

Mass. is the only state in New England with an age of consent loophole. The time to close it is now.

Every state in New England has closed it. Why won't we?

By **Yvonne Abraham** Globe Columnist, Updated April 17, 2026, 6:51 a.m.



Hilary Simon, left, and Melissa Fares, were both allegedly preyed upon by history teacher Matthew Rutledge when they were students at Miss Hall's School in Pittsfield, on May 31, 2024. JENNIFER S. ALTMAN

At long last, Matthew Rutledge will be arraigned on three charges of rape. Now let's make it easier for other alleged abusers to face justice.

On Wednesday, the former history teacher at a private Pittsfield school for girls will be officially called to answer for what Hilary Simon and Melissa Fares say he did to them.

The women, who graduated from Miss Hall's School in 2005 and 2010, allege Rutledge began grooming them as sophomores, then began having sex with each of them after they turned 16, the age of consent in Massachusetts. The two women, who first came forward some two years ago, shared remarkably similar accounts of Rutledge's manipulation — escalating attentions that grew increasingly physical, culminating in sexual encounters that continued long after graduation.

Their allegations led to Rutledge's resignation, though he has denied wrongdoing. An independent inquiry concluded that Rutledge had likely abused at least five students over 20 years and that the school failed to intervene for years after learning of the accusations.

Still, Berkshire District Attorney Timothy Shugrue's initial investigation did not result in rape charges. In 2024, he said he could not charge Rutledge because of a loophole in the Massachusetts age of consent law, which contains no exceptions to account for power dynamics in situations like these.

Essentially, current law says it doesn't matter that Fares and Simon were groomed by Rutledge as minors, then swayed by his power into having sex afterwards. In this state, a 16-year old is deemed capable of consenting, even with their teacher or basketball coach.

Anyone who has met a teenager knows this is absurd.

“As a survivor, I know what it means to be a student and not be protected,” Simon told me. “At 16 and 17, we are still children, still trusting the adults and institutions to keep us safe.”

And though other laws might apply in these situations, the age of consent loophole makes it mighty difficult to prosecute alleged abusers, as long as they can claim a teenager went along with the sex.

Most other states — including every other state in New England — have carved out exceptions to the age of consent law when one person is a teenager and the other person is their teacher, coach, or other authority figure.



Hilary Simon was photographed at her 2005 graduation with Matthew Rutledge who was then a history teacher at Miss Hall's School in Pittsfield. HILARY S. SIMON

“In Massachusetts, that protection is not there, and predators know it,” Simon said.
“Right now, Massachusetts’ schools and children are vulnerable.”

A bunch of people have been trying to get an exception signed into law here for at least a decade, including Jetta Bernier, who leads a child safety organization called Enough Abuse. So why hasn't it happened yet?

“If I had a nickel for every time somebody asked me that...” Bernier said.

She thinks it might be because sexual abuse is so hard to talk about, and that legislators, like everybody else, have trouble confronting it. But while they fail to act, her organization is still logging about one case per month of sexual abuse or exploitation by an educator or other authority figure.

Legislation closing the age of consent loophole had plenty of support in the wake of the Miss Hall's revelations in 2024, but it went nowhere. This session, a measure might have a better shot. Fares and Simon testified in favor of the bill on Beacon Hill last summer.

The legislation would make it a criminal offense for someone in a position of authority to have sex with a student, even if that student is over 16. It would make it easier for schools to determine if job candidates have been accused of sexual misconduct. And it would require that all schools establish clear policies on grooming and exploitation, and educate students and adults on where the lines are.

What the heck are we waiting for? If you care about keeping kids safe, contact your legislator and demand that they pass this no-brainer before the session ends on July 31.

Eventually, Shugrue did bring charges against Rutledge, because the independent investigation found the teacher engaged in a pattern of grooming and coercion, strengthening the case against him. Finally, on Wednesday afternoon, Rutledge will face a judge at Berkshire Superior Court.

Fares and Simon will be there.

It should never have been this difficult for them to get this far. It should never be this difficult for anyone, ever again.

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