



SCHOOL BOARD ACTION REPORT

DATE: October 6, 2020
FROM: Denise Juneau, Superintendent
LEAD STAFF: Greg Narver, Chief Legal Counsel, gcnarver@seattleschools.org, (206) 252-0110; John Cerqui, Deputy Chief Legal Counsel, jcerqui@seattleschools.org, (206) 252-0110.

For Introduction: October 21, 2020
For Action: October 21, 2020

1. TITLE

Authorization for Claim Settlement.

2. PURPOSE

The purpose of this Board Action Report is to obtain authority to settle a claim for damages filed by a parent volunteer and student (collectively, “the Claimants”). The District participated in two pre-lawsuit mediations with the Claimants. The District would resolve the claim by making a payment of \$350,000.

3. RECOMMENDED MOTION

I move that the School Board authorize the Superintendent to take all necessary actions to resolve a claim for damages, dated April 18, 2019, brought by a parent volunteer and student against the District, which would include payment in the amount of \$350,000, less the cost of agreed to non-monetary terms, in exchange for a waiver and release of all claims, following any necessary court approval for the minor student. Immediate action is in the best interest of the District.

4. BACKGROUND INFORMATION

a. Background

The parent Claimant filed a Harassment, Intimidation, Bullying (“HIB”), discrimination, and retaliation complaint against District staff for conduct that took place during the 2017-18 school year at Thornton Creek Elementary (“TCE”) School. The complaint alleged that TCE staff engaged in HIB and discriminatory and retaliatory conduct toward the parent volunteer and student in violation of District Policies and Superintendent Procedures prohibiting HIB, discrimination, and retaliation.

The District conducted an internal investigation, and as a result of the first mediation, agreed to conduct a follow-up investigation by an outside independent investigator. The second investigation was completed on June 9, 2020. Based on that investigation, the District concluded that staff actions were directed at the parent Complainant because of her race and that the Complainant student was retaliated against because of the parent’s volunteer work, which

including advocating for race and equity issues and participating in the hiring of a new school administrator at TCE during the 2017-18 school year.

Following the second mediation, the Complainants and the District reached a tentative agreement to resolve all claims being made by the Complainants, including the tort claim and the HIB/Discrimination/Retaliation complaints for a payment of \$350,000. The Washington Schools Risk Management Pool (“WSRMP”) has agreed to contribute \$100,000 toward this settlement. The Legal Department is recommending that the District settle this claim for \$350,000.

If the Board authorizes the Superintendent to settle this claim, a Guardian Ad Litem (“GAL”) will be appointed to review the settlement terms for the student Complainant, which is a necessary step to obtain court approval of a settlement involving a minor. Thereafter, a Settlement and Release will be executed, and Claimants will release all claims against the District in exchange for the payment of funds and fulfillment of certain non-monetary terms, including anti-racism training for TCE staff.

b. Alternatives

If the Board does not authorize settlement, this matter is likely to proceed to litigation. If this happens, the District would need to incur the expense of defending the lawsuit and would lose the benefit of settling the claim for an amount certain.

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be \$350,000, for which \$100,000 will be contributed by the WSRMP.

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. Proposed non-monetary resolution would include anti-racism training for TCE staff. The District will also offer anti-racism training for TCE parents who are interested.

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 come to the Board for approval. The District contribution for this settlement will be over \$250,000.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Executive Committee meeting on October 14, 2020. The Committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

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 will be necessary to resolve the student's claim. Assuming Court approval is granted, a waiver and release of claims will be signed, and payment will thereafter be made.

13. ATTACHMENTS

None.