibility for the complete maintenance and preservation of the property, including compliance with all applicable building and housing codes, so that there will be no cost or obligation to the school district for the continued ownership of such property.

(2)a. Any funds raised from rent or charges collected by the school district during any lease term of 10 years or less shall be retained by the school district to be used as local funds for any permissible educational purpose. Any funds raised from rent or charges collected by the school district during any lease term of more than 10 years shall be applied to the costs of maintaining and operating the leased property, if any, with the balance to be turned over to the State Treasurer to be assigned to the State and the school district according to paragraph (a)(15) of this section.

b. Notwithstanding paragraph (b)(2)a. of this section, in the event that there is any outstanding, unpaid, bonded indebtedness held by the State with respect to the building or grounds leased by a local district in accordance with this section, or any identifiable portion thereof, a prorated portion of the lease proceeds in excess of the cost of custodial salaries and utilities associated with the lease shall be turned over to the State Treasurer during any period of the lease that the bonded indebtedness held by the State remains outstanding and unpaid. The amount of such excess lease revenues payable to the State shall be equal to the lesser of:

1. The actual debt service payable by the State during any period covered by the lease; or

2. The amount of the excess revenues generated by the lease during any period that the bonded indebtedness held by the State remains outstanding and unpaid, multiplied by a fraction equal to the State share in the major capital project or projects for which the outstanding, unpaid, bonded indebtedness was originally issued.

In the event that the outstanding, unpaid, bonded indebtedness relates only to an identifiable portion of the leased facility, the amount payable to the State Treasurer shall be the amount calculated in accordance with the preceding sentence, multiplied by a fraction, the numerator of which shall be the gross square footage of the identifiable portion of the leased facility which is included in the lease and the denominator of which shall be the gross square footage of the entire identifiable portion of the leased facility to which the outstanding, unpaid, bonded indebtedness relates.

(3) Before leasing such property or part thereof to any person or organization for any period in excess of 12 months, and before renewing any existing lease where the original term was for 12 months or less but the original term or terms together with the proposed renewal period or periods will exceed 12 months:

a. The school district board of education shall first offer to lease the property to state agencies. If, as a result of the public hearing, sufficient objections to the use of the property by a state agency have been raised, then the school district board of education may refuse to lease to a state agency.

b. If no agency of state government declares an intent to lease the property within 30 days of the offer, or if the lease by a requesting state agency is denied, the school district board of education shall offer to lease the property to the local government in whose jurisdiction the property is located. If, as a result of the public hearing, sufficient objections to the use of the property by the local government have been raised, then the school district board of education may refuse to lease to the local government.

c. If such local government does not declare an intent to lease the property within 30 days of the offer, or if the lease by a requesting local government is denied, the school district board of education may proceed either to offer to lease the property on the open market or enter into an agreement with a lessee, the terms of which are supported by an independent appraisal. If, as a result of the public hearing, sufficient objections to the use of the property by such third-party lessee have been raised, then the school district board of education may refuse leasing to such third party lessee.

(4) No lease of property pursuant to this subsection shall be negotiated until the school district board of education has complied with the procedures set forth in paragraphs (a)(1) through (5) of this section.

(5) No lease of property pursuant to this subsection shall be entered into unless the proposed use of the property is compatible with the characteristics of the neighborhood in which the property is located.

(6) Should a school district contract with any person or organization to lease a classroom building during the regular school year, and specifically during normal operating hours, the State shall not be obligated to build or construct any additional space that may be needed by the school district as a result of entering into such lease.

(c) No sales agreement, lease or donation of real property described within this section shall be negotiated when such property contains or is an integral part of recreational facilities, such as athletic fields or playgrounds, unless and until the board has made specific findings with respect to such facilities after discussion thereof in public forum as described in paragraph (a)(3) of this section. In the event the property was acquired or constructed with 100% state funding, then this subsection shall not apply. Assignment of funds to bond payment shall occur according to the priority schedule in paragraph (a)(15) of this section.

(d) Any purchases, leases or donations not finalized as of April 8, 1982, shall be subject to all the terms and conditions described herein.

(e) Notwithstanding any provision of subsection (a), (b), (c) or (d) of this section, any real property:

- (1) To which title is held by a reorganized school district free of any recorded liens;
- (2) Which was originally purchased and paid for by 100% local district funds;
- (3) Which is no longer needed for school purposes; and
- (4) From the sale of which all proceeds would be retained by the local school district

may be sold by the district without first following the procedures set forth in subsection (a), (b), (c) or (d) of this section.

(f) Notwithstanding any provisions of subsection (a), (b), (c), (d) or (e) of this section, a school district may sell timber located on the real property of the school upon an affirmative vote of a majority of the members of the Board. Sixty percent of the net proceeds (after the expenses relating to the sale and any replanting of trees determined appropriate by the Board) from the sale shall be assigned to the school district to be used in conformance with paragraphs (a)(15)b. and c. of this section. The balance of the proceeds may be utilized by the Board as part of their general fund.

