

**APPROVE SETTLEMENT AGREEMENT IN  
WINKLER, et al. v. CHICAGO SCHOOL REFORM BOARD OF TRUSTEES, et al.,  
United States District Court for the Northern District of Illinois, No. 99 C 2424**

**THE GENERAL COUNSEL REPORTS THE FOLLOWING SETTLEMENT:**

**DESCRIPTION:** On October 11, 2001, the Law Department entered into a settlement agreement with Plaintiffs, Eugene Winkler, Gary Gerson, Timuel Black, Mary Cay Marubio and C. Douglass Ferguson, in the lawsuit they brought against the Board in Winkler et al. v. Chicago School Reform Board of Trustees, No. 99 C 2424 (United States District Court for the Northern District of Illinois). The lawsuit related to Plaintiffs' claim that the Board violated the Establishment Clause of the First Amendment to the U.S. Constitution by entering into charter agreements with the Boy Scouts of America, and sponsoring Boy Scout troops and Cub Scout packs where student participants were required to affirm a belief in God. They alleged that school administrators were recruiting and screening leaders and CPS employees were being paid to lead BSA activities. The settlement agreement provides a monetary payment of \$90,000.00 to the Roger Baldwin Foundation of the American Civil Liberties Union, Inc. for Plaintiffs' attorneys' fees.

**LSC REVIEW:** LSC approval is not applicable to this report.

**FINANCIAL:** Charge \$90,000 to Law Department  
Budget Classification ..... 0963-215-000-7062-5490

**AUTHORIZATION:** Authorize the General Counsel to execute the Settlement Agreement, and all ancillary documents related thereto.

**GENERAL CONDITIONS:**

The Board agrees to issue revised written guidelines for CPS involvement with the Boy Scouts of America ("BSA"). Under the guidelines, no school shall serve as a BSA Chartered Organization and no school employee shall sign any charter agreement on behalf of the Board or any Chicago public school.

Except as provided in the Board's Volunteer Policy, no CPS employee, acting in his or her official capacity, shall be involved in the approval process for volunteers in traditional Boy Scout troops or Cub Scout packs ("Traditional BSA Programs"). Traditional BSA Programs require student participants to take an oath affirming their belief in God and adult leaders to subscribe to a Declaration of Religious Principles. CPS employees may participate in Traditional BSA Programs during non-instructional and non-curricular time, in their capacity as private citizens, but not in their capacity as CPS employees.

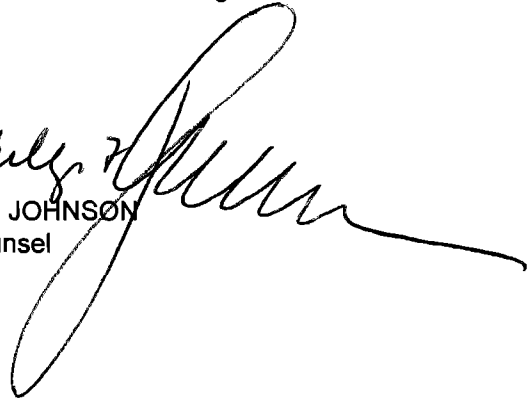
CPS may continue to use non-traditional BSA programs, such as Learning for Life, In-School Exploring Career Awareness and Scouting for Students with Disabilities. Board Rule 1-14, prohibiting discrimination, shall apply to those programs.

The Boy Scouts may distribute recruitment and membership materials and disseminate information about their organization and programs during the same times and in the same manner that other community organizations are permitted access to students. BSA programs shall be permitted to utilize school facilities during non-instructional, non-curricular hours, in the same manner that other community organizations are allowed access to school facilities.

School personnel are directed to submit any application or document relating to the BSA to the Law Department for approval.

Approved,

MARILYN F. JOHNSON  
General Counsel

A large, stylized handwritten signature in black ink, appearing to read 'Marilyn F. Johnson', written over the printed name and title.

Within Appropriation:

  
KENNETH C. GOTSCH  
Chief Fiscal Officer