

FILED

SEP 7 1971

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

BY JOSEPH McELROY, JR., CLERK

DALLAS DIVISION

Deputy

EDDIE MITCHELL TASBY, ET AL.]
VS.]
DR. NOLAN ESTES, ET AL.]

CIVIL ACTION
NO. CA-3-4211-C

ORDER

AFTER HEARING the Defendants Motion for Stay on Tuesday, August 31, 1971, and Wednesday, September 1, 1971, and after considering the pleadings, evidence and argument of counsel, said Motion for Stay is overruled.

On Friday, September 3, 1971, after further hearing and considering the matters involved in said Defendants' Motion for Stay it is further ordered by the Court as follows:

(1) IT IS ORDERED that in connection with the interium transportation of students necessary under the student assignment plan previously ordered by this Court that the Dallas Transit System of the City of Dallas, interpleader herein, shall provide transportation services as required under the student assignment plan previously ordered by this Court in accordance with the schedules contained in Appendix "A" attached hereto all until the further orders of this Court.

(2) IT IS ORDERED that the Defendant Dallas Independent School District shall reimburse the Dallas Transit System for all actual costs incurred in the transportation of students required by the order of this Court. Should any disagreement arise between the Dallas Independent School District and Dallas Transit System as to the amount of such costs, it will be resolved by this Court.

Certified a true copy of an instrument
on file in my office on 1-9-97
NANCY HALL DOHERTY, Clerk, U.S. District
Court, Northern District of Texas
By Sandra Perre Deputy

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copy

(3) IT IS FURTHER ORDERED that this order itself shall constitute a Contract between the Dallas Independent School District and Dallas Transit System as contemplated by Art. 16.63 of the Texas Education Code and it is hereby decreed that such Contract shall be deemed to be in full compliance with all of the terms and provisions of said Texas Education Code, and there shall be payable to the Dallas Independent School District by the Commissioner of Education, Dr. J. W. Edgar, the Texas Education Agency and the State Board of Education pursuant to Art. 16.63 of the Texas Education Code the cost of such service covered by this order in paragraphs (1) and (2) or the projected cost of the same service as provided in Subchapter E of the Texas Education Code, whichever is less. The sum so arrived at shall be included by the Commissioner of Education, Dr. J. W. Edgar, the Texas Education Agency and the State Board of Education in the annual transportation cost allotment and be paid to the Dallas Independent School District until the further orders of this Court. Such officer and agencies are requested to pay such transportation cost allotment to the Dallas Independent School District in connection with the transportation required under this order which is entered pursuant to the exercise by this Court of its equity jurisdiction and the implementation of the order for further desegregation of the Dallas Independent School District. If such funds are not so paid to the Dallas Independent School District as ordered, the School District is directed to make this known to the Court in an appropriate motion, citing the officer and agencies involved to appear and show cause why further orders should not be entered requiring the disbursement of such funds to the School District made

necessary by the exercise of the Court's jurisdiction in the captioned matter.

(4) IT IS FURTHER ORDERED that the Dallas Independent School District shall proceed forthwith on an emergency basis to purchase and pay for all equipment, personal property and supplies of every kind which it deems necessary or desirable to implement this Court's orders, and because of the shortness of time the School District need not comply with Art. 21.901 of the Texas Education Code requiring advertisement and the taking of bids, and it is ordered that all provisions of said Art. 21.901 are hereby waived pending the further orders of this Court.

(5) IT IS FURTHER ORDERED that the Dallas Independent School District shall use its best efforts to acquire the necessary transportation for the implementation of the student assignments made pursuant to the order of this Court on a regular basis with the view of eliminatinating as soon as possible the necessity for shortening the school day by two periods for some of the students who are transported under the interium plan contained in paragraphs (1) and (2) above.

ENTERED Sept. 4, 1971. 3²⁵ p.m.

W.M. Taylor
JUDGE, United States District Court
for the Northern District of Texas at
Dallas