

Delaware

State Roles and Responsibilities for PK-12 Public School Facilities



2025 State Profile



Authors & Acknowledgements

Author: 21st Century School Fund

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Disclaimers

This state profile represents our best understanding of state policies, standards, and laws governing public PK-12 educational facilities. Any errors or omissions are the responsibility of the authors. This document should not be considered an officially approved statement of state policy.

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**National Center on
School Infrastructure**

The National Center on School Infrastructure is a national resource hub that supports states and school districts in the stewardship of America's elementary and secondary public school facilities.



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DELAWARE EXECUTIVE SUMMARY

This document provides an overview of the state of Delaware’s roles and responsibilities regarding public elementary and secondary (PK12) school facilities. It is part of a National Center on School Infrastructure technical assistance project to document public school facility policy and practice across all U.S. states and territories to help build state capacity for aiding districts in their efforts to provide students and staff with healthy, safe, resilient, and educationally adequate public school buildings and grounds.

Nationally, the governance and management of PK-12 public school facilities are primarily managed by school districts at the local level, with states playing varied roles in school construction and capital funding. Typically, local school districts have the authority and responsibility for the day-to-day operations and maintenance of public school facilities, and for decisions about their long-term planning, design, financing, and construction.

However, states also assume a range of roles and responsibilities regarding the governance and management of school facilities. These include establishing and implementing state policies and practices to support local PK-12 public school facilities planning, facility data collection, capital and maintenance funding for buildings and grounds, facilities management, and facility standards and implementing systems for accountability.



State agencies may additionally offer technical assistance and training to help districts meet modern facility standards, mitigate risks, and enhance the overall quality of local stewardship for public school buildings and grounds. The extent of state involvement in public school facilities varies widely across states.

¹ This is true in all states, except Hawaii, which is a unitary state and local education agency.



Governance

Delaware's public education governance is grounded in the [state constitution](#), which mandates the General Assembly to establish and maintain a general and efficient system of free public schools. Elementary and secondary public educational buildings and grounds are one important part of a system of public schools. The General Assembly fulfills its obligation for public school facilities through legislation and oversight conducted by key standing committees, including the Joint Committee on Capital Improvement (Bond Bill Committee), the Joint Finance Committee, and the House and Senate Education Committees.

The Governor reviews and signs the state's capital and operating budgets and holds emergency powers affecting school facility operations. The Delaware State Board of Education holds regulatory authority under [14 Del. C. § 122\(b\)](#) to approve administrative rules related to capital improvements and school facility programs, while the Secretary of Education—appointed by the Governor—oversees the [Department of Education's Facilities and Operations](#) unit and certifies major capital projects under [29 Del. C. § 7510](#).

Management

State level responsibilities for Delaware's PK–12 school facilities are shared across several state agencies.

- The [Delaware Department of Education](#) (DDOE) leads administrative oversight, including the development of regulations, technical guidance, and program implementation for capital projects and maintenance.
- The [Office of Management and Budget's Division of Facilities Management](#) (DFM) supports capital project review, safety feature verification, and centralized procurement services.
- The [Office of State Planning Coordination](#) advises on land use and school siting in alignment with state development goals.
- The [Division of Public Health \(DPH\)](#) oversees school environmental health standards, including indoor air quality and water safety.
- The [Delaware Department of Natural Resources and Environmental Control](#) (DNREC) manages school-related energy and environmental grant programs and coordinates regulatory oversight of hazardous materials.



Together, these agencies form a coordinated infrastructure management framework across planning, design, construction, environmental health, and safety.

Data

Delaware's school facility data system is governed by [14 Del. C. § 2307](#), which mandates annual building assessments using the state-prescribed School Facilities Evaluation Instrument. The Delaware Department of Education coordinates the submission and internal use of inventory, condition, and environmental health data, while enrollment data is maintained through the state's Education Insight system. Project-specific data, including design documents and educational specifications, are submitted during the capital improvement process and managed internally using platforms such as BIM 360 Docs. Utilization calculations and funding applications incorporate reported enrollment and program capacity figures, though most data are not publicly accessible. DPH maintains a public dashboard for lead-in-water results, but other performance indicators are used solely for internal planning, funding, and compliance.

Planning

Delaware requires educational facility planning. Master planning is embedded in these processes through long-range enrollment projections, educational specifications, and sustainability integration. Emergency management planning is conducted in partnership with Delaware Department of Education (DDOE) and the Delaware Emergency Management Agency and requires all schools to maintain annually reviewed emergency operations plans. Under [14 Del. C. § 2307](#), all districts and charter schools must complete annual maintenance evaluations and submit board-approved plans to DDOE. Major capital planning is governed by the Certificate of Necessity process under [29 Del. C. § 7510](#), which requires submission of detailed project justifications, cost estimates, enrollment data, and compliance with state space planning formulas.

Funding

Delaware funds school facility operations and capital improvements through a combination of formula-based appropriations, cost-sharing mechanisms, and competitive grants. Maintenance and operations funding is supported through Division I and Division II appropriations for personnel and non-personnel costs, as authorized in 14 Del. C. §§ 1703–1706. The Minor Capital Improvement Program ([29 Del. C. § 7528](#)) funds small-scale capital maintenance projects on a cost-sharing basis, while larger construction and renovation efforts are supported through the [Certificate of Necessity](#)



[process](#). Funding for both programs is appropriated annually through the Bond and Capital Improvements Act. Additional state-supported capital programs include deferred maintenance appropriations, energy efficiency investments, solar infrastructure grants, and school safety upgrades. All major capital projects follow a state-local cost-sharing formula defined by [29 Del. C. § 7503\(b\)](#), with vocational-technical districts receiving 100% state funding.

Accountability

Delaware's accountability framework for school facilities includes codified standards for building maintenance, construction, educational adequacy, and environmental health. Annual building assessments under [14 Del. C. § 2307](#) establish a baseline for condition and operations standards, and [14 DE Admin. Code 401](#) and [405](#) provide regulatory guidance for capital improvement program participation. Building standards align with state-adopted building codes, fire safety regulations, accessibility requirements, and school-specific safety mandates under [14 Del. C. § 2306](#). Educational adequacy is addressed through the use of educational specifications and space formulas under [14 Del. C. § 2002](#). Health and environmental standards are implemented by DPH and DNREC through indoor air quality programs, water safety protocols, and hazardous materials oversight. Accountability is enforced through required reporting, state agency reviews, and program-specific compliance monitoring tied to funding and regulatory participation.



DELAWARE ELEMENTARY AND SECONDARY EDUCATION

CONSTITUTIONAL BASIS

Public education in Delaware is a state responsibility established in the Delaware Constitution.

[Del. Const. art. X, § 1](#)

“The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school unless educated by other means.”

The constitutional requirement that the General Assembly provide for a general and efficient system of free public schools establishes the foundation for the state’s role in school facilities. Delaware law delegates responsibility to the General Assembly to define, through statute, the structure, funding, and administration of public education, including the necessary infrastructure to deliver instruction. Over time, this has included the enactment of legislation authorizing state support for school construction, renovation, and maintenance, as well as the establishment of administrative and funding procedures. Delaware courts have also interpreted this constitutional language in cases addressing educational equity and funding adequacy, reinforcing the state’s obligation to provide facilities that support public education. The state’s involvement in school infrastructure is therefore grounded in both constitutional mandate and statutory implementation.

SCALE OF PUBLIC SCHOOL HOUSING

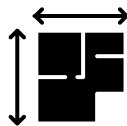
Delaware’s 45 local education agencies (LEAs) reported to the U.S. Census of Governments that they operated 231 PK through 12th grade (and adult education) schools in fiscal year 2022. These districts enroll about 139,935 students and are the



231
Schools



45
Districts/Charters



24,407,791
Sq.Ft.
Reported



17,978
Staff



139,935
Students



workplace for about 17,978 staff. These schools encompass about 24,407,791 gross square feet of building space statewide. (1)

- (1) Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Local Education Agency (School District) Universe Survey", FY2022; "State Nonfiscal Public Elementary/Secondary Education Survey", Fiscal Year 2022. State gross square feet of building space provided by National Council on School Facilities from state officials. **Data includes charter students, schools, and districts.**

The following sections describe Delaware's state-level roles and responsibilities for public school facilities.

DELAWARE'S PK-12 PUBLIC EDUCATIONAL FACILITIES

GOVERNANCE

State-level engagement in PK-12 public school facilities is firmly embedded in state systems. State boards of education, state education agencies, state legislatures, governors, and in some cases, independent commissions and facilities authorities make decisions about state roles and responsibilities associated with the quality and delivery of public school facilities. These bodies govern through state codes, regulations, standards, and budgets, which direct and influence local policies and practices regarding public school buildings and grounds. In some states, education finance equity and adequacy court cases have also played a role in defining state responsibilities for public school facilities.

LEGISLATIVE COMMITTEES AFFECTING FACILITIES

Several committees of the Delaware General Assembly review legislation and capital appropriations that affect public school facilities:

- [Joint Committee on Capital Improvement](#) (Bond Bill Committee): This bicameral committee reviews, modifies, and approves the annual Bond and Capital Improvements Act, which includes state capital funding for public school construction, renovation, and minor capital improvements. The committee evaluates project requests submitted through the Certificate of Necessity process and authorizes appropriations for both major and minor capital projects.
- [Joint Finance Committee](#) (JFC): The JFC drafts and reviews the annual operating budget, including allocations that may support school facilities-related



operations, such as maintenance and custodial staffing under the state’s funding formula.

