

Delaware Public Library System – The Legal Foundation

Delaware's public library system rests on a distinctive legal foundation: rather than being organized primarily around municipalities or counties (as in most states), Delaware's core statutory library law is built around **school districts**, codified in Title 14, Chapter 71 of the Delaware Code — "District Libraries." <https://delcode.delaware.gov/title14/c071/index.html>

Origins and Codification

The current statutory scheme traces back to an earlier law — Chapter 480, Volume 59 of the Laws of Delaware — which apparently established a general framework for free public libraries created by school districts. When the General Assembly revised this framework in 1975 (60 Del. Laws, c. 285), it didn't simply replace the old system outright. Instead, it grandfathered in existing arrangements: any district library commission already operating a free public library under a school district could continue to exist under the old model, provided it formally requested and qualified for exemption from certain provisions of the 1973–74 law by August 31, 1975.

Governance Structure

Under Chapter 71, each qualifying library operates under a district library commission with defined statutory features:

- **Composition:** Five members, all residents of the school district served by the library.
- **Appointment:** Members are appointed through the county's Resident Judge, a role made explicit in the provisions governing consolidated districts.
- **Powers:** Commissions may acquire and maintain library facilities, accept gifts and donations, hire staff, and hold, buy, sell, or otherwise manage real and personal property in the commission's own name — though notably, they lack the power of eminent domain. They may also contract for library services with other libraries, private businesses, or government entities.
- **Rulemaking and enforcement:** Commissions can set rules governing employee conduct and patron behavior, and enforce them with penalties, including fines. Despite this regulatory authority, the statute guarantees that library use itself remains free to any citizen of the State.
- **Consolidated districts:** If a single commission ends up responsible for multiple libraries within a consolidated school district, it can petition the Resident Judge to split into separate commissions — one per library — using its current members as the founding nucleus of each new body. Once that happens, the original consolidated commission ceases to exist.

Broader Context

This school-district commission model is a legacy structure — many Delaware public libraries historically grew directly out of school district library programs rather than independent

municipal library systems. Today, statewide coordination, digital resources, and funding support run through the **Delaware Division of Libraries** (operating publicly as "Delaware Libraries"), a state agency that supports the network of local libraries even as many of them retain distinct legal identities — some as Chapter 71 district commissions, others as separately incorporated nonprofits that contract with county library systems. The Delaware City Public Library, for instance, is a 501(c)(3) nonprofit established in 1973 that operates as a contract library within the New Castle County Library System rather than under the Chapter 71 commission model directly.

Chapter 71 doesn't cover the entirety of Delaware library law — provisions on the state library agency, funding formulas, and county library systems (like New Castle County's) live in other parts of Title 14.