

IX.A.

Connecticut State Board of Education Hartford

To Be Proposed:

June 5, 2024

Resolved, That the State Board of Education, pursuant to Sections 10-186(b) of the Connecticut General Statutes, Sections 10-4-12 (f), 10-4-22(c)(3), 10-145d-611(h), 10-145d-612(h), and 10-145d-613(f) of the Regulations of Connecticut State Agencies, and other applicable provisions of law, hereby reappoints the following individuals to conduct hearings and render decisions as an impartial hearing board serving on behalf of the State Board for the period of September 1, 2024, through August 31, 2027:

Attorney Janis C. Jerman

Attorney Thomas C. McNeill, Jr.

Attorney Steven R. Rolnick

Attorney Frederic S. Ury

and directs the Commissioner to take the necessary action.

Approved by a vote of _____ this fifth day of June, Two Thousand Twenty-four.

Signed: _____
Charlene M. Russell-Tucker, Secretary
State Board of Education

**Connecticut State Board of Education
Hartford**

To: State Board of Education
From: Charlene M. Russell-Tucker, Commissioner of Education
Date: June 5, 2024
Subject: Reappointment of Members of the Impartial Hearing Board Panel

Introduction and Background Information

Attorneys serving as an impartial hearing board (IHB) conduct hearings on behalf of the State Board of Education (“State Board”). An IHB may conduct hearings on the following matters as well as on others as may be authorized by law: (1) school accommodations appeals; (2) revocation, denial, and other actions concerning certificates, authorizations, and permits issued by the State Board; (3) hearings regarding unit clarification issues under the Teacher Negotiation Act; and (4) petitions for declaratory rulings.

The Connecticut State Department of Education (CSDE) recommends that the State Board reappoint the following attorneys to the IHB Panel for the period beginning September 1, 2024, through August 31, 2027: Janis C. Jerman, Thomas C. McNeill, Jr., Steven R. Rolnick, and Frederic S. Ury. Each of the nominees currently has a term of appointment concluding August 31, 2024.

The nominees are independent contractors paid contractual fees and expenses within available appropriations. Upon the reappointment of these four attorneys, the Panel will have seven attorney members.

Hearings Conducted by Members of the Panel

A brief overview of the types of hearings conducted by members of the Panel is set forth below.

School Accommodations

The State Board establishes through the CSDE an IHB to hold hearings and render decisions on appeals by parents, guardians, emancipated minors, or pupils eighteen years of age or older, from decisions rendered by local or regional boards of education regarding student residency, transportation, or other school accommodations issues. See Connecticut General Statute (C.G.S.) §10-186. The practice has been to appoint one member of the Panel to serve as the IHB in each case. The statute provides that members of the IHB may be employees of the CSDE or qualified independent contractors appointed by the State Board. The State Board has historically utilized independent contractors. Any appeals of IHB decisions are taken to the Connecticut Superior Court pursuant to C.G.S. Section 10-187.

Hearings on Actions Concerning Certificates, Authorizations, and Permits

The State Board may issue, revoke, deny, or take other actions with respect to certificates, authorizations, and permits for educators. These matters may require hearings pursuant to statutes, State Board regulations, or principles of due process. The State Board, a subcommittee of the State Board, or an impartial hearing officer may conduct these hearings. See Regulations of Connecticut State Agencies (R.C.S.A.) §§10-4-12(f), 10-145d-611(h), 10-145d-612(h), and 10-145d-613(f). The current practice is to appoint a member of the Panel to preside over a hearing and to make a recommended decision. The State Board then makes the final decision.

Unit Clarification Issues

A local or regional board of education or the representative of a teacher or administrator unit may file a unit clarification petition with the Commissioner of Education. A unit clarification petition is the mechanism used to clarify questions concerning the appropriate composition of a bargaining unit if no representation question is pending. See C.G.S. §10-153c(b). The Commissioner renders the final decision, but given the legal issues inherent in such determinations, it may be appropriate to appoint a Panel member to conduct a hearing and issue a recommended decision for the Commissioner's consideration.

Petitions for Declaratory Rulings

Agencies may issue declaratory rulings as to the validity of regulations or the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision on a matter within the jurisdiction of the agency under C.G.S. Section 4-176. In some situations, it may be appropriate for an impartial hearing officer from the Panel to conduct a hearing. See R.C.S.A. §10-4-22 (c)(3).

Volume of Hearings

The greatest number of hearings had historically been expulsion hearings within the Connecticut Technical Education and Career System (CTECS). As the State Board no longer has responsibility for these hearings, the overall number of hearings handled by the Panel has been reduced. With respect to school accommodations hearings, seven matters were referred for hearings in 2022, five in 2023, and eight so far in 2024. Some of these matters settled, but most were held and resulted in written decisions. There have been no hearings as to educator certificates since the 2020-2021 school year. There have been no unit clarification or declaratory ruling hearings during the past three-year terms of the Panel members that are herein being recommended for reappointment.

Recommendation and Next Steps

The members of the Impartial Hearing Board Panel are fulfilling important roles specified by statutes and regulations. I recommend that the State Board reappoint the nominees identified above to the Impartial Hearing Board Panel to conduct hearings and render decisions as an impartial hearing board serving on behalf of the State Board, or otherwise, in the matters set forth above, or in other matters to which they may be appointed to serve in accordance with law, for the period from September 1, 2024, through August 31, 2027.

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Approved by: Michael P. McKeon
Director of Legal and Governmental Affairs