- [House Education Committee](#) and [Senate Education Committee](#): These standing committees consider legislation related to public education policy, including bills that affect school facility planning, funding mechanisms, and oversight requirements.

During the capital budgeting process, the Bond Bill Committee may establish subcommittees to review specific categories of capital projects, including those related to education. Legislative Council staff support these committees by providing fiscal and policy analysis to inform legislative deliberations.

Through these standing committees, the General Assembly establishes the legal and fiscal framework that governs the construction, renovation, and maintenance of K–12 public school facilities in Delaware.

STATE BOARD OF EDUCATION

The [Delaware State Board of Education](#) is established under [14 Del. C. § 104](#) as a governance body that advises the Secretary of Education and exercises regulatory responsibilities in coordination with the Delaware Department of Education. The Board consists of seven voting members appointed by the Governor and confirmed by the Senate, along with one nonvoting student member.

With respect to school facilities, the State Board holds regulatory authority under [14 Del. C. § 122\(b\)](#) to adopt rules and regulations governing capital improvements, health and safety standards, and administrative procedures related to school construction and maintenance. These regulations, once developed and submitted by the Department, are reviewed and formally approved by the Board and codified in the Delaware Administrative Code. Relevant provisions include:

- [14 DE Admin. Code 401](#): Regulations outlining the process and criteria for school district participation in the major capital improvement program.
- [14 DE Admin. Code 405](#): Regulations governing the minor capital improvement program, including eligibility criteria and local-state funding procedures.



The State Board does not review or approve individual school construction projects or funding applications. Its role is limited to establishing and adopting the regulatory framework that guides statewide school facility programs. In its capacity as an oversight body, the Board also receives informational updates from the Department of Education during public meetings on matters related to school facility policies, funding programs, and regulatory implementation.

DELAWARE SECRETARY OF EDUCATION

The [Secretary of Education](#) serves as the chief officer of the Delaware Department of Education (DDOE) and is responsible for executing the policies, regulations, and programs established by the General Assembly and the State Board of Education. The Secretary of Education is appointed by the Governor of Delaware and confirmed by the Delaware Senate, pursuant to [14 Del. C. § 103\(a\)](#). Under [14 Del. C. § 122\(b\)](#), the State Board is authorized to adopt rules and regulations governing public education, including capital improvements, which the Secretary administers. The Secretary's responsibilities relating to school facilities are further defined in [14 Del. C. § 121\(a\)](#), which directs the Department to coordinate with local education agencies on planning and construction, and in [29 Del. C. §§ 7509–7511](#), assigns the Secretary specific duties in reviewing and certifying major capital project proposals.

In this capacity, the Secretary reviews requests for state support of school construction projects submitted by school districts and charter schools, determines whether a [Certificate of Necessity](#) should be issued under [29 Del. C. § 7510](#), and establishes the total estimated cost and the division of state and local shares based on the district's ability index. The Secretary's certification is a prerequisite for a district to be eligible for state capital funding. The Secretary also oversees the Department's Facilities and Operations unit, which administers school facility regulations codified at [14 DE Admin. Code 401](#) and [405](#) and provides technical assistance on construction planning, maintenance, procurement, and emergency operations coordination.

GUBERNATORIAL ROLE IN SCHOOL FACILITIES

The [Governor of Delaware](#) exercises authority over public education policy implementation through constitutional powers and statutes governing state budgeting, agency appointments, and emergency management. Under [29 Del. C. § 6335](#), the Governor is responsible for submitting the annual capital improvement plan to the General Assembly, which includes proposed appropriations for school construction



and renovation projects as recommended by the Department of Education. These recommendations are incorporated into the [Bond and Capital Improvements Act](#), subject to legislative approval and gubernatorial signature.

In emergency situations, the Governor’s authority over school facilities is established under [20 Del. C. § 3101](#) and [§ 3116\(a\)](#). These provisions grant the Governor general direction and control of the Delaware Emergency Management Agency (DEMA) and the power to issue executive orders necessary to respond to emergencies. During a declared state of emergency, the Governor may suspend regulatory provisions, reallocate state resources, and direct agencies—including the Department of Education—to take actions related to school operations, closures, and facility repurposing.

AD HOC COMMITTEES, BOARDS, AND COMMISSIONS

PUBLIC EDUCATION FUNDING COMMISSION (2025-2026)

The [Public Education Funding Commission](#) (PEFC) is a state-level advisory body re-established by [House Concurrent Resolution No. 2 of the 153rd General Assembly](#) and originally created under Senate Concurrent Resolution No. 201 of the 152nd General Assembly. The Commission is charged with conducting a comprehensive review of Delaware’s public education funding system for all student populations served by district and charter schools. While not limited to school facilities, the Commission’s responsibilities include evaluating how funding mechanisms affect the ability of local education agencies to maintain positive classroom conditions and adequate learning environments, which encompasses facilities-related considerations.

The Commission is composed of 33 members, including legislative leaders, state agency representatives, school administrators, educators, charter school officials, and community advocates. It is chaired by the Chair of the Senate Education Committee, with a vice chair selected from among community stakeholders. PEFC is directed to assess components of Delaware’s current funding model—including Divisions I, II, and III of the public education budget—and to consider alternative approaches such as weighted student funding or hybrid systems that blend resource-based and student-based allocations.

As part of its work, the Commission is reviewing how the current funding system supports capital needs, local wealth disparities, and referendum-dependent funding mechanisms. It is also directed to recommend changes to improve adequacy,



flexibility, and transparency in how districts and charter schools access funding for services and infrastructure. The Commission may establish subcommittees and is required to issue initial recommendations by October 1, 2025, with final recommendations due by July 1, 2026.

WILMINGTON EDUCATION IMPROVEMENT COMMISSION (2015-2017)

The [Wilmington Education Improvement Commission](#) (WEIC) was a temporary state-level advisory body established by the Delaware General Assembly in 2015 through Senate Bill 122 and House Bill 148. The Commission was created to develop recommendations for the improvement of public education governance and funding in the City of Wilmington and to advise the State Board of Education and the General Assembly on those matters. WEIC operated under legislative authorization and was administratively supported by the University of Delaware's Institute for Public Administration.

As part of its work, WEIC created an Ad Hoc Fiscal Impact Committee to assess the financial and facility-related implications of a proposed district boundary change involving the transfer of students from the Christina School District to the Red Clay Consolidated School District. The committee conducted analysis of projected costs related to school construction, capital improvements, and transportation. Its findings were included in WEIC's final report submitted to the State Board of Education and the General Assembly in 2017.

Although the Commission's scope was geographically specific, it operated under state statutory authority and carried out responsibilities defined at the state level. The Ad Hoc Fiscal Impact Committee functioned within this structure as a temporary body focused on evaluating capital and operational implications tied to the state's review of district reorganization proposals.

DELAWARE PK-12 PUBLIC EDUCATIONAL FACILITIES MANAGEMENT

Local Education Agencies (LEAs) have authority and responsibility for the day-to-day operations and maintenance of public school facilities, long-term facilities planning, design, financing, and construction. Although managed locally, there are state facilities roles and responsibilities that may involve strategic planning, data collection, state



funding programs, standards, and systems for accountability. State agencies may also provide technical assistance and training to help districts meet facility standards, mitigate risk, and increase the quality of local district stewardship of public school buildings and grounds. State roles and responsibilities related to elementary and secondary public school facilities vary widely across the U.S. states, with unitary districts in Hawaii and U.S. Territories, where the state and the local agency are combined.

DELAWARE DEPARTMENT OF EDUCATION

The Delaware Department of Education (DDOE), through its Facilities and Operations unit, holds primary responsibility for the oversight and coordination of school facility management across public school districts and charter schools. Acting under the authority granted by 14 Del. C. § 121(a)(8)–(10) and 14 Del. C. § 122(b), the Department is charged with administering regulations and programs related to the construction, renovation, maintenance, and general operation of school buildings. These responsibilities are supported by regulations codified in 14 DE Admin. Code 401 and 14 DE Admin. Code 405.

DDOE provides technical assistance and regulatory oversight for capital improvement projects and repair initiatives statewide. The Department reviews facility needs presented by local education agencies, advises on compliance with space standards and cost parameters, and monitors the implementation of approved projects. It also coordinates the annual approval and administration of state-supported programs related to both major and minor capital improvements. While it does not manage day-to-day facility operations at the local level, DDOE sets the standards, processes, and oversight mechanisms that guide how facility work is planned and funded.

In addition to capital oversight, DDOE administers the statewide school facility condition assessment program, developed under 14 Del. C. § 2307, and requires all districts and charter schools to annually evaluate and report the status of their buildings. The Department also collaborates with other state agencies on matters related to health, safety, and emergency preparedness, including coordination with the Delaware Emergency Management Agency and the Division of Public Health.

To support implementation, DDOE publishes technical guidance, provides training and support to local facility staff, and works with design professionals, construction



managers, and other state agencies to ensure that projects meet educational, environmental, and regulatory expectations. These activities apply to both school districts and charter schools, which are required to comply with statewide facility oversight and reporting requirements. Through these responsibilities, DDOE serves as the central administrative entity for state-level policy, support, and oversight related to the stewardship of public school facilities.

