

SCHOOL CHOICE MATTERS

Delaware Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Delaware

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>YES</p> <p>Mandatory policy requiring districts to accept all students where capacity exists</p>	<p>Delaware Code has created an enrollment choice program within the public school system in the state. (14 Del. Code 401, et al. School District Enrollment Choice Program)</p> <p>The state’s school district enrollment choice program provides that parents may apply to enroll their child in a reorganized school district, vocational-technical school district, or charter school located outside their school district.</p> <p>(14 Del. Code 403 Pupil application; withdrawal)</p> <p>The board of the receiving local education agency must approve or disapprove applications for admission no later than the last day of February of the school year preceding enrollment.</p> <p>(14 Del. Code 404 Receiving district and local education agency procedures)</p> <p>Local education agencies are required to adopt a policy regarding the criteria upon which the applications will be evaluated – the criteria must be “reasonably related to the nature of the program or school for which the application is submitted and may not differ from the criteria used for acceptance or rejection of applications” of those residing within the attendance zone of the school.</p> <p>(14 Del. Code 405 Criteria for approval or disapproval)</p> <p>Delaware has created SchoolChoiceDE.org where parents can submit public and charter school choice applications to any participating schools in the state.</p>

<p>Transfers Within Districts</p>	<p>YES</p> <p>Mandatory policy allowing students to transfer schools</p>	<p>Delaware Code has created an enrollment choice program within the public school system in the state.</p> <p>(14 Del. Code 401, et al. School District Enrollment Choice Program)</p> <p>The state’s school district enrollment choice program provides that parents may apply to enroll their child in a different school or program within the district of residence.</p> <p>(14 Del. Code 414 Intra-district choice)</p>
<p>Year-round Transfer Window</p>	<p>LIMITED</p> <p>Restricted transfer window</p>	<p>Parents must submit applications to reorganized school districts, vocational-technical school districts, or charter schools to the Department of Education or receiving local education agency and district of residence “on or after the first Monday in November and on or before the second Wednesday in January” for enrollment in the upcoming school year. For parents of kindergarten students, the application may be submitted up until the first day of the school year.</p> <p>Delaware Code further notes that charter schools, vocational-technical school districts, and magnet schools may accept applications that have been submitted after the second Wednesday in January to fill any remaining availability.</p> <p>(14 Del. Code 403 Pupil application; withdrawal)</p> <p>Delaware Code requires the board of the receiving local education agency to take action on the application no later than the last day of February of the school year preceding enrollment.</p> <p>(14 Del. Code 404 Receiving district and local education agency procedures)</p>
<p>Tuition-Free Public Schools</p>	<p>YES</p> <p>Prohibition on parent tuition</p>	<p>School districts do not charge parents tuition in Delaware where students participate in the enrollment choice program. Delaware Code provides that students are included in the unit count of the receiving district for all purposes relating to the allocation of all state and federal education funding.</p> <p>(14 Del. Code 408 State and local education funding)</p> <p>Delaware Code further makes clear that for each student attending a public school of another district who is not part of the enrollment choice program, the receiving district must bill the sending district (for reorganized school districts only) and the sending district must pay the tuition charges per pupil by January 1 of the year in which the bill is submitted.</p>

		(14 Del. Code 602 Method of computation and payment of tuition charges for nonresident pupils)
School Capacity Transparency	LIMITED Only some information reported	<p>Delaware Code requires each district to hold a public information session about what choice opportunities are available in schools and programs in the district for the upcoming year.</p> <p>The Code requires receiving districts to notify the Department of Education of each school’s capacity in the receiving district for the following academic year.</p> <p>(14 Del. Code 404 Receiving district and local education agency procedures)</p>
Transfer Data Transparency	LIMITED Information only collected and/or some data not reported	<p>Delaware Code requires receiving districts to notify the Department of Education of each school’s capacity in the receiving district for the following academic year.</p> <p>(14 Del. Code 404 Receiving district and local education agency procedures)</p> <p>It is not clear if the state is publicly reporting this open enrollment data.</p>
Transparent Appeal Process	NO	Delaware policy does not provide for an appeals process where a district denies the transfer of a student.

SOURCE CITATIONS

Statutes

- [14 Del. Code 401, et al. School District Enrollment Choice Program](#)
- [14 Del. Code 403 Pupil application; withdrawal](#)
- [14 Del. Code 404 Receiving district and local education agency procedures](#)
- [14 Del. Code 405 Criteria for approval or disapproval](#)
- [14 Del. Code 408 State and local education funding](#)
- [14 Del. Code 414 Intra-district choice](#)

State Department of Education

- [Delaware Department of Education, School Choice](#)
- [SchoolChoiceDE.org](#)



