

NATIONAL CENTER FOR LIFE AND LIBERTY
HOMESCHOOL CENTER
Delaware

1 INTRODUCTION

2 LETTER FROM DAVID GIBBS III

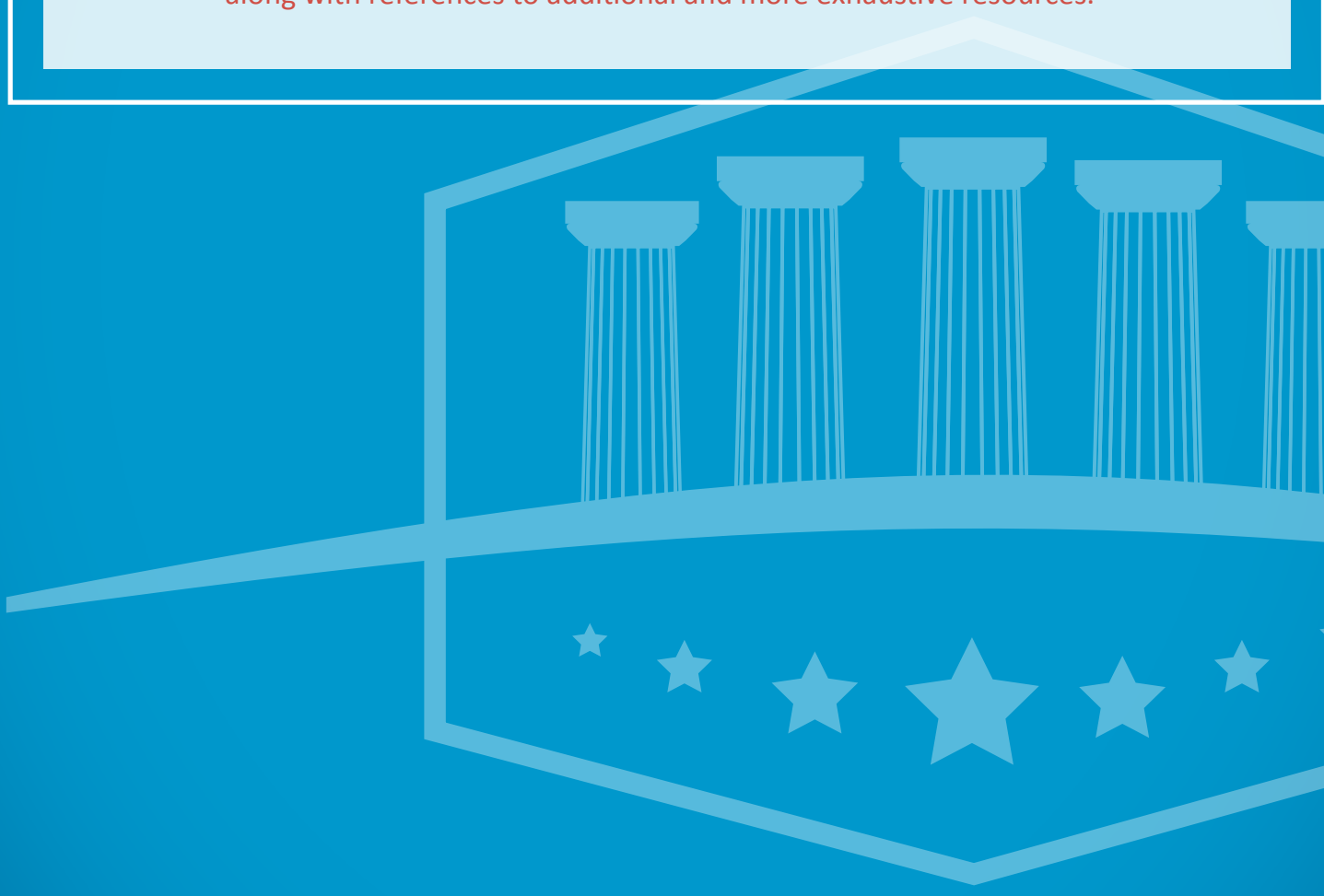
3 DELAWARE HOMESCHOOL LEGAL REQUIREMENTS