DDOE participates in the administration of the Pathways to Green Schools initiative, a collaborative program led by Energize Delaware and Green Building United. The program provides technical assistance, training, and mini-grants—generally up to \$3,000—to Delaware public schools implementing environmental or energy-related projects. DDOE’s responsibilities include program coordination, outreach to eligible schools, and communication with participating districts regarding application procedures and program requirements.

Participating schools may receive energy assessments, benchmarking services, and implementation guidance for facility-based projects. These projects include LED lighting upgrades, water conservation measures, outdoor learning areas, and other activities aligned with the program’s criteria. DDOE works with schools and partner organizations to support application completion, align documentation with federal and state criteria, and track participation across program cycles.

Between 2021 and 2024, more than 50 Delaware public schools participated in the Pathways to Green Schools program. During the 2023–24 cycle, nine schools received mini-grants.

The Delaware Department of Education (DDOE) served as the state nominating authority for the U.S. Department of Education Green Ribbon Schools (ED-GRS) program for the decades it operated, up until 2024. As part of this role, DDOE managed the annual application and review process for public school districts and charter schools interested in national recognition under the program. The ED-GRS program was based on three federal criteria: reducing environmental impact and utility costs; improving health and wellness; and providing environmental and sustainability education. DDOE reviewed applications using a state-aligned rubric and submits selected nominees to the U.S. Department of Education for consideration.

DELAWARE OFFICE OF MANAGEMENT & BUDGET



DIVISION OF FACILITIES MANAGEMENT

The [Division of Facilities Management](#) (DFM), located within the Delaware Office of Management and Budget, is authorized under [29 Del. C. § 6307A](#) to provide centralized architectural, engineering, maintenance, custodial, grounds, and security services for state-owned and state-supported facilities. In the context of PK–12 public schools, DFM is responsible for reviewing the design and construction of school facilities that receive state capital funding. Under 29 Del. C. § 6307A(b)(7), DFM must review the design of new or substantially renovated public schools in coordination with the Department of Safety and Homeland Security to evaluate compliance with the school safety provisions in [14 Del. C. § 2306](#). This includes the use of [Crime Prevention Through Environmental Design](#) (CPTED) principles and required security features such as secure vestibules, remote door-locking systems, ballistic-resistant glass, and classroom door hardware.

DFM staff coordinate with the Delaware Department of Education, school districts, and charter schools during the capital project development process. DFM’s role includes technical review of plans and specifications, evaluation of building systems, and verification of conformance with applicable building codes and procurement requirements. In accordance with its statutory responsibilities, DFM also provides guidance related to construction standards and design documentation. The agency may participate in site visits during construction and offer consultation on technical matters related to building performance and safety.

DFM supports facility operations through centralized purchasing and contracting mechanisms that allow districts to access state-negotiated contracts for custodial supplies, maintenance services, and building inspections. These services are intended to facilitate procurement efficiency for school districts. DFM’s involvement is limited to projects and services that fall within the scope of its statutory responsibilities and state-supported funding.

OFFICE OF STATE PLANNING

The [Office of State Planning Coordination](#) (OSPC), located within the Office of Management & Budget, provides statewide technical oversight and guidance on land use and infrastructure planning, including public school facilities. Under the Delaware Planning Act ([29 Del. C. §§ 9101–9103](#)), OSPC supports the Cabinet Committee on State Planning Issues in reviewing comprehensive plans (PLUS) submitted by counties and municipalities to ensure consistency with state strategies and to identify impacts



on public infrastructure such as schools. OSPC also offers planning assistance—through internal staff, university partnerships, and grants—to local governments for infrastructure planning, master planning, and growth management, which may encompass school siting and capacity considerations.

DELAWARE DEPARTMENT OF HEALTH

The [Delaware Division of Public Health](#) (DPH), part of the Department of Health and Social Services, holds state-level administrative responsibilities related to the environmental health conditions of public school facilities. DPH collaborates with the Delaware Department of Education (DDOE) on the development and implementation of health-related facility programs, including indoor air quality management, water testing, and environmental hazard mitigation.

Under state law, DPH is responsible for administering the school indoor air quality program established by [Senate Bill 270](#) (2022). In this capacity, DPH develops program guidance, supports implementation, and coordinates with school districts. DPH also oversees the contractor certification process required by the same statute. This program establishes minimum qualifications for vendors performing HVAC, plumbing, or other environmental system work in schools.

DPH works jointly with DDOE to support school drinking water quality initiatives, including the administration of sampling protocols and the provision of technical assistance. The Division also develops and disseminates health-related guidance for schools, covering topics such as ventilation, moisture control, pest management, and other conditions related to environmental health in school buildings.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

The [Delaware Department of Natural Resources and Environmental Control](#) (DNREC) has defined roles in supporting environmental and energy-related functions associated with public school facilities. Through its various divisions, DNREC administers programs that provide funding, technical assistance, and regulatory coordination for energy efficiency improvements, water quality initiatives, and hazardous materials management.



DNREC's [Division of Climate, Coastal, and Energy](#) manages the [Energy Efficiency and Conservation Block Grant](#) (EECBG), a federally funded program that supports infrastructure upgrades in public facilities, including schools. Public school districts are eligible to apply for funding to implement energy conservation measures such as HVAC replacements, lighting retrofits, building envelope improvements, and renewable energy installations. DNREC oversees the grant process, including application review, funding distribution, and reporting requirements.

In coordination with the Delaware Department of Education and the Division of Public Health, DNREC also supports programs related to school drinking water quality. The agency assists in the administration of statewide lead testing in school drinking water and provides technical support for remediation efforts funded through federal grants.

DNREC's [Division of Air Quality](#) and [Division of Waste and Hazardous Substances](#) have responsibilities related to the oversight of hazardous materials management in school buildings. These include regulatory coordination for asbestos abatement during renovation or demolition activities and the permitting of contractors performing environmental remediation work. DNREC may also participate in hazardous substance site oversight under the [Hazardous Substance Cleanup Act](#) when school properties are subject to investigation or remediation activities.

DELAWARE PK — 12 SCHOOL FACILITIES DATA MANAGEMENT

Extensive data and information are needed for educational facility planning, decision making, and oversight. Relevant data helps stakeholders understand the broad impacts of their PK -12 infrastructure spending and investments on health, education, community and beyond. Facilities data falls into five major categories: ([NCES Forum Guide to Facilities Information Management](#)).

Inventory: Data include addresses, geo-codes, building areas, site acreage, and year of construction.

Design: Data include space descriptions, number of stories, designed-for purposes (i.e., elementary school, performance center).



Utilization: Data includes school capacity for enrollment based on the educational programs provided, spaces that are shared, and the gross square footage per enrolled student.

Condition: Data includes facility condition assessment data on the age and condition of major components, systems, and finishes.

Budget and Finance: Data elements include the district expenditures for maintenance, operations, and capital improvements.

Beyond these standard data sets, an increasing amount of data is also being collected and analyzed on building performance. This includes data on building performance metrics for energy efficiency, indoor air quality, lead levels in water, and the presence of hazardous materials like asbestos, mold, or PCBs.

The Delaware Department of Education (DDOE) is the lead state agency responsible for overseeing the collection, management, and use of data related to PK–12 public school facilities. Pursuant to [14 Del. C. § 2307](#), enacted in 2024, DDOE is required to develop and implement a standardized [School Facilities Evaluation Instrument](#), which districts must use annually to assess the condition of their school buildings. Results must be reviewed at a public school board meeting and submitted to the Department by May 1. While this process establishes a uniform framework for school facility evaluation, the data collected is not made publicly available.

ENROLLMENT DATA

DDOE collects and maintains official enrollment data through its [Education Insight Dashboard](#) and internal student information systems. Districts submit enrollment counts annually during the fall unit count process. These data are used for calculating operating funding and are also considered in capital planning processes such as [Certificate of Necessity](#) applications. Projected enrollment is submitted by districts when proposing major capital improvements, but these projections are not governed by statute and are not maintained in a centralized public location. There is no state-maintained, publicly accessible database linking enrollment data to individual facility records.

INVENTORY DATA

Building inventory data is collected annually by the Delaware Department of Education (DDOE) as part of the school facility assessment process required under [14 Del. C. §](#)



[2307](#). Each district and charter school must evaluate all school facilities using the state-prescribed School Facilities Evaluation Instrument, which captures inventory elements including facility address, year of construction, and total gross square footage. This data is submitted to DDOE by May 1 and is used internally to support capital project planning, space utilization analysis, and facility lifecycle tracking. In addition, DDOE uses Autodesk BIM 360 Docs to manage architectural records and floor plans associated with state-funded construction projects. These inventory records are not published in a centralized or publicly accessible database.

DESIGN DATA

Design information for public school facilities in Delaware is submitted as part of the Certificate of Necessity (CN) application process under [29 Del. C. § 7510](#). School districts and charter schools must include Educational Specifications that outline instructional space requirements, grade configurations, number of stories, and alignment with academic programming. Upon certification, the Secretary of Education reviews and approves preliminary and final plans, cost estimates, and specifications pursuant to [29 Del. C. §§ 7511](#) and [7518](#). These design plans and related architectural documents are managed internally by the Delaware Department of Education (DDOE), with secure storage via BIM 360 Docs, accessible only to approved DDOE staff. The data serve as the basis for compliance with [14 Del. C. § 2002](#), which governs space planning standards and cost-per-square-foot formulas. There is no public-facing portal linking these design records to individual facility projects.

