



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John A. McNeal
Director

MEMORANDUM

DATE: May 30, 2019

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Mr. J. Todd Webb, Chairperson
State Council for Persons with Disabilities

RE: S.B. 78 (Consent Training as Part of Health Education in Schools)

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 78, which proposes to include a component on consent and healthy relationships in health education curriculum for grades 7-12 beginning in 2020. School districts and charter schools will be obligated to provide age appropriate evidence-informed instruction on the meaning of consent and respecting other people's boundaries. The bill also includes reporting requirements, both to the Department of Education (DOE) and to the Governor and legislature. SCPD has the following observations.

Consent is defined as "unambiguous, voluntary and freely given agreement by all participants in each physical act in the course of sexual activity and excludes lack of verbal or physical resistance resulting from the use of force, threat of force or placing another in fear, as well as history of prior dating or relationship, from the definition of consent.

There is more acknowledgement and discussion nationally of the need for youth to be more aware of boundaries and unacceptable behavior as a result of high profile stories about sexual harassment and assault. Mandatory training on these issues is found as part of freshman orientation in most colleges and universities, but experts believe that waiting until a person reaches the age of majority to address these issues is a mistake given both the prevalence of sexual activity in minors and the serious consequences that can ensue when individuals perpetrate sexual assault or harassment.

Delaware currently provides little guidance to teachers regarding required topics for education on

relationships and sexual behavior. Maryland¹ and Colorado have recently enacted statutes requiring the inclusion of information about consent in sex education. Approximately 11 states, including Maryland and Colorado, specifically mandate training on consent.

Well thought out training can assist teens in developing skills to develop healthy relationships and to avoid relationships and behaviors that can be harmful. People with disabilities are statistically much more likely to be victims of sexual assault.² Robust sex education is one of the strategies to help teens with disabilities avoid victimization. For this reason alone, SCPD endorses this initiative as an important step in developing skills for Delaware's teens with disabilities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

P&L/SB 78 consent training health education 5-28-19

¹ <http://mgaleg.maryland.gov/2018RS/bills/hb/hb0251T.pdf>. SB 78 mirrors the Maryland law.

² <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1163&context=jlasc>;
http://www.ncdsv.org/images/Vera_Sexual-abuse-of-children-with-disabilities-national-snapshot_3-2013.pdf