

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	No. 80 CV 5124
)	
BOARD OF EDUCATION OF)	Judge Charles P. Kocoras
THE CITY OF CHICAGO,)	
Defendants.)	
)	

**UNITED STATES’ MOTION FOR AN ORDER TO SHOW CAUSE
REGARDING THE CHICAGO PUBLIC SCHOOLS’ VIOLATIONS OF THIS
COURT’S DECEMBER 7, 2004 ORDER AND PARAGRAPH V.B.1.c OF THE
MODIFIED CONSENT DECREE AND FOR A FULL REMEDY OF THE CPS’ 2004-05
DESEGREGATION FUNDING VIOLATIONS IN THE 2005-06 SCHOOL YEAR**

Plaintiff United States respectfully moves this Court for an order directing the Defendant Chicago Public Schools (“CPS”) to show cause why it should not be held in contempt for violating this Court’s December 7, 2004 Order and paragraph V.B.1.c of the Modified Consent Decree (“MCD”) through its 2004-05 and 2005-06 desegregation budgets. The United States also moves for a complete remedy of the CPS’ 2004-05 desegregation funding violations in the 2005-06 school year. Given the start of school on September 6, 2005, the United States asks that the CPS be ordered to show cause regarding its violations of this Court’s Order and the MCD and to produce a 2005-06 desegregation budget that fully complies with the MCD by September 1, 2005.

I. Background

In its Memorandum Opinion of December 7, 2004 (“Mem. Op.”), this Court granted the United States’ motion to enforce the provisions of the MCD regarding the CPS’ desegregation budget and majority-to-minority (“M-to-M”) transfers. In doing so, this Court rejected the CPS’ rationale for analyzing spending of the desegregation funds and ordered the CPS to achieve some

degree of compliance with respect to its desegregation budget and M-to-M transfers by the second semester of the 2004-05 school year and full compliance in the 2005-06 school year. Mem. Op. at 4-8. The CPS filed status reports on December 22, 2004, and January 31, 2005, regarding its implementation of the Court's Order. On February 24, 2005, the United States notified the Court that the CPS had not fully implemented the Court's Order and moved for the appointment of a monitor for the remainder of the MCD. On March 3, 2005, the Court denied this motion, and the United States advised the Court that it would attempt to resolve its disputes about M-to-M transfers and the desegregation budget with the CPS, and would file for relief if needed.

Since that time, the parties have engaged in discussions and exchanged correspondence regarding M-to-M transfers and the desegregation budget. The parties agreed that the CPS will offer approximately 779 M-to-M seats for the 2005-06 school year at schools with over 40% white enrollment and will provide transportation to such schools "via existing CPS bus routes or through the provision of Chicago Transit Authority fare cards to a parent/guardian and the students (grades K-8)." CPS' Renewed Motion at 6. Despite their diligent efforts, the parties have not resolved their disputes regarding the desegregation budgets for the 2004-05 and 2005-06 school years.

The United States maintains that the CPS' reallocation of desegregation funds in the 2004-05 school year failed to comply with the Order of December 7, 2004. The United States also has discovered that other 2004-05 desegregation budget allocations violated paragraph V.B.1.c of the MCD because the CPS allocated desegregation funds for types of transportation not authorized by the MCD. Through letters dated August 1 and 19, 2005, the United States learned that the 2005-06 desegregation budget fails to remedy the CPS' 2004-05 funding violations and violates the December 7, 2004 Order and paragraph V.B.1.c of the MCD. Although the United States has yet to

receive sufficient information about the 2005-06 desegregation budget to determine whether it violates the MCD in additional ways, the United States is moving for relief now based on the violations identified to date because school starts on September 6, 2005.

II. Request for Relief

Based on the discussion below, the United States moves this Court for an order directing the CPS to:

1. Show cause by September 1, 2005, why it should not be held in contempt for violating the December 7, 2004 Order by reallocating insufficient desegregation funds in the 2004-05 school year;
2. Show cause by September 1, 2005, why it should not be held in contempt for violating the December 7, 2004 Order by failing to produce a compliant 2005-06 desegregation budget;
3. Show cause by September 1, 2005, why it should not be held in contempt for violating paragraph V.B.1.c of the MCD by allocating desegregation funds for unauthorized transportation;
4. Produce a 2005-06 desegregation budget that complies fully with paragraph V of the MCD by September 1, 2005; and
5. Fully remedy its desegregation funding violations from the 2004-05 school year by allocating an additional \$17.8 million to compensatory programs in the 2005-06 desegregation budget due to the CPS' refusal to comply with the Court's directive to remedy these violations.

III. The CPS Should be Ordered to Show Cause Why it Should Not be Held in Contempt for Violating the December 7, 2004 Order by Failing to Reallocate Sufficient Desegregation Funds in the 2004-05 School Year

Last year, the United States moved for partial relief to address improper allocations of desegregation funds by the CPS in the 2004-05 school year. The 2004-05 desegregation budget

