

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
CELESE SEGALL : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 802-12/00-270

At its meeting of December 7, 2000, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Celese Segall from her tenured position with the Board of Education of Elizabeth for charges of unbecoming conduct. Segall currently holds a Teacher of Elementary Education certificate.

This case originated on January 7, 2000 when the Elizabeth Board of Education certified tenure charges against respondent, Celese Segall. Segall was employed as a Teacher of Elementary Education. The district charged her with chronic and excessive absenteeism, incapacity, incompetence, unbecoming conduct and abuse of sick leave. Segall had been absent from her position for 720 days between September 1992 and October 1999.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Prior to hearing, the Elizabeth Board of Education filed a motion for summary decision. Administrative Law Judge (ALJ) Thomas E. Clancy granted the Board's motion and issued an Initial Decision on February 25, 2000.

In that decision ALJ Clancy found that Segall had missed 720 days of work from September 1992 through October 1999. (Initial Decision, slip op. at 3.) The ALJ further found that even if the absences were excused or legitimate, if excessive, they were cause for dismissal. (Initial Decision, slip op. at 4.) In his opinion, ALJ Clancy held that Segall

gave the Board virtually no explanation for her prolonged absences. Moreover, the Board's physician saw no reason that Segall could not return to work. The ALJ concluded that Segall's absences had had a negative impact on the continuity of instruction. (Initial Decision, slip op. at 5.) In fact, Segall's principal submitted an affidavit indicating that the school was understaffed and that Segall could not be assigned to her full load of classes because the principal was unsure whether she would return to school. (Initial Decision, slip op. at 5-6.)

After considering all the evidence, ALJ Clancy concluded that there were no issues of genuine fact between the parties and that the Board had proven its charges of chronic and excessive absenteeism. As a result, the ALJ ordered Segall dismissed from her tenured position on that basis. (Initial Decision, slip op. at 7.)

In a decision dated April 17, 2000, the Commissioner of Education affirmed the ALJ's Initial Decision as to the tenure charges against Segall. The Commissioner agreed with the ALJ that the record supported the findings of fact as found by the ALJ and that "the ALJ's legal analysis properly applied pertinent law relative to a teacher's chronic and excessive absenteeism." (Commissioner's Decision, slip op. at 11.) Accordingly, the Commissioner affirmed Segall's removal from her tenured employment with the Elizabeth Board of Education and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Segall's certificate.

Thereafter, on December 7, 2000, the State Board of Examiners issued an Order to Show Cause to Segall as to why her certificate should not be or suspended or revoked. The Order was predicated on the charges of chronic and excessive absenteeism that had

been proven in the tenure hearing. The Board reconsidered the matter at its meeting on February 22, 2001 and voted to proceed with the Order to Show Cause.

The Board sent Segall the Order to Show Cause by regular and certified mail on May 11, 2001. The Order provided that an Answer must be filed within 20 days. Segall filed an Answer on August 20, 2001. In her Answer Segall admitted that the district had brought tenure charges against her. She also stated that she was absent from her tenured position for a number of days from the 1992-93 school year until the tenure charges were brought against her. (Answer, ¶¶ 3-4.) In the remainder of her Answer, Segall added that she suffered from a variety of medical conditions although none of those affected her mental abilities to perform as a teacher. (Answer, ¶¶ 6-9.) She also attached copies of her various evaluations and letters from the Board approving several of her leaves of absence. (Answer, ¶¶ 10-11.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on January 3, 2002, the Board sent Segall a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, respondent 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 her offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Segall responded to the Hearing Notice on January 29, 2002. In that response, Segall claimed that some of the facts listed in the original tenure charges were inaccurate

such as what grades Segall taught, whether her teaching evaluators ever actually observed her and the amount of accumulated sick time she had at the time she commenced her absences in the 1992-93 school year. (Hearing Response, p. 1.)

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Segall's conduct and her subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of April 11, 2002, the State Board of Examiners reviewed the charges and papers Segall filed in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Segall's offense were in dispute since she admitted to the absences. The Board of Examiners finds that Segall's chronic and excessive absences constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Segall's offense as set forth in the Order to Show Cause, represents just cause to act against her certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find 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. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). "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. There can be no dispute that Segall's

excessive absenteeism had a profound deleterious impact on her students. The Board of Examiners is mindful, however, that Segall's excessive absenteeism occurred due to several problematic medical conditions. Thus, although her neglect of her responsibilities cannot be condoned, revocation seems too harsh a result here. Consequently, the Board of Examiners has determined that the proper response to Segall's breach is a two-year suspension of her teaching certificate.

Accordingly, it is therefore ORDERED that Celese Segall's Teacher of Elementary School certificate be suspended effective April 11, 2002 for a period of two years ending on April 11, 2004. It is further ORDERED that Segall return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Joan E. Brady, Secretary  
State Board of Examiners

**Date of Mailing: June 17, 2003**

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

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