

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CECELIA SCHNEIDER : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-162

On November 20, 2008, the State Board of Examiners was provided with information by the Ocean County Prosecutor's Office, indicating that Cecelia Schneider had pleaded guilty on May 28, 2008 to Endangering the Welfare of a Child-Exhibit Photo Sexual Act and Endangering the Welfare of a Child-Legal Duty for Care of Child. As a result of such conviction, Schneider was sentenced to two concurrent six-year terms. Schneider currently holds a Teacher of Elementary School certificate, issued in May 1976, and a Teacher of Mathematics certificate, issued in June 1978. Upon review of the above information, at its February 23, 2009 meeting, the State Board of Examiners voted to issue Schneider an Order to Show Cause.

The Board sent Schneider the Order to Show Cause by regular and certified mail on March 3, 2009. On March 30, 2009, Schneider submitted an Answer, in which she confirmed her guilty plea, but stated that, "neither [her] students nor their families were ever in jeopardy during [her] teaching career" (Answer to Order to Show Cause, at 2).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 16, 2009, the Board of Examiners sent Schneider a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Schneider 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. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if Schneider's conduct warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Schneider was also provided the opportunity to appear before the Board and testify on the sanction issue. On May 14, 2009, Schneider filed a request for an extension to provide relevant

documentation in support of her contention that she should be permitted to retain her certificates. Her request was granted, and Schneider was given a 30-day extension. On June 12, 2009, Schneider submitted her reply. In the response, Schneider reiterated that “[her] crime had nothing to do with [her] career as a teacher” (Letter in Reference to Order to Show Cause, at 1). In the packet she provided the Board, Schneider also submitted observation forms from Monmouth Regional High School, as well as letters of reference. She did not request to appear before the Board.

The issue before the State Board of Examiners in this matter, therefore, is whether Schneider’s conviction, as set forth in the Order to Show Cause, represents just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The State Board of Examiners 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:9-17.5*. “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. Schneider’s acts of endangering the welfare of a child are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Schneider cannot claim status as a role model to anyone.

It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Furthermore, 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 (Sup. Ct. 1943), *aff’d*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Schneider’s conviction for endangering the welfare of a child demonstrates egregious behavior that warrants revocation. Her conviction for production and distribution of child pornography provides just cause to take action against her certificates. Notwithstanding the fact that none of Schneider’s students was

involved, Schneider's identity as a school teacher cannot be severed from the egregious act of child endangerment by production and distribution of child pornography. Thus, because it considers Schneider's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on July 28, 2009, the Board of Examiners voted to revoke Schneider's Teacher of Elementary School certificate and Teacher of Mathematics certificate. On this 17th day of September 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Cecelia Schneider's certificates be effective immediately. It is further ORDERED that Schneider return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: SEPTEMBER __, 2009

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.