

*So Dallas Jones
Centers*

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

APR 30 1984

By _____

Deputy

Plaintiffs

v.

DR. LINUS WRIGHT, GENERAL
SUPERINTENDENT, DALLAS
INDEPENDENT SCHOOL DISTRICT,
ET AL.

Defendants

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Civil Action No.3-4211-H

the January 30 Motion; the Coalition has not filed a response to the April 20 Motion, but its counsel has advised the Court that the Coalition opposes the Motion.²

The Court has determined that there is no necessity for a hearing; it appears from conferences with counsel that the material figures and facts set forth in the Motion are not in dispute.

In deciding this Motion, the Court is bound to observe

course, is the continuing affirmative duty of every previously segregated school system to bring about "the maximum desegregation

Second, the Court must view the school district as a

whole and not school-by-school; the goal is "to cure the

it is the purpose of school desegregation to make whole the victims of past unlawful discriminatory practices.⁵

It is also basic that in school desegregation the district court has broad powers to establish equitable remedies.⁶ Such remedies should accommodate the interest of school officials in administering school affairs consistent with the Constitution. Milliken II, 433 U.S. at 281; Rapides II, 702 F.2d at 1226.

The district court should make use of its insight into local conditions and use "creativity in the fashioning and implementation of a desegregation plan". Davis v. East Baton Rouge Parish School Board, 721 F.2d 1425, 1437 (5th Cir. 1983); see Parsons II, 702 F.2d at 1226. The inclusion of remedial

crisis by providing these students instruction more concentrated than is available at the 4-6 Centers which they currently attend.

Motion, Appendix A. Put another way, the district proposes

further desegregation for these minority students at the 4-6 level

17 ^{to} _{in} (Field and Hexter), and to exclude ten of the current Centers from the transportation program entirely. April 20, 1984, Motion, Figure 2.0. ^{16 (Removal of Austin)} Seventeen 4-6 Centers will remain. Id., Figure 1.0.

remaining 4-6 Centers will likely be stabilized, and in some instances improved, by the proposed revision. Compare Figure 1.0, January 30 Motion with Figure 1.0, April 20 Motion.

With respect to the ten 4-6 Centers recommended for exclusion, the Court finds that only one (Reilly) will become predominantly anglo. The Court is familiar with time/distance patterns in the district and finds that Reilly. in the

Busing Plan for the 4-6 level (April 20 Motion, Figure 1.0) will not adversely affect desegregation in the DJSD. The Court makes

the same finding with respect to proposed 1984-85 desegregation assignments for 7-8 Centers (April 20 Motion, Figure 3.0), which are almost the same as current 7-8 assignments.

*Hotchkiss
Montessori*

The Court further finds that relocation of the Montessori program, K-8, to Hotchkiss will not adversely affect

more students than it now has. The Court finds that this move

the Motion, it should be understood, and the Court will require, that the majority-to-minority transfer provisions of the February 1, 1982, Judgment will be available to all students affected by this Opinion. See Tasby v. Wright, 542 F.Supp. 134, 142 (1981). It is also understood and required that the funds for

Dallas Educational Centers as may appear to be necessary to enable the district to fulfill its commitment.

Plaintiffs urge that a readily identifiable person or office be designated as responsible for the success or failure of the programs at the three South Dallas Centers. Plaintiffs also

urge that specific standards be established for teacher qualifications, salaries, and pay incentives at the Centers. Plaintiffs' suggestions have much merit. However, in view of the district's commitment, upon which the Court relies, to improve the ~~highest~~ level of those attending the Centers and the

all 4-6 students, see Motion, Appendix B, at 22, the district-wide goal may not be changed without prior court approval.

Finally, the Court commends the school district for its initiative and creativity in this matter. The Court especially commends counsel for the parties (plaintiffs, the district and the Black Coalition) who have negotiated diligently and in good faith for many weeks.