

State of Delaware

**Annual Report on Teen Dating Violence and
Sexual Assault in Delaware Public Schools**

2020-2021



As required by 14 *Del. C.* § 4166(e)(3), the Delaware Department of Education must annually prepare a report which summarizes all reported incidents of teen dating violence and sexual assault.

October 2021

Background and Overview

The information contained in this report fulfills the requirements set forth in 14 Del.C. §4166, directing the Delaware Department of Education (Department) to collect, evaluate and communicate data related to reported instances of teen dating violence and sexual misconduct in Delaware's public schools. This report is shared with the members of the Delaware Domestic Violence Coordinating Council (DVCC) for its use in the planning and execution of the Council's statutory charge.

The DVCC utilizes this information, as well as data derived from various other agencies, in order to examine current trends in reported behaviors and work with other stakeholders in discovering causal factors related to those trends. Collaboratively, the DVCC and the Department also use the information to develop, update and deliver professional development for Delaware educators as required by 14 Del. C §4166. This important training is designed to better equip school administrators and employees in their efforts to support students who may be victims of domestic and sexual violence.

The information utilized in order to create this report is based upon information submitted by each school district and charter school. Further quality controls include reviewing Delaware Criminal Justice Information System reports of students arrested on school property to ensure that the nature of the charges are accurately reported in the Discipline Reporting Center of E-School (the electronic student record keeping portal utilized by all public schools and charter schools in Delaware.) While the definitions of the criminal statutes for reportable offenses are standard, other incidents reported within such as sexual harassment incidents which do NOT end in arrest are based upon the definition and interpretation of each District and Charter Schools Code of Conduct and their application of that Code.

It should be noted that the crime reports utilized to provide some of the data contained herein represent the ARREST of individuals for the reported offenses and is not adjusted based upon an adjudication of guilt or innocence for those same charges.

The sexual assault incidents included in this report are as follows*:

- Dating Violence
- Sexual Harassment
- Unlawful Sexual Contact
- Rape
- Unlawfully Dealing in Child Pornography
- Continuous Sexual Abuse of a Child
- Sex Abuse by a Person in a Position of Authority/Trust

*NOTE: Sexual assaults listed do not include incidents of consensual sexual misconduct that occurred within the school environment.

For dating violence incidents, districts and charters report incidents of dating violence alongside incidents of misconduct that meet the definition of dating violence. For example, if an incident of assault between students in a serious or casual romantic relationship was a result of one person in the relationship trying to maintain power or control over the other, then that incident of reported assault would also have to be coded as an incident of dating violence.

The report was prepared in three different sections:

- Executive Summary which contains an overall analysis of the information collected during the 12 month period beginning on July 1, 2020 and ending on June 30, 2021. This section also includes a glossary of the definitions for reportable offenses as utilized in the Delaware Code.
- The second section contains graphic trend analysis of multiple different aspects of the collected data. When possible this trend analysis includes at least the previous two school years as reported in previous Annual reports.

Executive Summary

During the 2020-2021 School Year

- Districts and charters reported 10 incidents during the 2020-2021 school year. None of these incidents was reported as incidents of Teen Dating Violence.
- The number of incidents was reduced significantly, this is due to the continuing impacts from the Coronavirus Pandemic which required most schools to operate for the majority of the school year in a remote learning environment. Some District and Charter schools returned in a “hybrid” or mixed learning environment meaning some teaching days were held in person while other continued in remote learning.
- Since there was a definite decrease in the length of time that students were physically within the confines of a school building, there were relatively few opportunities for physical acts of sexual aggression and harassment to occur.
- There were several reports of online sexual harassment which did NOT occur physically within a school facility, but for the purposes of this report were included as they occurred during the normal day to day academic instruction that was occurring electronically and still involved harassing conduct between two or more students.

Recommendations

- As students return from nearly one and a half years of relative isolation when compared with their normal life experience, staff should be reminded that they may have experienced some sort of victimization or sexual violence during their time away from their schools. While these may not be cases of sexual incidents which occurred on the physical school campus, staff should remember to be aware that victimization experienced during the Pandemic may exhibit itself in various different behaviors among students.
- The DVCC updated the Non-Academic Mandatory Training provided to educators statewide. The DVCC Training Specialist will continue to work with the School Climate & Discipline Program to monitor the effectiveness of the training and update modules as necessary to reflect current trends and concerns experienced within the school community.
- The School Climate & Discipline Program will continue to provide schools with support and best practices materials that connect trauma informed practices to the greater needs encountered when managing victims of sexual crimes, regardless of whether the student has been victimized inside or outside of their school community.

