

# Georgia teachers who have sex with students seldom go to prison



Roderick W. Arrington had consistent problems with inappropriate interaction with students in three Georgia school systems before being arrested and charged with sexual assault of a student.

On a Friday morning in 2012, a couple of hours past midnight, an East Georgia mom heard a noise from her daughter's bedroom. What she discovered in the 18-year-old's closet would disturb any parent: a naked man.

"You're the coach," the stunned woman yelled. Her daughter had graduated from high school the month before. The man, who had been her basketball coach, ran from the house without his clothes.

That anecdote is from one of about 200 state investigations that resulted in teachers losing teaching licenses from 2011 to 2016. The case files don't identify the students, but do contain enough detail to conclude the bulk of them were in high school, many 16 or older, the age of consent in Georgia.

The investigations, obtained by The Atlanta Journal-Constitution from the Georgia Professional Standards Commission using the state Open Records Act, cost the teachers their careers. But many were not prosecuted as Georgia law allows. The evidence was often too weak for the criminal courts, with no witness beyond the student in the relationship, who was sometimes uncooperative. Also, while it is a felony for a teacher to have sex with a student, regardless of age, prosecutors complain of a loophole that lets teachers get away with it. In 2010, state lawmakers added teachers and school administrators to the list of authority figures who could go to prison for seeking "sexual gratification" from their charges, but there was a caveat: the educator had to have "supervisory or disciplinary authority" over the student, a condition that prosecutors have found difficult to prove. Court cases have established that every teacher in a school doesn't have authority over every student.

## Teens don't feel they can say no

Rebecca Grist, the solicitor general in the Macon-Bibb County Municipal Court, said teenagers are taught to assume all adults in a school have authority over them, and that can weigh on their decisions about relationships with teachers. "In a lot of these situations, the student does not feel like they can say no," she said.

The frequency and success rate of educator sex prosecutions aren't counted by Georgia's court system, but Pete Skandalakis, executive director of the Prosecuting Attorneys' Council of Georgia, said parents want something done about teachers, secretaries and coaches who have sex with their teenagers.

"Parents complain to us, and there's a frustration about what we can accomplish," he said.

Grist and Skandalakis backed legislation that, had it passed, would have made sex illegal between students and every "employee or agent" in their school building. The bill, by state Rep. Ed Setzler, R-Acworth, last winter ([House Bill 1006](#), which became [Senate Bill 154](#)) sought both a broader ban and more nuance in punishment. Under current law, a violation is charged as sexual assault, a felony punishable by up to 25 years in prison. Setzler proposed a new sliding scale of offenses, with misdemeanor charges when the teacher-student age difference was small or the authority relationship was tenuous and a lesser felony charge for touching without sex.

Setzler got involved after a Cobb County father told him a volunteer lacrosse coach tried to have sex with his teenage daughter. The middle-aged man wasn't her teacher, so there was nothing the police could do.

"Sadly," Setzler said, "it's completely legal for them to have sex with a 16-year-old." He said he wants to reintroduce his bill in the 2019 legislative session.

Although most high school students are old enough to consent to sex, when it is with teachers it elicits outrage.

"Parents don't send their kids to school to have sexual relationships with their teachers," said Jetta Bernier, executive director of MassKids, a Massachusetts child advocacy organization. Teenagers who have relationships with teachers wind up feeling used when the teacher discards them, she said. Their high school experience can be tainted by hiding an abnormal relationship, which can undermine their academic performance, she added.

The students tend to come from troubled homes, which makes them more likely to accept an abusive relationship with a teacher who is looking for vulnerability, said Sherry Hamby, a professor at The University of the South in Tennessee and the founding editor of the journal *Psychology of Violence*.

## Sex in the band room

There are around 116,000 teachers in Georgia, so the proportion losing their educator licenses for inappropriate relations with students is tiny. Yet it's enough to produce a stream of news about sex in the schools. Consider these reports by the AJC:

In February, a former Gwinnett County Public Schools high school teacher [pleaded guilty](#) to sexual assault connected with a student relationship. He was among [three district teachers arrested](#) last year for sexually assaulting students, including one who [allegedly impregnated](#) a student in another state. In June, a former Ware County High School criminal justice teacher [pleaded guilty to a federal count of sex trafficking](#) a minor. Also that month, a former teacher of the year at Kell High School in Cobb County was [arrested on multiple counts of sexual assault](#). And in October, a former chorus teacher in Cherokee County was [charged with sexual assault](#) involving a student at Woodstock High School.

Bernier suspects many cases go unreported, either because students want to protect teachers or because teachers pressure them to keep silent. Many also think no one would believe them, she said.

The PSC investigative files brim with anecdotes about high school students who exchanged affectionate or sexually-charged electronic messages with teachers against whom they later refused to testify. Some asserted a merely platonic relationship until after graduation.

In 2013, a teacher at Manchester High School in Meriwether County was accused of an inappropriate relationship after a 17-year-old's grandmother spotted troubling text messages on the teenager's phone. The teacher resigned and surrendered his teaching license, but wasn't criminally prosecuted. Both the teacher and the girl admitted a sexual relationship — she even said they'd had sex in the band room — but both said they waited until after her graduation. The prosecutor told the district there wasn't enough evidence for a criminal case.

