



The History of Homeschooling in Delaware

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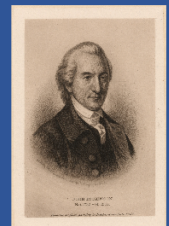
Prior to compulsory attendance laws, education was based in the home, parent-directed and privately funded.

And these words that I command you today shall be on your heart. You shall teach them diligently to your children, and shall talk of them when you sit in your **house**, and when you walk **by the way**, and when you **lie down**, and when you **rise**.

(Deuteronomy 6:6-7 ESV)

This home-based default is reflected in the experience of numerous Delaware Founding Fathers:

John Dickinson “studied under private tutors at home until age 18”¹



2

Jacob Broom “was educated at home and probably at the local Old Academy”³



4

“Caesar [Rodney] was the only one of the Rodney children to receive anything approaching a formal education. He was sent to the Latin School in Philadelphia when he was thirteen or fourteen years old. Presumably Elizabeth Rodney, as the educated daughter of a minister, was responsible for the remainder of her children's education.”⁵



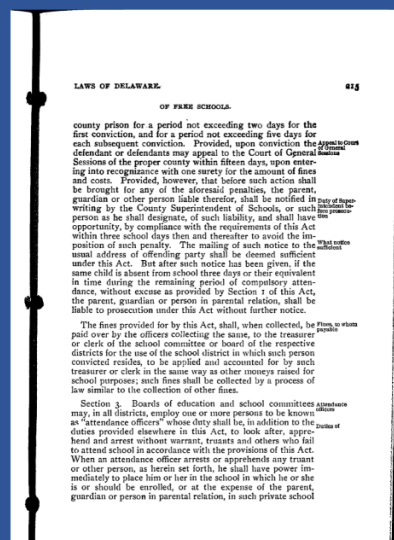
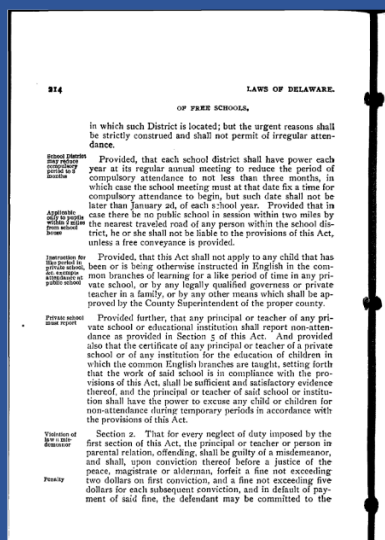
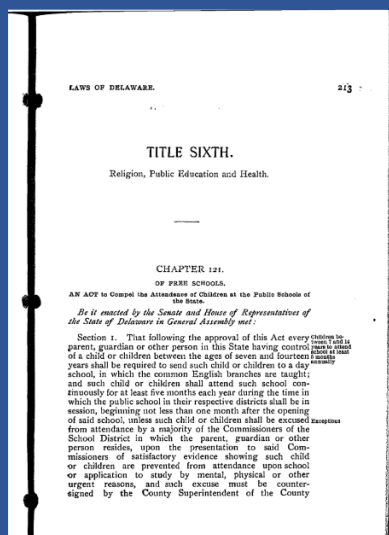
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1907

Delaware's first compulsory attendance law was formed providing for both fines and jail time for "every parent, guardian or other person in this State having control of a child or children between the ages of seven and fourteen years" for not sending "such child or children to a day school, in which the common English branches are taught".⁷

There was an exception for "any child that has been or is being otherwise instructed in English in the common branches of learning for a like period of time in any private school, or by any legally qualified governess or private teacher in a family..."⁸

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1921

The "School Laws of the State of Delaware" were updated, but fines and jail time remained for not sending children between age 7 and 14 to school. A minimum school year of 160 days was established. Children aged 14-16 who haven't yet completed 8th grade were now required to attend school 100 days a year.¹⁰

It's ambiguous if the "being otherwise instructed" exemption remained.