(g) Notwithstanding any provision of § 1056 of this title or subsection (b) of this section, when any real property or part thereof any reorganized school district is not then deemed necessary for school purposes, the board of education of the district may lease such property or part thereof to any person or organization for agricultural use. Such a lease may be in excess of 12 months without requiring the district to first offer to lease the property to State agencies, the local government in whose jurisdiction the property is located, or on the open market. The person or organization leasing such property for agricultural purposes shall be required to pay fair rental value of the property. Any funds raised by the school district for such purpose shall be retained by the school district to be used as local funds for any permissible educational purpose.

14 Del. C. 1953, § 1057; 56 Del. Laws, c. 292, § 6; 62 Del. Laws, c. 351, § 13; 63 Del. Laws, c. 191, § 4; 63 Del. Laws, c. 209, §§ 2-5; 63 Del. Laws, c. 387, § 45; 64 Del. Laws, c. 81, § 1; 64 Del. Laws, c. 254, § 1; 66 Del. Laws, c. 155, § 1; 69 Del. Laws, c. 10, § 1; 70 Del. Laws, c. 227, § 1; 71 Del. Laws, c. 6, § 3; 71 Del. Laws, c. 180, § 51; 71 Del. Laws, c. 371, §§ 1, 2; 75 Del. Laws, c. 88, §§ 16(2), 21(7), 30, 31, 32.;

Title 29, CHAPTER 75. SCHOOL CONSTRUCTION CAPITAL IMPROVEMENTS

§ 7501 Definitions.

As used in this chapter:

- (1) "Bonds" means any bonds authorized to be issued by the State pursuant to a school construction bond authorization act.
- (2) "Local share" means the sum of money specified in any school construction bond authorization act to render permissible the use of the state share for school construction within the particular school district.
- (3) "Minor capital improvement" means minor capital improvement as that term is defined in § 7528 of this title.
- (4) "Notes" means anticipation notes issued by the State in anticipation of the issuance of bonds.
- (5) "School construction" includes, but is not limited to, the acquisition, construction, reconstruction, alteration, remodeling or enlargement of school buildings, the acquisition or installation of apparatus or equipment or educational supplies suitable for the use of such

buildings, the acquisition of machinery necessary for the maintenance of such buildings or school grounds, the acquisition of land required as sites for such buildings, or for playgrounds, including land or rights in land needed to provide access to sites and to provide suitable playgrounds, and the grading or other improvements of such sites, land or rights in land, including the construction of sidewalks where authorized by law, the construction of any sewers or water mains needed to connect such buildings to any publicly owned sewer system or water system, the acquisition of temporary buildings or facilities for school purposes to be used until such time as permanent school buildings or facilities shall become available. The cost of such school construction shall not include any expenses in connection with the holding of any referendum for such school construction.

(6) "School construction bond authorization act" means an authorization act of the General Assembly concurred in by three fourths of all the members of each House, authorizing, among other things, the issuance of bonds and the appropriation of the proceeds thereof to finance school construction.

(7) "School district" means a reorganized school district, or any newly created school unit or area for which no board has been appointed or elected at the time of the effective date of any school construction bond authorization act or any area which the State Board of Education shall determine to be the area served by any school facility which is referred to in any school construction bond authorization act and for which there is specified no local share.

(8) "State share" means that maximum sum of money which may be paid from state sources for school construction in a particular school district as provided in any school construction bond authorization act.

(9) "Total cost" means the maximum sum or sums of money which may be spent for school construction under a particular school construction bond authorization act in a particular school district, provided that nothing contained in this chapter shall prevent any school district from increasing said total cost by providing a larger amount from local sources than that stated as that district's local share, nor prevent the acceptance and use of any funds appropriated by the Congress of the United States for these purposes.

29 Del. C. 1953, § 7501; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, §§ 1, 2; 62 Del. Laws, c. 146, § 30.;

§ 7502 Applicability of this chapter; relation to authorization act.

(a) Unless otherwise provided in any school construction bond authorization act this chapter, in addition to Chapter 74 of this title, shall apply to and control all school construction financed by the issuance of bonds and notes of the State for the purpose of school construction and the issuance of said bonds and notes and to the appropriations for school construction contained in the school construction bond authorization act.

(b) The provisions of this chapter are hereby incorporated in any school construction bond authorization act unless specifically excepted therefrom and shall be deemed a part of any school construction bond authorization act just as if contained verbatim in the school construction bond authorization act.

29 Del. C. 1953, § 7502; 54 Del. Laws, c. 345.;

§ 7503 Matching funds.

(a) Except in the case of a school district for which a local share is not required by any school construction bond authorization act, the state share apportioned to a school district by such school construction bond authorization act shall not be expended unless the local share for such school district shall have been deposited with the State Treasurer not later than 2 years after the effective date of a school construction bond authorization act.

