

January 27, 2021

APPROVE PAYMENT OF PROPOSED SETTLEMENT REGARDING W.H.

THE GENERAL COUNSEL REPORTS THE FOLLOWING SETTLEMENT:

DESCRIPTION: Subject to Board approval, the Board and parents of W.H. (K.H. and L.H.), individually and as next friends of W.H. have reached a proposed settlement, disposing of all W.H.'s parents' claims for compensatory and other services, attorney's fees and costs associated with the underlying special education due process proceeding, ISBE Case No. 2021-DP-0045. The General Counsel recommends approval of the proposed settlement, which includes the placement of the Student in an ISBE-approved residential placement that will bill the District an estimated twenty-eight thousand ninety-two dollars and 48/100 (\$28,092.48) for tuition annually, after ISBE reimbursement, as long as that placement is appropriate for the Student and an estimated \$33,942.08 for room and board, after ISBE reimbursement, and reimbursement for the Parents' tuition costs incurred to date in the amount of forty-nine thousand dollars and 00/100 (\$49,000.00) in return for a full waiver of for all of W.H.'s parents' claims, including those for attorneys' fees and costs.

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

AFFIRMATIVE ACTION STATUS: None.

FINANCIAL: Charge \$49,000.00 as described above to the Law Department, \$28,092.48 as described above to the Office of Diverse Learners Supports and Services (ODLSS) Department
Budget Classification Fiscal Year 2021.....Non-Public Tuition: 11674-114-54305-124904-376711, and \$33,942.08 to the Office of Diverse Learners Supports and Services (ODLSS) Department
Budget Classification Fiscal Year 2021 Non-Public Room and Board: 11674-220-54305-124904-46504

AUTHORIZATION: Authorize the General Counsel to execute the Settlement Agreement, 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 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 shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted May 25, 2011 (11-0525-PO2), 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,

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Joseph T. Moriarty

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JOSEPH MORIARTY
General Counsel