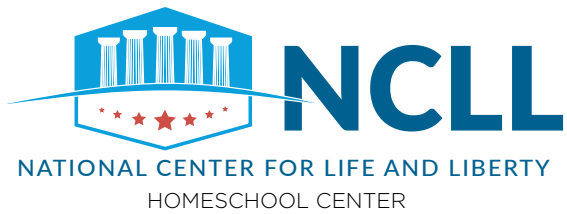
9 LEGAL CHALLENGES

12 BENEFITS OF MEMBERSHIP

The National Center for Life and Liberty is a nonprofit legal ministry dedicated to protecting and defending the Bible-based values upon which our nation was founded. Homeschool Center—an outreach of the NCLL—was created to be a legal help and resource to homeschool families. Protecting. Equipping. Serving. HC is a fresh approach to homeschooling legal help. For more information and to join, visit <http://homeschool.ncll.org/>. Legal challenges and questions will come—let the NCLL be there to help you when they do.

The following is an explanation of homeschool law for Delaware along with references to additional and more exhaustive resources.





National Center for Life and Liberty
PO Box 270548
Flower Mound, TX 75027-0548
888-233-NCLL (888-233-6255)

Dear Homeschool Family,

More and more parents across the country and around the world are exercising the choice to educate their children at home. At the National Center for Life and Liberty, we are committed to defending the fundamental rights of parents to direct and control the upbringing of their children, which includes protecting and defending their right to homeschool. We are also committed to providing our members with help and encouragement so they can homeschool legally and with excellence. When families join the Homeschool Center at the National Center for Life and Liberty, they can rest assured that we will be there if and when they have legal questions about their homeschooling. Our members have access to summaries of homeschool state laws as well as an attorney to assist them with all legal compliance questions. We also provide the following services:

- Guidance on pursuing sports or extracurricular activities with the public school
- Guidance on seeking special needs services from the public school
- Pro bono legal representation in litigation if we determine the issue will advance homeschool liberty
- Assistance in college, trade school, and financial application eligibility questions
- Assistance with social security benefit eligibility for homeschoolers
- Advising in social service issues that are related to homeschool issues

The ministry of the NCLL's Homeschool Center is exactly that—a ministry. We are here to serve you and defend your right to raise and educate your children. In keeping with this mission, the NCLL does everything possible to keep costs low so that we can serve homeschoolers all across the country. Also, while other organizations require an “application” process and require you to follow narrowly defined rules, the NCLL Homeschool Center invites you only to complete a simple “registration” process in order to join. We do not want to control your homeschooling efforts; we are here to provide you with information, encouragement, and support as you diligently homeschool your children.

We are called of God and committed to serving you and your family! Please let us know how we can be of assistance to you.

Thank you for the privilege,

Attorney David C. Gibbs III
President and General Counsel
National Center for Life and Liberty

DELAWARE HOMESCHOOL LEGAL REQUIREMENTS

Delaware residents have the right to homeschool their children. The state, however, does place certain requirements that you, as a parent or guardian, need to follow. Three different options are available.

THE THREE OPTIONS ARE:

- **Option 1:** Establishing a single-family homeschool
- **Option 2:** Enrolling in a multi-family homeschool
- **Option 3:** Maintaining a single-family homeschool coordinated with the local school district (not all districts participate in the program)

OPTION 1

Establishing a single-family homeschool

Single-family homeschooling is the education of one's own children primarily by the parents or legal guardians of the children and mainly in their own residence.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between five (on or before August 31st) and sixteen years of age. Attendance may be delayed with school authorization if it is determined to be in the best interests of the child.

SOURCES OF LAW

Delaware Code Annotated Title 14 §2703(A)(2) (single-family homeschool) §2702 (a-b) (compulsory attendance)

TEACHER QUALIFICATIONS

Teacher certification is NOT required.