(b) The local share for each school construction project, excluding minor capital improvement projects, which is contained in a school construction bond authorization act, shall be computed as

specified in this subsection. A local share ratio shall first be computed for each school district, including vocational districts, and 1 for each county, for each fiscal year and shall be used in computing the local share of funding for that school district for each school construction project contained in the school construction bond act for that fiscal year. In the event that the funding of a project is spread over more than 1 school construction bond authorization act, the local share ratio which applies to that project in the school construction bond authorization act in which it first appears shall apply to all subsequent school construction bond authorization act allocations for that project. The local share ratio shall be computed by multiplying the school district ability index for the school district, or in the case of vocational schools or special schools, the county wide ability index, as defined in § 1707 of Title 14, by .40, providing, however, that the product shall not exceed .40 or be less than .20 for any school district. The local share ratio shall be rounded to the nearest one-hundredth and the result multiplied by the total cost of the school construction project in order to determine the local share.

The local share for each school construction project may include an additional amount, not to exceed 15% of the local cost as calculated in the preceding paragraph, to match additional state funds that may be appropriated to address increases in the cost of school construction projects. Provided the district receives referendum approval for this additional amount and the State appropriates additional funds subsequent to referendum passage, the district may increase its local share in accordance with the local share ratio for the project and the approved referendum subject to local school board approval.

Inclusion of a project and designation of a local share for a vocational school in a school construction bond authorization act shall be considered authorization for the vocational district to establish a tax rate sufficient to pay the principal and interest on the bonds for the local share of the project.

For the statewide autistic program, the Delaware School for the Deaf, the John G. Leach School, the Kent County Community School, the John S. Charlton School, the Sussex Consortium, Sussex County Orthopedic School and the Howard T. Ennis School, construction shall be 100% state-funded.

Inclusion of a project and designation of a local share for a special school shall be considered authorization for the school district administering the special school to obligate itself for the required bonds and for the school district to collect the revenues required to pay the principal and interest on those bonds through tuition payments authorized in § 602 of Title 14. The school district collecting the tuition for payment of bonds and interest shall maintain such debt service receipts in a separate account for the special school.

(c) The provisions of subsection (b) of this section to the contrary notwithstanding, for the fiscal years ending June 30, 1992 through June 30, 1994, the local share ratio for reorganized school districts with ability indices less than 1.0 shall be computed as follows:

FY'92: $[Ability\ Index\ X\ .40] + \frac{3}{4} [.40 - (Ability\ Index\ X\ .40)]$

FY'93: $[Ability\ Index\ X\ .40] + \frac{1}{2} [.40 - (Ability\ Index\ X\ .40)]$

FY'94: $[Ability\ Index\ X\ .40] + \frac{1}{4} [.40 - (Ability\ Index\ X\ .40)]$

For purposes of this subsection the value of the ability index used in these calculations for any school district shall not be less than .50. This subsection shall not apply to vocational-technical school districts or to special schools.

29 Del. C. 1953, § 7503; 54 Del. Laws, c. 345; 68 Del. Laws, c. 156, § 72(a), (b); 69 Del. Laws, c. 77, § 80; 72 Del. Laws, c. 489, § 128; 73 Del. Laws, c. 95, § 110; 73 Del. Laws, c. 350, § 103; 76 Del. Laws, c. 79, § 142; 77 Del. Laws, c. 87, § 119; 78 Del. Laws, c. 262, § 2.;

§ 7504 Time limit on construction.

No school construction shall be started under authority of any school construction bond authorization act later than 2 years after the effective date of the act, and no money shall be borrowed by the State under authority of any school construction bond authorization act later than 2 years after the effective

date of such act, except such moneys as are necessary to complete school construction started prior to 2 years after the effective date of any school construction bond authorization act.

29 Del. C. 1953, § 7504; 54 Del. Laws, c. 345.;

§ 7505 Formula for construction.

No school construction shall be paid with funds appropriated by any school construction bond authorization act or with funds for which a state share is provided by any school construction bond authorization act if such construction does not conform with the formula for school construction established by the Department of Education.

29 Del. C. 1953, § 7505; 54 Del. Laws, c. 345; 71 Del. Laws, c. 378, § 115.;

§ 7506 Local bonds.

(a) Any school district which is entitled under any school construction bond authorization act to an apportionment of a state share and which is required therein to provide a local matching share is authorized to issue its bonds for the purpose of raising money to pay the local share set forth in such school construction bond authorization act and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be authorized by the board of education of the school district pursuant to Chapter 21 of Title 14, except in the case of the City of Wilmington, in which case the local share to be contributed by the Board of Public Education in Wilmington may be raised by the proper authorities of said City by issuing bonds pursuant to Chapter 175, Volume 52, or Chapter 163, Volume 32, Laws of Delaware, as amended. Chapter 20 of Title 14 shall be complied with in the event that the amount in addition to the local share is for school construction which varies from the standard formula. Such bonds and any notes issued in anticipation of the issuance of such bonds shall, except in the case of the City of Wilmington, be sold to the State. Such bonds shall bear interest at a rate not less than the rate payable on bonds of the State issued to provide such local share plus an amount to cover administrative expenses of the State in connection with the financing of school construction programs in an amount not exceeding one quarter of 1 percent per annum. The State shall issue its bonds to provide the local share of any school construction program in accordance with any school construction bond authorization act, as well as any additional amounts which the qualified voters of any school district shall have authorized to be expended for school construction; provided, however, that such additional amounts must first have been appropriated to such school district in a school construction bond authorization act or amendment to such an act. Such bonds shall not be included in the amount of bonds or notes pledging the faith and credit of the State which are issued and outstanding, authorized but not issued, and about to be issued. The Department of Finance of the State shall annually prepare a report setting forth in brief detail all bonds or notes issued by the State for the purpose of financing a local share of a school construction program and the bonds or notes purchased from local school districts and setting forth receipts and disbursements.