Definitions and Concepts

- **"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, 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 Title 11; sexual intercourse as defined in § 761 of Title 11; sexual penetration as defined in § 761 of Title 11; and child sexual abuse as defined in § 901 of Title 10.
- **"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.
- **"Sexual Harassment"** means a person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or the person suggests, solicits, requests, commands, importunes or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person. Sexual harassment is an unclassified misdemeanor. (Authority: 11 Del C §763)
- **"Unlawful sexual contact"** means any intentional touching which, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. "Sexual contact" shall also include touching when covered by clothing.
 - (a) A person is guilty of **unlawful sexual contact in the third degree** when:
 - (1) The person has sexual contact with another person or causes the victim to have sexual contact with the person or a third person and the person knows that the contact is either offensive to the victim or occurs without the victim's consent. Unlawful sexual contact in the third degree is a class A misdemeanor. (Authority: 11 Del C §767)

(b) A person is guilty of **unlawful sexual contact in the second degree** when:

- (1) The person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third person. Unlawful sexual contact in the second degree is a class F felony. (Authority: 11 Del C §768)

(a) A person is guilty of **unlawful sexual contact in the first degree** when:

- (1) In the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or dangerous instrument; or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument.
- (2) The person intentionally has sexual contact with another person who is less than 13 years of age or causes the victim to have sexual contact with the person or a third person.

Unlawful sexual contact in the first degree is a class D felony. (Authority: 11 Del C §769)

- **“Rape”** means a person intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or a person intentionally engages in sexual intercourse of a specified age or condition.

(a) A person is guilty of **rape in the fourth degree** when the person:

- (1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's sixteenth birthday; or
- (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's eighteenth birthday, and the person is 30 years of

age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or

(3) Intentionally engages in sexual penetration with another person under any of the following circumstances:

- a. The sexual penetration occurs without the victim's consent; or
- b. The victim has not reached that victim's sixteenth birthday.

Rape in the fourth degree is a class C felony. (Authority: 11 Del C §770)

(b) A person is guilty of **rape in the third degree** when the person:

(1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or

(2) Intentionally engages in sexual penetration with another person under any of the following circumstances:

- a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
- b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.

Rape in the third degree is a class B felony. (Authority: 11 Del C §771)

(c) A person is guilty of **rape in the second degree** when the person:

- (1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or
- (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
 - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
 - b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:
 1. Any felony; or
 2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or
 - c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
 - d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
 - e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during

an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument;
or

f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

Rape in the second degree is a class B felony. The minimum sentence for a person convicted of rape in the second degree is 10 years at Level V. (Authority: 11 Del C §772)

(d) A person is guilty of **rape in the first degree** when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

(2) The sexual intercourse occurs without the victim's consent and it was facilitated by or occurred during the course of the commission or attempted commission of:

a. Any felony; or

b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or

(3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

(4) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

(5) The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

Rape in the first degree is a class A felony. A person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole or any other reduction if:

(1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or

(2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body; or

(3) The person is convicted of rape against 3 or more separate victims; or

(4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state or the United States.

(Authority: 11 Del C §773)

- **“Unlawfully dealing in child pornography”** means a person knowingly distributes, receives, or promotes content depicting a child engaging in a prohibited sexual act or in the simulation of such an act. Unlawfully dealing in child pornography is a class B felony.

(Authority: 11 Del C §1109)

- **“Continuous sexual abuse of a child ”** means a person, either residing in the same home with the minor child or having recurring access to the child, intentionally engages in 3 or more acts of sexual conduct with a child under the age of 18 years of age over a period of time, not less than 3 months in duration. Continuous sexual abuse of a child is a class B felony. (Authority: 11 Del C §776)

- **“Sexual abuse of a child by a person in a position of trust, authority or supervision”** means a person intentionally engages in sexual intercourse with a child who has not yet reached that child's own sixteenth birthday and the person stands in a position of trust, authority or supervision over the child, or is an invitee or designee of a person who stands in a position of trust, authority or supervision over the child. Sexual abuse of a child by a person in a position of trust, authority or supervision is a Class B felony. (Authority: 11 Del C §778)

Trend Analysis for previous two reporting years

Table 1. Total Reported Incidents

Total Incidents Reported in Delaware	2019-2020	2020-2021
Number of statewide LEA reported incidents which were coded as a sexual offense listed in the definition of Sexual Assault as defined in 14 Del C §4166	72	10
Number of statewide LEA reported offenses which were coded as a terroristic threat, assault, or stalking and met the definition of Dating Violence as defined in 14 Del C §4166	4	0
Total Reported Incidents	76	10

Table 1 displays the total number of incidents of sexual offense and dating violence reported in Delaware schools during the past two school years.

Table 2. Offender and Victim Demographics

Offender and victim demographics within total reported incidents	2018-2019		2019-2020		2020-2021	
	Offender	Victim	Offender	Victim	Offender	Victim
gender						
Male	89.5%	10.4%	88.1%	22.4%	100%	0%
Female	10.4%	84.3%	11.8%	94.7%	0%	100%
identified disability						
No Identified Disability	N/A	74.6%	64.5%	73.7%	50.0%	80.0%
Identified Disability	N/A	25.4%	35.5%	26.3%	50.0%	20.0%

Table 2 shows the demographic breakdown of offenders and victims broken down by gender and disability classification.

Table 3. Percentage of Incidents by Grade Level

Percentage of total reported incidents by grade levels	2018-2019	2019-2020	2020-2021
% Elementary School	12.2%	13.1%	10%
% Middle School	56.4%	38.1%	30%
% High School	31.2%	48.7%	60%

Table 3 represents an increase in the number of reports from high schools along with a reduction in the number of middle school incidents.