UTILIZATION DATA

Utilization data is generated internally by the Delaware Department of Education (DDOE) using annually reported enrollment and program capacity figures. Capacity is defined according to the Voluntary School Assessment standards set by regulation (e.g., [Title 22 DE Admin. Code 415](#)), where a school is considered at or over capacity if student enrollment exceeds 85% of its maximum program capacity in its feeder pattern. DDOE applies this calculation to support Certificate of Necessity reviews. The resulting utilization data informs capital planning decisions but is not published in a centralized public database.

CONDITION DATA

Under [14 Del. C. § 2307](#), school districts and charter schools must assess the condition of all school buildings annually using the state-prescribed School Facilities Evaluation Instrument. This tool includes indicators for the status of HVAC, roofing,



plumbing, structural elements, and other building systems, as well as environmental health indicators such as visible mold and signs of pest infestation. Completed assessments must be presented at a school board meeting and submitted to DDOE by May 1 each year. While DDOE maintains these records for internal use, including funding prioritization, there is no public-facing database of building condition information.

BUDGET AND FINANCE DATA

School districts report facilities-related expenditures—covering maintenance, operations, and capital improvements—via Delaware’s Education Insight [financial reporting system](#), consistent with state transparency requirements. These data support the administration of operating budgets and capital funding allocations. Districts also submit financial information as part of applications for the Minor Capital Improvement Program and the Certificate of Necessity (CN) process. Under [29 Del. C. § 7510\(c\)](#), DDOE publishes an annual report on CN applications with state funding allocations. However, detailed project budgets and financial records are not available in a publicly accessible, facility-level database.

FACILITY PERFORMANCE DATA

Delaware tracks limited performance data related to indoor environmental quality, primarily for lead in school drinking water. However, the only publicly accessible performance data is lead-in-water results, which are published on the DPH [Drinking Water Sampling Dashboard](#).

DELAWARE PK — 12 SCHOOL FACILITIES PLANNING

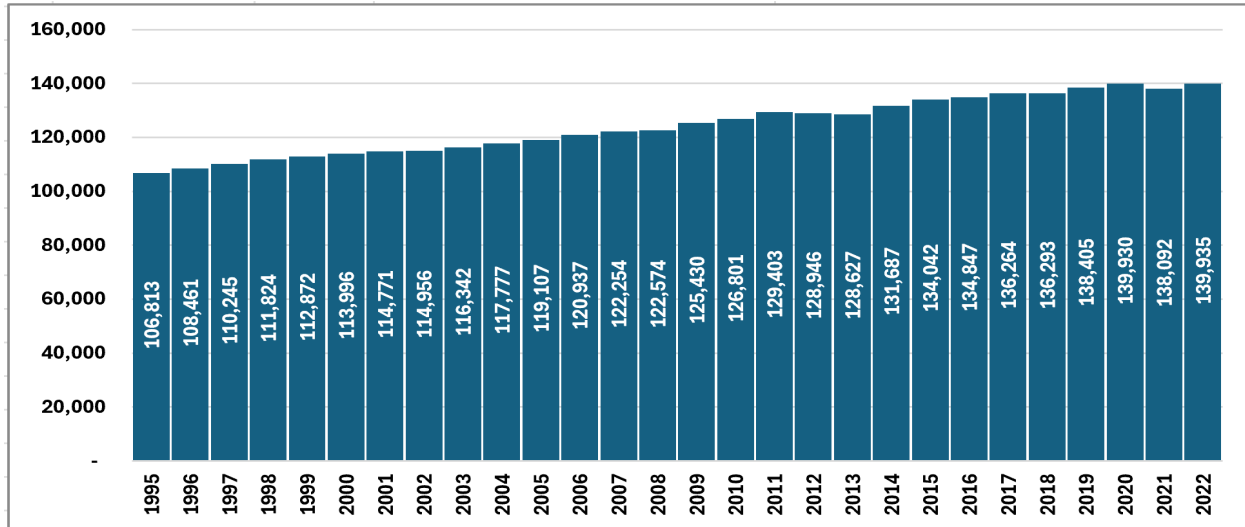
School facilities require planning at many different levels to meet educational and community purposes. Educational facilities planning is needed for facilities operations, maintenance, and capital projects. Planning PK- 12 public school facilities enables states, districts, and communities to align their resources to their needs, ensure that priorities are met fairly, and that facilities are operated, managed, and built to modern health, safety, educational, and environmental standards.

Delaware’s approach to school facility planning incorporates state oversight, procedural requirements, and regulatory coordination across multiple functional areas. While local education agencies are responsible for developing school-specific plans, the Delaware Department of Education and other state agencies establish standards,



review submissions, and administer funding and compliance processes that define how planning occurs statewide.

CHART 1: STUDENT ENROLLMENT 1994-1995 THROUGH 2021-2022



Source: Data from the U.S. Census of Governments Fiscal Survey; www.school-infrastructure.org Data Dashboard, of the National Center on School Infrastructure (NCSI).

MAINTENANCE PLANNING

Delaware requires annual maintenance planning through a standardized facility evaluation process established under [14 Del. C. § 2307](#). Public school districts and charter schools must inspect each school facility using the state-developed [School Facilities Evaluation Instrument](#). Based on these findings, each district must develop a maintenance and repair plan and present both the assessment and plan at a public board meeting. These materials must be submitted to the Department of Education, the Office of Management and Budget, and the Joint Committee on Capital Improvement by May 1 each year.

The Department of Education reviews submissions and monitors compliance. Its Facilities and Operations unit provides procedural guidance and technical assistance upon request. Completion of the facility evaluation and submission of a board-approved maintenance plan are required for participation in the state’s Minor Capital Improvement Program, which funds repairs and replacements with an expected useful life of at least ten years. While the state prescribes reporting requirements and review procedures, project prioritization remains at the local level. Delaware does not centrally rank facility needs across districts.



CAPITAL PLANNING

Delaware's major capital improvement process is governed by the Certificate of Necessity (CN), as outlined in [29 Del. C. § 7510](#). Each year, local education agencies (LEAs) must submit CN applications by August 31 for proposed major construction projects, including new school buildings, additions, or significant renovations. Applications must include enrollment data, program capacity figures, project justification, cost estimates, and alignment with space planning standards defined under [14 Del. C. § 2002](#).

The Secretary of Education is responsible for reviewing each application and, under 29 Del. C. § 7510, may issue a certificate confirming that the project is necessary and in the public interest. This certification establishes the total estimated cost of the project and the division of costs between the state and the local district, based on the district's ability index. For a project to proceed, the local share must be secured, typically through a successful public referendum, unless the district is exempt under statute.

Once certified, projects are included in the Governor's capital improvement plan and submitted to the General Assembly for appropriation through the Bond and Capital Improvements Act. State funds are released in accordance with legislative approval, and local districts are responsible for depositing their required share before project implementation may begin, as required under 29 Del. C. § 7510(c).

The Secretary of Education also has the authority under [29 Del. C. § 7511](#) to review and approve project plans and specifications, and to modify them if necessary, provided that the changes do not increase the total cost beyond the amount authorized by the General Assembly. Capital renewal needs that fall below the threshold for major projects are addressed through the Minor Capital Improvement Program, which is administered by the Department and funded through separate line-item appropriations.

EDUCATIONAL FACILITIES MASTER PLANNING

Delaware supports educational facilities master planning through the project planning requirements embedded in the major capital improvement process. When seeking state capital funding, districts are required to submit long-range planning documentation that includes enrollment projections, educational program requirements, grade configurations, and facility capacity needs. Enrollment projections are used to assess long-term demand and are often supported by data from the



Delaware Population Consortium. Housing growth and school siting implications are addressed through the Voluntary School Assessment mechanism, which applies in New Castle County and requires a review of residential development impacts on school capacity. Educational Specifications submitted to the Department as part of CN applications must describe instructional space needs and how the proposed project supports the district’s educational mission. State guidance documents also support integration of sustainability goals into facility planning. The Department’s Facilities and Operations unit reviews these submissions for compliance with state planning standards and alignment with construction formulas defined by the Department.

EMERGENCY MANAGEMENT PLANNING

The Department of Education and the Delaware Emergency Management Agency (DEMA) coordinate statewide emergency management planning for public school facilities through the [Comprehensive School Safety Program](#). Each school is required to develop and maintain an all-hazards emergency operations plan, which must be reviewed and updated annually. Emergency planning requirements include procedures for building lockdowns, evacuations, severe weather, and other emergency scenarios. The state provides planning templates, training, and technical assistance to districts for the development and implementation of these plans. Emergency management planning is considered a required component of operational readiness and facility use, and is reviewed in coordination with DDOE’s Facilities and Operations staff, particularly in the context of school renovations or major projects that impact access control or life safety systems.

DELAWARE PK-12 EDUCATIONAL FACILITIES FUNDING

School facilities are funded with annually budgeted operating funds for utilities, cleaning, groundskeeping, maintenance and repairs; and periodically budgeted, and usually bond financed, capital funds, for school design, construction, renovation and major repair projects. State laws define how districts get access to local financing for school construction capital projects and whether or how states distribute state school construction funding. Federal funding for school construction is minimal—before pandemic funding—it was less than 2% of what districts paid for school construction capital outlay, with a major share of federal funding for rebuilding schools post-weather-related disasters.