(b) Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

29 Del. C. 1953, § 7506; 54 Del. Laws, c. 345; 55 Del. Laws, c. 432, §§ 2-4; 58 Del. Laws, c. 315, § 11.;

§ 7507 Referendum; notice.

Repealed by 71 Del. Laws, c. 378, § 116, eff. July 8, 1998.;

§ 7508 Bond anticipation notes of local district.

(a) After a local referendum authorizing the sale of local school bonds and in anticipation of the issuance of the bonds, the board of school trustees or board of education of a school district may issue and sell notes of the school district at either public or private sale for not less than par and accrued interest. The notes shall bear interest at a rate not exceeding 5% per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and

be paid not later than 4 years after issuance. The notes shall be signed by the chairperson and 1 member of the board of school trustees or president and 1 member of the board of education of the district, the seal of the school district shall be impressed on each of the notes and shall be payable at a place prescribed by the issuing officers of the State. All provisions of law pertaining to local school bonds and not inconsistent with this chapter shall apply to notes issued hereunder.

(b) The total amount of notes outstanding at any 1 time, together with the total amount of bonds theretofore issued in any district, shall not exceed that portion of the total authorized bonded indebtedness of the school district for which bonds have been authorized by local referendum within the district.

(c) The notes may be redeemed at par and accrued interest prior to their maturity if the right of the school district to do so shall have been reserved by an express provision in the notes. The principal and interest on said notes, including renewal notes, shall be paid from the proceeds of the sale of bonds or from other funds available therefor. The notes shall be general obligations of the school district and the faith and credit of the school district shall be pledged for the full and complete payment of the principal of and interest on such notes and such notes shall be exempt from taxation with respect to both principal and interest by the State or any political subdivision thereof for any purpose. The board of education or the board of school trustees of the issuing school district shall have the same power to levy taxes to pay such notes and the interest thereon as in the case of bonds.

29 Del. C. 1953, § 7507; 54 Del. Laws, c. 345; 57 Del. Laws, c. 92, § 2; 63 Del. Laws, c. 142, § 52; 70 Del. Laws, c. 186, § 1.;

§ 7509 Determination of necessity.

The Department of Education shall determine the present necessity for any school construction program as authorized by any school construction bond authorization act in the several school districts of the State and, in so doing, shall take into consideration the actual and projected number of pupils in the requesting school district as determined by the most current September 30th Unit Count and a standardized annual population projection prepared by or approved by the Office of State Planning Coordination, the feasibility and possibility of the consolidation of school districts, the present and future possibility of overcrowding of school facilities within the school district, the condition and quality of existing school facilities within the district and all other matters and conditions pertinent to the determination of the present necessity of the school construction program, including the reasonable future development or dissolution of the school district. In making such determination of necessity, the Department of Education shall have the authority to make a determination of necessity of a school construction program for a school district which will have a lesser total cost than the maximum total cost for such school district set forth in any school construction bond authorization act. Whenever a determination of necessity of a school construction program is made in an amount less than the total maximum cost for such school district as set forth in any school construction bond authorization act, the state share and the local share shall be reduced in the proportions they bear to the total maximum cost set forth in that act. No determination of necessity for school construction shall be made until the school district shall have identified at least 1 proposed site for such construction, which site shall have been approved as required by § 7525 (a) of this title.

29 Del. C. 1953, § 7508; 54 Del. Laws, c. 345; 71 Del. Laws, c. 378, § 117; 74 Del. Laws, c. 367, §§ 17, 18.;

§ 7510 Certificate of necessity.

(a) When the Secretary of Education has prepared the proposed annual major capital improvement program budget the Secretary shall certify the necessity for same to the State Treasurer together with the amount of the total cost, the state share and the local share, if any, as authorized by any school construction bond authorization act and shall send a copy of such certification to the State Auditor of Accounts and the Director of the Office of Management and Budget and the board of education of such school district. Upon the receipt by the State Treasurer of the certification of said determination, the said school construction program shall be deemed to be authorized, and this chapter and any school construction bond authorization act for the issuance of state and local bonds to provide funds

for school construction programs shall be in full force and effect with respect to such school construction program; provided, however, that, except in cases where a local share is not required by any school construction bond authorization act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer. The issuing officers may at any time after the State Treasurer receives such certificate proceed to issue bonds or notes of the State to provide the funds for the state share thereof, whether or not the requisite local share shall have been actually deposited with the State Treasurer, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

(b) Instead of issuing bonds, as hereinabove provided, the State may pay its share of the total cost by using gifts or any other money on hand which are not required by law to be used for some other purpose.

