

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KEVIN KRIESEL : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-101

At its meeting of September 16, 2010, the State Board of Examiners (Board) reviewed information received pursuant to *N.J.A.C. 6A:9-17.4* from the Mahwah Township School District (Mahwah) regarding Kevin Kriesel. Mahwah reported that Kriesel resigned from his non-tenured position in the district as the result of allegations of inappropriate contact with a student. Specifically, Kriesel allegedly engaged in personal and intimate conversations with a female student through text messages and e-mails, some of which contained sexual innuendos. Additionally, Kriesel asked the student about her boyfriend and implied on several occasions that he wanted to “beat up” the boyfriend. Kriesel also urged the student not to reveal their communications to anyone. On one occasion Kriesel suggested they meet outside of school. Kriesel holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in December 1997, a Teacher of Elementary School certificate, issued in January 1999 and a Teacher of English certificate, issued in August 1999. Upon review of the above information, at its October 28, 2010 meeting, the Board voted to issue Kriesel an Order to Show Cause why his certificates should not be revoked.

The Board sent Kriesel the Order to Show Cause by regular and certified mail on November 3, 2010. The Order provided that Kriesel must file an Answer within 30 days. When the Order to Show Cause was returned as “Undeliverable as Addressed,” the Board re-sent the Order to Show Cause to Kriesel’s new address by regular and certified mail on December 15, 2010. The certified mail receipt was signed and returned and the regular mail copy was not returned. Kriesel did not respond. Thereafter, on January 24, 2011, the Board sent Kriesel a second notice by regular and certified mail providing him an additional 15 days to respond to the

Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Kriesel did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 14, 2011, the Board sent Kriesel a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Kriesel 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 determined 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 Kriesel's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Kriesel was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Because the Hearing Notice was mistakenly sent to the wrong address, it was re-sent by certified and regular mail on March 3, 2011. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Kriesel did not respond.

The threshold issue before the Board in this matter, therefore, is whether Kriesel's conduct, as set forth in the Order to Show Cause, constitutes conduct unbecoming a certificate holder. Since Kriesel failed to respond to the Order to Show Cause or the hearing notice, at its meeting of March 31, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Kriesel's conduct was in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Kriesel's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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: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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Kriesel’s conduct in engaging in improper and secretive conversations with a female student is inappropriate and crosses the boundary of acceptable teacher behavior. In this instance, Kriesel’s lack of professional judgment warrants revocation.

Accordingly, on May 12, 2011, the Board voted to revoke Kevin Kriesel’s Teacher of Elementary School Certificate of Eligibility and his Teacher of Elementary School and Teacher of English certificates. On this 16th day of June 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kriesel’s certificates be effective immediately. It is further ORDERED that Kriesel return his 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:

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