

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| In the Matter of the Revocation | ) |                           |
|                                 | ) |                           |
| of the Educator Certificate of  | ) | <b>ORDER OF PERMANENT</b> |
|                                 | ) | <b>REVOCATION</b>         |
| John P. Kilgallen               | ) |                           |
|                                 | ) |                           |
| Certificate 238917              | ) |                           |
| _____                           | ) |                           |

**SUMMARY OF THE CASE**

The State Board of Education (State Board) considered this matter on September 11, 2013. On September 27, 2012, Mr. Kilgallen was arrested in Liberty, South Carolina, and charged with Sexual Battery with a Student. On October 10, 2012, the Chair of the State Board summarily suspended Mr. Kilgallen's educator certificate. On October 11, 2012, the South Carolina Department of Education (SCDE) sent the summary suspension order and a notice letter to Mr. Kilgallen regarding the possible suspension or revocation of his South Carolina educator certificate. On October 15, 2012, Mr. Kilgallen received the notice as evidenced by a signed postal receipt bearing his signature.

On March 20, 2013, Mr. Kilgallen pled guilty to Assault and Battery in the Second Degree in violation of S.C. Code Ann § 16-3-600 (D)(1) (Supp. 2012). After considering the evidence presented, the State Board voted to permanently revoke Mr. Kilgallen's educator certificate 238917, effective September 11, 2013.

**FINDINGS OF FACT**

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Mr. Kilgallen holds a suspended professional South Carolina educator certificate and has four years of teaching experience. Mr. Kilgallen was previously employed by the Pickens County School District (District) as a science teacher at Easley High School (School). Mr. Kilgallen resigned from his employment with the District prior to his arrest on criminal charges.

On September 27, 2013, Mr. Kilgallen was arrested in Liberty, South Carolina, and charged with Sexual Battery with a Student, S.C. Code Ann. § 16-3-755(B) (Supp. 2011) based on allegations that between August 26, 2012, and September 13, 2012, Mr. Kilgallen engaged in

sexual battery at his home with a seventeen year old female victim who had been a student in his Science class at the School during the 2010-2011 school year. Mr. Kilgallen had asked the female victim to be his teaching assistant for the 2011-2012 school year.

Mr. Kilgallen invited the female victim to his home to help her with college applications. He later invited her to his home to watch a movie. He kissed the female victim and had her perform oral sex on him. Mr. Kilgallen harmed the female victim emotionally and physically.

On September 27, 2012, Mr. Kilgallen was arrested in Liberty, South Carolina, and charged with Sexual Battery with a Student. In accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004) and State Board Rule of Governance BBABA, the SCDE requested that the Chair of the State Board summarily suspend Mr. Kilgallen's educator certificate as a result of his unprofessional, immoral conduct with a student and his arrest. On October 10, 2012, the Chair of the State Board summarily suspended Mr. Kilgallen's educator certificate. On October 11, 2012, the South Carolina Department of Education (SCDE) sent the summary suspension order and a notice letter to Mr. Kilgallen regarding the possible suspension or revocation of his South Carolina Educator Certificate. On October 15, 2012, Mr. Kilgallen received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Kilgallen did not request a hearing and is in default.

On March 20, 2013, Mr. Kilgallen pled guilty to Assault and Battery in the Second Degree in violation of S.C. Code Ann § 16-3-600 (D)(1) (Supp. 2012). The female victim's mother did not object to Mr. Kilgallen pleading guilty to Assault and Battery in the Second Degree because she did not want her daughter testifying concerning this matter.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Kilgallen's educator certificate 238917, effective September 11, 2013.

### **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. 2011). The State Board finds that Mr. Kilgallen engaged in unprofessional conduct and immorality, committed a crime against the law of this state, and demonstrated evident unfitness for position

for which employed, as a result of his inappropriate conduct with a female victim who was a student at the school and his guilty plea on March 20, 2013, to one count of Assault and Battery in the Second Degree.

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 John P. Kilgallen, certificate 238917. The permanent revocation of Mr. Kilgallen's educator certificate 238917 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

**AND IT IS SO ORDERED.**

South Carolina State Board of Education

By: David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina

September 11, 2013