

IX.A.

Connecticut State Board of Education Hartford

To Be Proposed:
November 2, 2022

Resolved, That the State Board of Education, pursuant to Section 10-186 (b) 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, and other applicable provisions of law, hereby reappoints 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 November 3, 2022, through October 31, 2025:

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

and directs the Commissioner to take the necessary action.

Approved by a vote of _____ this 2nd day of November, Two Thousand Twenty-two.

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: November 2, 2022

Subject: Reappointment of Members of the Impartial Hearing Board Panel

Introduction and Background Information

Hearing officers serving as an impartial hearing board conduct hearings on behalf of the State Board of Education (“State Board”). An impartial hearing board may conduct hearings on the following matters as well as others as may be authorized by law: (1) school accommodations appeals; (2) hearings regarding 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.¹

The Connecticut State Department of Education (CSDE) recommends that the State Board reappoint the following attorneys to the Impartial Hearing Board Panel (Panel) for the period November 3, 2022, through October 31, 2025: Jane Ford Shaw, Melinda A. Powell, Linda Anne Bulkovitch, Joane Merlain Olawale, and Patrick L. Kennedy. Each of the nominees has previously been approved by the State Board to the panel and has served as a member of the Panel with a term of appointment concluding October 2, 2022. The nominees are independent contractors. They are paid contractual fees and expenses within available appropriations. In addition to the members of the Panel being reappointed here, the Panel includes four other members. When these five attorneys are reappointed, the Panel will have 9 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 impartial hearing board to hold hearings and render final 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 residency, transportation, or other school accommodations issues. See Connecticut General Statutes Section 10-186. The practice has been to appoint one member of the Panel to serve as the impartial hearing board in each case. The statute provides that members of the impartial

¹ Until July 1, 2022, the Members of the Panel conducted expulsion hearings on behalf of the State Board for schools in the Connecticut Technical Education and Career System (CTECS). Due to the separation of the CTECS from the State Board, members of this Panel will no longer be asked to conduct CTECS expulsion hearings on behalf of the State Board, although they may otherwise continue to conduct these hearings.

hearing board may be employees of the CSDE, or qualified independent contractors appointed by the State Board. The State Board has historically utilized independent contractors.

Hearings on Actions Concerning Certificates, Authorizations, and Permits

The State Board may issue, revoke, deny, suspend, or place on probation, certificates, authorizations, and permits for educators. These matters may require hearings pursuant to statutes, State Board regulations, or principles of due process if requested by the holder of the certificate, authorization, or permit. The State Board, a subcommittee of the State Board, or an impartial hearing officer may conduct these hearings. See Regulations of Connecticut State Agencies Sections 10-145d-611 (h), 612 (h), 613 (f), 10-4-12(f). The current practice is to appoint one impartial hearing officer 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 Connecticut General Statutes Section 10-153c (b). The Commissioner renders the final decision, but it may be appropriate to appoint a member of the panel to conduct a hearing and recommend a decision.

Petitions for Declaratory Rulings

Agencies may issue declaratory rulings under Connecticut General Statutes Section 4-176 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. In some situations, it may be appropriate for an impartial hearing officer from the panel to conduct a hearing. See Regulations of Connecticut State Agencies Section 10-4-22 (c)(3).

Volume of Hearings

With respect to school accommodations hearings, 13 matters were referred for hearings in 2019, five in 2020, six in 2021, and four in 2022 to date. Several of these cases have resulted in written decisions. With respect to actions as to educator certificates, panel members have been appointed for two cases during the 2020/2021 school year. One of these two cases settled before the hearing, although the member of the Panel appointed to hear the case presided over necessary pre-hearing matters. In the second of these cases, the matter was heard as a contested case hearing and a proposed decision was rendered by the member of the Panel who was assigned to hear the case. The matter was then settled based on the proposed decision. There have been no unit clarification or declaratory ruling hearings during the past three years of the appointment of the members of the Panel recommended for appointment here.

