



SPONSOR: Sen. Lawson & Rep. Briggs King
Sens. Hocker, Richardson

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 216

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO NONACADEMIC TRAINING.

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

Section 1. Amend § 4162, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4162. Child safety awareness, prevention, and other nonacademic trainings.

(a) Each school district and charter school shall require its employees to receive 12.5 hours of training every 3 years consisting of all of the following:

(1) Three hours of a child abuse and child safety awareness, prevention, detection, and reporting training program established under § 4163(b)(1) of this title.

(2) Three hours of a school bullying prevention and criminal youth gang detection training program established under § 4164(a) of this title.

(3) Four and one-half hours of a suicide prevention training program established under § 4165(a) of this title, with each school district and charter school employee receiving 90 minutes of such training each year.

(4) Two hours of additional, nonacademic training programs that are evidence-based, whenever available, and are related to a training subject required by this subchapter, as selected by the school district or charter school.

(b)(1) Each school district and charter school shall require a school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 to receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title every 3 years. ~~This training~~ The training under this paragraph may be included in paragraph (a)(4) of this section.

(2)a. Notwithstanding subsection (a) of this section, each school district and charter school shall require its employees serving 1 or more of the grades in grades 6 through 12 to receive training on red flag indicators as follows:

1. Three hours of initial training within 60 days of [the effective date of this Act] for employees employed on [the effective date of this Act] or within 60 days of employment for employees employed after [the effective date of this Act].

2. Except as otherwise provided in paragraph (b)(2)a.3. of this section, at least 1 hour of training each year after the initial training.

3. Three hours of training every 5 years after the initial training.

b. Red flag indicator training required under paragraphs (b)(2)a.2. or (b)(2)a.3. of this section must be conducted within the first 60 days of each school year.

c. Red flag indicator training must include all of the following:

1. Information that enables employees to recognize, identify, and understand the psychosocial indicators and behaviors that a student who is dangerous to self or dangerous to others may exhibit.

2. Information on the red flag reporting and referral requirements adopted under § 4168 of this title.

(c) Notwithstanding subsection (a) of this section, a school district or charter school shall require all of the following:

(1) That a new school district or charter school employee receive 1 hour of a child abuse detection and reporting training program established under § 4163(b)(1) of this title within 30 days of employment with the school district or charter school, unless the new school district or charter school employee received such training within the last year.

(2) That a new school administrator, school nurse, or school counselor serving 1 or more of the grades in grades 7 through 12 in a school district or charter school receive 2 hours of a teen dating violence and sexual assault training program established under § 4166(a) of this title within 1 year of employment in such position.

(d) A school district or charter school shall provide any in-service training required under this section within the contracted school year as provided in § 1305(e) of this title.

(e) A school district or charter school may provide the trainings required under this section to any of its volunteers or contractors.

Section 2. Amend Subchapter II, Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 4168.~~ § 4161A. Regulatory authority.

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

Section 3. Amend Subchapter II, Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4168. Red flag indicator reporting, tracking, and referral policies.

52 (a) Each school district and charter school shall establish and maintain a red flag indicator reporting, tracking, and
53 referral policy to ensure that a student identified as likely being dangerous to self or dangerous to others may be reported,
54 tracked, and referred for appropriate mental health evaluation or treatment or law enforcement action.

55 (b) Immunity. - School district or charter school employees are immune from civil liability, criminal liability, and
56 professional discipline for good faith compliance with the school district's or charter school's red flag indicator reporting,
57 tracking, and referral policy established under subsection (a) of this section.

58 (c) Relationship to reporting requirements. - Nothing in this section or in the policies promulgated under this
59 section prevents a school district or charter school employee from fulfilling all of the reporting requirements of § 4112 of
60 this title or from reporting probable crimes that occur on school property or at a school function which are not required to
61 be reported under § 4112 of this title. Nothing in this section abrogates the reporting requirements for child abuse or sexual
62 abuse under Chapter 9 of Title 16 or any other reporting requirement under State or federal law.

SYNOPSIS

In almost every mass murder that has occurred in the United States over the past 2 decades, subsequent investigations have revealed that the perpetrator had displayed what have become known as "red flag indicators" which, if known, identified, and reported, might have allowed trained professionals to intervene. In far too many cases, these red flag indicators were observed, but because of a lack of training or inadequate reporting, tracking, or referral policies in schools, no action was taken to stop the perpetrator before the attack.

This Act requires red flag indicator training for teachers, school principals, counselors, school nurses, and other school district or charter school employees who interact with students, the people most likely to exhibit red flag indicators during the school day.

This Act also requires that each school district and charter school establish and implement red flag indicator reporting, tracking, and referral policies. These policies will allow for the timely referral of at-risk students for needed mental health evaluation or treatment or law enforcement action.

To protect teachers, administrators, and other school district or charter school employees, this Act provides immunity from criminal liability, civil liability, or professional discipline for employees who follow school district or charter school red flag indicator policies to report a student's red flag behavior.

Finally, Section 2 of this Act makes a technical correction by redesignating § 4168 of Title 14, regarding the Department of Education's regulatory authority, to be § 4161A of Title 14 to avoid repeatedly moving this provision as Subchapter II of Chapter 41 of Title 14 grows. Section 4168 was previously designated § 4167 until 2019 when Chapter 212 of Volume 82 of the Laws of Delaware redesignated the provision.

Author: Senator Lawson