Table 4. Number of Incidents Reported by Category.

Incident Category	2018-2019	2019-2020	2020-2021
Teen Dating Violence	1	4	0
Sexual Harassment	137	53	8
Rape 2nd	0	1	0
Unlawful Sexual Contact 3rd	20	15	2
Unlawful Sexual Contact 2nd	3	2	0
Unlawful Dealing in Child Pornography	0	1	0
Sexual Abuse by Person in Authority	0	0	0
	161	76	10

Chart 1. Graphic Breakdown of Reports by LEA.

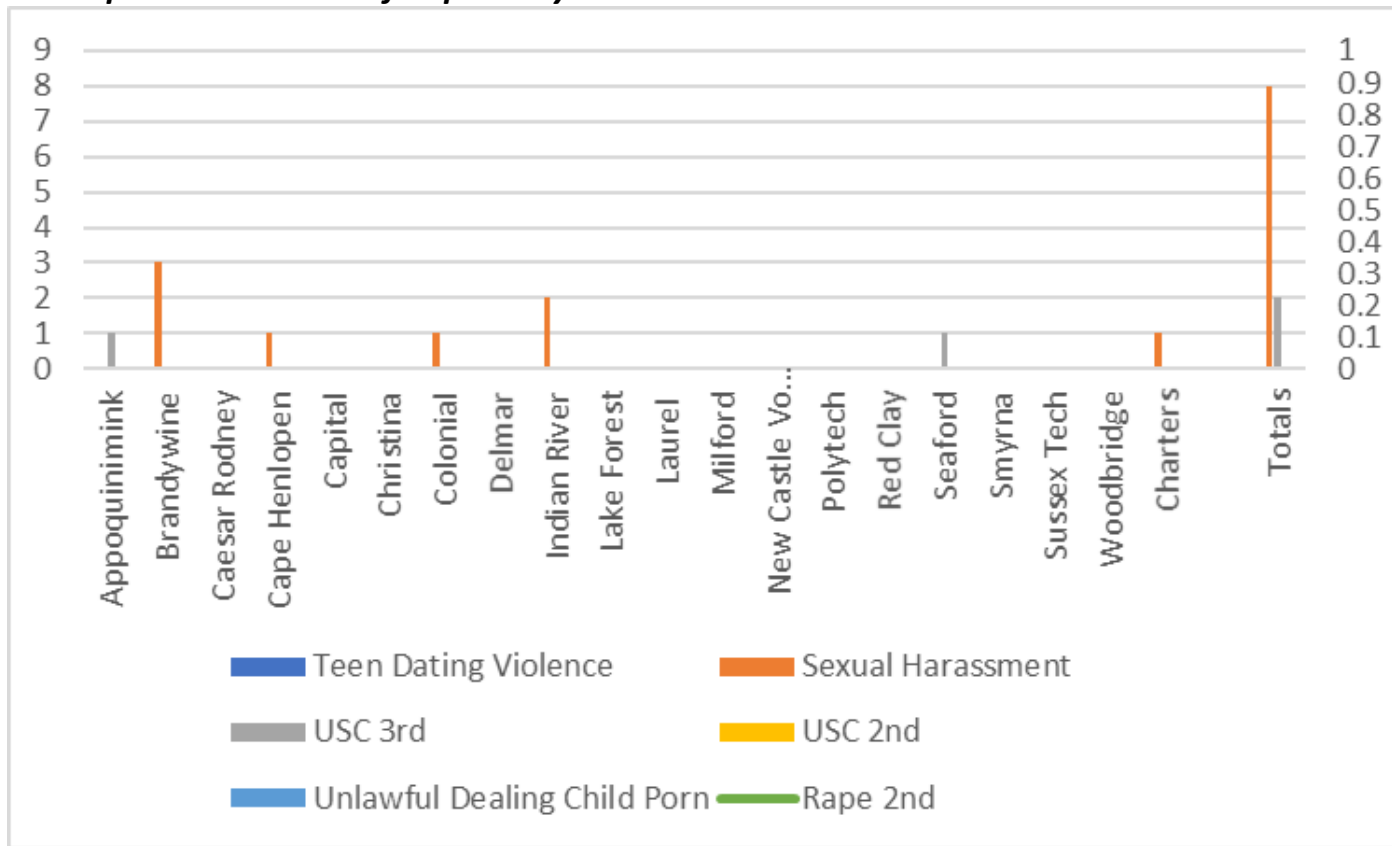


Table 5. Breakdown in Incidents Reported by Category and LEA.

	Teen Dating Violence	Sexual Harassment	USC 3rd	USC 2nd	Unlawful Dealing Child Porn	Rape 2nd
Appoquinimink			1			
Brandywine		3				
Caesar Rodney						
Cape Henlopen		1				
Capital						
Christina						
Colonial		1				
Delmar						
Indian River		2				
Lake Forest						
Laurel						
Milford						
New Castle Vo Tech						
Polytech						
Red Clay						
Seaford			1			
Smyrna						
Sussex Tech						
Woodbridge						
Charters		1				
Totals		8	2			