Recommendation and Next Steps

The members of the Panel are fulfilling important roles specified by statutes and regulations. I recommend that the State Board reappoint the nominees identified above to the Panel to conduct

hearings and render decisions as an impartial hearing board, or otherwise, in the matters set forth above, or in other matters where they may be appointed to serve in accordance with law, for the period from November 3, 2022, through October 31, 2025.

Prepared by:

Michael McKeon, Director
Division of Legal and Governmental Affairs

JANE FORD SHAW

**3 Hi Barlow Road
Newtown, CT 06470**

(203) 470-0045
jfordshaw15@gmail.com
jane@russorizio.com

Education

Quinnipiac University School of Law, Hamden, CT
Juris Doctorate

Providence College, Providence, RI
Bachelor of Arts, Political Science

Professional Experience

Russo & Rizio, LLC
Attorney

2021-present

- Responsible for all areas of estate planning, probate administration and Medicaid assistance planning;
- Represent clients in real estate, small business and contract issues
- Due Process Hearing Officer with the State of Connecticut in the area of special education

O'Reilly & Shaw, LLC
Partner

2000-2022

- Highly organized and self motivated Partner in a small boutique law firm with diverse experience in the fields of litigation – employment and labor law - including administrative proceedings before Connecticut Commission of Human Rights (CHRO), appearing in matters before both State and Federal Court; negotiating non-compete and separation agreements in various areas of employment;
- Experience representing parties in contract negotiations in both commercial and non-commercial settings as well as litigation regarding breach of contract claims;
- Extensive experience advising clients in the areas of estate planning, title 19 planning and filings; social security appeals, guardianship, conservatorship appointments; serves as Court-appointed attorney before area Probate Courts;
- Over 20 years experiences in real estate transactions both commercial and residential; Experience in short sale transactions and foreclosure law;
- Experience representing families of students in the area of education law in mediation and due process; successfully negotiated settlement
- Responsible for drafting of all appellate matters – both civil and criminal; attend pre-hearing conferences; negotiate settlements;

- Excellent negotiating skills having negotiated in all areas of practice
- Experience with medical insurance appeals before in-house providers

Mangines & Mangines

1995-2000

Associate

- Responsible for all motion drafting in the areas of employment and labor law, personal injury real estate and probate matters
- Represented clients before CHRO and Department of Labor and all courts

MELINDA A. POWELL
14 Eastham Bridge Road
East Hampton, CT 06424
mpowell@rosekallor.com

(860) 985-6043 (C)
(860) 361-7999 (W)

Admitted to practice law in CT state and federal courts since 1996
Member in good standing of Connecticut Bar, U.S. District Court of Connecticut and Second Circuit Court of Appeals

LEGAL EXPERIENCE

STATE DEPARTMENT OF EDUCATION-IMPARTIAL HEARING BOARD

Expulsion Hearing Officer, Connecticut Technical Education and Career System, October 2019-present.

- Serve as Hearing Officer presiding over expulsion requests and hearings for Connecticut technical schools; issue decisions in contested matters.

Impartial Hearing Officer, Legal and Government Affairs, October 2019-present

- Appointed by State Department of Education to serve as Hearing Officer in matters such as educational accommodations and residency appeals.

Impartial Hearing Officer, Due Process Unit, January 2017 to present.

- Appointed by State Department of Education as Special Education Hearing Officer.
- Preside over Due Process Complaints (approximately 180 cases to date) pursuant to 20 U.S.C. §1400 et seq; Conn. Gen. Stat. §10-76h; including prehearing conferences, motion hearings and evidentiary hearings; issue decisions on interim relief and motions
- Issue final decisions which are subject to appeal to United States District Court (D. Conn.) or Connecticut Superior Court.