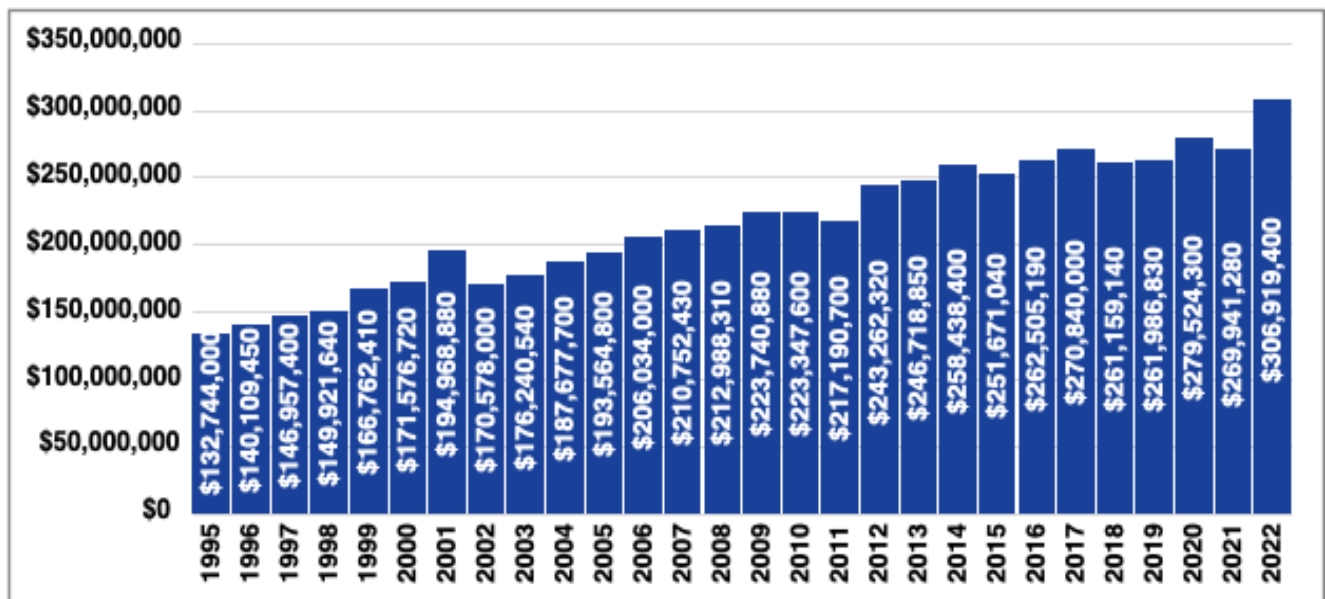


MAINTENANCE AND OPERATIONS FUNDING

Maintenance and Operations expenditures include payment for utilities, custodial staff and services, groundskeeping, related custodial and repair materials, equipment, and maintenance contracts, as well as spending for security personnel, materials, and services.

Chart 2 displays local education agencies annual facilities maintenance and operations expenditures for fiscal years 1995-2022 adjusted to 2024\$ with the Consumer Price Index. They are inflation-adjusted to better inform comparisons over the 27 years. In fiscal year 2022 local education agencies reported to the U.S. Census of Governments and the National Center for Education Statistics that they spent nearly \$307 million for M&O—an average of about \$2,193 per 2021-2022 student.

CHART 2: M&O SPENDING, FY1995-FY2022 (INFLATION-ADJUSTED 2024 \$)



SOURCE: DATA FROM THE U.S. CENSUS OF GOVERNMENTS FISCAL SURVEY; ACTUAL M&O SPENDING DATA AVAILABLE AT WWW.SCHOOL-INFRASTRUCTURE.ORG DATA DASHBOARD, OF THE NATIONAL CENTER ON SCHOOL INFRASTRUCTURE (NCSI).

DIVISION I UNIT FUNDING

Delaware's Division I funding system allocates state-supported staff units to districts based on student enrollment, as authorized by [14 Del. C. § 1703](#) (definition of pupil units) and [14 Del. C. § 1704](#) (calculation of units by district). The primary intent of Division I units is to support classroom teachers and instructional staff. Although the statute does not provide a specific mechanism or unit formula for custodial staff, in practice, some districts may use a portion of their total unit allotment for non-



instructional roles, including custodial services. However, such use is at the discretion of the district and is not explicitly authorized or delineated in statute or regulation.

DIVISION II OPERATIONS FUNDING

Division II funding provides state financial support for the non-personnel operational expenses of public school districts and charter schools. This funding is authorized under [14 Del. C. § 1706](#) and is distributed based on the number of authorized units generated through the state’s enrollment-based formula. Division II appropriations are intended to support expenditures necessary for the general operation of schools, including costs associated with facility maintenance and operations.

Allowable uses of Division II funds include payments for utilities, maintenance service contracts, custodial and repair supplies, fuel, and other facility-related operational needs. While the funding is not restricted to facility-specific purposes, school districts routinely apply Division II resources to support ongoing building operations.

Allocations are calculated annually by the Department of Education and are incorporated into each district’s general operating budget. Districts have discretion in how they apply Division II funds within the categories allowed by statute and must report expenditures through the state’s financial reporting system in accordance with Department of Education procedures.

MINOR CAPITAL IMPROVEMENT PROGRAM (MAINTENANCE FUNDING COMPONENT)

The Minor Capital Improvement Program (MCI) is governed by [29 Del. C. § 7528](#) and administered by the Delaware Department of Education (DDOE) with approval from the State Board of Education. The program allows the use of state bond proceeds for capital expenditures that maintain or restore the condition of existing school facilities. Eligible projects include, but are not limited to, major repairs or replacement of roofs, floors, heating, electrical, and plumbing systems, asbestos abatement, the removal of architectural barriers, portable classrooms, and preparations for vacating or reusing school buildings.

School districts must submit project requests to DDOE, including itemized improvements and estimated costs. Before approving state funding, DDOE must inspect the facility to verify the need and ensure compliance with program rules. After final inspection and confirmation that project specifications are met, DDOE pays the state share of the costs—generally 60% of the approved total. Local districts are



required to deposit their 40% share prior to state reimbursement, unless the school is entirely state supported, in which case the state may fund 100% of the project.

MCI projects must meet a minimum expected useful life of ten years. The program is distinct from major capital improvements, as defined under the Certificate of Necessity process, and is the primary funding tool for addressing smaller-scale building system repairs and replacements. Funds are non-lapsing and may be accumulated across fiscal years. Local revenue for MCI matches may be generated through property taxation as authorized in § 7528(e) and [Chapter 19 of Title 14](#).

DEFERRED MAINTENANCE APPROPRIATIONS (BOND BILL LINE ITEM)

Delaware periodically allocates funding for deferred maintenance in public school facilities through designated line items in the annual Bond and Capital Improvements Act. These appropriations are not governed by a permanent program or statutory formula and are determined annually at the discretion of the General Assembly. Funding is typically used to address building system repairs and replacements that extend beyond routine maintenance but do not meet the threshold for major capital improvement projects.

Projects funded under these appropriations may include HVAC replacements, roof repairs, window and door upgrades, and other systems that have reached the end of their service life. While not tied to a specific statute, these appropriations function in coordination with state priorities and may be informed by facility condition data collected under [14 Del. C. § 2307](#). Funding is 100 percent state-supported and does not require a local match.

The Delaware Department of Education administers the distribution of deferred maintenance funds, coordinates with school districts on project implementation, and ensures compliance with applicable procurement and reporting requirements. Unlike the Minor Capital Improvement Program, deferred maintenance appropriations are not subject to fixed eligibility criteria or state-local cost-sharing formulas. In fiscal year 2026, approximately \$30 million was allocated for deferred maintenance projects in public schools through the Bond Bill.

FACILITIES CAPITAL FUNDING

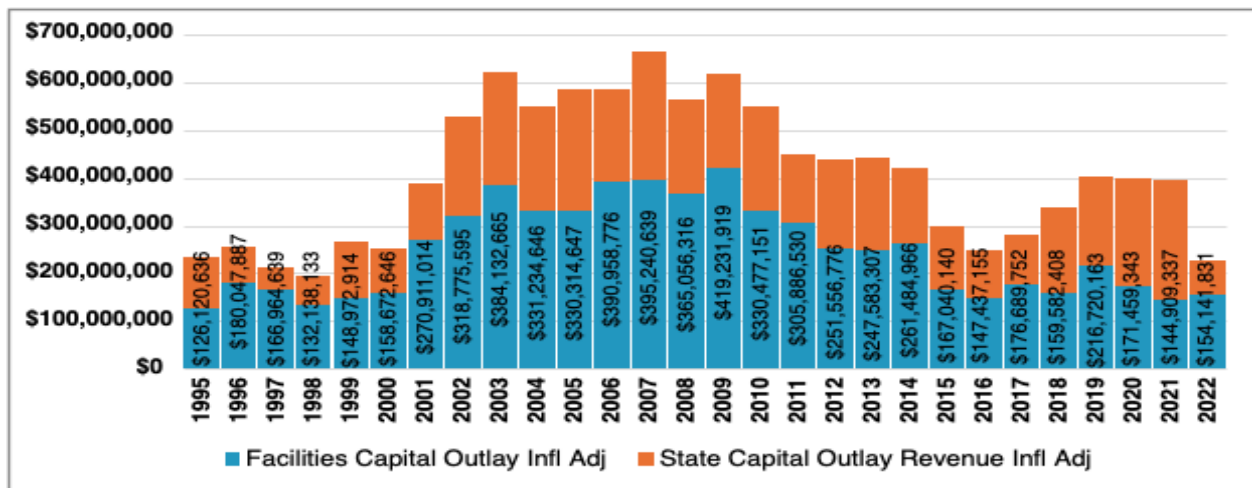
In addition to annual operating funds for facilities, school districts are responsible for the long-range planning, design, financing, construction, and major renovation and



systems renewals of public school buildings and grounds. These capital outlay expenditures are used for new school construction, as well as for such items as roof replacements and upgrades to mechanical systems.