1953

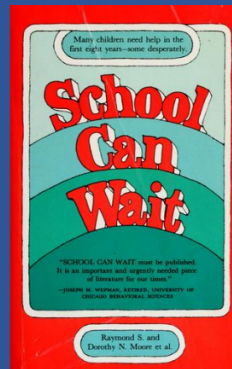
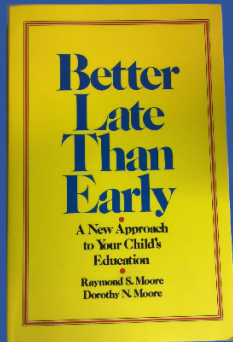
The compulsory age range was expanded to include 16 year olds.¹¹

1969

The compulsory age range was expanded lower to include 6 year olds and the school year was lengthened to 180 days.¹²

1982

Dr. Raymond Moore was interviewed by Dr. James Dobson on a *Focus on the Family* radio broadcast, which introduced the concept of homeschooling to many parents across the country.^{13 14} This interview is also what prompted Home School Legal Defense Association (HSLDA) founders Mike Farris and Mike Smith to begin homeschooling and later start HSLDA in March of 1983.¹⁵



Early 1980s

"Bob Jones University Press opened their Christian school catalog to homeschool sales in the early-1980s."¹⁶ "Several other Christian textbook publishers began to offer their books for sales to homeschoolers" after noting BJU Press' increase in sales.¹⁷

Homeschools in Delaware generally operate as private schools.¹⁸

1984

House Bill No. 443 made kindergarten mandatory by expanding the compulsory age range to include 5 year olds.¹⁹

1986

Tri-state Home School Network “was founded in 1986 to support home educators in the geographical area around Wilmington Delaware. Tri-State's members are from DE, MD, and PA. Tri-State activities are enriching to homeschool families and provide group activities that are sometimes difficult to provide at home.”²⁰

“Family Learning Academy was incorporated in 1986 to serve as an umbrella organization.”²¹

1989

Old Capitol Trail Academy, Inc. (OCTAI) was incorporated on July 24, 1989²² as an umbrella school to “serve the educational needs of homeschool families in Delaware.”²³

1990

School district superintendents of Delaware submitted a proposal for numerous draconian and subjective regulations. It took 2 years for the Delaware Home Education Association (DHEA) to convince the Department of Public Instruction (DPI) to reject the proposal.²⁴

1992

HB 589 would have raised the compulsory age from 16 to 18,¹¹ but it died in committee.²⁵
HB 607 would have increased the criminal penalty for truancy,¹¹ but it also died in committee.²⁶

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regarding home schooling and the various options and support available.
Local school districts are beginning to attribute their loss of revenue at least partially to home education. The independent study programs allow them to gain back the average daily attendance allotments to which they feel they are entitled. Some school district home study programs even offer reimbursement for money expended on curriculum in order to interest home schoolers in enrolling. In

Local school districts are beginning to attribute their loss of revenue at least partially to home education.

other cases motivation for enrollment is produced through the threat of prosecution for all those not enrolled in the school's independent study program. As a result of this aggressiveness, HSLDA is receiving questions from families desiring to legally operate home schools in California. Most inquiries involve the relative security offered by the option of filing a private school affidavit for an individual home or the option of participating in a satellite private school program. HSLDA believes both options are equally legal. Therefore, the option which the family selects should be individually tailored to their own desires and needs. If you would like further counsel regarding your decision, please contact our office.

The Ongoing Saga of the Baptista Family

In the May-June 1992 issue of the *Home School Court Report* we reported that officials in the Kernman Unified School District, which is near Fresno, insisted upon meeting with a home school family to monitor their curriculum.

HSLDA, on behalf of the Baptista family, informed the school district that this request exceeded their authority. The private counsel asserted that the provision in Education Code § 48222, means that the information contained in the private school affidavit could be verified.

In response, HSLDA explained that the "verification" provision referenced § 48222 simply means verifying that the affidavit is on file. Education Code § 48222 supports this position when it states that the verification "is not to be construed as an evaluation, recognition, approval or endorsement of any private school or course." Additionally, if the school district's assertion is correct, then all private schools in the state of California would be subject to curriculum review, not just private home schools.

