

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
DONNY BRURELL BUCKLEY and)
ALYCIA MARQUESE BUCKLEY, etc.,)
INDIANA STATE TEACHERS ASSOCIATION,)
)
Intervening Plaintiffs,)
)
-vs-)
)
THE BOARD OF SCHOOL COMMISSIONERS)
OF THE CITY OF INDIANAPOLIS,)
)
Defendant,)
)
THE METROPOLITAN SCHOOL DISTRICT)
OF WAYNE TOWNSHIP,)
THE METROPOLITAN SCHOOL DISTRICT)
OF LAWRENCE TOWNSHIP,)
THE METROPOLITAN SCHOOL DISTRICT)
OF WARREN TOWNSHIP,)
THE METROPOLITAN SCHOOL DISTRICT)
OF PERRY TOWNSHIP,)
THE METROPOLITAN SCHOOL DISTRICT)
OF DECATUR TOWNSHIP,)
THE METROPOLITAN SCHOOL DISTRICT)
OF FRANKLIN TOWNSHIP,)
FRANK L. O'BANNON, as Governor of the)
State of Indiana,)
)
Added Defendants.)

NO. IP 68-C-225

ENTRY

March 17, 1999

ENTRY

This matter comes before the Court on the motion of the State defendants to clarify the Finance Order heretofore entered in this cause in July, 1981 and the response of the Metropolitan School Districts of Wayne Township, Lawrence Township, Warren Township, Perry Township, Decatur Township and Franklin Township.

It appears that certain of the defendants have been adding "other desegregation costs" in the computation of transfer tuition paid to the township defendants for the transfer of students from IPS to them, and it further appears that certain of the defendants have included their employer contribution to Social Security in the computation of such transfer tuition paid to them. The State alleges that the above are contrary to the Finance Order, which the township defendants in question deny. The township defendants further assert that the State's claims for reimbursement for past years are barred as not raised within the time period established by Paragraph 8 of the Finance Order, and are also barred by laches.

At this late date the Court declines to redefine the terms in its Finance Order of July 17, 1981. However, the Court did not then and does not now order or permit the townships to double bill the State for any expenditures. Therefore, the townships are ordered not to double bill any costs including, but not limited to those specifically pointed out by the State.

On the other hand, the State of Indiana did not raise these issues with the Court as to apply to any school year prior to the 1997-98 school year within the 30-day time limit established by Paragraph 8 of the Finance Order. The State's claims for these years are therefore barred as not raised within the time period so established. Furthermore, the State has known for a number of years that certain of the township defendants have been double billing, but has failed to do anything about it until now. Under these circumstances laches prohibits the State from attempting to collect for past due overpayments. The State argues that the Court should refrain from

considering the doctrine of laches, but inasmuch as the State has indicated in its pleadings that it intends to pursue the township defendants in State court for reimbursement, it is permissible for such defendants to raise the issue in this Court.

All of which is considered and ordered this 17th day of March, 1999.

S. Hugh Dillin
S. Hugh Dillin, Judge

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