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DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 291

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO POLICY REGARDING  
APPROPRIATE RELATIONSHIPS WITH STUDENTS.

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

1 Section 1. Amend Title 14 of the Delaware Code by adding a new Chapter 43 and by making deletions as shown  
2 by strike through and insertions as shown by underline as follows:

3 Chapter 43. Adult Sexual Misconduct in Schools Policy.

4 § 4301. Adult sexual misconduct in schools policy. – Each school district and charter school shall establish a  
5 policy which shall require, at a minimum, all of the following:

6 (1) A provision establishing appropriate and inappropriate interactions between adult employees,  
7 contractors, coaches, and volunteers and students.

8 (2) A provision prohibiting adult sexual misconduct in schools which shall apply to employees,  
9 contractors, coaches, and volunteers.

10 (3) A provision prohibiting any sexual relationship between a student, even if the student is an adult, and  
11 a school district or charter school employee while the student is a current student.

12 (4) A provision emphasizing the mandatory reporting requirements of § 903 of Title 16.

13 (5) A procedure for notifying the Department of Education and law enforcement of suspected adult sexual  
14 misconduct.

15 (6) A provision delineating preferred and prohibited methods of electronic communications between  
16 school employees, contractors, coaches, and volunteers and students.

17 (7) A provision that substantiated incidents of adult sexual misconduct will be reported in future reference  
18 checks for employment or volunteer work.

19 (8) A provision requiring the development of hiring practices to screen for adult sexual misconduct in  
20 school employees, contractors, coaches, and volunteers.

SYNOPSIS

This Act requires each school district and charter school to adopt a policy regarding appropriate relationships between school employees, contractors, coaches, and volunteers and students. The policy must include a provision establishing appropriate and inappropriate interactions; a prohibition against adult sexual misconduct; a prohibition against any sexual relationship between a school employee, contractor, coach, or volunteer and a student; an emphasis on the mandatory reporting obligations under § 903 of Title 16; a procedure for notifying the Department of Education and law enforcement of suspected adult sexual misconduct; guidelines for the preferred and prohibited methods of electronic communication; notice that substantiated incidents of adult sexual misconduct will be reported in future reference checks; and a provision requiring the development of hiring practices to screen for adult sexual misconduct. This Act will be implemented for the 2023-2024 school year.

Author: Senator Poore