

CHAPTER 370
FORMERLY
SENATE BILL NO. 213
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PERSONAL BODY SAFETY AND CHILD SEXUAL ABUSE AWARENESS AND PREVENTION.

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

Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4123B. Personal body safety and child sexual abuse awareness and prevention.

(a) For purposes of this section:

(1) "Child sexual abuse", "sexual abuse", or "sexually abused" means the commission of any act that is listed in the definition of sexual offense in § 761 of Title 11.

(2) "Parent" means natural parent, adoptive parent, any person legally charged with the care or custody of a student under 18 years of age, or any person who has assumed responsibility for the care of a student under 18 years of age including any person acting as a caregiver pursuant to the provisions of § 202(f) of this title.

(3) "Personal body safety" means understanding the difference between appropriate and inappropriate touching and how to communicate inappropriate behavior to a trusted adult.

(4) "School district" includes charter schools and vocational technical school districts.

(b) The Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families shall develop and maintain a curriculum to be used by each school district for educating public school employees, students, and parents about personal body safety and child sexual abuse. The curriculum must include all of the following:

(1) Evidence-based training and education for public school employees who are employed at schools with any of the grades pre-kindergarten through 6 in order to raise awareness of issues regarding personal body safety and child sexual abuse. Such training and education must include the warning signs indicating that a child may be a victim of sexual abuse, techniques for responding when child sexual abuse is suspected or disclosed, and the employee's mandatory reporting requirement under § 903 of Title 16.

(2) Evidence-based, age-appropriate instruction for students enrolled in grades pre-kindergarten through 6 that is related to personal body safety and child sexual abuse. Such instruction shall include information on the difference between appropriate and inappropriate conduct and the actions that a child may take to be protected from sexual abuse. Such instruction shall be designed to build on skills learned the previous year.

(3) Information for parents of students enrolled in grades pre-kindergarten through 6 on all of the following:

a. Warning signs of a child who is being sexually abused.

b. Effective, age-appropriate methods for discussing personal body safety and sexual abuse with a child.

c. Resources for reporting child sexual abuse.

d. Counseling and other resources available to a child who has been sexually abused.

(c) The Department of Education shall provide technical expertise to assist the Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families in their development and maintenance of the curriculum under subsection (b) of this section and the Department of Education shall provide the curriculum to each school district.

(d) Each school district shall implement the curriculum developed under subsection (b) of this section as follows:

(1) The curriculum developed under paragraph (b)(1) of this section shall be provided to all of its employees who are employed at schools with any of the grades pre-kindergarten through 6 through the district's existing professional development program and may be provided to the district's volunteers.

(2) The curriculum developed under paragraph (b)(2) of this section shall be provided to all students enrolled in grades pre-kindergarten through 6 through health education programs or related classes.

(3) The curriculum developed under paragraph (b)(3) of this section shall be provided to parents of students enrolled in grades pre-kindergarten through 6 through written materials on an annual basis and may be provided through live presentations.

(e) Prior to providing any instruction under paragraph (d)(2) of this section, each school district shall inform the parent of any student enrolled in grades pre-kindergarten through 6 in writing that the parent may examine and review the educational materials before the materials are taught.

(f) Each school district shall designate an individual responsible for overseeing the implementation of the curriculum developed under subsection (b) of this section. Each school district shall provide the name and contact information for the individual designated under this subsection to the Department of Education no later than November 15 of each year.

(g) Each individual designated under subsection (f) of this section shall report to the Department of Education no later than November 15 of each year how the curriculum has been implemented by that individual's school district.

(h) 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 curriculum developed under subsection (b) of this section and how the curriculum has been implemented by each school district under subsection (d) of this section.

Section 2. This Act shall be known and may be cited as "Erin's Law".

Section 3. This Act takes effect upon enactment into law and the school districts' use of the curriculum required by this Act shall begin no later than the 2017 to 2018 school year.

Approved August 10, 2016