

January 25, 2023

**APPROVE PAYMENT OF PROPOSED SETTLEMENT REGARDING J.S.**

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

**DESCRIPTION:** Subject to Board approval, the Board and Parent of J.S., individually and as next friend of J.S. have reached a proposed settlement, disposing of all J.S.'s parent's claims for compensatory and other services, placement, attorney's fees and costs associated with the underlying special education due process proceeding, ISBE Case No. 2022-DP-0176. The General Counsel recommends approval of the proposed settlement, which includes placement in a public separate day school, compensatory education, fees, and associated costs for SY22-23 not to exceed seventeen thousand three hundred dollars and no/100s (\$17,300.00, and the placement of the Student in an ISBE-approved public separate day program that will bill the District an estimated and prorated seventy five thousand dollars and no/100s (\$75,000) for SY22-23 tuition and services, annually, including reasonable tuition rate increases, as long as that placement is appropriate for the Student in return for a full waiver of for all of J.S.'s parent's claims, including those for attorneys' fees and costs.

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

**AFFIRMATIVE ACTION STATUS:** None.

**FINANCIAL:** Charge no more than \$92,300.00 in FY23 for tuition and costs, compensatory education and/or attorney's fees.

Budget Classification Fiscal Year 2023

Public-to-Public Facility Tuition: Charge \$75,000.00.....11674-114-54305-124904-000002

Compensatory Education and/or attorney's fees:

Charge \$17,300.00.....10210-114-54125-233005-000000-2023 and 10210-114-54565-233005-000000-2023

**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* -DS  
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JOSEPH MORIARTY  
General Counsel