Unfortunately the school district was not satisfied with this interpretation of the law and the Baptista family was ordered to attend a Student Attendance Review Board (SARB) hearing. HSLDA attorney Michael Smith forwarded a legal memorandum to all of the members on the SARB board prior to the hearing and retained Mark Sutton, a private attorney in California who is also a home-schooling father, to represent the family at the SARB hearing. HSLDA members at SARB hearings.

At the hearing, the legal position of the Baptista family regarding non-submission to the superintendent's request was explained. The SARB board had many questions about home education, and some of the members seemed quite interested after hearing the statistical data supporting the superior academic achievement of home school students.

The board failed to make a determination at the meeting and informed the Baptista family that a decision would be forwarded in writing. Within one week of the hearing, the board ordered the family to meet with the school district to discuss placement in an independent study program. HSLDA informed the SARB board that the family would not be meeting with the school district since they were not interested in the district's independent study program. We reiterated that the family is committed to private education pursuant to the private school exemption. To date, we have not heard from the school district; however, at the SARB hearing the family was threatened that if they did not comply with the board's decision the school district would have no choice but to refer the matter to the District Attorney's office for other prosecution of truancy or the filing of an educational neglect petition in juvenile court. The Baptista family needs your prayers! ■

Delaware

Proposed Regulations Dropped by DPI

In 1990, school district superintendents of Delaware submitted a proposal for new home school regulations which would have greatly restricted home-schooling freedoms throughout the state. Now after two years of vigorously opposing the proposal, the Delaware Home Education Association (DHEA) has successfully convinced the Department of Public Instruction (DPI) to reject the proposed regulations.

Listed below are the elements of the superintendents' proposal that created the greatest concern among Delaware home schoolers:

- defining a "private school" so that a home school is eliminated from its meaning;
- establishing educational qualifications for home-schooling parents to include a high school diploma or a GED certificate and requiring that any other person who provides instruction to the children must have a bachelor's degree from an accredited or approved college or university;
- requiring that the instruction at home be provided in a location and atmosphere "suitable for the education of children" (a completely subjective standard);
- setting minimum instruction time at two and one-half hours per day for children of kindergarten age and six hours per day for students in grades one through 12;
- requiring an annual evaluation of each child's academic progress by district personnel and participation in the state-mandated assessment program; and
- establishing the authority of the district superintendent to terminate the

home schooling upon the child's failure to show "appropriate progress" (another subjective standard).

Working to oppose the district superintendents' proposal, the DHEA submitted a counterproposal which would have specifically recognized home schooling as "Independent Home Study Programs" and solidified existing custom and practice for home schoolers to operate as private schools. This counterproposal was withdrawn, however, following the state superintendent's decision not to support the district superintendents' proposal.

On June 23, 1992, representatives of the DHEA were able to meet with Dr. Pascal Forgiome, state superintendent. One of the most encouraging reports from that meeting was Dr. Forgiome's willingness to distribute a DHEA-developed brochure to the DPI and district superintendents, explaining the two legal options for home schoolers in Delaware. Under existing law parents may opt to satisfy public school officials by a written examination that their child is receiving regular and thorough instruction as required by state law.

Congratulations to the home-schooling community in Delaware for this tremendous victory over increased state control and for the establishment of a constructive relationship with DPI officials!

Pending Legislation

House Bill 585, introduced by Representative Tina Fallow on June 11, 1992, would raise the age for compulsory school attendance from 16 to 18 years. The synopsis of this bill states that its purpose is to help achieve the state board of education's goal and the Delaware 2000 goal of increasing the high school graduation rate to at least 90 percent by the year 2000.

Under the current compulsory attendance law in Delaware, home-schooling parents must either satisfy public school officials that the child is receiving regular and thorough instruction

in the subjects prescribed for the public schools of the state or enroll their child in a private school and fulfill certain reporting requirements imposed by state law. The burden created for home schoolers by the proposed legislation would be an extension of the current requirements for an additional two years. HSLDA supports a trend of moving in the direction of less regulation and involvement by governmental authorities, not more.