ROSE KALLOR, LLP, Hartford, CT

Partner, January 2018- present

- Employed as Litigation Partner in small, seven attorney litigation and labor firm, with a focus on employment and land use.
- Represent complainants in civil rights related matters in employment, housing and higher education.
- Argue appeals before federal and state appellate courts.
- Conduct and assist in Title VII and Title IX investigations and reports.
- Prepare legal opinions for State Employees Retirement Commission; provide counsel as needed to Medical Examining Board.
- Develop risk management strategies for clients to avoid litigation.
- Supervise and train associates in substantive aspects of the law, case and trial strategy.

- Collaborate with partners regarding firm management, marketing, personnel management and business development.

FORD HARRISON LLP, Hartford, CT

Counsel, March 2016-December 2017

- Continued practice of law with Partners and Associates from Rose Kallor, LLP, which joined the national labor and employment firm of Ford Harrison.
- Argued appeal before the Connecticut Supreme Court involving interpretation of labor regulations on a Petition for Declaratory Ruling.

ROSE KALLOR, LLP, Hartford, CT

Partner, March 2007 to March 2016

- Established boutique labor and employment and municipal litigation firm with Partners from mid-sized Hartford law firm.
- Expanded representation of clients from insurance litigation defense to counseling and general employment matters.
- Drafted Briefs and Argued appeals before the Connecticut Appellate Court and the Second Circuit.
- Named to *Super Lawyers* © *Rising Stars* List in 2011.

HOWD & LUDORF, LLC, Hartford, CT

Partner, January 2005-June 2006; Associate, November 1998-December 2004

- Performed all aspects of civil litigation for mid-sized firm, including preparation of pleadings, witness and expert depositions, settlement negotiations, court appearances, dispositive motions and appellate briefs. First chair jury and court trial experience (10+ cases). Many cases had demands exceeding \$1M.
- Experienced in all aspects of civil litigation, with focus on municipal defense practice including boards of education, zoning commissions, police departments, fire departments, building departments, and their officers and employees involving federal civil rights laws and state law claims, and including personal injury, product liability cases, mold, and toxic torts.
- Experienced in employment law matters including federal and state laws for disability discrimination, age discrimination, and Title VII.

DELANEY ZEMETIS DONAHUE DURHAM & NOONAN, Wallingford, CT

Associate—February 1998- November 1998

- Performed all aspects of case litigation for insurance defense firm.
- Represented private individuals and entities involving tort law.

CITY OF NEW HAVEN, New Haven, CT

Assistant Corporation Counsel—June 1997-February 1998

- Prepared property title searches for acquisition and disposal of city property.

- Represented City in tax foreclosures and administration of City mortgage programs.
- Reviewed city contracts and provided counsel for various departments.

FRECHETTE & FRECHETTE, New Haven, CT

Associate—February 1996-June 1997

- Represented parties in state civil and criminal court in small general practice firm.

EDUCATION

VERMONT LAW SCHOOL, South Royalton, VT

Juris Doctor, December 1995

- Awarded Jonathan B. Chase Fellowship for Public Interest Law to work for Alaska Legal Services, Fairbanks, AK
- Student Attorney, South Royalton Legal Clinic, South Royalton, VT
- Legal Intern, WaterWatch of Oregon, Portland, OR
- Legal Intern, Conservation Law Foundation, Montpelier, VT

FLORIDA ATLANTIC UNIVERSITY, Boca Raton, FL

Bachelor of Public Administration, with honors, December 1991

- Valedictorian, College of Social Science
- Intern, Palm Beach County State Attorney's Office

COMMUNITY ACTIVITIES

High School Mock Trial Coach, Kingswood Oxford School 2021-2022 (State Champions), Co-coach (2019-2021); Volunteer, Talcott Mountain Academy (2022, Model U.N. Enrichment); Alternate Member of the East Hampton Zoning Board of Appeals (2012-2014), Full Member (2014-2016); former Capital Preparatory Magnet School Volunteer, former Assistant Cub Scout Leader; former Soccer Club Volunteer.

LINDA A. BULKOVITCH, ESQ.

