

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al., )  
Plaintiffs, )  
and )  
CHARLES and KIMBERLY SMITH, minor )  
children, by their mother and next )  
friend, LINDA BROWN SMITH, et al., ) No. T-316  
Intervening )  
Plaintiffs, )  
vs. )  
BOARD OF EDUCATION OF TOPEKA, )  
SHAWNEE COUNTY, KANSAS, )  
et al., )  
Defendants. )

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ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501 TO  
PLAINTIFF-INTERVENORS' INTERROGATORY NOS. 24 & 25

24. Since school year [1950-51], describe any and all plans or proposals, formal or informal, (including those described in Interrogatory No. 23) for facilities used or construction which included identification or projection of the effect of such plans or proposals on the racial composition of any school or program within your district which were:

- a. Submitted by your administrative staff
- b. Submitted by consultants hired by the school district
- c. Submitted by other governmental or educational organizations or agencies
- d. Submitted by private citizens or organizations (specify citizens or organization)

ANSWER:

Plans and proposals for facilities used or constructed which include an identification or projection of the effect of their implementation on the racial composition of schools or programs within the School District are listed below and were all submitted by the administrative staff.

1. Four-Step Plan for Terminating the Segregation of Students, Topeka Public Schools, Topeka, Kansas, 1953-1956.
2. Tentative Plan for a More Perfect Unitary School System for Topeka Unified School District No. 501 for Implementation at the Beginning of the 1974-75 School Year, Topeka Public Schools, Topeka, Kansas, April 30, 1974.
3. Proposed Short-range Facilities Plan, Unified School District No. 501, Topeka, Kansas, December 3, 1974.
4. Long-range Facilities Plan, The Topeka Public Schools, Topeka, Kansas, March 17, 1975.
5. Long-range Facilities Plan -- Proposed 1976-77 Revision, Topeka Public Schools, Topeka, Kansas, Undated.
6. Long-range Facilities Plan -- 1977-78 Revision, Topeka Public Schools, Topeka, Kansas, Undated.

Item No. 1 above is being submitted in response to Interrogatory No. 23 and is self-descriptive. The remaining items, nos. 2-6, have been submitted in response to Interrogatory No. 19 and are also self-descriptive.

The answer to Interrogatory No. 24 was prepared under the direction and supervision of Michael D. Tribbey, General Director of Planning & Evaluation Services, with the assistance of Gerald A. Miller, Director of Demographic Services; Debi Smith, Secretary, Planning & Evaluation Services; and Kay Oliver, Secretary.

25. For all school transportation policies in existence from the [1950-51] school year to the present, describe the policy; and for each school year from [1950-51] to the present, state:

- a. The number of students provided transportation by:
  1. Total students
  2. White students
  3. Black students
- b. The length of the average bus ride by:
  1. Distance
  2. Time
- c. The length of the longest bus ride by:
  1. Distance
  2. Time

- d. The cost of such transportation by:
1. Total cost
  2. Percentage of the school system's annual budget

ANSWER:

Attached hereto in response to subparts a and d of Interrogatory No. 25 are copies of the following tables:

- I. Follow Through Student Transportation.
- II. Head Start Student Transportation.
- III. Indian Education Student Transportation.
- IV. Regular Student Transportation.
- V. Special Education Student Transportation.
- VI. Summary of U.S.D. 501 Student Transportation Costs by Type of Transportation -- 1950-51 through 1979-80.

Tables I-V include costs and approximate numbers of students by type of transportation for the school years 1950-51 through 1979-80 for each type of transportation operated. All transportation costs reported include costs for any field and athletic trip transportation provided, as well as any transportation provided to a student from his/her home to the school and return. No records have been maintained relative to the race of individual students provided transportation. References to any existing local Board of Education policies governing student transportation are also included in each table, and copies of any policies so referenced are attached to each table.

No official School District policy related to student transportation was found prior to 1975. However, minutes of Board of Education meetings during the 1950's indicate that it was the practice of the Board during the early 1950's to provide transportation for Black students to Buchanan, McKinley, Monroe and Washington schools. These same Board minutes indicate, however, that this practice was discontinued at the end of the 1954-55 school year. The Board minutes also suggest that students from the Hillsdale, Ward Parkway, Avondale, and Highland Park areas were provided transportation on a limited basis during



periods of the late 1950's.

