

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation	)	
	)	
Of the Educator Certificate of	)	ORDER OF PERMANENT
	)	REVOCATION
Joseph Jay Magni Jr.,	)	
	)	
Certificate 244227	)	
_____	)	

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on June 9, 2011. On November 2, 2009, Mr. Magni was arrested in Aiken County, South Carolina and charged with Criminal Sexual Conduct with a Minor and Lewd Act Upon a Child under the Age of Sixteen. On November 10, 2009, the Chair of the State Board summarily suspended Mr. Magni's educator certificate. On April 19, 2011, Mr. Magni plead guilty to five counts of Criminal Sexual Misconduct With a Minor, second degree, and four counts of Lewd Act Upon A Child under the Age of Sixteen. The court sentenced Mr. Magni to a twelve year term in prison. Mr. Magni must register as a sex offender.

On May 11, 2011, the South Carolina Department of Education (SCDE) sent a notice letter to Mr. Magni regarding the pending permanent revocation of his South Carolina Educator Certificate at Kirkland Correctional Institution. On May 31, 2011, Mr. Magni was personally served with the notice, as evidenced by the proof of service from Kirkland Correctional Institution.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Magni's educator certificate 244227, effective June 9, 2011.

FINDINGS OF FACT

Mr. Magni holds a suspended professional South Carolina educator certificate and has less than one year of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Magni had been employed by the Aiken County School District (District) as a history teacher at Leavell McCampbell Middle School (School) in Graniteville, South Carolina, for the 2008-2009 school year. The District did not renew Mr. Magni's contract due to his unsuccessful ADEPT evaluation. On November 2, 2009, Mr. Magni was arrested in Aiken

County and charged with five counts of Criminal Sexual Conduct with a Minor, second degree, and five counts of Lewd Act Upon a Child under the Age of Sixteen based on allegations that Mr. Magni committed these acts with a fourteen year old female at the movie theater and at school between the months of May 2009 and June 2009. On November 10, 2009, in accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board summarily suspended Mr. Magni's educator certificate as a result of his arrest.

On December 1, 2009, the SCDE sent notice to Mr. Magni of the summary suspension of his educator certificate 244227 and his right to a hearing by regular and certified mail, return receipt requested. Mr. Magni received the notice on December 3, 2009, as evidenced by a postal receipt bearing his signature. After receiving the notice, Mr. Magni did not request a hearing and is in default.

On April 19, 2011, Mr. Magni pled guilty to five counts of Criminal Sexual Misconduct with a Minor, second degree, and four counts of Lewd Act Upon a Child Under the Age of Sixteen. The court sentenced Mr. Magni to a twelve year term in prison. The court also ordered that Mr. Magni register as a sex offender.

On May 11, 2011, the SCDE sent a notice letter to Mr. Magni regarding the permanent revocation of his South Carolina educator certificate at the Kirkland Correctional Institution. On May 31, 2011, Mr. Magni was personally served with the notice, as evidenced by the proof of service from Kirkland Correctional Institution.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Magni's educator certificate 244227, effective June 9, 2011.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes "unprofessional conduct, crime against the law of this State, immorality, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2010). The State Board finds that Mr. Magni engaged in unprofessional conduct and immorality, committed crimes against the law of this state, and demonstrated evident unfitness for position for which employed, as a result of his guilty plea on April 19, 2011, to five counts of Criminal Sexual

Conduct with a Minor, second degree, and four counts of Lewd Act Upon a Child Under the Age of Sixteen. Pursuant to § 16-1-60 (Supp. 2010), Criminal Sexual Conduct with a Minor, second degree, is classified as a violent crime. Pursuant to S.C. Code Ann. § 59-25-280 (A) (1) (Supp. 2010), the State Board shall permanently revoke a certificate without a hearing if the holder of the certificate pleads guilty to a violent crime as defined in § 16-1-60 (Supp. 2010). Pursuant to S.C. Code Ann. § 59-25-280 (B) (Supp. 2010), a school district may not employ an educator in any capacity whose South Carolina certificate is revoked pursuant to S. C. Code Ann § 59-25-280 (A) (Supp. 2010).

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke the educator certificate of Joseph J. Magni, Jr., certificate 244227. The permanent revocation of Mr. Magni's educator certificate 244227 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct, immorality, crimes against the law of this State and demonstrated unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Geritta Postlewait, Chair

Columbia, South Carolina
June 9, 2011