



SCHOOL BOARD ACTION REPORT

DATE: January 2, 2020
FROM: Denise Juneau, Superintendent
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For Introduction: January 22, 2020

For Action: January 22, 2020

1. TITLE

Authorization for Claim Settlement

2. PURPOSE

The purpose for this Board Action Report (“BAR”) is to obtain authority to settle a claim for damages filed by a former student and his mother (collectively “the Claimants”). The Seattle School District (“District”) participated in a pre-lawsuit mediation with the Claimants. The purpose for this BAR is to obtain authorization to resolve this claim for \$475,000.

3. RECOMMENDED MOTION

I move that the School Board (“Board”) authorize the Superintendent to take all necessary actions to resolve the claim for damages dated March 26, 2019 brought by a former student and his mother against the District, which would include payment of District funds in the amount of \$475,000 in exchange for a waiver and release of all claims, following any necessary court approval. Immediate action is in the best interest of the District.

4. BACKGROUND INFORMATION

The main Claimant is a former student who alleges that as an 8-year old second grade student at a District elementary school in 2010, he was released by the school to his father, instead of his mother, following an incident at school. The Claimant’s father seriously assaulted the student, which required the student to be hospitalized for multiple days. The father was criminally charged and convicted. The Claimants are alleging both physical and psychological symptoms from the incident.

The parties participated in a full-day pre-lawsuit mediation in an attempt to resolve this claim. The Legal Department is recommending that this claim settle for \$475,000, rather than allowing this matter to proceed to litigation.

If the Superintendent is authorized to settle this claim, a Guardian Ad Litem (“GAL”) will most likely be appointed to review the settlement terms, which is necessary for a court to approve a settlement involving a minor. Thereafter, a Settlement and Release will be drafted and Claimants will release all claims against the District in exchange for the \$475,000 payment.

If authorization to settle is not granted, a lawsuit will be filed by the Claimants. If this happens, the District will need to defend the lawsuit, which will require the expenditure of funds for legal defense costs and it will eliminate the certainty of a settlement for this amount.

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be \$475,000.

The source of payment for this motion is general fund dollars. The Legal Department has budgeted sufficient funds to pay this settlement.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

7. EQUITY ANALYSIS

Not Applicable.

8. STUDENT BENEFIT

This action allows the District to resolve a claim for damages that creates financial certainty for the District. It also compensates a former student for injuries allegedly sustained while a student at the District.

9. WHY BOARD ACTION IS NECESSARY

Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)

Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)

Adopting, amending, or repealing a Board policy

Formally accepting the completion of a public works project and closing out the contract

Legal requirement for the School Board to take action on this matter

Board Policy No. _____, [TITLE], provides the Board shall approve this item

Other: _____

10. POLICY IMPLICATION

Per Board Policy No. 6220, Procurement, any contract over \$250,000 must be brought before the Board for approval.

11. BOARD COMMITTEE RECOMMENDATION

This motion was not discussed in committee due to the cancellation of the January 15 Executive Committee meeting for inclement weather.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the District will generate formal settlement documents and move the settlement through the necessary approval processes. Court and GAL approval is necessary if at the time of signing the former student is still a minor. Assuming Court approval is granted, a waiver and release of claims will be signed and payment will thereafter be signed.

13. ATTACHMENTS

None.