Table V, Summary of U.S.D. 501 Student Transportation Costs by Type of Transportation -- 1950-51 through 1979-80, contains a summary of the cost of each type of transportation and total cost of all student transportation by school calendar year, total District expenditures (costs) by school calendar year, and percent of the cost of student transportation of the total District expenditures by type and for all student transportation for the 1950-51 through 1979-80 school years. Costs (expenditures) for the current (1980-81) school year are not yet available.

In response to subparts b and c of Interrogatory No. 25, no reliable and consistent information relative to the length of bus rides (distance and/or time) for the years prior to the current (1980-81) school year is available. Information for the current (1980-81) school year for regular student transportation is set forth in the attached response immediately following Table VI.

The answer to Interrogatory No. 25 was prepared under the direction and supervision of Michael D. Tribbey, General Director of Planning and Evaluation Services, with the assistance of Ted Clark, Director of Facilities Planning/Transportation; Larry Gaston, Director of Grant Procurement; W. I. Green, General Director of Special Services; Wayne Warner, Assistant Superintendent for Business Services; Teresa Counts, Coordinator of Head Start; Vertis Johnson, Coordinator of Follow Through; Donna Hayek, Secretary, Facilities Planning/Transportation; Shirley Stallons, Transportation Clerk, Facilities Planning/Transportation; Kate Malone, Accountant, Business Services; Debi Smith, Secretary, Planning and Evaluation; Nancy Crandall, Secretary, Grant Procurement; Glenda Hayes, Secretary, Special Services; Genevieve Smith, Administrative Aide, Head Start; Bonnie Seel, Administrative Aide, Follow Through; Pat Whalen, Secretary, Business Services; and Kay Oliver, Secretary.


V E R I F I C A T I O N

STATE OF KANSAS        )  
                                  )     ss:  
COUNTY OF SHAWNEE    )

The undersigned, of lawful age, being first duly sworn upon his oath, deposes and states:


That he is General Director of Planning and Evaluation Services for Unified School District No. 501, that he has read the answer to Interrogatory Nos. 24 & 25 of Intervening Plaintiffs' Interrogatories--First Set which was prepared under his general direction and supervision and such answer is true and correct to the best of his knowledge and belief.

Further affiant saith not.

  
\_\_\_\_\_  
Michael D. Tribbey

Subscribed and sworn to before me this 5 day of May, 1981.

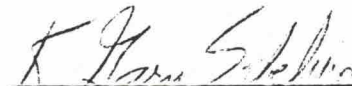


  
\_\_\_\_\_  
Notary Public

my appointment expires:  
4-24-83

C E R T I F I C A T E   O F   S E R V I C E

The undersigned hereby certifies that a true and correct copy of the above and foregoing ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501 TO PLAINTIFF-INTERVENORS' INTERROGATORY NOS. 24 & 25 was served by hand delivering the same this 6<sup>th</sup> day of May, 1981, to attorneys for Intervening Plaintiffs by serving Richard Jones, Jones & Jones, 724 1/2 Kansas Avenue, Topeka, Kansas 66603.

  
\_\_\_\_\_  
K. Gary Sebelius  
of Eidson, Lewis, Porter & Haynes  
1300 Merchants National Bank Bldg.  
Topeka, Kansas 66612  
(913) 233-2332

Attorneys for Unified  
School District No. 501

TABLE I

## FOLLOW THROUGH STUDENT TRANSPORTATION

<u>Local Board Policy</u>	<u>School/Calendar Year</u>	<u>Approximate Number of Students</u>	<u>Cost</u>
None	1969	70	\$ 3,150
None	1970	130	10,050
None	1971	158	14,650
None	1/1972-6/1972*	158	7,750
None	1972-1973	220	29,250
None	1973-1974	187	31,366
None	1974-1975	182	33,066
None	1975-1976	249	47,739
None	1976-1977	256	46,462
None	1977-1978	249	49,157
None	1978-1979	208	47,661
None	1979-1980	238	52,800

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\*Denotes half a year.

TABLE II

## HEAD START STUDENT TRANSPORTATION

<u>Local Board Policy</u>	<u>School/Calendar Year</u>	<u>Approximate Number of Students</u>	<u>Cost</u>
None	1965	No transportation required	\$ -0-
None	1966(Summer only)	Unknown	3,780
None	1967	No transportation required	-0-
None	1968	Unknown	1,657
None	1969	Unknown	11,377
None	1970	450	26,085
None	1971	330	25,980
None	1/1972-6/1972*	300	12,855
None	1972-1973	300	35,225
None	1973-1974	300	25,836
None	1974-1975	300	30,800
None	1975-1976	300	39,525
None	1976-1977	300	41,960
None	1977-1978	300	44,160
None	1978-1979	300	54,920
None	1979-1980	300	58,764

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\*Denotes half a year.

