



Student Support Team

2017-2018

**Statewide Summary Report of
Incidences of Dating Violence/Sexual
Assault in Delaware Public Schools***

*As required under 14 Del C§4166 (e)(3)

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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, 2017 and ending on June 30, 2018. 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 the previous two school years as reported in previous Annual reports.
- The remaining section provides a breakdown of reported incidents by each school district or charter agency.

Executive Summary

During the 2017-2018 school year:

- Districts and charters reported 185 incidents during the 2017-2018 school year. Five of these incidents were reported as teen dating violence incidents. This represents a 50% reduction in the 11 reported dating violence incidents reported the prior school year.
- The number of sexual harassment reports reduced from 80% of all reported incidents to 69% of all reports during the 2017-2018 school year. There may be a number of factors responsible for the reduction in the number of incidents of sexual harassment during the 2017-2018 school year. Underreporting, failure to properly identify harassment incidents or an increased number of incidents related to online harassment all may contribute.
- The number of reported unlawful sexual contact (USC) incidents increased by 29 reports, effectively doubling from the previous reporting period. USC incidents represented 8.7% of all reports during the 2016-2017 school year and currently account for 26% of all reported sexual incidents and crimes.
- As a percentage of total reports, New Castle County accounted for more than 59% of all alleged sex-related incidents and crimes. There was a significant reduction in the percentage of incidents reported in Kent County when compared with the other two counties; Kent now accounts for 14% of all reported incidents.
- Middle school reports increased 14% over previous years, representing 64% of the total reports of sex-related allegations statewide. There was an 8% reduction in elementary school reports.
- Male offenders continue to represent over 90% of alleged offenders and 12% of the total reported victimization. Females represented 6% of the alleged offenders and 77% of the total reported victims.
- Thirty-four percent (34%) of the offenders and 22% of victims had an identified disability.

Recommendations

- Continued mandatory report training. It is imperative that district and charter administrators continue receiving training in the proper investigation and reporting of sex-related incidents on campus. The reduction in reporting, while a positive sign, also requires vigilance in training efforts to insure that there is little risk of under reporting.
- DVCC and the department should collaborate on updated professional development for school staff in the area of recognizing and managing teen dating violence and sex related offenses. This training should include context awareness as well as addressing nontraditional relationships.
- District and charter schools who have noted an increase in the number of unlawful sexual contact incidents should receive additional support in an effort to reduce future incidents of this nature. This is especially important in middle schools where the majority of incidents reportedly occurred.
- The Delaware Department of Education 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 three reporting years

Table 1. Total Reported Incidents

Total Incidents Reported in Delaware	2015-2016	2016-2017	2017-2018
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	157	220	180
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	10	11	05
Total Reported Incidents	167	231	185

Table 1 displays the total number of incidents of sexual offense and dating violence reported in Delaware schools during the past three school years. There was a reduction in the total number of reported offenses, however the number of Unlawful Sexual Contact 3rd incidents increased significantly over previous years. These figures may be found below in Table 5.

Table 2. Offender and Victim Demographics

Offender and victim demographics within total reported incidents	2015-2016		2016-2017		2017-2018	
	Offender	Victim	Offender	Victim	Offender	Victim
% by gender						
Male	94.1%	12.1%	90.9%	30.7%	92.4%	12.4%
Female	5.9%	82.1%	8.7%	55.0%	6.5%	77.8%
Undisclosed	0.0%	5.8%	0.4%	14.3%	1.0%	9.7%
% by identified disability						
No Identified Disability	65.4%	69.2%	72.2%	51.5%	64.3%	67.6%
Identified Disability	34.6%	15.6%	27.3%	28.1%	34.6%	22.2%
Undisclosed	0.0%	15.2%	0.0%	20.3%	1.0%	10.3%

Table 2 shows the demographic breakdown of offenders and victims broken down by gender and disability classification. The number of male victims decreased and the number of female victims increased to their previous averages. While there was a reduction in the number of victims with disabilities, this figure is still larger than previous averages.

Table 3. Percentage of Incidents by Grade Level

Percentage of total reported incidents by grade levels	2015-2016	2016-2017	2017-2018
% Elementary School	18.0%	22.1%	14.1%
% Middle School	48.5%	50.2%	64.3%
% High School	33.5%	27.7%	21.2%

Table 3 continues to show that the majority of reported incidents continue to occur in the middle schools. During the 2017-2018 school year while there was a decrease in the number of elementary and high school reports, the number of middle school reports increased significantly.