29 Del. C. 1953, § 7509; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 4; 59 Del. Laws, c. 205, § 7; 71 Del. Laws, c. 378, § 118; 74 Del. Laws, c. 367, § 19; 75 Del. Laws, c. 88, § 21(13).;

§ 7511 Approval of plans; modification.

After making the certificate required by § 7510 of this title, the Secretary of Education is authorized and directed to consider the preliminary and final plans, estimates of costs and specifications of any school construction program and to approve or modify such plans, estimates and specifications, and also to amend the certificates of necessity, provided that nothing herein shall be construed to give said Secretary of Education authority to increase the total share of such program beyond the maximum limit set forth in any school construction bond authorization act. No certificate of necessity shall be amended after the date of successful local school district referendum. In the event that a certificate shall be amended as herein provided, the fact of such amendment shall be communicated to the State Treasurer, and the copies thereof shall be sent to the State Auditor of Accounts and the Director of the Office of Management and Budget and the board of education of the school district.

29 Del. C. 1953, § 7510; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 4; 71 Del. Laws, c. 378, § 119; 75 Del. Laws, c. 88, § 21(13).;

§ 7512 Consolidation of school districts.

In the event that 2 or more existing school districts shall consolidate, the maximum total cost, the maximum state share and the maximum local share of a school construction program as authorized by any school construction bond authorization act for such consolidated district shall be the totals of said amounts appearing in the school construction bond authorization act for the school districts so consolidating, except that the construction funds shall be used only as originally authorized in the certificates of necessity issued to the original districts.

29 Del. C. 1953, § 7511; 54 Del. Laws, c. 345.;

§ 7513 Division of a school district.

In the event that an existing school district is divided into 2 or more school districts, the maximum total cost, the maximum state share and the maximum local share of the school construction program, as authorized for the existing district by any school construction bond authorization act, shall be determined and allocated among the resulting districts by the State Board of Education by taking into consideration the same factors prescribed by § 7509 of this title in determining the necessity for the school construction program in such resulting school districts. The aggregate amounts so determined by the State Board of Education to be allocated to such resulting districts shall not exceed the amount of the maximum total cost, maximum state share and maximum local share, respectively, in the pertinent school construction bond authorization act with respect to the original school district so divided. Such allocated amounts shall be in lieu of the amounts set forth in any school construction bond authorization act for the original school district, and applicable to certificates of necessity issued pursuant to the school construction bond authorization act and this chapter.

29 Del. C. 1953, § 7512; 54 Del. Laws, c. 345.;

§ 7514 Local funds and state appropriations to be deposited.

The moneys paid to the State Treasurer by a school district as its local share under any school construction bond authorization act and any funds appropriated as its local share by the State under any school construction bond authorization act, including any additional amount appropriated to such school district by the State, and for the financing of which bonds of the State are to be issued shall be deposited by the State Treasurer in a special fund and shall be expended only for school construction in such district. Each of said local shares and additional amounts shall be credited with interest in the following manner:

- (1) The State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer such amount of interest as determined by this section upon such funds. The rate of interest applied shall be based upon net interest earned and calculated under guidelines established by the Cash Management Policy Board.
- (2) On or before the last day of each month, the State Treasurer shall credit the operating and debt service accounts respectively of each school district's operating and debt service funds with interest on the average daily balances in operating and debt service funds for the preceding month. The amount of interest due shall be calculated upon the average daily account balances determined by the respective financial activity reports of the Department of Finance.
- (3) On or before the first day of each month, the State Treasurer shall credit the debt service of each local school district's construction fund with interest on the average balance of that proportion of the construction account contributed by the local district. The amount of interest due shall be calculated upon the average daily account balances determined by the respective financial activity reports of the Department of Finance.

29 Del. C. 1953, § 7513; 54 Del. Laws, c. 345; 58 Del. Laws, c. 315, § 12; 63 Del. Laws, c. 142, § 53; 63 Del. Laws, c. 404, §§ 3, 4, 7; 72 Del. Laws, c. 304, § 2.;

§ 7515 Reversion of unexpended state share.

Any sum of money which has been appropriated or allocated to any school district by the State under any school construction bond authorization act which remains unexpended 1 year after pupil occupancy of any school building constructed under the school construction bond authorization act authorizing the construction shall revert to the State and shall be deposited to a special account to be applied against future school construction bond requirements.

29 Del. C. 1953, § 7514; 54 Del. Laws, c. 345.;

§ 7516 Reversion of unexpended local share.

Any sum of money which has been appropriated by any local school district under a school construction bond authorization act which remains unexpended 1 year after pupil occupancy of any school building constructed under the school construction bond authorization act authorizing the construction shall be deposited to the debt service account of the school district to be used for such purposes as are permitted by law.

