

July 28, 2010

APPROVE PAYMENT IN T.P. DUE PROCESS CLAIM (CASE NO. 10 C 2604)**THE GENERAL COUNSEL REPORTS THE FOLLOWING PAYMENT:**

DESCRIPTION: A Due Process Hearing was litigated by the Board's Office of Specialized Services and resulted in an Order in which the Independent Hearing Officer found in favor of the parent on many claims. Following the due process hearing, Plaintiff filed suit in federal court (T. P., by and through his parent, Kimbrey R. v. Board of Education of the City of Chicago, Case No. 10 C 2604), under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et seq.*, for attorneys' fees and expenses in connection with the underlying due process claim. Plaintiff claims attorneys' fees of \$139,045.00, and related nontaxable expenses of \$811.93, for a total of \$139,856.93. The Board does not contest \$85,979.75 of the demanded attorneys' fees, and \$811.93 of the related nontaxable expenses, for a total of \$86,861.68. On July 14, 2010, Chief Judge James F. Holderman ordered the Board to pay the uncontested amount of attorneys' fees by August 26, 2010. The Law Department recommends that the Board pay both the \$85,979.75 of the uncontested attorneys' fees, and \$811.93 of the uncontested related nontaxable expenses, for a total of \$86,861.68. The remaining amount of contested attorneys' fees and expenses will be litigated in federal court.

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

AFFIRMATIVE ACTION STATUS: None.

FINANCIAL: Charge \$86,861.68 to Law Department Budget Classification Fiscal Year 2011
Budget Line 12470-115-54530-231122-000000-2011

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 Members 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, is hereby 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, is hereby 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 FERGUSON
Chief Financial Officer