



Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

Delaware

Private Schools

According to [DE Admin Code 255.2](#), a “Private School” means a school having any or all of grades kindergarten through twelve, operating under a board of trustees and maintaining a faculty and plant which are properly supervised.

In order to open a private school in the State of Delaware, you must register with the Delaware Department of Education (DDOE). You must also obtain proper business licensing for the Delaware Division of Corporations. To remain open, a nonpublic school must report annual enrollment and attendance.

Any private school registered with the DDOE must have an address and a physical location within the State of Delaware. The DDOE does not allow virtual private schools to register with the DDOE as a Delaware nonpublic school.

Steps to Start a Private School

The first step in creating a private school is to register as a corporation. This is usually a for profit LLC. Register with your state’s Division of Corporations.

1. If you know the location of your planned school, you must review and comply with any local building zoning, public safety, and inspection regulations. Contact your local Department of Health to find out more about specific building codes, fire inspection regulations, and food, water, and radon.
2. Select a name for your school. Retain this name throughout the duration of the school’s operation.
3. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
4. Register as a corporation. This is usually a for profit LLC. Register with your state’s Division of Corporations.
5. A Federal Employer Identification Number (FEI/EIN) will be required after registering as a company. Apply with the IRS online at: <https://sa.www4.irs.gov/modiein/individual/index.jsp>
6. Things to consider
 - 6.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.

- 6.2. Teacher Certification: Is optional.
- 6.3. Registration: Is required.
- 6.4. Licensing: Business licensing is required.
- 6.5. Approval: Is not required.
- 6.6. Length of School Year and Days: Is not specified.
- 6.7. Curriculum: Some requirements. See statutes below.
- 6.8. State Testing: is not required.
- 6.9. Health and Safety Requirements: A fingerprinting students program is required. Private schools must cooperate in setting up the program, but the fingerprinting of students is not mandated.
- 6.10. Nursing and Health: Minimal requirements.

Application Steps

The Delaware Department of Education (DDOE) reviews and approves or denies nonpublic school (NPS) applications in the order that they are received.

The DDOE will review your submitted application and open or deny the school. If needed, they will call for any additional information. The DDOE will deny a NPS application and/or student registration if an active truancy case exists.

Whether you are opening a Private School or Homeschool, the process contains three steps:

- **Step One:** [Apply for an EdAccess Account](#) and select Nonpublic School Account from the dropdown. Once you have submitted the form, be sure to check your email for a confirmation and next steps. NOTE: You will be required to set up a Multi-Factor Authentication (a two-step process to log in). Please take a few minutes to view the [EdAccess MFA.pdf](#) and watch the MFA four minute YouTube guidance video [EdAccess Multi-Factor Authentication](#). You will need to do this each time you access the EdAccess portal.
- **Step Two:** [Log into the Nonpublic School Application](#) via EdAccess. Select the Nonpublic School Application icon, select the +School blue button at the top of the page. Then select the type of NPS you are opening, enter the school's demographic information, contact information, and add student(s) to be enrolled. If you are opening a homeschool, make sure to link your students to a parent/guardian. Be sure to save and continue on each page, review the information one more time, and then submit. At this time, your nonpublic school request will go into a pending status.
- **Step Three:** Print or obtain a copy of the Acknowledgment Letter indicating that your NPS has been opened and your student(s) is/are enrolled. Public schools will not withdraw your child(ren) to a NPS without this Acknowledgement Letter.

Please note, if you are registering a nonpublic school for next school year, you will need to wait until **after August 11th** to do so.

Once the DDOE notifies you that your NPS is approved/open, you can access the homepage for your NPS by logging in through [EdAccess](#) (Remember the Multi-Factor Authentication step) and clicking on the NPS icon. This will take you to your NPS homepage for your school.

Acknowledgement Letter

This is the official document that shows your nonpublic school has been registered with the Delaware Department of Education (DDOE). This document will also show the status of your student enrollment. The DDOE encourages you to keep a copy of this document for your records any time the status of your school or student changes.

To locate the Acknowledgement Letter, please log into the NPS Application via [EdAccess](#). Select the Records tab at the top of the screen and then Acknowledgement Letter. You will need to select the School Year for which you want to print the letter. You can click the Print All button to print the letter containing all students enrolled in the school, or you can select specific students and then click the Print Selected button.

Annual Requirements

There are two requirements to keep a nonpublic (home or private) school open and active once registered. Pursuant to [Delaware law, 14 Del.C. § 2704](#):

1. All persons conducting nonpublic schools shall report end of the year attendance information to the DDOE annually, on or before July 31, on such forms as shall be prescribed by the DDOE.
2. Such persons shall also submit annually, no later than September 30, a statement of pupil enrollment as of the last school day in September, on such forms as prescribed by the Department of Education.

Annual enrollment and attendance information are reported through the Nonpublic School System.

Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

- Accreditation: optional
- Registration: is required

- "Private School" means a school having any or all of grades kindergarten through twelve, operating under a board of trustees and maintaining a faculty and plant which are properly supervised. [DE Admin Code 255.2](#)
- In order to open a private school in the State of Delaware, you must register with the Delaware Department of Education (DDOE). You must also obtain proper business licensing for the Delaware Division of Corporations.
- Any private school registered with the DDOE must have an address and a physical location within the State of Delaware. The DDOE does not allow virtual private schools to register with the DDOE as a Delaware nonpublic school.
- All nonpublic schools must register its students with the state in order for those students to be exempt from the compulsory attendance law. Delaware Code Annotated ([Del. Code Ann.](#)), title 14, §§[2702](#), [2703](#), and [2704](#).
- Licensing: no requirements
- Approval: no requirements

Background Check

- Effective on July 1, 2026, a background check is required for all employees, contractors, and volunteers of private schools. [Code Ann., title 31, § 309A](#).

