



Teaching and Learning Branch

2015-2016

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

*As required under the School Teen Dating
Violence and Sexual Assault Act ([14 Del Code 4112E \(e\) \(3\)](#))

Dr. Steven H. Godowsky
Delaware Secretary of Education
Delaware Department of Education
Townsend Building
401 Federal Street, Suite 2
Dover, Delaware 19901
302-735-4210

Background and Overview

The 2015-16 Statewide Summary Report of Incidences of Dating Violence/Sexual Assault in Delaware Public Schools provides summary information on reported incidences of dating violence and sexual assault involving students of all ages that occurred within the school environment during the 2015-16 school year.

As defined by 14 Del. Code §4112E, the Delaware Department of Education (DDOE) collects data on incidences that occur between July 1 and June 30 of each school year. This information is then provided to the Delaware Domestic Violence Coordinating Council (DVCC) to evaluate and provide targeted training opportunities and materials. Additionally, the DVCC has the authority to advise districts and charters on the implementation of school district policies and charter school policies related to teen dating violence and sexual assault.

The data in this report reflects the information provided by all districts and charter schools in the state of Delaware. The information was reported through the Discipline Center in eSchool Plus, the statewide student database management system, using reporting codes consistent with the definitions of sexual assault and dating violence in 14 Del. Code §4112E. These definitions are currently reviewed in annual educator trainings, which are required through 14 Del Admin Code 601. Additionally, each fall districts and charter school administrators receive hands-on training and webinar-based training on entering data for discipline reporting.

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. In addition, all reported statewide incidents of assault, terroristic threatening, and stalking are individually reviewed by the DDOE to see if they met the criteria to be classified as an incident of dating violence.

To protect victim confidentiality, schools have the option of reporting incidents with “confidential victim” information. In these cases, demographic information on the victim is not available. Beginning in the 2015-16 school year, DDOE coded victim gender in eSchool whenever districts and charters listed gender as “unidentified” but used gender-specific pronouns in incident reports. This additional practice resulted in a decrease in “unidentified” victim gender from last year and may also help to explain this year’s increase in female victims.

The DDOE also reviews each school-based Attorney General report to verify that every mandatorily reportable crime occurring on school property was correctly reported in the eSchool Plus Discipline Center. If not, schools are contacted and given a five day deadline to correctly enter the offense information. As this is the second year of the Dating Violence Report, the DDOE reserves the right to classify schools as “persistently dangerous” for failure to report. Under 14 Del Admin Code 608, Section 2.2, “Any year that a school fails to comply with the reporting mandates, as set forth in 2.1 above, to the Delaware Department of Education or to the appropriate police agency as set forth above, the Department of Education will consider the school as if it otherwise met the criteria to be classified as a persistently dangerous school for that year until such time as it may be determined, in the sole discretion of the Department, that the school has met such reporting requirements.”

Summary

During the 2015-2016 school year:

- Districts and charters reported 167 incidents. This represents a 19.3% increase from the 140 incidents reported during the 2014-15 school year.

- 157 incidents were reported as sexual assault and 10 were reported as – or were determined to be – dating violence.
- Eighty percent (80%) of the reported sexual assault incidents were for sexual harassment related behavior.
- Twenty percent (20%) of the reported sexual assault incidents were for unwanted sexual touching/penetration.
- New Castle County had the highest percentage of total incidents reported by county (52.1%). Compared to the 2014-15 school year, incidents reported by New Castle County were down 15 percent.
- As a percentage of total reports, Kent and Sussex Counties increased 3.4 percent and 11.7 percent, respectively, compared to the 2014-15 school year.
- The highest percentage of reported incidents occurred in middle schools (48.5%) compared to high schools (42.1%).
- As was the case in the 2014-15 school year, offenders during the 2015-16 school year continue to be predominately male (94.1%) and victims predominately female (82.1%).
- 34.6% of the offenders and 15.6% of victims had an identified disability.
- For victims, 5.8 percent of reported incidents failed to include a gender, 15.2 percent failed to include race, and 15.2 percent failed to include disability information.

Recommendations

- To continue to ensure incidents are classified correctly in the eSchool reporting system, DDOE will include additional clarification on incident definitions in eSchool. Currently, definitions are reviewed in annual educator trainings, which are required through 14 Del Admin Code 601. Additionally, each fall districts and charter school administrators receive hands-on training and webinar-based training on entering data for discipline reporting. The DDOE also reviews each school-based Attorney General report to verify that mandatorily reportable crimes occurring on school property are correctly reported in the eSchool Plus Discipline Center. If not, schools are contacted and given a five day deadline to correctly enter the offense information.
- To provide additional clarity and trend data on students involved in incidents of dating violence and sexual assault in Delaware, DDOE will provide in the 2016-17 school year report a summary of offender and victim ages involved in reported incidents.
- To continue to drive on the need for targeted supports and resources for at-risk student populations, DDOE will consider providing in the 2016-17 school year report more-detailed offender and victim demographic information that cross references offender/victims by race, age and gender. Additionally, information on the location of incidents will be considered as an addition to the report, as will student referrals/consequences following each incident.
- To continue to promote stakeholder participation and further reduce instances of dating violence and sexual assault in Delaware schools, the Delaware Domestic Violence Coordinating Council (DVCC) has the authority to use the data contained herein to advise and develop additional recommendations related to teen dating violence and sexual assault, as they see fit.

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. (Authority: 14 Del. Code §4112E(a)(1))
- **"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. (Authority: 14 Del. Code §4112E(a)(2))
- **"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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §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. Code §778)

Incidents of Dating Violence and Sexual Harassment

Total Incidents Reported in Delaware

The tables below represent the total number of incidents of sexual offense and dating violence in Delaware, offender and victim demographics, and the percentage of reported incidents by grade and county during the 2015-2016 school year. Because this is the second year for the report, the same data from the 2014-2015 school year has been included to begin to show trend data. The data presented in all tables represents the time period from July 1, 2014 through June 30, 2016.

