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DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 206

AN ACT AMENDING TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL TEEN DATING
VIOLENCE AND SEXUAL ASSAULT.

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

1 Section 1. Amend Title 14 of the Delaware Code by making insertions as shown by underlining and deletions as
2 shown by strike through as follows:

3 §4112E. School Teen Dating Violence and Sexual Assault Act

4 (a) Definitions. -- The following words, terms and phrases when used in this section shall have the meaning
5 ascribed to them except where the context clearly indicates a different meaning;

6 1. "Teen Dating Violence" - As used in this section, Teen Dating Violence means assaultive, threatening or
7 controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in
8 order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual
9 and same sex relationships, and in serious or casual relationships.

10 2. "Sexual Assault" - As used in this section, Sexual Assault means any unwanted sexual behavior committed by a
11 perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood
12 or marriage. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in § 763
13 of Title 11; sexual contact as defined in § 761(f) Title 11; sexual intercourse as defined in §761(g) of Title 11; sexual
14 penetration as defined in § 761(i) of Title 11 and child sexual abuse as defined in §901 of Title 10.

15 (b) Teen Dating Violence and Sexual Assault Policies. - Each school district and charter school shall establish a
16 policy for responding to Teen Dating Violence and Sexual Assault, which at a minimum, shall include the following
17 components:

18 (1) Definitions of Teen Dating Violence and Sexual Assault, the behaviors which constitute each and the
19 consequences for committing offenses;

(2) Guidelines on Mandatory Reporting and Confidentiality as required by statute, district policy, and charter school policy;

(3) A Protocol for responding to incidents of Teen Dating Violence and Sexual Assault which shall include, but is not limited to:

a. Procedures regarding initial response;

b. Procedures for reporting incidents of Teen Dating Violence and Sexual Assault when a report is required;

c. Procedures for the documentation of incidents;

d. Procedures for working with victims;

e. Procedures for working with perpetrators.

(c) Each school district and charter school shall provide training for teachers, administrators, coaches and counselors on Teen Dating Violence and Sexual Assault, annually.

(d) Each school district and charter school shall add comprehensive healthy relationships programming as part of the student health classes. The Domestic Violence Coordinating Council shall have the authority to review and advise on the implementation of school district policies and charter school policies related to Teen Dating Violence and Sexual Assault.

(e) Dissemination of policy and accountability. –

(1) Each school district and charter school shall adopt a policy consistent with subsection (c) of this section. Following review by the Domestic Violence Coordinating Council, each school district and charter school shall submit a copy to the Delaware Department of Education by January 5, 2015.

(2) The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy shall be distributed annually to all students, parents, faculty and staff.

(3) The Delaware Department of Education shall prepare an annual report, which shall include a summary of reported incidences of Teen Dating Violence and Sexual Assault. The report shall be submitted to the Domestic Violence Coordinating Council by August 1st each year.

(f) Immunity. - A person reporting incidents of Teen Dating Violence and/or Sexual Assault in good faith is individually immune from a civil cause of action for damages arising from reporting.

(g) Relationship to school crime reporting. – Nothing in this section or in the policies promulgated as a result thereof shall prevent school officials from fulfilling all of the reporting requirements of § 4112 of this title, or from

49 reporting probable crimes that occur on school property or at a school function which are not required to be reported under
50 that section.

51 (h) Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in
52 Chapter 9 of Title 16, or any other reporting requirement under state or federal law.

53 (i) Rules and regulations. – Notwithstanding any provisions to the contrary, the Delaware Department of
54 Education may promulgate rules and regulations necessary to implement this section.

SYNOPSIS

This Bill requires school districts and charter schools to establish a policy on responding to Teen Dating Violence and Sexual Assault, including guidelines on mandatory reporting and confidentiality, a protocol for responding to incidents of Teen Dating Violence and Sexual Assault and training on the issue. School districts and charter schools shall add comprehensive healthy relationships programming as part of the student health classes.

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