Charter Schools in Delaware

POLICY	RATING	POLICY OVERVIEW
Multiple Charter Authorizers	<p>LIMITED</p> <p>No real authorizer options</p>	<p>Charter schools in Delaware are authorized by the Delaware Department of Education or local school boards.</p> <p>If the Department is the approving entity, the approval must come from both the Secretary and the State Board.</p> <p>(14 Del. Code 511 Approval procedure; Delaware Dept of Education, Charter School Support)</p>
Charter Appeal Process	<p>NO</p> <p>No appeals process</p>	<p>Delaware Code does not allow an appeal – statutes make clear that if the application is made to the Department or a local board as an approving authority and the application is not approved, the decision is final and not subject to judicial review.</p> <p>(14 Del. Code 511 Approval procedure)</p>
Charter Regulatory Flexibility	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Delaware Code provides that charter schools are exempt from all provisions in the Education Code, except Chapter 31 (relating to exceptional children).</p> <p>(14 Del. Code 505 Exemptions; rules and regulations)</p> <p>Delaware Code further provides that labor relations between charter schools and its employees will be governed by Chapter 40 (Public School Employment Relations Act) of the Education Code, and the school and employees may agree through the collective bargaining process to abide by other provisions of the Code. Further, all teachers working in charter schools must hold an appropriate teaching certificate and license.</p> <p>(14 Del. Code 507 Labor relations)</p>
Equitable Charter Funding	<p>LIMITED</p> <p>Disparities exist</p>	<p>Delaware Code provides that charter schools are eligible for public funds as specifically provided in the school funding formula. The Code provides that the Department must “annually calculate the total cost per student expended by each school district for each type of student for the year immediately preceding based on the formula set forth [in the Code], adjusted by a factor necessary to fund the charter school on a basis reasonably</p>

		<p>equivalent to the current year local cost per student, which factor shall be established in the annual Appropriations Act.”</p> <p>Charter schools have the same access to conduit bond financing as any other nonprofit organization.</p> <p>The Department also administers the Charter School Performance Fund, for those charters that have a proven track record of success.</p> <p>(14 Del. Code 509 School financing)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>Delaware charter school financing Code sections provide that the Department must publish a list of vacant and unused buildings and portions of buildings that may be suitable for the operation of a charter school.</p> <p>Minor capital improvements must be funded in the same way as Vocational Technical School Districts.</p> <p>(14 Del. Code 509 School financing)</p>
<p>Options for High-Performing Charters</p>	<p>YES</p> <p>High-performing charter schools receive incentives and a favorable regulatory environment</p>	<p>Charter schools that have a “proven track record of success, as measured by a performance framework” will be eligible for the Charter School Performance Fund.</p> <p>(14 Del. Code 509 School financing)</p> <p>Where charter schools demonstrate an “outstanding record of performance”, the school may be granted a renewal term of 10 years, rather than the traditional 5-year renewal.</p> <p>(14 Del. Code 514A Renewals and nonrenewals)</p>
<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>Delaware policy for charter schools does not address exemptions from local zoning and ordinances.</p>

SOURCE CITATIONS

Statutes

[14 Del. Code 505 Exemptions; rules and regulations](#)

[14 Del. Code 507 Labor relations](#)

[14 Del. Code 509 School financing](#)

[14 Del. Code 511 Approval procedure](#)

[14 Del. Code 514A Renewals and nonrenewals](#)

State Department of Education

[Delaware Dept of Education, Charter School Support](#)



Private School Choice in Delaware

POLICY	OVERALL RATING	PROGRAM OVERVIEW
Universal Eligibility	<p>NO</p> <p>No choice program</p>	<p>Delaware does not have a private school choice program.</p>
Comparable Student Funding	<p>NO</p> <p>No choice program</p>	
Uncapped Student Access	<p>NO</p> <p>No choice program</p>	
Extended Application Window	<p>NO</p> <p>No choice program</p>	
Student Testing Options	<p>NO</p> <p>No choice program</p>	
School Autonomy	<p>NO</p> <p>No choice program</p>	

Accessible School Participation	NO No choice program	
ESAs and Parent-Directed Spending		
Freedom to Customize	NO No ESA or microgrant program	Delaware does not have an education scholarship account or microgrant program.
Freedom to Access	NO No ESA or microgrant program	
Carry-Over Funding	NO No ESA or microgrant program	
Tax Credits		
Full Tax Credit	NO No choice program	Delaware does not have an education tax credit program.



Homeschooling in Delaware

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>NO Permission required</p>	<p>Delaware Code provides that homeschool students are exempt from compulsory attendance laws. (14 Del. Code 2703 Private School attendance or other educational instruction)</p> <p>Delaware Code considers homeschools to be nonpublic schools and provides for three types of homeschools: multi-family homeschools, single-family homeschools, or single-family homeschool coordinated with the local school district. (14 Del. Code 2703A Homeschools defined)</p> <p>Delaware requires parents to submit nonpublic school applications, which must be approved or denied by the Department of Education. The Department will send parents an acknowledgement letter that the homeschool has been approved and is now open. (Delaware Dept of Education, Homeschools and Private Schools)</p>
<p>No Extra Homeschool Notifications</p>	<p>NO Annual notification</p>	<p>Delaware Code requires all individuals conducting nonpublic schools, including homeschools, to report end of the year attendance to the Department of Education annually on or before July 31. Further, parents must annually provide a statement of student enrollment as of the last school day in September. (14 Del. Code 2704 Report of non-public schools to the Department)</p>
<p>No Certification to Homeschool</p>	<p>YES No certification requirement</p>	<p>Delaware policy does not require homeschool parents to possess teacher certification.</p>