ATTORNEY – ADVOCATE – EDUCATOR

Email: BulkLaw@yahoo.com

Phone: 860.295.1600

Website: BulkovitchLaw.com

CAREER SUMMARY

High-performing & award-winning licensed Connecticut attorney & trained mediator with 6+ years experience providing representation & litigation before Superior Court, Probate Court & Administrative Courts. **Practices in the areas of** estate & disability planning, divorce & family law, landlord/tenant, probate, foreclosure & real estate. **Outstanding communicator & influencer with demonstrated skills in effective negotiation, legal research & advice,** case assessment, depositions, mediation, trial preparation & client interview.

Admitted to practice in Connecticut, US District Court- District of Connecticut & the United States Supreme Court.

Demonstrated skills in the following:

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|--------------------------------------|--|----------------------------|-----------------------|
| • Family & Elder Law | • Landlord/Tenant Law | • Legal Analysis | • Records Management |
| • Estate/Disability Benefit Planning | • Drug Regulatory Affairs (CFR Title 21) | • Legal Research | • Project Management |
| • Probate Law | • Foreclosure Law | • Persuasive Legal Writing | • Community Outreach |
| • Residential Real Estate Law | • Mediation | • Negotiation | • Litigation strategy |
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EXPERIENCE

2015 - PRESENT

○ LICENSED CONNECTICUT ATTORNEY

BULKOVITCH LAW, LLC

Marlborough, CT

Advocates, educates, investigates, & pursues legal & administrative remedies to advance & protect the rights of individuals in matters of education law, divorce & family law, elder law, wills, trusts, estate planning, probate law, landlord/tenant law & foreclosure law. Conducts client & witness interviews, identifies issues, determine courses of action, develops & implements appropriate legal strategies, negotiates solutions, & encourages self-advocacy when appropriate & possible. Analyzes existing cases & supporting documents to determine what legal issues are present; formulates strategies for their prevention, reduction or elimination. Mediate disputes when agreed to & appropriate.

2014 - PRESENT

○ PRO-BONO FORECLOSURE ATTORNEY CLINIC

NEW LONDON & HARTFORD COUNTY JUDICIAL BRANCHES

Advises non-income qualified participants facing foreclosure on legal procedures & legal rights & strategies as well as the legal processes & terminology at clinics.

2013 - PRESENT

○ PRO-BONO ATTORNEY STATEWIDE LEGAL SERVICES CLINIC

STATEWIDE LEGAL SERVICES OF CONNECTICUT, INC.

Wethersfield, CT

Volunteers as attorney, advocate, & educator for very low income clientele in areas of divorce & family law, landlord & tenant law, consumer law, & Medicaid / SSI benefits. Reviews facts to determine legal issues, offers legal advice, & assists clients with court paperwork filings. Educates clients with an overview of the law, legal procedure & their rights.

LINDA A. BULKOVITCH, ESQ.

ATTORNEY – ADVOCATE – EDUCATOR

Email: BulkLaw@yahoo.com

Phone: 860.295.1600

Website: BulkovitchLaw.com

EXPERIENCE CONTINUED

2015 - 2017

○ LEGAL COUNSEL

LAW OFFICES OF JOSEPH A.
LABELLA

Marlborough, CT

Assisted Attorney La Bella with personal injury, probate, workers compensation filings & hearings. Of-Counsel after serving as intern for two years (2013 – 2015) & demonstrated practical knowledge of civil litigation, workers compensation, appellate advocacy & personal injury.

2014 - present

○ VOLUNTEER ATTORNEY FOR VETERANS

CONNECTICUT VETERANS
STAND DOWN

Rocky Hill, CT

Provide legal advice to veterans facing foreclosure, divorce, child support, visitation & custody issues, employment issues, discrimination, & consumer debt issues. Have also drafted wills & estate planning documents for veterans who attend this yearly event.

2014 - 2015

○ PRO-BONO DIVORCE ATTORNEY FOR INJURED COMBAT WAR VETERAN

CONNECTICUT VETERANS
LEGAL CENTER, INC.