Chart 3 shows school construction and other equipment capital expenditures from 1995 through fiscal year 2022 (inflated to 2024\$ with the Turner Construction Cost Index) and the share of these expenditures paid for with state revenue for capital outlay and debt service. In 2022, the facilities capital outlay for school construction and other equipment expended by Delaware local school districts was \$154 million (inflation-adjusted dollars). This excludes the cost of land, existing structures, and instructional equipment reported as part of the total capital outlay by school districts to the U.S. Census of Governments.

CHART 3: CAPITAL OUTLAY FOR SCHOOL CONSTRUCTION AND OTHER EQUIPMENT FY 1995 – FY 2022 (IN 2024\$)



Source: Data from the U.S. Census of Governments Fiscal Survey; actual Capital Outlay spending data available at www.school-infrastructure.org Data Dashboard, of the National Center on School Infrastructure (NCIS).

CERTIFICATE OF NECESSITY PROGRAM

Delaware school districts initiate state-support for major school construction and renovation projects with the [Certificate of Necessity](#)(CN) process, authorized under [29 Del. C. § 7510](#). The CN serves as the statutory prerequisite for accessing what is administratively referred to as the Major Capital Improvement Program. Projects eligible under this program include new school construction, major additions, building



replacements, and substantial renovations to address capacity, safety, and programmatic needs.

Each year, local education agencies must submit CN applications to the Delaware Department of Education (DDOE) by August 31 for consideration in the next fiscal year's capital budget. As set forth in [14 DE Admin. Code 401](#), applications must include enrollment projections, facility capacity calculations, educational program specifications, project cost estimates, and a justification for the project's necessity. DDOE reviews the submissions based on criteria including enrollment trends, building utilization, facility condition, and alignment with instructional needs.

Approved CN projects are included in the Department's capital budget request and may receive funding through the Bond and Capital Improvements Act, subject to legislative authorization. Under Delaware's cost-sharing model, the state typically funds 60 to 80 percent of approved project costs. The local share is determined according to the equalization formula in [29 Del. C. § 7503\(b\)](#), which reflects the district's relative property wealth. Local districts must obtain voter approval to issue bonds for their share of the cost unless they are vocational-technical school districts, which are eligible for 100 percent state funding.

In accordance with 29 Del. C. § 7510(c), DDOE must publish an annual report summarizing all CN applications received, those approved or denied, and the amount of state funding allocated by district over the preceding five years. Funding for approved projects is released incrementally as they proceed through phases such as design, bidding, and construction. All projects must comply with state guidelines for educational specifications, allowable square footage, and procurement.

In fiscal year 2026, Delaware allocated approximately \$171.5 million in state capital funding for public school construction and major renovations through CN-approved projects. These funds represent the state's largest annual investment in school facility capital improvement.

MINOR CAPITAL IMPROVEMENT PROGRAM (CAPITAL FUNDING COMPONENT)

The Minor Capital Improvement Program (MCI) provides state financial assistance for small-scale capital projects with a minimum expected useful life of ten years. The program is authorized under [29 Del. C. § 7528](#) and administered annually by the Delaware Department of Education through appropriations in the Bond and Capital Improvements Act. The MCI program is designed to support capital-eligible projects



that do not meet the cost threshold for major construction but are necessary for the long-term functionality of school facilities.

Eligible capital expenditures include partial or full replacement of roofing systems, window and door replacements, mechanical system upgrades, structural repairs, and improvements to meet code compliance or accessibility requirements. School districts must submit annual requests to the Department of Education, including itemized project lists and estimated costs. The Department evaluates requests, inspects facilities as needed, and approves state funding based on program rules. Approved projects are funded through a 60 percent state / 40 percent local cost-sharing formula, as set forth in statute. Vocational-technical school districts may receive 100 percent state funding if entirely state-supported. Charter school participation is determined by annual appropriations.

MCI funds are allocated through the Bond Bill each fiscal year. Project-level approval is subject to review by the Department, and funds may be carried forward across fiscal years. The program functions as a flexible tool to address system replacements and capital improvements that do not require a Certificate of Necessity.

The program is implemented in accordance with [14 DE Admin. Code 405](#), which defines allowable expenditures, project categories, and reimbursement procedures.

ENERGY EFFICIENCY INVESTMENT

The [Energy Efficiency Investment Fund](#) (EEIF) provides financial assistance for energy-related capital improvements to public school facilities in Delaware. The program is administered by the Department of Natural Resources and Environmental Control (DNREC) and is available to nonresidential facilities, including K–12 public schools. The EEIF program supports the installation of high-efficiency mechanical, lighting, and building envelope systems that reduce energy consumption and operating costs.

Eligible capital improvements under the program include HVAC upgrades, LED lighting installations, building automation systems, energy recovery ventilators, and improvements to thermal insulation or window systems. Funding is available through both prescriptive rebates and custom grants, with the amount of assistance based on the projected energy savings and cost-effectiveness of each project. Public schools may apply through DNREC's Division of Climate, Coastal and Energy, and approved projects must comply with program guidelines for design, installation, and performance.



The EEIF program is supported by public utility assessments and operates on a rolling basis, with availability contingent on annual funding levels. While the program is administered outside the Department of Education, it serves as a complementary capital funding mechanism that enables districts to invest in long-term infrastructure upgrades that improve energy performance and environmental quality in school buildings.

SOLAR FOR SCHOOLS (2023-2024)

The [Solar for Schools Grant](#) was launched in January 2023 through a partnership between Energize Delaware, the Delaware Department of Education, and Green Building United. The program provided nonrecurring, one-time capital funding to public school districts for the installation of solar photovoltaic (PV) systems. The initiative was initially funded at \$15 million for fiscal year 2023 and was structured to distribute allocations to all 19 Delaware school districts.

Under the program, each district was eligible to receive a minimum of \$500,000, with total allocations calculated on a per-student basis using statewide enrollment counts. Eligible uses of funds included rooftop, ground-mounted, and carport-mounted solar installations, battery storage, safety upgrades, interconnection costs, utility meter upgrades, signage, and associated design and engineering services. Districts were required to submit feasibility assessments and enter into performance agreements that included reporting on system output for a minimum of three years.

The program was administered as a competitive, nonrecurring grant and remains time-limited. Funding awards are active for 24 months following allocation, with the option to request extensions. All Solar for Schools Grant funds were made available during fiscal years 2023 and 2024, with no additional rounds announced as of 2025.

SCHOOL SAFETY AND SECURITY CAPITAL FUNDING

The state periodically funds school facility safety upgrades through line-item appropriations in the Bond and Capital Improvements Act. These funds are designated for physical improvements intended to enhance school security, including secure vestibules, access control systems, door and window reinforcements, emergency notification systems, and surveillance infrastructure. While not part of a permanent program, safety and security funding has been included in recent fiscal year appropriations in response to identified needs and emerging priorities.



Allocations are 100 percent state-funded and are administered by the Delaware Department of Education in coordination with local education agencies. In fiscal year 2026, approximately \$9.1 million was appropriated for school safety and security facility enhancements. Funded projects must comply with applicable state design and procurement standards.

FACILITIES FINANCING

Delaware finances public school facility construction and renovation through a state-local cost-sharing system authorized in statute and administered by the Delaware Department of Education in coordination with the Office of Management and Budget. State funding is provided through the issuance of general obligation bonds, while local districts are responsible for securing their share of funding through voter-approved local bond referenda. The state reimburses a percentage of construction costs based on the relative wealth of the district.

The state's contribution to school construction is determined through a standardized process. Under [29 Del. C. § 7509](#), the Department of Education reviews project requests submitted by local education agencies and evaluates each proposal using criteria that include projected and actual student enrollment, existing building conditions, and instructional program needs. If a project is determined to be necessary, the Secretary of Education issues a certification under [29 Del. C. § 7510](#), authorizing the state to include the project in the capital budget request. The Secretary also establishes the total estimated project cost using the state's cost-per-square-foot formula by grade level and determines the percentage of funding to be covered by the state and the local district.

Local and state shares are calculated according to the "ability index" defined in [14 Del. C. § 1707](#) and [29 Del. C. § 7503\(b\)](#). The ability index reflects a district's capacity to generate local revenue and is based on assessed property values. The state share typically ranges from 60 to 80 percent of the total project cost. Districts with lower local wealth receive a higher percentage of state funding, while higher-wealth districts contribute a greater share. Vocational-technical school districts receive 100 percent state funding and are not required to contribute a local share. The same equalization methodology applies to both the Certificate of Necessity and Minor Capital Improvement Program. For projects involving district consolidation, [29 Del. C. § 7512](#) permits the use of maximum cost and maximum state share values.



Local districts are required to obtain voter approval for the issuance of local bonds to finance their share of project costs. Under 29 Del. C. § 7503 and [14 Del. C. § 2004](#), a simple majority vote is required to authorize bond issuance. Once approved, the district proceeds with issuing debt to finance its portion of the project. The state issues its share through general obligation bonds backed by the full faith and credit of the state, as authorized under 29 Del. C. §§ [7501–7502](#). Debt service on the local portion is paid by the district, while the state reimburses its share monthly as the district makes bond payments, as specified in 29 Del. C. §§ [7503](#), [7504](#), [7505](#).