29 Del. C. 1953, § 7515; 54 Del. Laws, c. 345; 59 Del. Laws, c. 205, § 8.;

§ 7517 Aid to boards of education.

The Department of Education shall render such assistance to boards of education as they may request in the preparation of their preliminary and final plans for school construction.

29 Del. C. 1953, § 7517; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 5; 71 Del. Laws, c. 378, § 120.;

§ 7518 Approval of plans.

The final plans, specifications and estimates of costs of school construction under any school construction bond authorization act and this chapter shall be approved by the Department of

Education. No board of education shall change or alter the final plans as approved without the written consent of the Department of Education or its designated representatives.

29 Del. C. 1953, § 7518; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 4; 71 Del. Laws, c. 378, § 121.;

§ 7519 Powers of board of education; contracts.

The board of education for any district shall cause the school construction program authorized under any school construction bond authorization act and this chapter for such school district to be carried out. Such board of education, with consent of the Department of Education or its designated representatives, shall have power to make and enter into all contracts for school construction and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such school construction program (including purchase of all educational supplies necessary for the initial operation of school so built, altered or added to), provided that all contracts involving expenditure shall be subject to Chapter 69 of this title.

29 Del. C. 1953, § 7519; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, §§ 4, 6; 71 Del. Laws, c. 378, § 122.;

§ 7520 Supervision of construction.

The board of education in each school district shall supervise, or cause to be supervised, the school construction program in such school district.

29 Del. C. 1953, § 7520; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 4.;

§ 7521 Employing school construction personnel.

Each board of education shall have power to employ engineers, architects and such other employees as it deems essential to the proper and expeditious performance of its duties under this chapter, to fix their salaries and length of service and to dismiss them for any cause which it shall deem sufficient.

29 Del. C. 1953, § 7521; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, §§ 4, 6; 71 Del. Laws, c. 378, § 123.;

§ 7522 Approval of bills.

All bills for the expenses of the board of education of any school district for carrying out the school construction program of such school district under this chapter must be marked "approved," and such approval must be signed by the president or vice-president of such board of education and attested by the secretary or acting secretary of such board of education. If such approval is countersigned by the superintendent of the school district or the superintendent's authorized designee, any other signature on the approval may be a facsimile.

29 Del. C. 1953, § 7522; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, §§ 4, 7; 59 Del. Laws, c. 205, § 9; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 378, § 124.;

§ 7523 Warrants.

The board of education of each school district shall when and as funds are required (and not until then) for the payment of the expenses of carrying out the school construction program in such school district contemplated by this chapter, including expenses of engineers, architects and other employees of such board of education, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by the president or vice-president and attested by the secretary or acting secretary of such board of education; such warrants shall be delivered to the Director of the Office of Management and Budget who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same. If such warrants are countersigned by the superintendent of the school district or the superintendent's authorized designee, any other signature on the warrants may be a facsimile.

29 Del. C. 1953, § 7523; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, §§ 4, 8; 59 Del. Laws, c. 205, § 10; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 88, § 21(13).;

§ 7524 City of Wilmington schools.

Repealed by 71 Del. Laws, c. 378, § 125, eff. July 8, 1998.;

§ 7525 Use or acquisition of lands for school construction.

(a) Whenever a school district either proposes to use land that it currently owns for the carrying out of school construction, or to select and acquire land for the same purpose, the board of education of such school district is authorized to use or to select and acquire such land upon the approval of the Department of Education, the Office of Management and Budget and the Office of State Planning Coordination, pursuant to rules and regulations to be promulgated by the Department of Education. A school district may submit more than 1 prospective site for approval. If the Department of Education, the Office of Management and Budget and the Office of State Planning Coordination approve more than 1 site, the Department of Education shall work jointly and cooperatively with the school district to finally decide which site or sites shall be approved. The provisions of this subsection shall apply to any land that a school district desires to use for school construction purposes, whether acquired prior to or after July 19, 2004, and regardless of whether said land was or is to be acquired by the school district either by gift or for consideration, or where said land is proposed to be set aside in lieu of payment of the Voluntary School Assessment as provided in § 2661(c)(3) of Title 9 and § 842(c) of Title 22.

(b) The land may be acquired by contract with the owner or owners thereof at a fair value, or by condemnation proceedings instituted by the appropriate official body, but such condemnation proceedings shall not be instituted against any land, building, franchise, easement or other property of a public utility used by it in providing its service to the public.

(c) The cost of such land shall be deemed to be part of the cost of such school construction.

(d) Title to any lands acquired shall be a fee simple title and shall be vested in the board of education of the school district.

(e) Condemnation proceedings to acquire land in any case where such land cannot for any reason be acquired by agreement with the owner or owners thereof for a fair or reasonable consideration may be instituted by the appropriate official body under § 2303 of Title 14 and Chapter 61 of Title 10.

29 Del. C. 1953, § 7525; 54 Del. Laws, c. 345; 57 Del. Laws, c. 440, § 4; 71 Del. Laws, c. 378, § 126; 74 Del. Laws, c. 367, §§ 20, 21; 75 Del. Laws, c. 88, § 21(13).;

§ 7526 Use of appropriated funds for inspecting and auditing.