West Haven, CT

Advocated & advised Gulf War Veteran in a complicated, highly contested divorce case due to the Veteran's Post Traumatic Stress Disorder (PTSD) & Traumatic Brain Injury (TBI). Case revolved around issues with visitation, custody, finances, child support. Represented this Veteran at short calendar, family services mediations, family services pre-trials, judicial pre-trials, & the divorce trial. Judge's decision was very favorable to my client.

EDUCATION

JURIS DOCTORATE

WESTERN NEW ENGLAND UNIVERSITY
SCHOOL OF LAW

MEDIATION TRAINING

QUINNIPIAC LAW SCHOOL

BACHELOR OF SCIENCE

UNIVERSITY OF CONNECTICUT
MOLECULAR & CELLULAR BIOLOGY

PROFESSIONAL AFFILIATIONS

Executive Committee, Elder Bar, Connecticut Bar Association, 2016 - present
Attorney Mentor, UCONN Connecticut Community Law Center, 2018 - present
YLS Law Student Mentor, Connecticut Bar Association, 2014 - 2019
YLS Public Service Director, Connecticut Bar Association, 2018 - 2019
YLS Committee Director, Connecticut Bar Association, 2017 - 2018
YLS Co-Chair of Elder Law (2015-2018) & **Co-Chair of Estates & Probate** (2014 –2015)
House of Delegates, District 17 for Elder Law & Trusts & Estates, Connecticut Bar Association, 2018-2020

LEGAL AWARDS

**Honorable Anthony V DeMayo
Pro Bono Award (2016)**

Featured Volunteer Attorney
Connecticut Veterans Legal Center 2015

YLS Rookie of the Year
2014 - 2015

WORK EXPERIENCE

State of Connecticut - Employment Security Appeals Division, Middletown, Connecticut Appeals Referee, November 2020- present

- Conduct twenty-four plus (24+) hearings per week involving unemployment insurance appeals filed by employers or claimants who are aggrieved by a decision of the Administrator. Responsibilities during the hearing, include but are not limited to, explaining hearing procedures, ruling on objections regarding the admissibility of evidence, and eliciting pertinent testimony from witnesses.
- Research and analyze laws, regulations, policies, and precedent decisions.
- Draft and issue written decisions, within strict deadlines, affirming, reversing, or modifying administrative rulings on appeal, based on testimony and evidence obtained during the hearings and application of statutory provisions and case law precedent established by the Connecticut Board of Review.
- Work collaboratively with secretaries and other staff on a weekly basis to ensure parties receive proper notice of hearings, and exhibits are compiled and pre-marked in preparation for hearings.

Law Office of Joane M. Olawale, LLC, Niantic, Connecticut Sole Practitioner, September 2011- November 2020

- Served as assigned counsel on behalf of the Connecticut Division of Public Defender Services for parents and children in litigation involving neglect, abuse and termination of parental rights proceedings filed in the Superior Court for Juvenile Matters by the Department of Children and Families.
- Served as court-appointed attorney for parents and children in various Connecticut Children's Probate Courts throughout the state in proceedings involving petitions for temporary custody, removal of guardians, termination of parental rights, paternity, reinstatement of guardian(s) and emancipations.
- Served as court-appointed attorney in probate court proceedings for respondents on matters involving conservatorships, psychiatric commitments, and guardianship appointments for adults.
- Filed lawsuits on behalf of plaintiffs in employment discrimination and retaliation claims. Represented clients during all aspects of the litigation including, responding to discovery requests, preparing discovery requests, taking depositions of witnesses, defending clients at depositions, attending pre-trial hearings and mediations, conducting legal research, drafting motions, and responding to court filings by the opponent.
- Managed all aspects of the firm including client relations and satisfaction, marketing, billing, accounting, and legal work.

Law Office of Michael E. Satti, LLC, Pawcatuck, Connecticut Litigation Associate Attorney, November 2008- September 2011

- Filed lawsuits on behalf of plaintiffs in employment discrimination, retaliation, violation of the Fair Labor Standard Act, wrongful termination, and breach of contract matters.
- Represented employers in employment discrimination, retaliation, violation of the Fair Labor Standard Act, wrongful termination, and breach of contract matters.
- Drafted pleadings, including summons, complaints, motions, memorandums of law, subpoenas, settlement agreements and other legal documents.

