

August 25, 2010

**APPROVE PAYMENT OF JUDGMENT IN MATTHEW M. DUE PROCESS CLAIM (CASE NO. 10 C 2110)**

**THE GENERAL COUNSEL REPORTS THE FOLLOWING JUDGMENT:**

**DESCRIPTION:** A Due Process Hearing was litigated by the Board's Office of Specialized Services and resulted in an Order in which parents were prevailing parties on significant claims. Following the due process hearing, Plaintiffs filed suit in federal court (Matthew M., Mark M. and Julie M. v. Board of Education of the City of Chicago, Case No. 10 C 2110), under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et seq.*, for attorneys' fees and costs in connection with the underlying due process claim. The parties filed cross-motions for summary judgment. On July 7, 2010, the District Court for the Northern District of Illinois granted plaintiffs' motion for summary judgment in part and awarded attorneys' fees and costs to plaintiffs in the amount of \$73,861.03, and prejudgment interest in the amount of \$815.50, for a total of \$74,676.53.

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

**AFFIRMATIVE ACTION STATUS:** None.

**FINANCIAL:** Charge \$74,676.53 to Law Department  
Budget Classification Fiscal Year 2011.....12470-115-54530-231122-000000

**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.

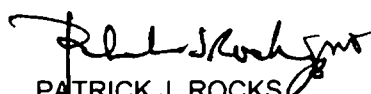
Conflicts - The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board Members during the one year period following expiration or other termination of their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