

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSES OF : STATE BOARD OF EXAMINERS
CARL A. HESS, III : ORDER OF REVOCATON
_____ : DOCKET NO. 446 – 05/97-152

At its meeting of May 7, 1997, the State Board of Examiners reviewed a Commissioner of Education tenure decision forwarded pursuant to N.J.A.C. 6:11-3.6 captioned Board of Education of the Township of Parsippany-Troy Hills, Morris County v. Carl A. Hess, III, 97 N.J.A.R 2nd (EDU) 34. That decision found Mr. Hess guilty of conduct unbecoming a teaching staff member for inappropriate comments to and communication with female students. The Commissioner of Education directed that Mr. Hess be terminated from his tenured employment with the Parsippany-Troy Hills Board of Education as a result of his unbecoming conduct and that the matter be forwarded to the State Board of Examiners for action against Mr. Hess's licenses as it deems appropriate. Currently, Carl A. Hess III is the holder of Secondary School Teacher of English, Secondary School Teacher of Physical Education, Secondary School Teacher of Social Studies, Student Personnel Services, Director of Student Personnel Services and Principal/Supervisor licenses in New Jersey.

At that meeting the State Board of Examiners voted that the findings and conclusions contained in the tenure case concerning Mr. Hess's unbecoming conduct constituted sufficient grounds for issuing an Order to Show Cause. Mr. Hess was served with the Order to Show Cause by regular and certified mail on or about July 25, 1997. The Order provided that if Mr. Hess desired to file an Answer to the Order such answer must be filed within twenty (20) days. On August 12, 1997, Mr. Hess filed with the State Board of Examiners an Answer to the Order to Show Cause.

Mr. Hess' Answer states that he stands by his recorded testimony during the tenure proceeding. He claims that he was honest at the hearing but that he was misjudged and penalized for that honesty. He submits that the poetry that was one of the basis for the tenure charge of improper communication with students was intended for a student to read, and he had read her poetry. Regarding a comment he made to a student, he claims the comment was not what the student believed, but one of a similar sound expressed in a kidding manner. As to the revocation or suspension of his licenses by the State Board of Examiners, he claims it may be a moot point since he has left education for good. He claims this action would serve no purpose because he is retired and in another line of work. He claims he is still in demand to work with students in a guidance counseling situations, but that he does this for free.

Pursuant to N.J.A.C. 6:11-3.6(a)1, on October 17, 1997, a hearing notice was mailed by regular and certified mail to Mr. Hess. The notice explained that, it appearing that no material facts were in dispute, Mr. Hess was provided an opportunity to offer legal argument on the issue of whether the conduct proven in the tenure charges constituted conduct unbecoming a teacher. No response was received from or on behalf of Carl Hess, III. On March 30, 1998 Mr. Hess was advised by regular and certified mail that he was being provided an additional ten (10) days to file a legal argument in response to the hearing notice. The regular mail copy was not returned and the certified mail return receipt card was not received. Again, no response was received from or on behalf of Carl Hess, III. Insofar as no further response was forthcoming from Mr. Hess, the Answer to the Order to Show Cause is deemed the sole argument proffered by Mr. Hess in this hearing.

At its meeting of June 18, 1998, the State Board of Examiners reviewed the charges against Mr. Hess as embodied in the tenure proceedings, as well as his response to the Order to

Show Cause. It determined that no material facts related to his having been found guilty of conduct unbecoming a teaching staff member were in contest, and that the matter could, therefore, proceed to a determination as to whether the charges levied against Mr. Hess in the Order to Show Cause constitute conduct unbecoming a license holder pursuant to N.J.A.C. 6:11-3.6(a)1.

Upon consideration of Mr. Hess' responsive pleadings and the Commissioner of Education decision captioned, In the Matter of the Tenure Hearing of Carl A. Hess, III, supra, the State Board of Examiners finds that the charges proven in the Commissioner's decision constitute conduct unbecoming a license holder, sufficient to warrant revocation of respondent's teaching license. Mr. Hess' sending a female student a "letter-poem" with inappropriate content reflects poorly on his judgement so that his ability to remain in the classroom is questionable. His inappropriate comments to female students, in which he remarked upon their appearance, were similarly beyond what is expected of a teacher. The repetitive nature of his conduct is evidence that he lacks the self-restraint and mature self-control required of a teacher. In the Matter of the Tenure Hearing of Thomas, 1969 S.L.D. 159, 173 aff'd State Board of Education, 1970 S.L.D. 448.

The Commissioner has held in the past that by virtue of holding a teaching license, Mr. Hess was entrusted by the State with the care and custody of school children. Tenure Hearing of Sammons, 1972 S.L.D. 302, 321. However, by the conduct proven in the tenure case, Mr. Hess violated that most sacred trust. While he admits the conduct underlying the tenure proceedings, Mr. Hess remains remorseless, failing to accept the inappropriateness of the kinds of correspondence and communications he shared with some of his female charges. He fails to acknowledge that such behavior endangers not only the specific students who were exposed to

such conduct, but to all students who rightfully may expect to hold their teachers as role models. His comportment is so foreign to the expectations of the deeds and actions of a professional certificated teacher - or of any person - that it raises doubts as to the continued performance of that person in the classroom. Tenure of Blasco, OAL Dkt. EDU 3842-79 (July 15, 1980), mod. Comm'r of Ed. (August 28, 1980), mod. St. Bd. of Ed. (Feb. 4, 1981). The public must be assured that the respondent will no longer be given access to children as a teacher.

Accordingly, the State Board of Examiners finds, as did the Commissioner of Education, Carl Hess III's conduct as proven in the tenure case unbecoming a license holder. The appropriate penalty for his unbecoming conduct is the revocation of his Secondary School Teacher of English, Secondary School Teacher of Physical Education, Secondary School Teacher of Social Studies, Student Personnel Services, Director of Student Personnel Services and Principal/Supervisor licenses.

It is, therefore, ORDERED that, Carl Hess III's teaching licenses are hereby revoked on this 18th day of June, 1998.

It is further ORDERED that Carl Hess, III return his licenses to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: July 23, 1998

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

IBG:KHK:br:Hessrv