

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WAYNE H. SIMCOX : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-104

At its meeting of November 1, 2018, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Delaware Department of Education (DDOE) had forwarded regarding Wayne H. Simcox. On April 13, 2018, Simcox resigned his position in the Christina School District in lieu of termination for inappropriate communications with a student. Simcox had engaged in a texting relationship with a student. On June 14, 2018, Simcox entered into a consent agreement with the DDOE in which he accepted a two-year suspension of his teaching license retroactive to February 27, 2018.

In New Jersey, Simcox currently holds Teacher of Students with Disabilities and Teacher of Social Studies Certificates of Eligibility with Advanced Standing. Upon review of the above information, at its December 17, 2018 meeting, the Board voted to issue Simcox an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Simcox the Order to Show Cause by regular and certified mail on December 20, 2018. The Order provided that Simcox had 30 days to respond. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Simcox did not respond. On January 29, 2019, the Board sent Simcox another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Simcox did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 15, 2019, the Board sent Simcox a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Simcox was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the

appropriate sanction in the event that the Board found just cause to take action against his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Simcox's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Simcox was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was returned as "Unclaimed" and the regular mail copy was not returned. Once again, Simcox did not file a response.

The threshold issue before the Board in this matter is whether Simcox's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Simcox failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of May 17, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the DDOE. The Board concluded that no material facts related to Simcox's offense were in dispute since he never denied that he had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Simcox had engaged in unbecoming conduct.

The Board must now determine whether Simcox's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9B-4.4*. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Simcox's actions in engaging in a texting relationship with a student clearly demonstrate conduct that is unacceptable for a role model. Those actions coupled with his agreement to the two-year suspension of his Delaware educator's license

leads the Board to therefore conclude that the appropriate response to his breach is the revocation of his New Jersey certificates.

Accordingly, on May 17, 2019, the Board voted to revoke Wayne H. Simcox's Teacher of Students with Disabilities and Teacher of Social Studies Certificates of Eligibility with Advanced Standing. On this 28th day of June 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Simcox's certificates are revoked, effective immediately. It is further ORDERED that Simcox return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Mailing:
Via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.