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**TITLE 14 EDUCATION**  
**DELAWARE ADMINISTRATIVE CODE**

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**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
**400 Construction**

**410 Satellite School Agreements**

**1.0 Purpose**

The purpose of this regulation is to outline the process for the establishment of a satellite school as allowable in 14 **Del.C.** §2005.

**2.0 Definitions**

**"Charter school"** means a school established pursuant to Chapter 5 of Title 14 of the **Delaware Code**.

**"Charter school satellite school agreement"** means the contract between a charter school and the private sector or governmental employer for the operation of a satellite school. The agreement form shall be in a format established and approved by the Department. The contract shall, at a minimum, be consistent with the provisions of 14 **Del.C.** Chapter 5 and 14 **Del.C.** §2005. A charter school authorized by a local school district shall only establish a satellite school arrangement within the authorizer's school district boundaries.

**"Department"** means the Delaware Department of Education.

**"Local school district satellite school agreement"** means the contract between the local school district and the private sector or governmental employer for the operation of a satellite school that has been approved by the local school district board of education. The local school district shall be responsible for the development of the agreement form. A local school district shall only establish a satellite school arrangement within the school district's boundaries.

**"Local school district"** means a reorganized school district or vocational technical school district established pursuant to 14 **Del.C.** Chapter 10.

**"Satellite school"** means a public school that operates in physical facilities leased from, donated by or located on property that is owned or leased by a private sector or governmental employer which is not the school district or charter school operating the satellite school.

**23 DE Reg. 1014 (06/01/20)**

**3.0 Charter School Application for Approval Process**

3.1 A Charter School seeking approval for the operation of a Satellite School shall make the application to the Office of the Secretary, Department of Education. The Charter School shall provide to the Office of the Secretary a copy of the proposed Charter School Satellite School Agreement and any additional information required pursuant to this regulation. An application for the establishment of a Satellite School by a Charter School shall be considered a major modification of the existing charter and shall follow the procedures as outlined in 14 **DE Admin. Code** 275, Section 9.0. Provided further, the Charter School shall, at a minimum, meet the following requirements:

3.1.1 The Satellite School shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and

3.1.2 The enrollment preferences shall be consistent with 14 **Del.C.** §506(b) and with any additional considerations as prescribed in 14 **Del.C.** §2005(c).

3.2 Upon receipt of the documentation in subsection 3.1 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.

3.3 Approval by the Department shall require the assent of both the Secretary of Education and the State Board of Education. The decision shall be considered final and not subject to appeal.

**23 DE Reg. 1014 (06/01/20)**

**4.0 School District Application for Approval Process**

4.1 A Local School District seeking approval for the operation of a Satellite School shall make the application to the Office of the Secretary, Delaware Department of Education. The Local School District shall provide to the

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Office of the Secretary a copy of the Local School District Satellite School Agreement that has been first approved by the local school board and any additional information required pursuant to this regulation. Provided further, the Local School District Satellite School Agreement criteria shall, at a minimum, meet the following requirements:

- 4.1.1 The Satellite School shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and
- 4.1.2 The enrollment considerations shall be consistent with 14 **Del.C.** §2005(c).
- 4.2 Upon receipt of the documentation in subsection 4.1 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.
- 4.3 Approval by the Department shall require the assent of the Secretary of Education. The decision shall be considered final and not subject to appeal.

**23 DE Reg. 1014 (06/01/20)**

#### **5.0 Compliance with State Risk Management**

- 5.1 The Charter School shall provide evidence that the types and limits of insurance coverage the Charter School plans to obtain for operation of a Satellite School are adequate and consistent with 14 **Del.C.** Chapter 5.
- 5.2 The Local School District shall confer with the State Risk Manager regarding any liabilities that they and their employees may be subject to and shall provide appropriate protection and coverage for same.

#### **6.0 Certificates of Occupancy or Occupancy Permits**

Certificates of Occupancy or Occupancy Permits shall be obtained from the appropriate jurisdictional authorities prior to occupancy of the facilities by the Satellite School. The Satellite School shall be subject to the same periodic inspections for health and safety as other public schools.

**2 DE Reg. 1383 (02/01/99)**

**6 DE Reg. 1348 (04/01/03)**

**12 DE Reg. 61 (07/01/08)**

**23 DE Reg. 1014 (06/01/20)**