Curriculum

- Under the Compulsory Education Statute, nonpublic schools must provide regular and thorough instruction in the subjects prescribed for the public schools of the state. [Del. Code Ann., title 14, §2703](#).
- Delaware requires all nonpublic schools to provide regular courses in the United States Constitution, the Delaware Constitution and government, and the free enterprise system in grade eight through high school. The extent and content of courses is determined by the Department of Education with approval of the Delaware State Board of Education. [Del. Code Ann., title 14, §4103](#).
- Delaware provides driver education instruction for students attending nonpublic high schools. The Department of Education, with the consent of the State Board of Education, regulates and supervises the program including the qualifications of driver education teachers, their salary, and school assignments. [Del. Code Ann., title 14, §127](#).
- The governor may request private schools to observe Arbor and Bird Day, designed to advance the study of arbor culture, and to promote the protection of and appreciation for birds and trees. [Del. Code Ann., title 29, §2108](#).

Health and Safety Requirement

- Private schools must set dates for fingerprinting students (grades k–9) and provide school facilities and personnel. The superintendent of state police will provide training for volunteers who are nominated to assist the private schools for this purpose. Private school officials must notify parents or guardians of the date set for fingerprinting. Only pupils with signed authorization by parents or guardians may participate. Private schools must cooperate in setting up the program, but the fingerprinting of students is not mandated. [Del. Code Ann., title 11, §8526](#).

- Teachers, students, employees, and visitors in private schools must use eye protection devices for activities taking place in eye protection areas, i.e. industrial arts classes, etc. [Del. Code Ann., title 14, §§8301, 8302.](#)

Length of School Year and Days

- No state policy currently exists.

Nursing and Health

- There is not an explicit law or regulation requiring a private school to have a school nurse. [Title 24, Chapter 19, Section 1921\(13\)](#) refers to having educators assist students with self-administering medications during school field trips if the educators have “completed a Board of Nursing approved training course developed by the Department of Education.” The corresponding regulation is [14 DE Admin. Code 817.](#)

Professional Development

- No state policy currently exists.

Public Aid for Private Education

- Constitutional Provisions: No state funds raised for educational purposes can be used to aid any sectarian, church, or denominational school. [Delaware Constitution, Art X, §3.](#)
- Programs for Financial Assistance for Attendance at Private Schools: There is no such program at this time.

Recordkeeping and Reports

- Nonpublic schools are required to report their enrollment, age of pupils, and attendance to the Delaware State Board of Education annually before July 31. In addition, private schools must submit annually, by October 5, a statement of enrollment as of the last day in September on forms prescribed by the Delaware State Board of Education. [Del. Code Ann., title 14, §2704.](#)
- Private schools must have a written policy concerning the education records of its students. That policy must address accessibility, confidentiality, and how records may be amended. The policy must comply with the Family Education Rights and Privacy Act, 20 U.S.C. 1232g. The policy should be reviewed periodically. [Del. Code Ann., title 14, §251.](#)
- Private schools must maintain records as required by the child labor laws. [Del. Code Ann., title 14, §3506.](#)

Reimbursement for Performing State and Local Functions

- No state policy currently exists.

Special Education

- The Department of Education, with the consent of the Delaware State Board of Education, promulgates rules providing for the placement of “exceptional persons,” i.e. “handicapped or gifted persons” in private schools. [Del. Code Ann., title 14, §§3101 and 3110\(b\)](#).

Tax Exemption

- All real or personal property used for school purposes where the tuition is free shall be exempt from taxation and assessment for public purposes. [Delaware Constitution, Art X, §3](#).

Teacher Certification

- Teacher certification is optional. The Delaware Department of Education (Department of Education) has the authority to implement a “voluntary licensing and certification” system for nonpublic school teachers, specialists, and administrators. [Del. Code Ann., title 14, §121\(b\)](#).

Technology

- No state policy currently exists.

Testing

- No state policy currently exists.

Textbooks

- No state policy currently exists.

Transportation

- The Delaware Constitution expressly allows the General Assembly to provide transportation for students of nonpublic, nonprofit elementary and high schools. [Delaware Constitution, Art X, §5](#).
- The Delaware State Board of Education is charged with regulating nonpublic school transportation, with rules and regulations being the same as those for public school transportation and limited to within the described boundaries of a public school district. [Del. Code Ann., title 14, §2905](#).

- Parochial and private school buses must be inspected twice yearly to determine if they are safe, fit for operation, and properly equipped in accordance with regulations adopted by the Delaware Division of Motor Vehicles. [Del. Code Ann., title 21, §2145.](#)
- Parochial and private schools may not permit any person to drive a school bus within the state without a valid school bus driver's license. [Del. Code Ann., title 21, §2708\(a\).](#)

Resources

Contact Information – State and Federal Departments of Education

- Delaware Department of Education
The Townsend Building
Suite Two
401 Federal Street
Dover, DE 19901-3639
Phone: (302) 735-4000
Fax: (302) 739-4654
Website: <http://www.doe.k12.de.us>
Nonpublic School Office Email: non-public.schools@doe.k12.de.us
- U.S. Department of Education, [Delaware](#)

Information and Legislative

- [Delaware DEDOE: Nonpublic School Information](#)
- [Delaware DEDOE: Opening a Private School](#)
- [Delaware Administrative Code](#)

School Choice Programs

Delaware currently does not have an Education Savings Account (ESA) program.