

Sexual Conduct: HB 2062 Requirements



Agenda

- **What is HB 2062**
- **What is sexual conduct?**
- **Grooming**
- **Boundary Invasions**

HB 2062 (2009)

- **Passed by the Oregon Legislature in the 2009 session.**
- **Effective July 1, 2010.**
- **Aimed at expanding existing child abuse protections to prevent “sexual conduct” by school employees.**

HB 2062 (2009) (cont'd)

- **Applies to all “education providers” meaning:**
 - School districts
 - OR School for the Deaf
 - Educational programs under the Youth Corrections Education Program
 - Public charter schools
 - ESDs
 - State operated program providing educational services to K-12 students
 - Private schools

Legal Definition of Sexual Conduct

“Sexual conduct” means any verbal or physical conduct by a school employee that:

- (A) Is sexual in nature;
- (B) Is directed toward a K-12 student;
- (C) Has the effect of unreasonably interfering with a student’s educational performance; and
- (D) Creates an intimidating, hostile or offensive educational environment.



Legal Definition of Sexual Conduct (cont'd)

**Sexual conduct does
NOT include abuse.**

Description of Sexual Conduct

- **A student older than [second grade] sitting on a staff member's lap**
- **Holding hands with a student older than [second grade]**
- **Staff performing back rubs on a student**

Description of Sexual Conduct (cont'd)

- **Kissing students**
- **Touching students frequently**
- **Commenting on students' bodies or appearance in a sexual manner**
- **Videotaping or photographing a student in revealing or suggestive poses**

Description of Sexual Conduct (cont'd)

- **Exchanging romantic gifts or communications with a student**
- **Showing pornography and obscene or suggestive photos to the student**

Description of Sexual Conduct (cont'd)

- **Discussing sexual topics unrelated to curriculum with students (e.g. sexual jokes, gestures, pictures and innuendos)**
- **Inappropriate banter with students (e.g., discussion of student's dating behavior)**

Description of Sexual Conduct (cont'd)

- **Sharing your own sexual exploits or marital difficulties**
- **Intentionally invading the student's privacy (e.g., walking in on him/her in the bathroom intentionally)**

Description of Sexual Conduct (cont'd)

- **Going to the student's home without parent supervision**
- **Using e-mail, text-messaging, or instant messaging to discuss sexual topics with individual students**
- **Dating students**

Why the focus on “Sexual Conduct”

- It’s another term for “sexual grooming” that involves finding a vulnerable student and engaging in increasingly inappropriate boundary invasions

Boundary
Invasions

Sexual
Grooming

Sexual
Molestation

Grooming Process - Step 1

- Picking a student (Scenario 1):
 - Families under stress;
 - Not close to parents;
 - Low self-esteem;
 - Lack self-confidence;
 - Students with special needs;
 - Depressed;
 - Anxious; or
 - Have been victimized.



Grooming Process - Step 1

(cont'd)

- Picking a student (Scenario 2):
 - Gain the trust of the family FIRST
 - Extra coaching
 - Extra tutoring
 - Outstanding community member



Grooming Process - Step 2

- **Engaging with student in student-like behavior.**
 - Clear warning sign: Teacher more involved with student than with peers.
 - Inviting to home;
 - Hanging out;
 - Engaging in activities that attract younger kids (i.e. videogames).



Grooming Process - Step 3

- **Desensitizing the child to touch.**
 - Blur the boundaries between appropriate and inappropriate touching.
 - Teasing, joking around
 - Hot tub /pool activities
 - Massages



Grooming Process - Step 4

- **Isolating the student.**
 - Private coaching
 - Tutoring
 - Providing transportation – practice/clinics/non school sponsored competitions
 - Employment (babysitting, housekeeping, yard maintenance)
 - Camping or overnights



Grooming Process - Step 5

- **Making the child feel responsible.**
 - Turn curiosity around, make them think they will get in trouble if anyone finds out.
 - Who would believe them?
 - Especially effective if alcohol, drugs, or pornography are involved.



Boundary Invasions

- **Appropriate - Educational or Health Related**
 - Examples:
 - Assisting a kindergartner after a bathroom accident;
 - Touching students while coaching wrestling, football, or gymnastics;
 - Student teaching assistant stay after to help prepare a presentation for the next day;
 - Taking volleyball team to a team dinner;
 - Sending group email to the entire class.

Boundary Invasions (cont'd)

- **Invasions by the adult into the child's personal space and personal life**
 - Examples:
 - Undue interest in child (special friend or relationship);
 - Gifts or money to student for no valid educational purpose;
 - Engaging in peer like behavior with students;
 - Overly touchy with students;
 - Favoring certain students;
 - Certain privileges.



Boundary Invasions (cont'd)

- Inviting to classroom during non-class times;
- Getting student out of class repeatedly to visit the teacher;
- Talking with student about problems normally discussed with adults (marital problems);
- Telling and having secrets with the student;
- Talking to student about his/her problems to a point where the teacher is the confidant when it's not the adult's job to do so;



Boundary Invasions (cont'd)

- Giving rides in personal vehicle with or without prior permission;
- Being alone with student behind closed doors at school;
- Initiating or extending contact with student beyond the school day for personal purposes;
- Electronic communication to discuss personal/non-academic interests or topics with student;
- Walking into bathroom, locker room, etc. while student is in there;



Boundary Invasions (cont'd)

- Allowing the child to get away with inappropriate behavior;
- Taking student on outings, away from protective adults;
- Asking about bra size or about previous sexual experience;
- Going to student's home for non-educational reasons;

Boundary Invasions (cont'd)

- Inviting to teacher's home without proper chaperones;
- Telling sexual jokes;
- Sexual innuendo or banter;
- Sexual topics not related to curriculum;
- Showing pornography to the student;
- Hugging, kissing, other physical contact.



Questions



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