

AGENCY DKT. NO. 175-7/09

IN THE MATTER OF ANDREW MARANCIK, :
BOARD OF TRUSTEES OF THE : COMMISSIONER OF EDUCATION
RIDGE AND VALLEY CHARTER SCHOOL, : DECISION
WARREN COUNTY. :
_____ :

The record of this matter and the decision of the School Ethics Commission, forwarded to the Commissioner pursuant to *N.J.S.A. 18A:12-29* for final determination on the Commission's recommended penalty, have been reviewed. Pursuant to applicable rule, respondent filed a timely submission to the Commissioner, explaining that – while he does not dispute that he did not take the required training – he does except to the Commission's recommended penalty because he: 1) did attend a specialty training in the belief that it was an acceptable substitute for the New Board Member training;¹ 2) could not attend the New Board Member Training in May 2009 because it conflicted with his end-of-year responsibilities as a high school teacher and consequently registered for the session offered November 14, 2009; and 3) immediately registered for the next available session on August 29, 2009² upon receiving the Commission's decision; according to respondent, he is committed to improving education and, under the circumstances, should be allowed to remain as a Board member. In a subsequent submission, respondent advised that he was unable to complete his training as anticipated because the August 29, 2009 session had been cancelled by the New Jersey School Boards Association (NJSBA).³

Upon review, the Commissioner concurs with the Commission that respondent should be penalized for his delay in honoring a clear obligation placed upon board members by law,

¹ Respondent claimed he was so advised by staff at the New Jersey School Boards Association (NJSBA), and further stated that NJSBA was searching its records to prove such attendance; however, no supporting information was provided in this regard, either to the Commission or the Commissioner.

² Respondent provided the Commissioner with a copy of his registration confirmation from the NJSBA.

³ The NJSBA confirmed that this session was, in fact, cancelled.

since such failure has both resulted in his serving as a public trustee without the requisite training and caused unnecessary expenditure of administrative and adjudicative resources at both State and local levels. It is not uncommon for board of education members to have busy work schedules and family responsibilities; however, this circumstance does not lessen their duty to obtain – at some point within the more than ample time frame provided by law – the training deemed necessary to fulfill the functions of their office. The Commissioner further concurs that the continuum of penalties recommended by the Commission is appropriate in view of the violation found.

Accordingly, consistent with that recommended continuum – since respondent would have completed training prior to issuance of the Commissioner’s decision but for cancellation of the August 29, 2009 session by the NJSBA – respondent is hereby censured as a school official found to have violated the School Ethics Act; provided, however, that if he does not complete such training by November 14, 2009, he shall be summarily removed from office.

IT IS SO ORDERED.⁴

COMMISSIONER OF EDUCATION

Date of Decision: September 14, 2009

Date of Mailing: September 15, 2009

⁴ Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Superior Court, Appellate Division.