

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
NICOLE L. WALSH : ORDER OF REVOCATION
_____ : DOCKET NO: 2122-107

At its meeting of September 17, 2021, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Pennsylvania Professional Standards and Practices Commission (Pennsylvania) had forwarded regarding Nicole L. Walsh. On December 18, 2019, the Pennsylvania Commission immediately suspended Walsh after she was charged with Endangering the Welfare of Children, Corruption of Minors, Aggravated Indecent Assault on a Person less than 13 years old and Indecent Assault on a Person less than 13 years old. On August 24, 2021 the Pennsylvania Commission revoked Walsh's educator certificate(s).

On or about September 3, 2020, Walsh pled guilty to Corruption of Minors and received five (5) years of probation. In October 2006 Walsh pled guilty to writing Bad Checks and was sentenced to three (3) years of probation. In December 2010, Walsh pled guilty to Accidents Involving Death or Personal Injury and Driving Under the Influence and was placed on two (2) years of probation.

In New Jersey, Walsh currently holds a Teacher of Handicapped Certificate of Eligibility with Advanced Standing and Teacher of Physical Education Certificate. Upon review of the above information, at its October 28, 2021 meeting, the Board voted to issue Walsh an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Walsh the Order to Show Cause by regular and certified mail on November 2, 2021. The Order provided that Walsh had 30 days to respond. The certified mail copy was signed for as received and the regular mail copy was not returned. Walsh did not file a response. On December 15, 2021, the Board sent another notice of the Order via certified and regular mail. Walsh again did not respond. The certified mail copy was signed for as received and the regular mail copy was not returned.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 1, 2022, the Board sent Walsh 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 her failure to file an Answer. Thus, Walsh 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 her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Walsh's offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Walsh was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed for as received and the regular mail copy was not returned. Once again, Walsh did not file a response.

The threshold issue before the Board in this matter is whether Walsh's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Walsh 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 19, 2022, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and Pennsylvania. The Board concluded that no material facts related to Walsh's offense were in dispute since she never denied that she 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 Walsh engaged in unbecoming conduct.

The Board must now determine whether Walsh's conduct, as set forth in the Order to Show Cause, provides just cause to act against her 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). Walsh's actions in being convicted of Corruption of Minors, writing bad checks and accidents involving death or personal injury and Driving Under the Influence and was placed on two (2) years of probation is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificates.

Accordingly, on June 30th, 2022, the Board voted to revoke Nicole L. Walsh's Teacher of Handicapped Certificate of Eligibility with Advanced Standing and Teacher of Physical Education. On this 30th day of June 2022 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Walsh's certificates be effective immediately. It is further ORDERED that Walsh return her 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, 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.