From the public school's standpoint, professional educators have pointed out that compelling children over the age of 16 to attend school when they are opposed to continuing their education does not work. Not only is it virtually impossible to impart knowledge to such unwilling students, but such compulsory attendance has a detrimental effect on the overall learning environment of the school, since these children tend to be disruptive to the educational process of the students who are voluntarily attending school. Another bill pending in Delaware is House Bill 607 which is being sponsored by Representative Jerry Beckwith and Senator William Torbert. Filed on June 17, 1992, this bill increases the criminal penalty for truancy. Presently, a parent or guardian who fails to ensure that a child attends school may be fined \$5 for the first offense and between \$25 and \$50 for each subsequent offense. The proposed legislation would impose a fine of \$25 for the first offense and between \$50 and \$200 for each subsequent offense. HSLDA opposes all efforts to increase the penalties for violation of the truancy laws because legitimate home schoolers are often accused of violating these laws and thus are faced with having to defend charges with more punitive consequences in the event of conviction. ■

District of Columbia

New Regulations Being Drafted

Last year Home School Legal Defense Association worked with home schoolers in the District of Columbia to convince the office of the superintendent to suspend its restrictive home school guidelines. The guidelines under fire had been passed without notification to the home schoolers and included such requirements as unannounced home visits and teacher certification.

The disputed guidelines were revoked, and HSLDA attorney Christopher Kicks was asked to submit a draft of regulations which would protect parents' rights. In July, HSLDA received notification that the District of Columbia legal counsel was preparing a draft of new regulations. Information submitted by Attorney Kicks will be utilized, and his continued input to the drafting process was invited. HSLDA was also assured that subsequent public hearings would be held to allow District home schoolers to give their input.

HSLDA will continue to monitor the situation and notify District of Columbia home school leaders and members of Home School Legal Defense Association once the hearings dates have been set. ■

Train a child in the way he should go, and when he is old he will not turn from it.

Proverbs 22:6

1993

Tri-State Homeschool was incorporated (as TRI-STATE HOME SCHOOL NETWORK, INC.) on August 12.²⁸

Towle Institute was incorporated on August 17.²⁹

Delaware Home Education Association was incorporated on August 23.³⁰

1996

"Mount Sophia Academy was founded in 1996 to provide academic support and accountability for high school homeschoolers in the tri-state area."³¹

1997

Delaware's first homeschool statute was passed in the "Department of Education Act of 1997" which established two options for homeschooling:³²

With a home school association: Students can be "home schooled in affiliation with a home school association or organization registered with the Department of Education."

Under the local school district superintendent: "Students can be "not affiliated with a home school association or organization registered with the Department of Education, provided that the student's instruction is accomplished under the auspices of the local school district superintendent of the district in which the student resides. The local superintendent shall determine in writing that the student is or will be provided with regular and thorough instruction in the subjects prescribed for the public schools of the State in a manner suitable to children of the same age and stage of advancement."

This same act replaced the State Board of Education with the Department of Education.³³

2000

Three homeschool-related bills were introduced, but all three died in committee:

House Bill 273³⁴ would have provided “for a driver training course for home-schooled students.”³⁵

House Bill 327³⁶ was introduced to “officially recognize all home schools as private schools.”³⁷

House Bill 498 would have allowed homeschoolers to participate in public school extracurricular activities.³⁸

2001

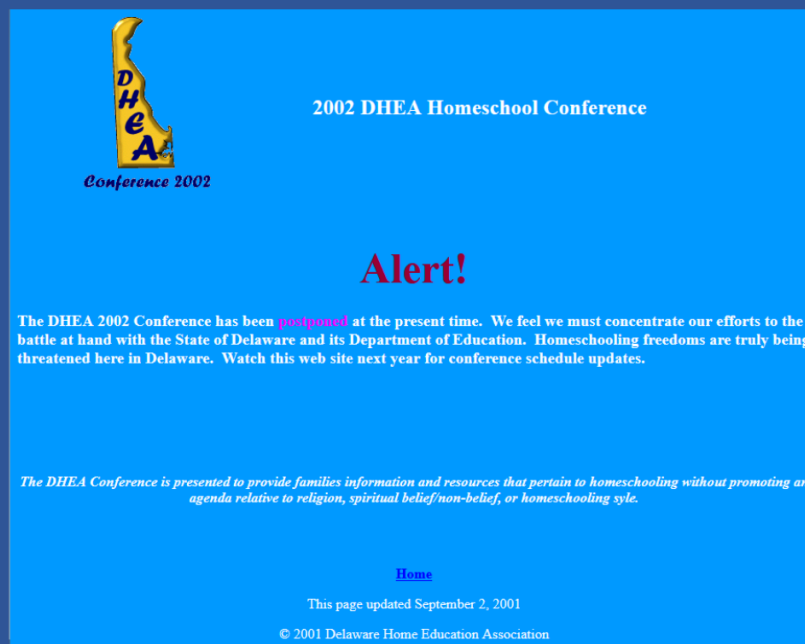
Senate Bill 165 was introduced in May 2001 but was stricken in early 2002.³⁹ It was intended to “[clarify] the attendance reporting requirement for home schools and home school associations and provide parents and legal guardians access to student records.”⁴⁰ According to HSLDA, it “would have removed home schools from the category of private schools and possibly subjected home schools to whatever reporting requirements the Department of Education prescribed.”⁴¹