REPORTING/REGISTRATION

If the child is in public or private school, send a letter of withdrawal to avoid possible truancy issues.

Submit annually before October 5 on prescribed forms a statement of student enrollment as of the last day in September.

Report end of year attendance information annually on or before July 31 on prescribed forms. Forms are available at the DOE website.

RECORD KEEPING

No specific record keeping is required other than attendance as noted above.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

None is specified.

REQUIRED TESTING/ASSESSMENTS

No particular testing is required.

Delaware State Department of Education: <http://www.doe.k12.de.us/Page/1918>

OPTION 2

Enrolling in a multi-family homeschool

Multi-family homeschooling is the education of children primarily by the parents or legal guardians of the children and mainly in one or several residences or other facilities when such children are not all related to each other as siblings.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between five (on or before August 31st) and sixteen years of age. Attendance may be delayed with school authorization if it is determined to be in the best interests of the child.

SOURCES OF LAW

Delaware Code Annotated, Title 14 §2703(A) (1)

TEACHER QUALIFICATIONS

Teacher certification is NOT required.

REPORTING/REGISTRATION

If the child is in public or private school, send a letter of withdrawal to avoid possible truancy issues.

Submit annually before October 5 on prescribed forms a statement of student enrollment as of the last day in September.

Report end of year attendance information annually on or before July 31 on prescribed forms. Forms are available at the DOE website.

One person must act as liaison to the Department of Education for reporting enrollment and attendance information.

RECORD KEEPING

No specific record keeping is required other than attendance as noted above.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

None is specified.

Delaware State Department of Education: <http://www.doe.k12.de.us/Page/1918>

REQUIRED TESTING/ASSESSMENTS

No particular testing is required.

OPTION 3

Maintaining a single-family homeschool coordinated with the local school district (not all districts participate in the program)

Single-family homeschooling is the education of one's own children primarily by the parents or legal guardians of the children and mainly in their own residence. The program may be coordinated with the local school district using a curriculum approved by the superintendent.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between five (on or before August 31st) and sixteen years of age. Attendance may be delayed with school authorization if determined to be in the best interests of the child.

SOURCES OF LAW

Delaware Code Annotated, Title 14 §2703(A)(3)

TEACHER QUALIFICATIONS

Teacher certification is NOT required.

REPORTING/REGISTRATION

If the child is in public or private school, send a letter of withdrawal to avoid possible truancy issues.

Submit annually before October 5 on prescribed forms a statement of student enrollment as of the last day in September.

Report end of year attendance information annually on or before July 31 on prescribed forms. Forms are available at the DOE website.

In addition, seek approval of the local superintendent who will determine in writing that the student will be provided with regular and thorough instruction.

Delaware State Department of Education: <http://www.doe.k12.de.us/Page/1918>

RECORD KEEPING

Record keeping requirements are set by the particular school district.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Follow what is required by the particular school district.

REQUIRED TESTING/ASSESSMENTS

Testing requirements are set by the school district.

WHEN LEGAL CHALLENGES PRESENT THEMSELVES:

- 1** Calmly learn and follow your state's laws. State summaries are available at our website, and we are always available to answer your questions.
- 2** As you teach your children at home, know that you're a "walking advertisement" for homeschooling. Our relatives, neighbors, and others we encounter are watching. It's a good idea to watch your outside activities during school hours. Try to share some homeschool highlights with your relatives so they might be won over. Also, avoid disciplining your child in public, because understanding of what is appropriate varies.
- 3** Leaving children at home alone is always risky—especially if you frequently leave older children home alone with younger children. Is there an appropriate age when it is fine to leave them alone? Consider calling your local social services agency to ask its opinion.

