

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 80 C 5124
)	
BOARD OF EDUCATION OF THE)	
CITY OF CHICAGO,)	Hon. Milton I. Shadur
)	
Defendant.)	

ORDER

This Court has considered the Motion of the Board of Education of the City of Chicago ("Board") to Modify the Court's Order of June 30, 1983 (the "Order"), together with the oral arguments of counsel for the parties July 22, 1983. It is hereby ORDERED, ADJUDGED AND DECREED:

1. Order ¶3(e) allowed funds in the Department of Education Special Programs and Populations Account to be obligated and expended in amounts (not exceeding \$5.89 million) necessary to enable all intended fiscal year 1983 grantees under Title IV and the four other programs in this Account set forth in Order at 10 n.7 ("Grantees") to operate at present levels through August 15, 1983. That provision was premised in part on the United States' fulfilling its obligations under and in accordance with the schedule established by the Order, and in any event well before

August 15, 1983. It has now become apparent that the United States will not fulfill these obligations according to that schedule, in that in filing its report as required by the Order the United States has indicated that to date it has not sought new legislation to provide funds for Board.

2. If the restraint on the expenditure and obligation of funds provided for in the Order is not modified to extend the August 15, 1983 date in Order ¶3(e) to September 30, 1983, certain Grantees could suffer substantial injury as a result of delay on the part of the United States.

3. In addition, the extent to which additional funding may be made available for Board or for the Grantees will be determined with greater certainty by the end of the federal fiscal year -- September 30, 1983.

4. Entry of this Order is the equivalent of a partial stay of the Order. In that respect the June 30, 1983 limit and restraint on the expenditure of funds in the Special Programs and Population Account is now stayed to the extent of permitting the use of an additional \$7.011 million to fund the Grantees in amounts necessary to enable them to operate at present levels up to September 30, 1983. This Court has jurisdiction to enter this partial stay under Fed. R. Civ. P. 62(c).

5. Accordingly Board's motion is granted and Order ¶3(e) is modified to provide for the obligation and expenditure of moneys in the Special Programs and Populations Account (not to exceed an additional \$7.011 million) to enable the Grantees to operate at present levels up to September 30, 1983.

ENTER:


U.S. DISTRICT COURT JUDGE

DATED: *July 26, 1983*