

# IX.C.

## CONNECTICUT STATE BOARD OF EDUCATION Hartford

### TO BE PROPOSED:

October 2, 2019

**RESOLVED**, That the State Board of Education, pursuant to Sections 10-186(b)(2) and 10-233d(b) and 10-15d of the Connecticut General Statutes, and Sections 10-145d-611(h), 612(h), 613(f), 10-4-12(f), and 10-4-22(c)(3) of the Regulations of Connecticut State Agencies, hereby appoints the following individuals to conduct hearings and render decisions as an impartial hearing board, or otherwise, on matters where they may be appointed to serve in accordance with law, for the period of October 3, 2019 through October 2, 2022:

Linda Anne Bulkovitch  
Patrick L. Kennedy  
Brendan Patrick McKeever  
Joane Merlain Olawale  
Melinda A. Powell  
Jane Ford Shaw

Approved by a vote of \_\_\_\_\_ this second day of October, Two Thousand Nineteen.

Signed: \_\_\_\_\_  
Dr. Miguel A. Cardona, Secretary  
State Board of Education

CONNECTICUT STATE BOARD OF EDUCATION  
Hartford

TO: State Board of Education

FROM: Dr. Miguel A. Cardona, Commissioner of Education

DATE: October 2, 2019

SUBJECT: State Board of Education Impartial Hearing Officers

### **Executive Summary**

#### **Introduction**

Hearing officers serving as an impartial hearing board conduct hearings on behalf of the Connecticut State Board of Education (SBE). Members of the impartial hearing board may conduct hearings on: (1) school accommodations appeals; (2) student expulsions from the Connecticut Technical Education and Career System (CTECS); (3) hearings regarding revocation and denial of certifications, authorizations, and permits issued by the SBE; (4) hearings regarding unit clarification issues under the Teacher Negotiation Act; (5) petitions for declaratory rulings; and (6) other administrative appeals as provided by law. A brief overview of the types of hearings conducted by State Board of Education Impartial Hearing Officers (IHOs) is set forth below.

Pursuant to Section 10-4-12 of the Regulations of Connecticut State Agencies (RCSA), the SBE is authorized to appoint a hearing panel to make or propose decisions on behalf of the SBE, the Department of Education (SDE), or the Commissioner. Such hearings are held in conformity with the Uniform Administrative Procedures Act, Connecticut General Statutes (C.G.S.) Section 4-166 *et seq.*, unless otherwise dictated by statute. Such matters include, but are not limited to the following: declaratory rulings, revocation or denial of certifications, authorizations and permits, unit clarification petitions, and other administrative appeals, as authorized by statute.

In addition, C.G.S. Section 10-186(b) requires the CSBE to establish an Impartial Hearing Board to hold public hearings and render a final decision in matters regarding school accommodations appeals, addressing transportation and residency issues.

Finally, C.G.S. Section 10-233d(b) permits a local or regional board of education to establish an impartial hearing board of one or more persons. The hearing board shall have the authority to conduct the expulsion hearing and render a final decision. The CSBE has established and maintained the Connecticut Technical Education and Career System (CTECS), a statewide system of technical high schools pursuant to C.G.S. Section 10-95. C.G.S. Section 10-95, when read in conjunction with Section 10-15d regarding the general applicability of the education statutes to the CTECS, authorizes the State Board of Education to appoint an impartial hearing board to conduct student expulsion hearings within the technical high schools.

The current impartial hearing board consists of six IHOs. Therefore, the Division of Legal and Governmental Affairs recently issued a Request for Proposals (RFP) to solicit applicants who wish to serve as IHOs. In response to the RFP, the SDE received applications from, and interviewed six (6) qualified candidates.

### **Recommendations of Candidates**

I recommend the appointments of Attorneys Linda Anne Bulkovitch, Patrick L. Kennedy, Brendan Patrick McKeever, Joane Merlain Olawale, Melinda A. Powell, and Jane Ford Shaw to the Impartial Hearing Board for a three-year term beginning October 3, 2019. My recommendation is based upon their applications, interviews and relevant legal experience. A copy of each resume is attached for your review (Exhibit A). The nominees would all be independent contractors. The SDE shall provide reasonable fees and expenses within available appropriations. With the appointment of these candidates, there shall be twelve (12) members of the Impartial Hearing Board.

### **Volume of Hearings**

During the 2018-19 school year, the IHOs have been assigned to preside over approximately 100 hearings. The breakdown of the types of hearings is as follows:

School Accommodations – 12

Student Expulsions – 88

Other Matters – 3

### **Recommendation**

I recommend that the State Board of Education appoint the above-referenced nominees to the Impartial Hearing Board for a period of three years. Upon such appointment, the Division of Legal and Governmental Affairs shall proceed with the execution of annual contracts for each member of the Hearing Panel in accordance with the Department of Education's procedures.

Prepared by:

Laura L. Anastasio, Attorney  
Division of Legal and Governmental Affairs

Approved by:

Jessa Mirtle, Director  
Division of Legal and Governmental Affairs