The Department of Education administers the financing process by approving requests, coordinating bond issuance, and ensuring compliance with state planning standards. These standards include cost-per-square-foot limits and allowable space by grade configuration. Project budgets are reviewed for consistency with the planning formulas and cost ceilings established by the state. In addition, [29 Del. C. § 7518](#) authorizes the Department to establish procedures for submitting, approving, and tracking capital funding requests.

All school construction financing in Delaware is subject to the provisions of the annual Bond and Capital Improvements Act, which appropriates state bond proceeds for approved projects. The combination of general obligation bond issuance, equalized cost-sharing, and voter-approved local debt provides the fiscal framework for delivering new and renovated public school facilities statewide.

JUDICIAL DECISIONS AFFECTING FACILITIES

In 1952, the Delaware Court of Chancery decided [Gebhart v. Belton](#), a case concerning racial segregation in public schools. The plaintiffs presented evidence that Black students in Delaware were attending schools with significantly inferior physical conditions and facilities compared to those provided for white students. The court ruled in favor of the plaintiffs, ordering the integration of the affected schools. This decision was later affirmed by the Delaware Supreme Court and became one of the five cases consolidated into *Brown v. Board of Education* (1954). Although the case addressed segregation, it also documented inequities in school building conditions and access to adequate facilities.

More recently, [Delawareans for Educational Opportunity and NAACP Delaware v. Carney](#) was filed in 2018 in the Delaware Court of Chancery. The lawsuit challenged the constitutionality of the state’s school funding system, particularly the reliance on



outdated property assessments that affected the distribution of local education revenue. The plaintiffs argued that the funding system did not adequately support students with greater needs and limited the ability of school districts to raise sufficient local funds for education. While the case did not focus exclusively on school facilities, the revenue structures it addressed are also used to support capital improvements and building maintenance. In 2020, the parties reached a settlement that included commitments to conduct statewide property reassessments and to increase state funding for high-need student populations. These changes have implications for the resources available to districts for maintaining and improving school facilities.

DELAWARE PK — 12 SCHOOL FACILITIES STANDARDS & ACCOUNTABILITY

Accountability systems for facilities involve facility standards, assessments, and reporting on the health, safety, education, and other factors associated with PK – 12 public school buildings and grounds. It involves systems for measuring and communicating conditions, and the authority to encourage or enforce changes in school design, construction, operations and maintenance.

Accountability systems for facilities involve facility standards, assessments, and reporting on the health, safety, education, and other factors associated with PK–12 public school buildings and grounds. It involves systems for measuring and communicating conditions, and the authority to encourage or enforce changes in school design, construction, operations and maintenance.

MAINTENANCE AND OPERATIONS STANDARDS

Delaware establishes maintenance and operations standards for public school facilities through state law and administrative requirements that apply to all school districts and charter schools. Under [14 Del. C. § 2307](#), school districts must annually assess the condition of each school facility using the School Facilities Evaluation Instrument developed by the Delaware Department of Education (DDOE). This tool establishes baseline condition criteria across a range of building systems and operational areas and serves as the statewide standard for defining whether a facility is in “good repair.”



The evaluation instrument addresses the functional status of existing building systems and operational conditions, including mechanical, electrical, and plumbing systems; HVAC functionality; roofing integrity; structural safety; pest or vermin presence; water fixture operation; restroom conditions; and the absence of visible mold or hazardous materials. The tool also includes indicators related to overall building cleanliness, ventilation, and the condition of doors, windows, and finishes. These categories reflect ongoing operational status rather than design or construction standards.

Each school district is required to conduct these inspections annually and present the findings in a public board meeting. A board-approved maintenance and repair plan must be adopted in response to identified deficiencies and submitted to the Department of Education, the Office of Management and Budget, and the Joint Committee on Capital Improvement by May 1. The evaluation must be completed for all school facilities, regardless of age or funding status, and applies to both traditional school districts and charter schools. Districts may conduct the assessments using internal staff or qualified third-party professionals, provided the state-approved instrument is used.

DDOE monitors compliance with the annual inspection and reporting requirements. These standards support consistent statewide tracking of school facility maintenance needs and inform funding priorities under the Minor Capital Improvement Program and other maintenance-related appropriations.

BUILDING STANDARDS

Delaware requires that all new public school buildings and major renovations comply with state-adopted building codes and school-specific design standards. Building requirements are established through a combination of nationally recognized codes, Delaware state law, administrative regulation, and interagency plan review processes. These standards apply to structural design, accessibility, life safety, building systems, and site development.

New school construction and major capital renovations must comply with the adopted editions of the International Building Code (IBC), International Mechanical Code, International Plumbing Code, and National Electrical Code, as enforced by local code officials and reviewed by the Office of Management and Budget's Division of Facilities Management (DFM). School projects must also comply with the [Delaware State Fire Prevention Regulations](#), which incorporate standards from the National Fire Protection



Association (NFPA), and are enforced through plan review and inspection by the State Fire Marshal's Office. Accessibility requirements are governed by the federal Americans with Disabilities Act (ADA) and the [Delaware Architectural Accessibility Standards](#), with oversight by the state Architectural Accessibility Board.

In addition to general public infrastructure requirements, Delaware has enacted building standards specific to school safety and site design. Under [14 Del. C. § 2306](#), any new public school building or major renovation project funded through state capital appropriations must include designated security features. These include a secure entry vestibule with video and remote door-locking capability; ballistic-resistant glass or equivalent protective material in the main entrance area; interior classroom doors that can be locked from both inside and outside, subject to fire code compliance; and an emergency panic alarm system capable of alerting law enforcement. The Delaware Department of Education and DFM review project plans to ensure compliance with these security-related requirements.

Site planning and development for new schools are subject to the [Preliminary Land Use Service](#) (PLUS) review process administered by the Office of State Planning Coordination under [29 Del. C. § 9203](#). During PLUS review, state agencies, including the Department of Transportation, Department of Natural Resources and Environmental Control, and others, assess proposed school sites for compliance with infrastructure, transportation, and environmental regulations. The Delaware Department of Education participates in the PLUS process to review the educational suitability of proposed sites, while other agencies evaluate access, drainage, wetlands, and surrounding land use compatibility. School sites must comply with applicable zoning, utility access, and environmental permitting requirements prior to design approval and funding authorization.

All school building projects subject to state funding must undergo formal review and approval by the Delaware Department of Education and DFM before advancing to bidding and construction. This review process ensures that public school facilities in Delaware meet applicable state building standards and that the siting, design, and construction of educational facilities are coordinated with statewide public infrastructure policies.

EDUCATIONAL ADEQUACY STANDARDS



Delaware does not maintain a standalone educational adequacy standard for school facilities but incorporates educational program requirements into the planning and approval of new construction and major renovation projects through existing regulatory and administrative processes. Educational adequacy is addressed primarily through the development and approval of educational specifications, the application of standardized space formulas, and design review procedures administered by the Delaware Department of Education (DDOE).

For any state-funded capital project, school districts are required to prepare educational specifications describing the instructional program to be delivered within the facility. These specifications must include the planned grade configuration, projected enrollment, and descriptions of instructional, administrative, and support spaces needed to implement the academic program. The educational specifications must be approved by the Department of Education as part of the Certificate of Necessity process defined in [29 Del. C. § 7510](#) and subsequent project planning stages.

In addition to educational specifications, DDOE applies a School Construction Formula authorized under [14 Del. C. § 2002](#), which establishes planning guidelines for square footage based on grade level and enrollment. These guidelines define the maximum allowable space to be funded with state capital dollars and are used to determine whether the proposed design provides adequate space to meet the instructional and support needs identified in the educational specifications. If a proposed design exceeds the allowable space thresholds, the district must finance the additional square footage with local funds. These limits are applied to ensure that school buildings meet a minimum functional threshold for educational delivery while maintaining statewide consistency in space allocation.

During schematic and final design review, DDOE and the Division of Facilities Management evaluate whether the proposed facility layout is sufficient to support the educational program. This includes reviewing the number and size of instructional spaces, specialized instructional areas (such as science labs or career and technical education rooms), and common areas such as libraries, cafeterias, and gymnasiums. DDOE may require revisions if the proposed facility is not aligned with the approved educational specifications or does not provide the required spaces needed to deliver the curriculum to the intended student population.



These procedures, which are embedded in Delaware’s capital planning and approval process, function as the state’s de facto educational adequacy standard for public school facilities. Through the use of educational specifications, space allocation formulas, and design reviews, DDOE ensures that public school buildings are planned and constructed to support the delivery of educational programs consistent with state expectations for academic services and student enrollment.

HEALTH AND SAFETY STANDARDS

The Delaware Division of Public Health (DPH) holds state-level oversight responsibilities related to environmental health and safety conditions in public school facilities. DPH collaborates with the Delaware Department of Education (DDOE) to establish baseline health and safety expectations for school environments and supports the implementation of programs intended to prevent or mitigate facility-related health risks.

DPH conducts routine inspections of school kitchens and food service areas in accordance with the Delaware Food Code. These inspections assess compliance with sanitation, food storage, pest control, and hygiene requirements. Public school cafeterias are classified as food establishments and are subject to the same health inspection protocols as other licensed food service operations in the state.