IF YOU RECEIVE A PHONE CALL:

- 1** If a homeschooler receives a phone call from someone representing himself as a school or social services authority, never give information over the phone! Make it your goal to get information from the caller. Ask what has prompted this call, the caller's name, telephone number, title, and the agency he represents. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to him or that your attorney will get back to him. Above everything, keep calm, as this initial call can set the tone for the entire encounter.
- 2** If the caller wishes to arrange a meeting and you agree to meet, allow yourself plenty of calendar time between the day of the call and the day of a future meeting. You will want to decide on a strategy and/or consult an attorney. If you agree to meet, arrange to meet in the official's office and definitely not in your home.

IF YOU RECEIVE A LETTER IN THE MAIL

- 1** Read the letter slowly and carefully. Make sure that you know what is being asked of you, and take the time to discern who is asking. If the request is clear and unambiguous (such as asking for a copy of a birth certificate) and the law clearly specifies that it is required, it may be best to comply. Before supplying any information, either by mail or in person, verify the authenticity of the person and the agency making the request as well as the necessity of the information.
- 2** If the request is at all questionable, take time to study the issue and consult your attorney. If it means time, write or call the sender to say that you'll need more time.
- 3** Remember, if you mail anything or bring anything to an official's office, keep copies of what you mailed or brought for your files. If you decide to mail any items, mail them return-receipt requested. This documentation from the Post Office means you will receive proof that the letter you sent was signed for and received.
- 4** An electronic or e-mail notification is not sufficient legal notice of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.

IF YOU RECEIVE A VISITOR AT THE DOOR

- 1** First, you are entitled to know the reason for any visit. The visitor may tell you he does not have to tell you the reason, or he may tell you that he needs to come inside of your home to talk to you. ***Neither claim is true!*** Government officials are required to tell you the specific allegations that led to their visit.

- 2** Be polite and ask for a business card or an ID badge. If the visitor wants to enter your home, ask if he has a search warrant. Without a warrant, he has no legal authority to enter your home. Getting a warrant is not an easy task for a government official. The official will have to demonstrate to a judge that he has “probable cause” to believe that either (1) a crime has been committed or that (2) some other compelling reason exists for the agency to enter your home to investigate. A warrant requires much more than an anonymous tip or mere suspicion. Remember—no warrant, no entry.
- 3** Be calm! If you have a local lawyer or are a member of the Homeschool Center, call your attorney on the phone while the visitor is still at your door. Then, hand the phone over to the visitor and have your attorney do the talking for you.
- 4** Be respectful to the visitor, but also respect yourself and your family. If the visitor insists on seeing your children, bring the children outside the door. Allowing an official inside gives him too great of an opportunity to go on a “fishing expedition.” The visitor may request immediate answers to one or more questions, but tell him that you will speak to him only after you have consulted with your legal counsel.
- 5** The visitor may threaten to obtain a warrant. Don’t be frightened by this. Of course you will fully cooperate if he returns and shows you the warrant, but chances are that he is merely trying to frighten you. Don’t be frightened, but seek legal counsel immediately.

MEMBERSHIP BENEFITS

As a member of the Homeschool Center, you have access to our professional, experienced, caring homeschool attorneys who . . .

- Can address any ongoing or current legal compliance questions or concerns
- Are available in the event that you have a homeschooling legal emergency
- Will litigate your case on a pro bono (no cost to you) basis if we determine that the issues involved will advance the liberty of homeschooling in America

Membership in the Homeschool Center provides access to the following:

- Free legal advice if you or your family member has been subject to religious discrimination at work
- Pro bono litigation in cases that advance church, Christian education, religious liberty, or sanctity of life issues
- Legal guidance after a car accident, where one of our attorneys will explain how to protect your rights after the accident and will refer you, if needed, to one our trusted attorney affiliates

JOIN TODAY!

We want to be here for you! We receive hundreds of homeschool calls every year, and the numbers keep rising. So, if you haven't already, please consider joining today. At just **\$35 for the first year**, you really can't afford **NOT** to be a member!

Go to <http://homeschool.ncll.org/membership> to become a member.