Inmates' Legal Assistance Program, Hartford, Connecticut
Staff Attorney, August 2008- November 2008

- Represented female inmates in family court proceedings involving divorce, custody, and child support matters.
- Assisted male and female inmates incarcerated within the Connecticut Department of Corrections with filing civil legal claims against the Department involving constitutional violations.

State of Connecticut Judicial Branch, New Britain, Connecticut
Temporary Assistant Clerk, August 2007- August 2008

- Prepared short calendar files for weekly civil and family short calendar dockets. Worked directly with the Superior Court Judges in preparation of the weekly docket.
- Served as courtroom clerk for Superior Court Judges presiding over civil and divorce trials, hearings, and short calendar dockets.
- Assisted pro se litigants with completing ex-parte restraining order applications, processed the applications, arranged for service of process on the defendants and scheduled the hearings.

EDUCATION

University of Connecticut School of Law, Hartford, Connecticut
Juris Doctor, May 2007

Activities: National Black Law Students Association, Member
Awards: 2006 Pudlin Scholar Award Recipient
CALI Excellence Award Recipient: Human Rights Clinic
CALI Excellence Award Recipient: Gender and the Law

Northeastern University, Boston, Massachusetts
Bachelor of Science in Business Administration, June 2003
Major: Marketing & Management
Activities: Women's Track & Field Full Scholarship Athlete
Awards: 2003 John D. O'Bryant Award for Outstanding Student-Athlete

CREDENTIALS

- Licensed to practice law in the State of Connecticut since 2008
- Licensed to practice law in the State of New York since 2008
- Admitted to the Connecticut District Court since 2009

PROFESSIONAL AFFILIATIONS

- Chicago Title Insurance Company, Title Agent since 2012

PATRICK L. KENNEDY
P.O. Box 8078
Manchester, CT 06040-0078
P (860) 644-6522
F (860) 644-6329

PRACTICE: Law Offices of Patrick L. Kennedy, Manchester, CT 1992-present.
Magistrate, arbitrator, fact-finder and attorney trial referee in Connecticut Superior Courts. State hearing officer for Department of Education and Department of Emergency Services and Public Protection. Arbitrator for FINRA. Citation hearing officer for City of Hartford. Volunteer as judge for high school and middle school mock trials and winner of Distinguished Service and Jeanine Dumont Awards given by sponsoring organization Civics First. Experience in collections, evictions, housing, foreclosure, construction, assessment appeals, subrogation, civil litigation, zoning, appeals, title searches, personal injury, criminal, probate, family, workers' compensation, social security disability and real estate. Admitted to practice in Connecticut, Rhode Island and Massachusetts.

Law Offices of Stephen C. Barron, East Hartford, CT 1990-1992.
General practice of law.

Law Offices of Bruce H. Stanger, West Hartford, CT 1988-1990.
General practice of law.

Touche Ross & Co., Hartford, CT 1986-1988.
Tax consultant.

CIVIC: South Windsor Planning & Zoning Commission, Chairman, 2005-2013; member, 2001-2013; alternate, 1999-2001.

Manchester Planning & Zoning Commission, Vice-Chairman and member, 2019-present; Alternate, 2015-2019.

Manchester Rotary, 2014-present; President, 2015-2017, 2020-2022.

South Windsor Rotary, 1999-2014; President, 2006-2007.

South Windsor Chamber of Commerce Board of Directors, 2004-2013; President, 2009-2010.

Hartford Board of Education, 1991-1994.

Hartford Commission on the City Plan, 1988-1993.

Capitol Region Council of Governments Regional Planning Commission, 1989-1993, 2005-2013; Chairman, 1993.

DEGREES: University of Connecticut School of Law, JD, 1986.

Connecticut College, BA, 1983.