Table 4. Percentage of Incidents by County

Percentage of total reported incidents by county	2015-2016	2016-2017	2017-2018
% New Castle	52.1%	52.4%	59.5%
% Kent	23.4%	21.2%	14.6%
% Sussex	24.6%	26.4%	26.0%

Table 4 shows that the percentage of reported incidents dropped significantly in Kent County while New Castle County incidents grew by 7% and still represent the majority of reported incidents.

Total Incidents Reported by Delaware Districts and Charter Schools

The tables below represent the total number of incidents and the type of offense reported by school districts and charter schools in Delaware during the 2017-2018 school year. Incidents recorded in this data may contain multiple offenses for the same incident.

Table 5. Dating Violence and Sexual Assault Incidents and Offenses by District and Charter

District/Charter School	School Year	Total Student Population	Dating Violence *	Sexual Harassment	Unlawful Sexual Contact - 3rd	Unlawful Sexual Contact - 2nd	Unlawful Sexual Contact - 1st	Rape - 4th Degree	Rape - 2nd Degree	Unlawfully Dealing in Child Pornography	Continuous Sexual Abuse of a Child	Sex Abuse by a Person in Auth1st	Total Incidents
Appoquinimink School District	2016-2017	10,644		36									36
	2017-2018	10,882		35	3								38
Brandywine School District	2016-2017	10,400		25	1								26
	2017-2018	10,475		13	1								14
Caesar Rodney School District	2016-2017	7,834		7									7
	2017-2018	7,941									1		1
Cape Henlopen School District	2016-2017	5,256			1								1
	2017-2018	5,451		1	4								5
Capital School District	2016-2017	6,523		12	1								13
	2017-2018	6,491		5	1								6
Christina School District	2016-2017	15,076	2	29	1								32
	2017-2018	14,689		12	4								16
Colonial School District	2016-2017	9,908		3	1								4
	2017-2018	9,819		4									4

District/Charter School	School Year	Total Student Population	Dating Violence *	Sexual Harassment	Unlawful Sexual Contact - 3rd Degree	Unlawful Sexual Contact - 2nd Degree	Unlawful Sexual Contact - 1st Degree	Rape - 4th Degree	Rape - 2nd Degree	Unlawfully Dealing in Child Pornograph	Continuous Sexual Abuse of a Child	Sex Abuse by a Person in Authority - 1st Degree	Total Incidents
Delmar School District	2016-2017	1,307		1		1							2
	2017-2018	1,348			1								1
Indian River School District	2016-2017	10,465	3	28	4		2				1		38
	2017-2018	10,619	2	11	13								26
Lake Forest School District	2016-2017	3,766											0
	2017-2018	3,804		2	2								4
Laurel School District	2016-2017	2,362		3	3								6
	2017-2018	2,449		1									1
Milford School District	2016-2017	4,091		7	1								8
	2017-2018	4,127		2	2								4
Red Clay Consolidated School District (Includes Red Clay charter schools)	2016-2017	17,484	2	7	1								10
	2017-2018	17,294	1	9	1	2							13
Seaford School District	2016-2017	3,501		5									5
	2017-2018	3,475	1	5	3								9

District/Charter School	School Year	Total Student Population	Dating Violence*	Sexual Harassment	Unlawful Sexual Contact - 3rd Degree	Unlawful Sexual Contact - 2nd Degree	Unlawful Sexual Contact - 1st Degree	Rape - 4th Degree	Rape - 2nd Degree	Unlawfully Dealing in Child Pornography	Continuous Sexual Abuse of a Child	Sex Abuse by a Person in Authority -	Total Incidents
Smyrna School District	2016-2017	5,382	1	5	3								9
	2017-2018	5,486		7	5					1			13
Woodbridge School District	2016-2017	2,507		1									1
	2017-2018	2,537											0
Technical Schools (6 Schools)	2016-2017	7,236	1	8									9
	2017-2018	7,152		4									4
Charter Schools: New Castle County (18 Schools)	2016-2017		3	7									10
	2017-2018		1	12									13
Charter Schools: Kent and Sussex counties (7 Schools)	2016-2017			12	2								14
	2017-2018			4									4
TOTAL	2016-2017	137,217	11	196	20	1	2	0	0	0	1	0	231
	2017-2018	138,371	5	127	49	2				1		1	185



The role of the Office of School Climate and Discipline is to assist public schools in Delaware in their efforts to provide every student with a safe and supportive learning environment. As part of that charge, the Office collects and analyzes information from schools in various areas of student behavior in order to develop training and best practice tools that will assist schools in addressing those behaviors. The Department supports the use of Trauma Informed Practices as a tool to help schools prevent issues such as these and to address the changing emotional, mental and educational needs of a diverse student population throughout the First State.