Even teachers who are disciplined locally may escape serious sanction and get passed along to another school. Georgia has no central screening process for teachers, leaving that to school districts.

### **Red flags**

Consider the case of Roderick Arrington.

He had “very inappropriate and unprofessional” interactions with students, says a 2009 letter in his Dougherty County School System personnel file, which the AJC obtained using the Open Records Act. The ninth-grade science teacher was downgraded to a middle school paraprofessional. He looked elsewhere, and by fall 2011 was teaching at Clarkston High School in DeKalb County. He lasted just one school year there: He was allegedly involved in “an inappropriate verbal exchange with a female student which was of a sexual nature,” his DeKalb personnel file says.

Unemployed, Arrington then applied to Clayton County Public Schools. Science teachers are hard to find, and Charles R. Drew High School had just lost one. Arrington was hired as a replacement in March 2013. Despite the disciplinary actions in his personnel files and the way he had exited DeKalb, Arrington told Clayton's hiring department that he had never been investigated for work misconduct, and he had never had a school system contract non-renewed. In fact, DeKalb decided not to renew Arrington's contract, but accidentally sent him one anyway. In a subsequent letter, DeKalb told Arrington the contract was issued in error and was being revoked, but offered to let him resign in lieu of nonrenewal.

There is no follow-up letter in Arrington's file indicating whether he took the offer to resign, but even if DeKalb recorded a voluntary separation in its own books, a notice filed with the Georgia Department of Labor describes the reason for Arrington's departure as “Dismissal-Not Recommended.” Semantics aside, resigning in lieu of termination is generally seen as a flapping red flag. Someone who read Arrington's Clayton application even circled that.

Just over a year after his hire, police would find a picture of a student's genitalia on Arrington's cellphone. The indictment in Clayton County Superior Court says he engaged in a sex act with the student. During the arrest, a gun was found in his car. Arrington [faces three felony counts](#): sexual assault of a student, sexual exploitation of children and carrying a weapon on school property.

“My question would be why did Clayton hire him if he had resigned in lieu of termination,” said Paul Shaw, the director of educator ethics at the PSC. He reviewed parts of Arrington's personnel files for the AJC. “I would be very hesitant to hire somebody if he had resigned in lieu of termination,” he said.

Jamie Wilson, the Clayton schools chief of human resources, said a job candidate who resigned in lieu of termination would, indeed, raise suspicions. Wilson was not there when Arrington was hired.

“I would have some additional questions, yes,” he said.

### **‘Hopefully we don’t have another one like that’**

It is difficult to get those questions answered with a phone call to a prior employer, he said. Wilson, who was hired by Clayton about a year ago and previously worked for DeKalb, said employers typically answer only narrow questions about job performance, punctuality or work characteristics.

“We would complete a reference check, but we don’t wholesale have conversations about current or former employees,” said Wilson. He said he trained everyone in his hiring chain and is confident the screening process works, but said a determined, “criminally minded” person might still slip through.

“Hopefully, we don’t have another one like that,” he said, referring to Arrington. “We do everything possible to prevent it.”

Arrington’s lawyer argues that the teacher-student sex ban is unconstitutional. The attorney, Dwight Thomas, filed a motion that gave the student’s age as 17 and challenged the notion that sex with her was illegal simply because the relationship was school-based. “This is a young lady that under Georgia law is capable of consenting to sexual activity,” Thomas said in an interview. He wouldn’t comment about Arrington’s personnel files.

Arrington resigned the day of his arrest, but his Clayton personnel file contains no information about the criminal allegations. Instead, there is a brief letter from the school system offering Arrington appreciation for his services and best wishes. There’s just this one clue: “You will be ineligible for rehire due to the circumstances surrounding your resignation.”

Newsroom Data Specialists Jacquelyn Elias, Jennifer Peebles and John Perry contributed to this article

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### **About Georgia’s law banning teacher-student sex:**

- For decades, Georgia law made it a felony for a person with authority to have sex with someone in custody or in treatment, such as a probationer, a parolee or a hospital patient.
- In 2010, lawmakers amended the law to include teachers, principals and other school administrators. Only those who are shown to have “supervisory or disciplinary authority” over the student could be convicted, though, and prosecutors have found that difficult to prove.
- During the 2018 legislative session, lawmakers sought to clarify the authority issue, but the bill stalled before the session’s end.

### **How we got the story:**

- Using the Georgia Open Records Act, the AJC requested documentation for each educator whose teaching license was revoked from 2011-16 for ethical misconduct with students, ranging from physical abuse to drug use to sex. Nearly all the 200 cases produced by the Professional Standards Commission involved this misconduct allegation: inappropriate relationship with a student. Student victims are not identified, but a months-long examination revealed that the vast majority were in high school, most within the age of consent of 16. The AJC selected a handful of the 200 cases for deeper research, culling court records, talking with police and obtaining personnel files, then interviewed experts on sexual assault and abuse.