(a) The local school district shall apply such portions of the total cost of any school construction improvement authorized by a school construction bond authorization act as shall be necessary to provide for the cost of auditing such school construction improvement, but in no event shall such portion exceed one-half percent of such total cost. The Auditor of Accounts shall be responsible for conducting or having conducted such audit subject to § 2906(c) and (d) and §§ 2907, 2908 and 2909 of this title, as amended.

(b) The local school district shall allocate such portion of the total cost of major school construction improvements for which funds are appropriated by an authorization act as shall be necessary to provide for the cost of inspecting such school construction improvement. The local school district may also allocate a portion of the funds appropriated for minor school improvements for such inspection services.

(c) The local school district shall let contracts for inspection of school construction improvements. In contracting for the inspection of major or minor school construction improvements, the local school district shall give first preference to an experienced and able Delaware organization offering to provide such inspection services on a nonprofit, at-cost basis. Such contracts shall not be deemed public works contracts as defined in Chapter 69 of this title, as amended. If no such organization is able or willing to perform such specialized service on such nonprofit, at-cost basis, then the local school district may contract for such services with profit-making organizations subject to Chapter 69 of this title.

29 Del. C. 1953, § 7526; 54 Del. Laws, c. 345; 59 Del. Laws, c. 205, § 11; 62 Del. Laws, c. 146, § 31; 64 Del. Laws, c. 131, § 17(b); 66 Del. Laws, c. 92, § 60; 71 Del. Laws, c. 378, § 127.;

§ 7527 Expendable supplies.

Funds appropriated for school construction improvements by an authorization act shall not be expended for educational supplies of an expendable nature which are consumed or materially changed as they are used or which have a useful life of less than 4 years; provided, that such funds may be applied to the purchase of supplies necessary or appropriate for the initial operation of schools constructed or reconstructed with such funds.

62 Del. Laws, c. 146, § 32.;

§ 7528 Minor capital improvements.

(a) The proceeds of bonds and notes may be applied to the cost of minor capital improvements. Minor Capital Improvements shall mean, but shall not be limited to, capital expenditures for rebuilding or major repairs of roofs, floors, heating systems or facilities, painting, electrical systems or facilities, plumbing or water systems or facilities, asbestos abatement, the removal of architectural barriers to the handicapped, stand-alone storage buildings and purchase or lease of portable classrooms. These funds may also be applied to the preparation and securing of a public school district building that is being vacated but preserved for an unspecified period of time or for the return of such a building from a closed condition to use by a public school district. The State Department of Education, with the approval of the State Board of Education shall establish rules, consistent with this section, for defining minor capital expenditures.

(b) The State Department of Education, or any other department or agency of the State, shall, in no case, pay more than 60 percent of the cost of minor capital improvements nor more than the total amount designated in an authorization act as "maximum state share," for any minor capital improvements nor less than 60 percent rounded to the nearest \$100 of the final actual total costs therefor. Any funds transferred to a school district from any source for the purpose of removing architectural barriers for the handicapped or asbestos shall constitute the 60 percent portion of a minor capital improvement. No expenditure of such funds may be made by a school district unless and until it has provided its 40 percent share of such minor capital improvement. Notwithstanding the foregoing, the State may provide for the entire costs of minor capital improvements for schools entirely supported by the State.

(c) Before contracts for minor capital improvements are let or funds expended for minor capital improvements by any school district, a portion of the costs of which are to be funded with the proceeds of bonds or notes, such school district shall transmit a request for approval of such capital expenditures to the State Department of Education, which request shall (1) itemize the minor capital improvements to be undertaken and (2) show the estimated cost of each such item. The State Department of Education, applying the rules established pursuant to subsection (a) of this section, shall decide the school district's payment for such minor capital improvements after (1) inspecting the building or facilities to be improved in order to determine both the need for such minor capital improvements and compliance with the rules established pursuant to subsection (a) of this section; and (2) estimating the cost of each such minor capital improvement.

(d) The State Department of Education shall (1) provide necessary help to the school district in letting bids on minor capital improvements; (2) inspect such improvements upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality; and thereupon (3) pay the state's share of the cost of such improvements made by the school district but only subsequent to the deposit with the State Treasurer by the school district of the school district's share, if any, of the cost of such improvements.

(e) Any school district may levy and collect a tax on taxable real property in the school district to pay its share of the cost of minor capital improvements. Such taxes shall be levied and collected by the school district subject to Chapter 19 of Title 14, as amended.

(f) The expenditure of funds for minor capital improvements shall be governed solely by this section.

62 Del. Laws, c. 146, § 32; 63 Del. Laws, c. 242, § 1; 69 Del. Laws, c. 77, § 78(a), (b); 70 Del. Laws, c. 473, § 96; 71 Del. Laws, c. 406, § 1; 72 Del. Laws, c. 94, § 321; 73 Del. Laws, c. 65, §§ 36-39; 74 Del. Laws, c. 308, § 63(a).;

§ 7529 School building maintenance.

