

## QUICK REFERENCE GUIDE

### 2024 SEXUAL CONDUCT LAW UPDATE

Effective July 1, 2024, significant changes have redefined the duration for which a person is considered a student in relation to prohibited sexual conduct involving school employees, agents, contractors, or volunteers. House Bill 4160 extends this definition to include individuals who have left school or graduated within the last 12 months, regardless of their age.

#### SEXUAL CONDUCT DEFINED:

Verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or volunteer that involve a student and that are: sexual advances or requests for sexual favors directed toward the student or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with the student's educational performance or of creating an intimidating, hostile or offensive educational environment. Sexual conduct does not include touching necessitated by the school employee's job duties or by the services required by the contractor, agent or volunteer and for which there is no sexual intent. ORS 339.370(11)(a)

#### STUDENT DEFINED:

Any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within one calendar year prior to the sexual conduct. ORS 339.370(12).

#### REPORTING REQUIREMENTS:

Suspicion of inappropriate sexual conduct by school employees, agents, contractors, or volunteers must be reported to the Designated Licensed Administrator (DLA) or an alternate DLA. If the conduct appears to be child abuse, then you must



also ensure you are complying with mandatory reporting requirements by reporting the alleged abuse to the Department of Human Services (DHS) or local law enforcement. Additionally, under Oregon's Sexual Conduct law (ORS 339.388), the DLA must notify the Teacher Standards and Practices Commission (TSPC) if the person involved is licensed or the Oregon Department of Education (ODE) if they are not licensed.

#### IMPLICATIONS FOR SCHOOLS:

Schools must inform and train their staff, agents, contractors, and volunteers about these changes. It is crucial to educate them on the extended definition of a student and the implications for their conduct. This legislative change aims to provide clarity to the law and ensure a safer educational environment. Compliance with sexual conduct reporting requirements is essential to ensure student safety.