In coordination with DDOE, DPH also participates in the development of statewide guidance related to school environmental health conditions. This includes advisory materials for facility staff on topics such as general sanitation, pest prevention, building cleanliness, and other conditions that may affect occupant health. Under facility reporting requirements established in [14 Del. C. § 2307](#), school districts must annually assess each school building’s condition, including the presence of visible mold, signs of infestation, and general environmental health indicators. These assessments are reviewed by DDOE and inform the state's oversight of local maintenance and repair planning.

In addition to inspection and guidance functions, DPH advises on public health-related facility issues and coordinates with other state agencies in responding to environmental health concerns in school buildings. These responsibilities form part of a broader statewide system of oversight to ensure that school facilities are maintained in a manner that supports the health and safety of students and staff.



AIR QUALITY STANDARDS

Delaware has established statewide indoor air quality (IAQ) standards for public schools through legislation and administrative implementation. Under [14 Del. C. § 2307](#) and Senate **Bill 270 (2022)**, school districts and charter schools are required to monitor and maintain acceptable indoor air conditions and report associated findings to the state. These requirements are administered jointly by the Delaware Department of Education (DDOE) and the Division of Public Health (DPH).

The law requires DPH to develop a routine indoor air quality monitoring program and establish environmental parameters related to air quality in school facilities. As part of this program, public schools must conduct regular assessments of indoor air quality and report results in accordance with state-issued guidance. Required parameters include, at minimum, classroom temperature, humidity, and ventilation performance. These conditions must be maintained within specified ranges intended to support student and staff health and comfort.

Districts must incorporate IAQ findings into their annual school facility evaluations required by 14 Del. C. § 2307. If a district receives a complaint concerning air quality in a school building, the issue must be documented, and the district is required to report the complaint and planned resolution at the next scheduled board meeting. DPH may also request additional documentation or follow-up in response to reported IAQ issues.

DPH provides guidance on acceptable temperature and humidity ranges and references national standards, such as those issued by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), as part of its program materials. Districts are expected to implement measures to ensure compliance, which may include HVAC maintenance, filter replacement, or ventilation adjustments.

The IAQ monitoring program is mandatory for all public school buildings and must be fully implemented by January 1, 2025. The Department of Education and DPH oversee school compliance and may issue updates to the program as needed based on changes in public health recommendations or building system performance standards.

CHEMICAL HAZARDS STANDARDS

Delaware regulates the presence and management of hazardous chemicals and materials in public school facilities through a combination of administrative regulation and federal compliance requirements. The Delaware Department of Education (DDOE)



and the Division of Public Health (DPH) share responsibilities related to oversight, while the Department of Natural Resources and Environmental Control (DNREC) holds regulatory authority over certain environmental hazards and waste disposal practices.

Chemical safety in school laboratories, storage areas, and instructional spaces is governed by [14 DE Admin. Code 885](#), which prohibits the possession or use of certain high-risk substances in public and charter schools. The regulation bans mercury and mercury compounds, known carcinogens, and other materials identified by federal agencies as hazardous. It also requires school districts to reference approved chemical safety guidance when managing science laboratory inventories and to ensure that instructional practices do not introduce exposure risks to students or staff.

School districts must include hazardous materials conditions in their annual facility assessments required under [14 Del. C. § 2307](#). The School Facilities Evaluation Instrument includes indicators for the presence of flaking paint, visible mold, deteriorated asbestos-containing materials, and other potentially hazardous substances. Identified issues must be addressed through a board-approved maintenance and repair plan submitted to DDOE and other designated state agencies.

Radon is not subject to a statewide testing mandate for Delaware public schools. However, the Delaware Division of Public Health encourages voluntary testing in accordance with U.S. Environmental Protection Agency guidance. Radon is recognized as a potential environmental health concern and may be documented in a school's annual facility assessment under 14 Del. C. § 2307 if testing has been conducted or if the presence of radon is known. If radon is identified, remediation plans may be incorporated into the district's submitted maintenance strategy.

In addition to these requirements, public school facilities must comply with federal regulations related to asbestos and lead. Schools are required to implement asbestos management plans in accordance with the Asbestos Hazard Emergency Response Act (AHERA) and to comply with lead-safe renovation practices under Environmental Protection Agency rules. Schools performing environmental remediation or operating independent water systems may also be subject to DNREC permitting and monitoring requirements under state and federal hazardous substance laws.

Districts are responsible for the removal and disposal of hazardous chemical stockpiles and must maintain current inventories of all stored chemicals. DDOE provides technical guidance related to chemical safety procedures and hazardous materials



storage, including labeling, containment, and disposal practices in instructional spaces. Staff involved in maintenance or remediation activities involving regulated substances must follow applicable training and certification requirements issued by DPH or DNREC, as applicable.

THERMAL COMFORT STANDARDS

Delaware establishes expectations for indoor environmental conditions in public schools through state-level guidance and monitoring requirements related to thermal comfort. These standards are administered jointly by the Delaware Department of Education (DDOE) and the Division of Public Health (DPH) and are integrated into the state's broader school facility assessment and indoor air quality programs.

Under [14 Del. C. § 2307](#), each public school building must be assessed annually using the School Facilities Evaluation Instrument, which includes indicators related to HVAC system performance, indoor temperature, humidity, and ventilation. School districts must incorporate temperature-related findings into their facility condition reports and submit board-approved maintenance and repair plans to DDOE and state budget officials each year.

In accordance with [Senate Bill 270](#) (2022), DPH is responsible for developing indoor air quality guidance for public schools, which includes recommended ranges for indoor temperature and humidity. These ranges are intended to promote occupant comfort and to prevent indoor conditions that could lead to health or operational concerns. While the guidance does not establish enforceable maximum or minimum temperatures, it provides parameters for monitoring indoor conditions and for identifying deviations that may warrant corrective action.

School districts are responsible for maintaining indoor temperature and humidity conditions within the recommended ranges through proper operation and maintenance of HVAC systems. If thermal conditions in a school building result in indoor air quality complaints or disrupt normal operations, districts are required to document the issue and report corrective measures at a public board meeting. The Department of Education and DPH monitor compliance with thermal environment standards through annual reporting and may request additional information from districts when needed.

WATER QUALITY STANDARDS

Water quality in Delaware public schools is monitored and managed under a state-led program administered jointly by the Delaware Department of Education (DDOE) and



the Division of Public Health (DPH). Public school districts are responsible for ensuring that potable water provided in school facilities meets federal and state safety standards. Water quality oversight is integrated into Delaware's school facility condition assessment process, required under [14 Del. C. § 2307](#), and is further supported by targeted state-led testing programs.

School districts are required to assess water fixture functionality and quality annually as part of the facilities evaluation instrument administered by DDOE. These assessments include verification that drinking water fountains and other potable water outlets are operational and free of visible damage or contamination. Water quality is included as a reportable category in the annual condition report submitted to the state each May.

In addition to the condition assessments, Delaware conducts statewide drinking water testing in public schools through a program coordinated by DPH and supported by federal grant funding. This program includes sampling for lead and other contaminants in water outlets used for consumption. Test results are reviewed by DPH and shared with school districts for appropriate remediation where necessary. Fixtures that exceed acceptable thresholds for contaminants must be addressed through fixture replacement, filtration, or other corrective measures. DPH provides technical assistance and sampling protocols to school districts and may require follow-up testing to confirm remediation.

Schools that operate on private wells are regulated as public water systems under state and federal drinking water regulations. These facilities are subject to periodic testing requirements for bacteria, nitrates, and other regulated substances, in accordance with Department of Health and EPA guidelines.

Water quality standards for Delaware public schools are enforced through annual assessment requirements, periodic state-led testing, and reporting procedures designed to ensure access to safe drinking water for students and staff.

ENVIRONMENTAL AND ENERGY STANDARDS

Delaware sets environmental and energy-related standards for public school facilities through a combination of executive policy, adopted building codes, and state-level program requirements. These standards apply to new construction, major renovations, and certain ongoing facility operations, and are implemented by the Delaware



Department of Education (DDOE), the Office of Management and Budget's Division of Facilities Management (DFM), and the Department of Natural Resources and Environmental Control (DNREC).

Pursuant to [Executive Order 18 \(2010\)](#), new state-funded construction and major renovations of public facilities, including schools, are required to incorporate energy efficiency and environmental design practices. School building projects funded through the Bond and Capital Improvements Act are expected to meet high-performance design benchmarks, such as the U.S. Green Building Council's LEED Silver standard, subject to feasibility and approval by DFM. Design submissions for these projects are reviewed by DFM for conformance with building performance criteria.

Delaware has adopted the International Energy Conservation Code (IECC) as part of its statewide building code. Public school construction projects must comply with the applicable version of the IECC, including requirements related to insulation, HVAC system efficiency, lighting controls, and overall energy use. Compliance is verified during project plan review and construction oversight.

Site development associated with school construction is also subject to environmental regulations administered by DNREC. These include requirements for stormwater management, erosion and sediment control, and protection of natural resources. Projects proposing new school sites must undergo review through the Preliminary Land Use Service (PLUS) process under [29 Del. C. § 9203](#), which allows state agencies to evaluate environmental, infrastructure, and planning implications prior to design approval.

Delaware also supports energy and environmental standards through voluntary programs. The [Pathways to Green Schools](#) initiative, coordinated by DNREC and Energize Delaware in partnership with DDOE, provides technical assistance and grant funding to public schools implementing facility improvements in energy efficiency, indoor environmental quality, and water conservation. Participation in these programs is not mandatory but is available to all public schools.