Repealed by 74 Del. Laws, c. 308, § 63(b), effective July 1, 2004.;

§ 7530 Guaranteed energy cost savings contracts.

School districts, notwithstanding any other provision of this Code, are authorized to enter into long term contracts known as "guaranteed energy cost savings." They are empowered to use their annual Division II energy appropriations to cover the costs of the contract. All such contracts must contain provisions which allow termination of the contract by the district in the event of non-appropriation of sufficient identified funds to meet the terms of the contract. No additional State funds shall be available for this type of contract. Districts which enter into such an agreement, notwithstanding any change in regulations, shall be allowed to complete the contract using Division II energy appropriations. Where these contracts include hardware/material expenditures, such procurements will be subject to subchapter I of Chapter 69 of Title 29, whether the procurement is carried out by the district or vendor. In the event that the Division II energy appropriations are insufficient to meet the costs of the contract and energy used, districts shall be required to use other funds available to it for the costs exceeding the appropriations. The Division of Accounting is directed to assist school districts in implementing such contracts.

70 Del. Laws, c. 390, § 1.;

Title 14, Chapter 5 Charter Schools

§ 504A Powers.

Consistent with its charter and the provisions of its certificate of incorporation, bylaws or membership agreements, the board of directors of a charter school or schools shall, as to each charter that the board holds, have the power to:

- (1) Manage the implementation of its approved education program;
- (2) Determine its own budget and operating procedures;
- (3) Acquire and convey interests in real property, subject to rules and regulations established by the Department with the approval of the State Board with respect to real property acquired by charter schools using state funds;
- (4) Incur debt;
- (5) Accept gifts;
- (6) Contract with any school district, or any other public school or private nonsectarian, nonreligious entity also empowered to enter into contracts, for any and all real property, equipment, goods, supplies and services; provided, that a school district must make unused buildings or space (defined as space no longer needed, permanently or temporarily, for non-charter school purposes) buildings or space in buildings available to a charter school, and shall bargain in good faith over the cost of rent, services and maintenance related to such space; provided further, that a charter school may, with the approval of the Secretary and the State Board for the sole purpose of determining compliance with this proviso, contract with a sectarian or religious college or university incorporated in the State and operating a program or programs for

teacher education within the State empowered to enter into contracts for such property and services, so long as the property contracted for is used in a nonreligious and nonsectarian manner and the services contracted for are provided in a nonreligious and nonsectarian manner and are of a nonreligious and nonsectarian type. A charter school's continued use of school district space shall be subject to review at least on a 5-year basis, and may be terminated by the district with 1 year's notice, if the district's non-charter school capacity requirements warrant. Charter schools shall have preference over state agencies for purposes of § 1057(b) of this title except that nothing in this section shall require the displacement of any tenant either during the term of its current lease or any renewal thereof;

(7) Hire, manage, and terminate any school employee in accordance with the terms of its personnel policies or any collective bargaining agreement it negotiates with its employees;

(8) Establish reasonable academic and disciplinary standards specifically related to the missions, goals and educational objectives for the charter school as set forth in its charter for students to continue enrollment in the charter school; provided, however, that an expulsion from a charter school shall have the same effect for the purposes of § 4130 of this title as expulsion from a school district. Charter schools may refer students to the alternative programs operated pursuant to the provision of Chapter 16 of this title subject to the following conditions:

a. A student may only be referred to a program which serves that student's district of residence and only if there is space available in such program to serve the student;

b. The student otherwise meets eligibility criteria for students who may be enrolled in such program; and

c. The student's district of residence and the charter school in which the student is enrolled agree to a proration of student funding between or among the charter school and the school district in which the student resides, in which case the district of residence shall become liable for any cost associated with the placement of the student in the alternative program;

(9) Establish an application and admissions process which shall enable the charter school to provide the local districts in which its students reside with a preliminary roster of its students for the subsequent school year on or before May 1 of each year. Each charter school shall make the timetable for its application and admissions process identical to any such timetable set forth by this Code for the operation of a public school choice program.

70 Del. Laws, c. 179, § 2; 71 Del. Laws, c. 82, §§ 1, 2; 71 Del. Laws, c. 180, § 25; 73 Del. Laws, c. 164, § 2; 78 Del. Laws, c. 187, § 1; 79 Del. Laws, c. 321, § 1.;

§ 505 Exemptions; rules and regulations.

(a) Except as otherwise specified in this chapter and title, a charter school is exempt from all provisions of this title except the provisions of Chapter 31 of this title, and all regulations of any board of education of a reorganized school district, although a charter school may elect to comply with 1 or more such provisions.

(b) The Department of Education shall have the authority to promulgate rules and regulations that would further define the application, approval criteria and processes.

70 Del. Laws, c. 179, § 2; 72 Del. Laws, c. 118, § 1; 73 Del. Laws, c. 164, § 6; 73 Del. Laws, c. 313, § 3.;