

Proposal would outlaw teacher-student sex

Bill prompted by W. Kentucky case

By Roger Alford
Associated Press

FRANKFORT, Ky. — Reacting to a case in his hometown of a high school teacher accused of having sex with a student, Rep. J.R. Gray of Benton has become the latest state legislator to propose changing a law governing the age of consent.

Gray was disturbed to learn that teachers break no criminal laws by having sex with students, as long as the student is at least 16 years old and a willing participant.

"My first reaction was disbelief," Gray said. "It's an indictment on Kentucky. It's an indictment on the whole country."

Gray, a Democrat, said he plans to file a bill as soon as next week that would make it illegal for a teacher or anyone else in a position of special trust to have consensual sex with someone younger than 18.

In the Benton case, Marshall County High School band teacher Michael Colvett was accused of having sex with a teenage student. Unable to press felony charges against him, prosecutors filed a misdemeanor count of unlawful transaction with a minor for allegedly encouraging the girl to disobey her parents.

Kentucky State Police Detective Dean Patterson said in an affidavit that Colvett continued to exchange e-mail and text messages with the girl, who claimed "at least one sexual encounter" with Colvett after her parents told him to stay away.

Colvett, who is on administrative leave pending the outcome of the case, pleaded not

guilty to the charge recently. Colvett, through his attorney, Mark Bryant of Paducah, declined to comment on the case or the legislation.

Sexual misconduct allegations led states across the country to take action against the teaching licenses of 2,570 educators from 2001 through 2005. Those were the findings of a seven-month Associated Press investigation, the results of which were published recently. Young people were the victims in at least 1,801 of the cases, and more than 80 percent of those were students.

There are about 3 million public school teachers nationwide.

In Kentucky, officials handled nearly 100 instances of teacher sexual misconduct over the five-year period the AP reviewed, ranging from minor violations like using sexual language to more serious, criminal acts such as inappropriate touching and even sodomy and rape.

Gray said the legislation he is proposing would allow prosecutors to charge teachers with statutory rape if they have consensual sex with 16- or 17-year-old students.

"There's just been a rash of these cases across the nation," he said. "That, coupled with the AP stories and the case involving the band director, made me realize something had to be done."

Several states have enacted similar measures over the past six years, including Indiana, Alaska, Connecticut, Kansas, Louisiana, Michigan, Nevada, Oklahoma, Texas and Washington. Lawmakers in New York and South Carolina are considering following suit.

The Education Commission of the States said Ohio and Maine have had laws criminalizing such conduct since the mid-1990s.

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Only eight states have set 18 as the age of consent for both men and women, said Jennifer Boyter, senior policy analyst for the Council of State Governments in Lexington. In the vast majority of states, Boyter said, 16 is the legal age of consent. In two states — Iowa and South Carolina — the age of consent is 14 for girls.

Gray's primary concern is with adults abusing their positions of authority to draw teens into sexual relationships. His bill, however, exempts married couples, even when an underage spouse is married to an adult.

"A person has to be 18 to buy cigarettes, 18 to enter the armed services, 21 to buy alcoholic beverages," Gray said. "I think we're shortchanging those young people when we don't have this 18-year restriction on consensual sex."

No one has offered any public opposition to the proposed legislation, including the Kentucky Education Association, which represents 35,000 teachers and other public school employees.

"We don't have a position on the bill because we haven't seen it," said Charles Main, spokesman for the group. "Obviously, we encourage, in the strongest possible terms, good conduct between teachers and their students. It's too important a relationship to be abused."