Table 1. Total Reported Incidents

Total Incidents Reported in Delaware	2014-2015	2015-2016
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. Code 4112E(a)(1)	129	157
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. Code 4112E(a)(2)	11	10
Total Reported Incidents	140	167

Table 1 displays the total number of incidents of sexual offense and dating violence in Delaware. Districts and charters reported 167 incidents. This represents a 19.3% increase from the 140 incidents reported during the 2014-15 school year. In the 2015-16 school year, 157 of the incidents were reported as sexual assault incidents and 10 were reported as – or were determined to be – dating violence.

Table 2. Offender and Victim Demographics

Offender and victim demographics within total reported incidents	2014-2015		2015-2016	
	Offender	Victim	Offender	Victim
% by gender				
Male	90.1%	10.3%	94.1%	12.1%
Female	9.9%	74.3%	5.9%	82.1%
Undisclosed	0.0%	15.4%	0.0%	5.8%
% by identified disability				
No Identified Disability	67.1%	66.3%	65.4%	69.2%
Identified Disability	32.9%	17.7%	34.6%	15.6%
Undisclosed	0.0%	16.0%	0.0%	15.2%

In the 2015-2016 school year, offender and victim data related to gender was relative to the previous year with males the predominate offender (94.1%) and females the victim (82.1%). Thirty-five percent (34.6%) of the offenders and 15.6% of victims had an identified disability. For victims, 5.8% of reported incidents failed to include a gender, 15.2% failed to include a race, and 15.2% failed to include disability information.

Table 3. Percentage of Incidents by Grade Level

Percentage of total reported incidents by grade levels	2014-2015	2015-2016
% Elementary School	21.4%	18.0%
% Middle School	36.4%	48.5%
% High School	42.1%	33.5%

For the 2015-16 school year, the highest percentage of reported incidents occurred in middle schools (48.5%) compared to high schools (42.1%).

Table 4. Percentage of Incidents by County

Percentage of total reported incidents by county	2014-2015	2015-2016
% New Castle	67.1%	52.1%
% Kent	20.0%	23.4%
% Sussex	12.9%	24.6%

The county in Delaware with the highest population, New Castle County, also had the highest percentage of total incidents reported by county (52.1%). Compared to the previous year, incidents reported by New Castle County were down 15% from last year.


As a percentage of total reports, Kent and Sussex Counties increased 3.4% and 11.7%, respectively, compared to last year.

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 2015-2016 school year. *Please note that an incident may contain more than one offense.* Because this is the second year for the report, the same data from the 2014-2015 school year has been included to begin to show trend data. The data presented in all tables represents the time period from July 1, 2014 through June 30, 2016.


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 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 - 1st Degree	Total Incidents**
Appoquinimink School District	2015-2016	10,378	2	17									19
	2014-2015	9,877		12									12
Brandywine School District	2015-2016	10,580	1	18									19
	2014-2015	10,740	1	16				1					18
Caesar Rodney School District	2015-2016	7,731	1	1	2								3
	2014-2015	7,739						1			1	1	1
Cape Henlopen School District	2015-2016	5,170		3	1				1				5
	2014-2015	5,075											0
Capital School District	2015-2016	6,486	1	2	3								6
	2014-2015	6,665	3	6	1								10
Christina School District	2015-2016	15,553		25	1								26
	2014-2015	16,255	4	27									31
Colonial School District	2015-2016	9,763			1								1
	2014-2015	9,825		1						1			2

 Zero Reported

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 - 1st Degree	Total Incidents**
Delmar School District	2015-2016	1,347	-	-	-	-	-	-	-	-	-	-	1
	2014-2015	1,367	-	-	-	-	-	-	-	-	-	-	5
Indian River School District	2015-2016	10,171	1	7	14								22
	2014-2015	9,842	1	7	1	1							9
Lake Forest School District	2015-2016	3,794	1	4	3								8
	2014-2015	3,812		5									5
Laurel School District	2015-2016	2,221		2	1	1							4
	2014-2015	2,177		1									1
Milford School District	2015-2016	4,119		2	2								4
	2014-2015	4,197		7	4								11
Red Clay Consolidated School District <i>(Includes Red Clay charter schools)</i>	2015-2016	16,094		6									6
	2014-2015	16,302	3	3	3		1						10
Seaford School District	2015-2016	3,473		1									1
	2014-2015	3,509		2	1								3


“-“ Information suppressed to protect student identity.

 Zero Reported

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 - 1st Degree	Total Incidents**
Smyrna School District	2015-2016	5,233		10		1							11
	2014-2015	5,279		2	3								5
Woodbridge School District	2015-2016	2,466	1	3	2	1							7
	2014-2015	2,384											0
Technical Schools (6 Schools)	2015-2016	7,336	2	5	2			2					11
	2014-2015	7,366	1	7									8
Charter Schools: New Castle County (18 Schools)	2015-2016	9,653		7									7
	2014-2015	8,051		7	1								8
Charter Schools: Kent and Sussex counties (7 Schools)	2015-2016	2,522		5	1								6
	2014-2015	2,141											0
TOTAL	2015-2016	134,090	10	118	33	4	0	2	1	0	0	0	140
	2014-2015	132,603	13	106	15	2	1	2	0	1	1	1	167

*Includes stalking, terroristic threatening or assault

**Incidents may contain more than one offense so the total offenses committed is higher than the total incidents.

 Zero Reported