

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE LICENSE OF : STATE BOARD OF EXAMINERS
JOANN RATZLAFF-MALECKI : ORDER OF REVOCATION

DOCKET NO. 269-01/95-135

At its meeting of January 12, 1995, the State Board of Examiners reviewed information received from the Office of Licensing and Credentials that Professional Librarian and Educational Media Specialist licenses had been issued to Ms Ratzlaff-Malecki in error because she lacked the Masters' Degree required for the licenses. Accordingly, the State Board of Examiners issued Ms. Ratzlaff-Malecki an Order to Show Cause why her licenses should not be revoked. Ms. Ratzlaff-Malecki is also the holder of an Associate Educational Media Specialist license, the validity of which is not disputed.

Ms. Ratzlaff-Malecki's Answer to the Order to Show Cause generally denies that either of her licenses is improperly held. In support of this claim she submits that she holds her Professional Librarian endorsement, issued to her in 1978, pursuant to a grandfather clause embodied in N.J.A.C. 6:11-3.4 and N.J.A.C. 6:11-3.24. However, her Answer also acknowledges that there exists no grandfather clause regarding her Educational Media Specialist endorsement. She requests in that case that she be provided the opportunity to obtain the masters' degree required for an Educational Media Specialist since she does have either all of or most of the credits necessary to obtain the degree.

At its meeting of June 20, 1996, the State Board of Examiners agreed with Ms. Ratzlaff-Malecki that the grandfather clause governed her right to hold a Professional Librarian license. It therefore unanimously voted to vacate that part of the Order to Show Cause that challenged Ms. Ratzlaff-Malecki's right to hold the Professional Librarian license issued to her in 1978. The Board further voted to grant a stay for a period of one (1) year on the Order to Show Cause to permit Ms. Ratzlaff-Malecki time to meet the requirements for the standard Educational Media Specialist endorsement before any further action was taken. Both Ms. Ratzlaff-Malecki and her attorney, Jeffrey L. Gold, were notified by letter dated July 3, 1996 of the Board's action and advised that Ms. Ratzlaff-Malecki was required to submit written notification concerning her willingness to accept the terms of the stay. No response was received.

Thereafter, at its meeting of May 15, 1997, the State Board of Examiners unanimously voted to provide Joann Ratzlaff-Malecki twenty (20) days in which to respond to the Board's correspondence of July 3, 1996 or show that she had, in the interim, met the requirements of Educational Media Specialist licensure. Certified correspondence was mailed to Ms. Ratzlaff-Malecki and her attorney on May 17, 1997. Ms. Ratzlaff-Malecki was advised that if she did not respond, the Board would take further action. No response was received from, or on behalf of, Ms. Ratzlaff-Malecki, although both she and Mr. Gold received the certified correspondence.

As noted, Ms. Ratzlaff-Malecki does not contest that she does not possess the masters' degree that was a requirement for obtaining a Educational Media Specialist license at the time her license was issued. Accordingly, it appearing that no material facts are in dispute, at its meeting of September 25, 1997, the State Board of Examiners voted, pursuant to the provisions of N.J.A.C. 6:11-3.6(1)a, to forward a hearing notice to Ms. Ratzlaff-Malecki, which would give her a further opportunity to respond. On September 30, 1997, both Mr. Gold and Ms. Ratzlaff-Malecki were forwarded a hearing notice by regular mail. On November 7, 1997, a response to the hearing notice was received from Ms. Ratzlaff-Malecki.

Ms. Ratzlaff-Malecki's response to the hearing notice, dated November 3, 1997, indicates that she has investigated the possibility of acquiring her masters' degree, but that the only school offering the necessary program is 68 miles from her home. She adds that she is currently working full time as a school librarian and is raising four children. She asks that the one-year stay granted her by the State Board of Examiners in 1996 be extended to a period sufficient to complete the courses required by the State Board of Education for a masters' degree, allowing that she would only be able to attend courses part-time.

Upon careful review of the Answer to the Order to Show Cause, the Amended Order to the Show Cause and the response to the hearing notice, the State Board of Examiners first takes notice of that portion of Ms. Ratzlaff-Malecki's Answer to the Order to Show Cause and the hearing notice stating that Ms. Ratzlaff-Malecki admits she does not hold a master's degree, a requirement to hold the Educational Media Specialist license. It is further noted by the Board that, despite the Board's agreement to stay its consideration of the validity of her holding an Educational Media Specialist license in order to resolve this matter amicably, Ms. Ratzlaff-Malecki has not availed herself of the opportunity to rectify the educational deficit by virtue of the

grant of an extension of time in which to complete the necessary course work to gain such degree. It is the opinion of the Board that her request to extend such stay for an indefinite period to accommodate her busy schedule is inappropriate in light of her failure to respond in any way to the State Board of Examiners' stay issued in June of 1996 and then again in May of 1997, to pursue such end during the period already provided.

Accordingly, because she lacks the masters' degree that is a prerequisite to receipt of the Educational Media Specialist license, and in light of her failure to complete the requirements therefor, as recommended by the State Board of Examiners, the State Board of Examiners hereby directs that Joann Ratzlaff-Malecki's Educational Media Specialist license be revoked on this 11th day of December, 1997. In so ordering the revocation of her Educational Media Specialist License, the State Board of Examiners expressly notes that her Professional Librarian license and her Associate Educational Media Specialist license remain in full force and effect.

It is further ORDERED that Joann Ratzlaff-Malecki return her Educational Media Specialist license to the Secretary of the State Board of Examiners, Office of Licensing, CN500, Trenton, NJ 08625-0500 within fourteen (14) days of receipt of this letter.

Secretary
State Board of Examiners

Date of Mailing: February 24, 1998

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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