

CHAPTER 212  
FORMERLY  
SENATE BILL NO. 78

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CONSENT EDUCATION.

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

Section 1. Amend § 4161, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 4161. Definitions.

(5) “Consent” means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.

b. A current or previous dating, social, or sexual relationship.

Section 2. Amend § 4167, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 4167. Regulatory Authority.~~

~~The Department of Education may promulgate regulations necessary to implement and enforce this chapter.~~

§ 4167. Consent Education.

a. Educational Programming. Beginning in the 2020-2021 school year, each school district and charter school serving 1 or more of the grades 7 through 12 shall provide age- and developmentally-appropriate, evidence-informed instruction on the meaning of consent and respecting others’ personal boundaries as part of health standard programming related to comprehensive healthy relationships.

b. Reporting.

1. Each school district and charter school shall designate an individual responsible for overseeing the implementation of the educational programing provided under subsection (a) of this section. Each school district and charter school shall provide the name and contact information for the individual designated under this subsection to the Department of Education no later than September 15 of each year.

2. Each individual designated under paragraph (b)(1) of this section shall report to the Department of Education no later than November 15 of each year regarding how the educational programming has been implemented by that individual's school district or charter school.

3. The Department of Education shall submit a written report to the Governor, the members of the General Assembly, and the Director of the Division of Research no later than January 15 of each year. The report must include the educational programing provided under subsection (a) of this section and how the

curriculum has been implemented by each school district and charter school under subsection (a) of this section.

Section 3. Add a new § 4168, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4168. Regulatory Authority.

The Department of Education may promulgate regulations necessary to implement and enforce this chapter.

Approved September 10, 2019