

CHAPTER 357
FORMERLY
SENATE BILL NO. 206
AS AMENDED BY
SENATE AMENDMENT NO. 2

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:

Section 1. Amend Title 14 of the Delaware Code as follows:

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

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

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

2. "Sexual Assault" - As used in this section, Sexual Assault means any unwanted sexual behavior committed by a 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 ~~or~~, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment as defined in §763 of Title 11; sexual contact as defined in § 761(f) Title 11; sexual intercourse as defined in §761(g) of Title 11; sexual penetration as defined in § 761(i) of Title 11 and child sexual abuse as defined in §901 of Title 10.

(b) Teen Dating Violence and Sexual Assault Policies. - Each school district and charter school serving any grades seven (7) through twelve (12) shall establish a policy for responding to Teen Dating Violence and Sexual Assault, which at a minimum, shall include the following components:

(1) Definitions of Teen Dating Violence and Sexual Assault, the behaviors which constitute each and the 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 ensure that its administrator(s), school nurses(s) and school counselor(s) in schools serving any grade seven (7) through twelve (12) receive teen dating violence and sexual assault policies and protocol training during their first year of assignment as an administrator, school nurse or school counselor in one of those schools and at least once in every three year period thereafter. The training materials and trainings shall be developed and provided by the Delaware Domestic Violence Coordinating Council. Any in-service training required by this section shall be provided within the contracted school year as provided in §1305(e) of this title.

(d) Each school district and charter school shall ensure existing health standard programming related to comprehensive healthy relationships, based on the Health Standards adopted by the Delaware Department of Education as approved by the State Board of Education, is provided in health education programs or related 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 ~~(e)~~ (b) 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 school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting Teen Dating Violence and/or Sexual Assault in good faith and to the appropriate person or persons using the procedures specified in the school district or charter school's Teen Dating Violence and Sexual Assault policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful or intentional conduct.

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

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

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

(j) Short title. – This section shall be known and may be cited as the “Liane Sorenson Act.”

Approved July 20, 2012