<p>Flexible Assessment Options</p>	<p>YES</p> <p>Flexible academic accountability</p>	<p>Delaware policy does not address assessment requirements for homeschool students.</p> <p>The Department of Education confirms this through FAQs.</p> <p>(Delaware Department of Education, Homeschools and Private Schools: FAQs)</p>
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SOURCE CITATIONS

<p>Statutes</p> <p>14 Del. Code 2703 Private School attendance or other educational instruction</p> <p>14 Del. Code 2703A Homeschools defined</p> <p>14 Del. Code 2704 Report of non-public schools to the Department</p>	<p>State Department of Education</p> <p>Delaware Dept of Education, Homeschools and Private Schools</p> <p>Delaware Department of Education, Homeschools and Private Schools: FAQs</p>
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POLICY ENHANCERS



Part-time Enrollment in Delaware

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>Delaware Code requires boards of education where there are employed students or there reside 15 or more children ages 12-16 who have been granted employment certificates, per the child labor and compulsory attendance laws, to maintain part-time schools and classes in civic or vocational subjects.</p> <p>(14 Del. Code 3501 Part-time schools or classes for children having employment certificates)</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Delaware does not offer part-time enrollment for students outside their district of residence.</p>
Virtual Course Access	<p>NO</p> <p>No virtual options provided by other entities than the school district in which a student resides</p>	<p>Delaware does not have a state virtual school.</p> <p>Through the University of Delaware, students in high school may take dual enrollment online courses.</p> <p>(University of Delaware, UD Dual Enrollment Program Online Classes)</p>

<p>Extracurricular Access</p>	<p>NO</p> <p>No requirement to make extra/co-curricular opportunities available to all students</p>	<p>According to an FAQ from the Delaware Department of Education relating to private schools and homeschools, the Delaware Interscholastic Athletic Association regulations 1008 and 1009 require that, in order to participate in interscholastic athletics, a student must be enrolled at that school as a full-time student and the school must be a member school of the DIAA.</p> <p>(Delaware Department of Education, Homeschools and Private Schools: FAQs)</p>
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SOURCE CITATIONS

Statutes	State Department of Education	Other Resources
<p>14 Del. Code 3501 Part-time schools or classes for children having employment certificates</p>	<p>Delaware Department of Education, Homeschools and Private Schools: FAQs</p>	<p>University of Delaware, UD Dual Enrollment Program Online Classes</p>



Learn Everywhere in Delaware

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	<p>Delaware has not established a Learn Everywhere program.</p>
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Delaware

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	<div style="background-color: red; width: 10px; height: 100%;"></div> NO	<p>Delaware Code for enrollment choice makes clear that parents of children enrolled in a district other than the district of residence or enrolled in a school within the district in which the child would not normally be enrolled, are responsible for transporting students without reimbursement.</p> <p>(14 Del. Code 409 Transportation)</p>
Fair Transportation Access	<div style="background-color: green; width: 10px; height: 100%;"></div> YES	<p>Charter School Students Delaware Code provides two options for charter schools:</p> <ul style="list-style-type: none"> • The school district where the charter school is located may transport students residing in that district, at fair cost, on the same basis offered to other students attending schools operated by the district; • Receive from the State a payment equal to 70% of the average cost per student of transportation within the vocational district in which the charter school is located and become responsible for the transportation of students. <p>(14 Del. Code 508 Responsibility for student transportation)</p> <p>Private School Students Delaware Code requires pupil transportation for nonpublic, nonprofit schools to be the same as those applicable to public schools.</p> <p>(14 Del. Code 2905 Transportation of students of nonpublic, nonprofit elementary and high schools)</p>

<p>Vehicle Flexibility</p>	<p>NO Strict vehicle requirements</p>	<p>Delaware Code defines “school bus” to mean a “commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events, or any vehicle which meets the regulatory requirements adopted by the Department of Education with the advice of the Division of Motor Vehicles...”</p> <p>(21 Del. Code 101 Words and Phrases)</p> <p>Delaware Administrative Regulations provides that bus capacities for children in K-6 must be established on the basis of 13 inches per child and for grades 7-12, the capacity must be 15 inches per child.</p> <p>(14 Del. Admin. Code 1150 School Transportation – 14.0 Bus Capacities)</p> <p>Guidance from the Delaware Department of Education explains that school buses have a capacity of 16 to 84 passengers.</p> <p>(Delaware Dept of Education, School Transportation Resources)</p>
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SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education
<p>14 Del. Code 409 Transportation</p> <p>14 Del. Code 508 Responsibility for student transportation</p> <p>14 Del. Code 2905 Transportation of students of nonpublic, nonprofit elementary and high schools</p> <p>21 Del. Code 101 Words and Phrases</p>	<p>14 Del. Admin. Code 1150 School Transportation – 14.0 Bus Capacities</p> <p>14 Del. Admin. Code 1150 School Transportation – 26.0 Nonpublic, Nonprofit Schools</p>	<p>Delaware Dept of Education, School Transportation Resources</p>