Senate Joint Resolution 9 was signed on July 30, 2001 and created a committee to “review issues regarding homeschooling” and “be responsible for issuing a report with recommendations no later than March 1, 2002.”⁴²

The committee consisted of six representatives from the state and institutional schools and two homeschool representatives from DHEA:⁴³

- Secretary of the Department of Education
- Secretary of the Department of Health and Social Services
- A representative of the Department of Services for Children, Youth and their Families, Childcare Licensing Section
- A representative of the Delaware Association of Independent Schools
- A member of the Delaware State Senate
- A member of the Delaware House of Representatives
- Two representatives of the homeschool segment of the education process in Delaware

A planned 2002 DHEA conference was cancelled in 2001 to focus on “the battle at hand”⁴⁴



Also in 2001, Glasgow Christian Academy began weekly classes.⁴⁵

2003

After incorporating in 2002⁴⁶, OutReach to Christian Homeschoolers In Delaware (ORCHID) hosted a Conference and Curriculum Fair on April 4-5, 2003⁴⁷ at the Delaware Technical & Community College, Stanton Campus.⁴⁸



In June, SB 103 amended Delaware Code to define 3 options for homeschools:

Single-family homeschool: the education of one's own child(ren) primarily by the parent(s) or legal guardian(s) of such child(ren) mainly in their own residence.

Multi-family homeschool: the education of children, primarily by the parents(s) or legal guardian(s) of such children mainly in one or several residences, or other facilities, when such children are not all related to each other as brother or sister.

Single-family homeschool coordinated with the local school district: the education of child(ren) primarily by the parent(s) or legal guardian(s) of such child(ren) mainly in their own residence using a curriculum approved by the local superintendent or his/her designee.

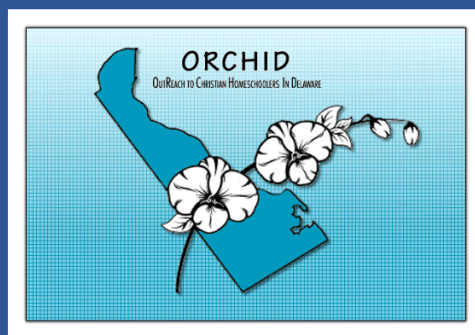
The bill passes the Senate with only 1 "No" vote on June 10 and passes the House unanimously on June 24. It becomes law on June 30 upon being signed by Governor Ruth Ann Minner.⁴⁹

2004

"The homeschool policy adopted at the February meeting of the Board of Education of Appoquinimink School District is contrary to Delaware law....HSLDA attorney Dewitt Black sent a letter to the [Superintendent] pointing out that the proposed policy did not conform to state law. Despite this, the Board of Education proceeded to adopt the existing policy... Local school districts may not opt out of complying with laws..."⁵⁰

2005

ORCHID held another Conference and Curriculum Fair April 1-2, 2005,⁵¹ also at Delaware Technical & Community College.

