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Poore, Richardson, Seigfried, Sokola, Sturgeon,
Townsend, Walsh

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 350
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO HOMESCHOOL STUDENT PARTICIPATION
IN EXTRACURRICULAR ACTIVITIES.

WHEREAS, Delaware offers families educational choice, including the choice to homeschool their students; and

WHEREAS, as of October 2023, 4,466 Delaware students were homeschooled, according to the Department of
Education's Nonpublic School Report; and

WHEREAS, according to the United States Census Bureau, participation in extracurricular activities can help
students develop social skills, boost self-esteem and resiliency, and lower levels of risky behaviors; and

WHEREAS, when a non-participating student participates in extracurricular activities or sports, they show better
mental health outcomes over time facilitated by high peer belongingness, according to an article in the journal, *Frontiers in
Sports and Active Living*; and

WHEREAS, homeschool students would also benefit from the social and emotional development derived from
participating in extracurricular activities, including sports; and

WHEREAS, extracurricular activities can be prohibitively expensive to a parent seeking to enroll their student
through the private market; and

WHEREAS, there may be an opportunity to incorporate homeschool students into the extracurricular activities
offered by what would be that student's school of residence if that student were a public school student; and

WHEREAS, there may be an opportunity to incorporate homeschool students into the extracurricular activities
offered by charter schools or vocational-technical school districts; and

WHEREAS, homeschool integration into extracurricular activities should be contingent on there being available
capacity in the public school and, if applicable, the same tryouts and proof of ability required of public school students; and

WHEREAS, other states have utilized a variety of methods to incorporate homeschool students into extracurricular
activities offered through the public school system; and

WHEREAS, the General Assembly intends to use the expertise of the Department and our State's school districts, charter schools, and vocational-technical school districts to gather information about the inclusion of homeschool students in extracurricular activities and whether and how that might be achieved, such as through a pilot program.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1.

For purposes of this Act:

(1) "Department" means the Department of Education.

(2) "Extracurricular activity" means a public school-sponsored activity in which students take part on a voluntary basis. "Extracurricular activity" includes preparation for and involvement in public performances, contests, athletic competitions, displays, and club activities.

(3) "Homeschool" means as defined in § 2703A of Title 14 of the Delaware Code.

(4) "School of residence" means a student's assigned public school or program within the school district in which the student would be enrolled based on the student's place of residence.

Section 2. The Department shall, in collaboration with school districts, charter schools, vocational-technical school districts, and representatives of the Delaware homeschooling community, including Tri-State Homeschool, Inc., Delaware First State Homeschool, and the MidAtlantic African American Homeschooling Cooperative, make findings and recommendations about all the following:

(1) The advisability of developing a pilot program regarding homeschool students' participation in extracurricular activities in those students' schools of residence or within a charter school or vocational-technical school.

(2) The feasibility of allowing homeschool students to join extracurricular activities within each student's school of residence.

(3) The feasibility of allowing homeschool students to join extracurricular activities within a charter school or a vocational-technical school district school.

(4) Whether there are extracurricular activities or categories of extracurricular activities into which it would not be feasible or advisable to integrate homeschool students.

(5) Different considerations that might need to be undertaken about homeschool student participation in extracurricular activities, including considerations that relate to similar participation by students in other nonpublic school settings, depending on the category of extracurricular activity.

(6) Any issues associated with integrating homeschool students into extracurricular activities on the same basis as students enrolled in public school, and recommendations on how to address the issues.

(7) Any impact on public school students, in general, and any impact on those public school students who are participating in extracurricular activities, if homeschool students are integrated into extracurricular activities.

(8) Any costs of allowing homeschool students to participate in extracurricular activities, and methods for covering those costs, if any.

(9) Identification of any significant distinctions between integration of homeschool students into extracurricular activities when that student is in grades K–5 versus grades 6–8 versus grades 9–12.

(10) Potential eligibility criteria that a homeschool student would need to meet to participate in an extracurricular activity.

(11) Any potential to partner with nonpublic schools to incorporate homeschool students into extracurricular activities in nonpublic schools. The Department may seek feedback from nonpublic schools.

Section 3. By December 31, 2027, the Department shall submit its findings and recommendations to all of the following:

(1) The Chief Clerk of the House of Representatives, for distribution to all Representatives.

(2) The Secretary of the Senate, for distribution to all Senators.

(3) The Director and the Librarian of the Division of Legislative Services.

(4) The Controller General.

(5) The Governor.

Section 4. This Act expires on the date of publication in the Register of Regulations of a notice that the Department has submitted its findings and recommendations under Section 3 of this Act. The Director of the Division of Legislative Services shall provide written notice to the Registrar of Regulations that the Department has submitted its findings and recommendations under Section 3 of this Act. The Registrar shall publish the notice in the Register of Regulations.