

APPROVE SETTLEMENT IN PETRINA W. DUE PROCESS CLAIM (CASE NO. 08 C 3183)

THE GENERAL COUNSEL REPORTS THE FOLLOWING SETTLEMENT:

DESCRIPTION: Following a Due Process Hearing litigated by the Board's Office of Specialized Services and resulting in an Order in which parents were prevailing parties on significant claims, and an administrative review litigated by the Board's Law Department in which the district court remanded the matter back to the Independent Hearing Officer for clarification, the parties entered into settlement in Case No. 08 C 3183, Petrina W. v. Board of Education of the City of Chicago. Following the due process hearing, Plaintiff filed suit in federal court under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et. seq.*, for administrative review of the Order seeking additional damages and for costs and attorneys' fees in connection with the underlying due process claim and federal litigation. This Board Report concerns attorneys' fees arising out of the due process hearing and subsequent federal lawsuit.

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

AFFIRMATIVE ACTION STATUS: Affirmative Action review is not applicable to this report.

FINANCIAL: Charge \$167,500.00 to Law Department
Budget Classification Fiscal Year 2010..... 12470-115-54530-231122-000000

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

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.


Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

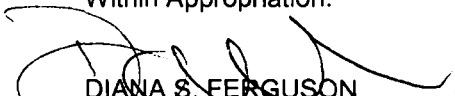
Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved,


PATRICK J. ROCKS
General Counsel

Within Appropriation:


DIANA S. FERGUSON
Chief Financial Officer