SPONSOR: Sen. Poore & Sen. Brown & Rep. K. Williams
Sens. Bonini, Ennis, Gay, Hansen, Hocker, Lawson, Lockman, Lopez, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson; Reps. Briggs King, Lynn, Mitchell, Osienski, Ramone, Shupe, Michael Smith

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 290
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ADULT SEXUAL MISCONDUCT IN SCHOOLS.

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

Section 1. Amend 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.

For purposes of this subchapter:

( ) "Adult sexual misconduct" is any activity, physical, sexual, or otherwise, directed to a student with the objective of developing a romantic or sexual relationship.

( ) "Grooming for the purpose of sexual contact" means actions, interactions, communications in any capacity, and behaviors by a person of trust to build a relationship with a student or individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student's life the sexual contact or sexual penetration would take place.

( ) "Sexual contact" has the same meaning as defined in § 761 of Title 11.

( ) "Sexual penetration" has the same meaning as defined in § 761 of Title 11.

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

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(4) One hour ~~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.

§ 4163. Child abuse and child safety awareness, prevention, detection, and reporting.

(b) Educational programming.— The Child Protection Accountability Commission and the Division of Family Services of the Department of Services for Children, Youth, and Their Families shall identify and maintain educational programming to be used by each school district and charter school for informing school district and charter school employees, students, and parents about personal body safety and child abuse and about how to detect and report child abuse. The educational programming must include all of the following:

(1) Training and education for school district and charter school employees that is evidence-based, whenever available, in order to raise awareness of issues regarding personal body safety, child abuse, ~~and~~ child safety, and adult sexual misconduct in schools. ~~Such training and education must include the warning signs indicating that a child may be a victim of sexual abuse and other forms of child abuse, techniques for responding when child abuse is suspected or disclosed, and the employee's mandatory reporting requirement under § 903 of Title 16.~~ Such training and education must include:

a. Warning signs indicating that a child may be a victim of child abuse, including sexual abuse and adult sexual misconduct.

b. Techniques for responding when child abuse is suspected or disclosed.

c. Skills and policies to prevent inappropriate sexual misconduct.

d. Skills and policies to establish appropriate adult and student interactions.

e. Warning signs of inappropriate interactions with students by school employees, contractors, coaches, or volunteers.

f. Mandatory reporting requirements under § 903 of Title 16.

g. Applicable state and federal civil and criminal laws and penalties for violations of such laws.

(2) Evidence-based, whenever available, age-appropriate instruction for students enrolled in grades pre-kindergarten through ~~6~~ 12 that is related to personal body safety and sexual abuse and other forms of child 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 and other forms of child 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~~ 12, online or in-person upon request, on all of the following:

a. Warning signs indicating that a child may be a victim of child abuse, including sexual abuse and adult sexual misconduct. ~~of a child who is being sexually abused or suffering from other forms of child abuse.~~

b. Effective, age-appropriate methods for discussing personal body safety and child abuse, including sexual abuse and adult sexual misconduct. ~~sexual abuse and other forms of child abuse with a child.~~

c. Resources for reporting ~~child abuse~~ suspected child abuse, including sexual abuse and adult sexual misconduct.

d. Counseling and other resources available to a child who has been the victim of child abuse, including sexual abuse and adult sexual misconduct.

e. Warning signs of adult sexual misconduct, including the derivative grooming of parents.

f. Counseling and other resources available to parents.

(4) Each school district and charter school shall require a school administrator, school nurse, or school counselor to receive training in addition to the requirements set forth in paragraph (b)(1) of this title. The training and education to be evidence-based, whenever available, that must include:

b. Strategies for the prevention of misconduct and compliance with policies concerning the prevention of misconduct.

c. Strategies for the establishment of appropriate adult and student interactions by school employees, contractors, coaches, and volunteers.

d. Skills for responding to student disclosures of adult sexual misconduct, with an emphasis on disclosures that involve sexual grooming.

e. Coordination with law enforcement and Title IX coordinators for any suspected violation of applicable policies or civil or criminal law.

f. Measures to promote school recovery after an incident of adult sexual misconduct.

g. Obligations under district and charter school policies and state and federal law, including mandatory reporting requirements under § 903 of Title 16.

h. Skills for interviewing and completing reference checks on potential employees.

(e) Nothing in this section shall be construed to limit reporting obligations under Chapter 9 of Title 16.

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Section 2. This Act takes effect starting with the 2023/2024 school year.