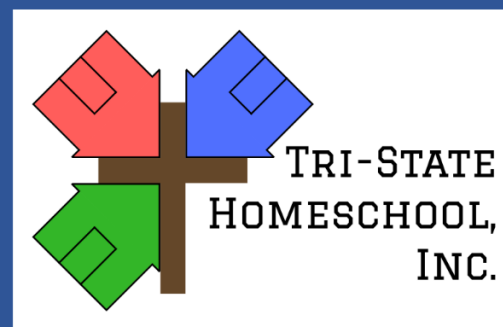


ORCHID's directory of Christian Umbrella Schools for Homeschooling Families at the time contained 16 listings.⁵² After 2007, this organization appears to dissolve.



As of 2005, Tri-State Homeschool Network served “about 400 families living in the surrounding areas of PA, MD, and NJ including but not limited to;

- New Castle County, DE
- Kent County, DE
- Cecil County, MD
- Delaware County, PA
- Chester County, PA
- Salem County, NJ”⁵³



HSLDA’s Court Report noted in October that “Several homeschooling families in Delaware have contacted Home School Legal Defense Association complaining that they can no longer receive special education services from their local school district” due to the categorization of home schools as “non-public” schools, not “private” schools.⁵⁴

2021

Senate Bill 106 amended Title 14 to make students who attend homeschools eligible for the same services for children with disabilities as students who attend private schools in a manner that allows federal funds to pay for the services. Delaware homeschoolers were then enabled to access special education services through the public school.⁵⁵

2024

Tri-State Homeschool holds the first “Delaware Home Education Convention” at Bible Fellowship Church on August 17, 2024, with just under 100 people attending. The second one follows on March 28, 2025, with just over 100 people attending.



Where are we today?

The opponents of homeschooling are getting louder:

April 2020: Harvard Magazine profiled professor Elizabeth Bartholet's law review article, in which she calls for a "presumptive ban on homeschooling."⁵⁶

James Dwyer, a law professor at the College of William and Mary stated, "the only reason the parent child relationship exists is because the state confers legal parenthood . . . It is the state that is empowering parents to do anything with children."⁵⁷

December 2023: After several negative articles about homeschooling in mainstream media, Matthew Hennessey wrote in the Wall Street Journal,⁵⁸ "the knives are out for homeschooling... Somebody somewhere has decided this experiment in liberty has gone on long enough."⁵⁹

Attacks on homeschooling have begun. The following 2025 legislation would have:

Virginia (defeated)⁶⁰

- Removed the religious exemption for homeschooling (one of Virginia's homeschool options)
- Removed all privacy protections for homeschoolers (including minors)
- Eliminated the ACT, PSAT, and SAT equivalent testing options for high school homeschoolers
- Removed the option for an evaluation or assessment for students with special needs

Oklahoma (defeated)⁶¹

- Collected the names of everyone living in the home, the names of any individuals or organizations assisting with schooling to compile into a database.

Illinois (defeated)⁶²

- Added requirements for an annual notice, teacher qualifications and student portfolio reviews (including authority to demand samples of work at any time and for any reason)
- Enabled administrators to impose more restrictions and data requests without legislative oversight
- Added criminal penalties (i.e. truancy charges, jail time or having their children forcibly removed)

Minnesota (defeated)⁶³

- Restricted *who* can homeschool: only a group of students related by a parent or legal
- Restricted *where* families can homeschool: "a residence in Minnesota."

New Jersey (bills are still pending)^{64, 65, 66}

- Added a new annual filing of intent, made into a public registry of homeschoolers
- Added a requirement to submit to the school district a curriculum that "aligns" with the state's learning standards (including DEI, gender topics, etc.)
- Added a requirement for portfolio review
- Require every homeschooled child and parent to meet annually with a school official for a "general health and wellness check" (which isn't defined).

What should you do next?

1. Join Tri-State

We're partnered with the Delaware Family Policy Council to be aware of any adverse legislation that is introduced.



<https://www.tristatehomeschool.org/join>

2. Join HSLDA

Tri-State Members get a \$15 discount.

Get the code at

<https://www.tristatehomeschool.org/memberdiscounts>



<https://hsllda.org/join>

3. Take a field trip to the state capitol.

Free public tours are available. Tri-State will be planning a group field trip.

4. Meet with your state legislators

This puts a face on homeschooling – before an attack on homeschooling starts.

5. Plan to attend the next Delaware Home Education Convention on March 14, 2026.

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