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United States District Court, N.D. Illinois, Western
Division.

PEOPLE WHO CARE, et al. Plaintiffs,
v.
ROCKFORD BOARD OF EDUCATION, et al.,
Defendants.

No. 89 C 20168. | Jan. 31, 1992.

Attorneys and Law Firms

Robert C. Howard, Chicago, Ill., for plaintiffs.

Anthony G. Scariano, Chicago, Ill., John Schmidt,
Rockford, Ill., for defendant.

Stephen G. Katz, Chicago, Ill., for intervenor.

Opinion

ORDER

ROSZKOWSKI, District Judge.

***1** Before the court is the Monitor's recommendation in relation to the Section B.2 dispute resolution. For the reasons set forth herein, the court adopts the Monitor's recommendation with one exception.

BACKGROUND

Section B.2 of the Second Interim Order provides as follows:

Human Relations. A systemwide program will be carried out on a continuing basis to address human relations attitudes and expectations throughout the school system. This will include staff development, as well as training/education programs directed to parents and other appropriate target groups. During each school year for the duration of this Order, activities will be implemented having the cost equivalent of one full day of systemwide in-service training for all staff. For 1990-91 these activities shall be implemented before June 1 and shall focus on cultural differences including culturally different learning styles and on equity in discipline, school rules and discipline procedures.

The parties to this order agreed that \$373,288.00 would be expended each year for three consecutive years for this purpose.

The problem then developed as to how these funds would be allocated. In an effort to resolve this dispute, Dr. Eubanks, the court appointed Monitor, met with the parties and reviewed their respective positions. The Monitor then considered the problem and submitted a recommendation to this court in accordance with Section G.8(e) of the Second Interim Order. Both parties have now been given an opportunity to respond, in writing, to the Monitor's recommendation. The recommendation is now before this court for approval.

DISCUSSION

The Monitor's recommendation acknowledges that both parties have accepted the fact that resources should be made available to provide education and other support functions to further parental involvement in the schools. The Monitor believes, and this court agrees, that community-based organizations and agencies are indispensable assets for promoting and eliciting minority parental involvement in the education of their children. Accordingly, it follows that the organizations that are best suited for carrying out such efforts are at the grass-roots level, composed of community persons that have meaningful credibility in the community and that understand and can make use of their own creative energies. The Monitor then sets forth in his recommendation the goals and purposes that any organization should have in order to receive funding through Section B.2. The court agrees with these goals and purposes. The court also agrees with the Monitor's suggestions concerning eligibility for funding under Section B.2.

One such organization that the Monitor has singled out in his recommendation is the Community Coalition On Education. The Coalition is composed of key community groups such as the Education Committee of the Rockford Ministerial Fellowships, the National Council of Negro Women, the NAACP, the Black Elected Officials of Rockford and the Hispanic Coalition. The Monitor recommends that \$40,000.00 be earmarked as a grant for the Coalition, providing a suitable proposal is submitted.

***2** Defendant objects to the advance designation of the Community Coalition On Education as a recipient of Section B.2 funds. Defendant argues that the Coalition is presently engaged in political activities, including the forthcoming School Board election. Defendant also

objects to the advance designation on the basis that no one knows who are all the members of the Coalition. Defendant contends that Plaintiffs or their attorney could be members of the Coalition or involved with the Coalition.

Plaintiff, on the other hand, defends the Coalition asserting that the Coalition has only engaged in the entirely non-partisan function of providing technical assistance to potential School Board candidates and providing a forum in which candidates could meet with each other and with individual voters. Plaintiff also states that Plaintiff organization is not a member of the Coalition, although individual Plaintiffs may attend Coalition meetings, but are not members thereof. Plaintiffs' counsel has no attorney-client relationship or financial relationship with the Coalition. Plaintiff points out the fact that senior School District administrators have, themselves, consulted extensively with the Coalition's leaders about numerous educational issues during the past year, including appointing Coalition representatives to various School District committees.

The court finds that it is appropriate to give great weight to the Monitor's recommendation as he has the requisite expertise on such matters. The court also finds that the Community Coalition On Education is just such an organization fitting the purposes, goals and eligibility requirements the Monitor sets out in his recommendation. Nevertheless, the court agrees with Defendant that there should be no pre-selection of any group or organization. All applicants for grants should be considered together and, at least initially equally. Those whose goals and purposes meet the guidelines of the Monitor and those who are considered eligible for funding should receive grant awards. All applicants should be required to submit a suitable grant proposal and be considered with the other qualifying applicants.

Defendant also objects to the selection process of qualified applicants recommended by the Monitor.

Specifically, Defendant objects to that portion of the selection process that provides for all disputes relating to the selection, funding, disbursements and continued funding of organizations to be resolved by a majority vote of Plaintiffs, Defendant and the Monitor. Defendant asserts that this excises the court's authority from further implementation of Section B.2 of the Second Interim Order.

The court disagrees with Defendant. The court finds that the Monitor's proposal for the administration of the grant program provides for a prompt method of decision making in relation to grant applications and the disbursement of funds. Such a resolution for issues of detail does not usurp the court's power in relation to the Second Interim Order but rather conserves judicial resources by preventing the parties from constantly returning to the court with minor issues better left resolved between the parties with the aid of the Monitor. The court wishes to emphasize, however, that any and all major disputes that may arise between the parties will be resolved with the aid of the court pursuant to Section G.8 of the Second Interim Order and the Order of Reference to the Monitor.

CONCLUSION

***3** For the reasons set forth herein, the court adopts the Monitor's recommendation in relation to the Section B.2 dispute resolution in its entirety with the exception of the *pre-selection* of the Community Coalition On Education as a grant recipient. The court further notes that the time limits set in the Monitor's recommendation for the approval process for applicants need to be changed and the court defers to the Monitor's discretion in this regard.