TABLE III

## INDIAN EDUCATION STUDENT TRANSPORTATION

<u>Local Board Policy</u>	<u>School/Calendar Year</u>	<u>Approximate Number of Students</u>	<u>Cost</u>
None	1973 (Summer)	145	\$ 902
None	1974 (Summer)	100-145	900
None	1975 (Summer)	100-156	900
None	1976 (Summer)	72	2,090
None	1977 (Summer)	60-100	500
None	1978 (Summer)	178	1,100
None	1979 (Summer)	79-100	195
None	1980 (Summer)	75- 95	200



TABLE IV

## REGULAR STUDENT TRANSPORTATION

<u>Local Board Policy</u>	<u>School/Calendar Year</u>	<u>Approximate Number of Students</u>	<u>Cost</u>
None	1950-1951	Unknown	\$ 6,852
None	1951-1952	Unknown	9,630
None	1952-1953	Unknown	11,398
None	1953-1954	Unknown	13,011
None	1954-1955	Unknown	8,099
None	1955-1956	Unknown	1,257
None	1956-1957	Unknown	1,338
None	1957-1958	Unknown	965
None	1958-1959	Unknown	1,048
None	1959-1960	Unknown	1,118
None	7/1960-12/1960*	Unknown	755
None	1961	Unknown	703
None	1962	Unknown	767
None	1963	Unknown	1,006
None	1964	Unknown	1,008
None	1965	Unknown	1,370
None	1966	Unknown	4,574
None	1967	Unknown	5,273
None	1968	Unknown	5,113
None	1969	Unknown	5,367
None	1970	Unknown	21,499
None	1971	Unknown	40,345
None	1/1972-6/1972*	Unknown	12,175
None	1972-1973	Unknown	31,511
None	1973-1974	-0-	-0-
None	1974-1975	-0-	-0-
3610	1975-1976	200	101,470
3610	1976-1977	300	154,957
3610(Rev.)	1977-1978	500	263,029
3610(Rev.)	1978-1979	767	316,334
3610(Rev.)	1979-1980	836	268,505

\*Denotes half a year.

SUMMARY OF USD 501 STUDENT TRANSPORTATION COSTS BY TYPE OF TRANSPORTATION  
1950-51 THROUGH 1979-80

School/Calendar Year	Total District Expenditures*	Type of Transportation										All Transportation	
		Follow Through		Head Start		Indian Education		Regular		Special Education		Cost	Percent
		Cost	Percent	Cost	Percent	Cost	Percent	Cost	Percent	Cost	Percent		
1950-1951	\$ 2,475,162	\$		\$		\$		\$ 6,852	.277	\$		\$ 6,852	.277
1951-1952	2,775,829							9,630	.347			9,630	.347
1952-1953	3,134,899							11,398	.364			11,398	.364
1953-1954	4,324,075							13,011	.301			13,011	.301
1954-1955	4,094,749							8,099	.198			8,099	.198
1955-1956	4,271,034							1,257	.029			1,257	.029
1956-1957	5,802,275							1,338	.023			1,338	.023
1957-1958	5,751,751							965	.017			965	.017
1958-1959	6,830,643							1,048	.015			1,048	.015
1959-1960	8,941,985							1,118	.013			1,118	.013
7/1960-12/1960	3,736,068							755	.020			755	.020
1961	10,890,955							703	.006			703	.006
1962	11,897,035							767	.006			767	.006
1963	11,804,442							1,006	.009			1,006	.009
1964	12,225,639							1,008	.008			1,008	.008
1965	13,424,779							1,370	.010			1,370	.010
1966	15,142,097			3,780	.025			4,574	.030			8,354	.055
1967	15,138,719							5,273	.035			5,273	.035
1968	16,443,490			1,657	.010			5,113	.031			6,770	.041
1969	19,626,710	3,150	.016	11,377	.058			5,367	.027			19,894	.101
1970	21,650,668	10,050	.046	26,085	.120			21,499	.099			57,634	.266
1971	23,657,069	14,650	.062	25,980	.110			40,345	.171			80,975	.342
1/1972-6/1972	13,460,329	7,750	.058	12,855	.096			12,175	.090			32,780	.244
1972-1973	26,103,660	29,250	.112	35,225	.135	902	.003	31,511	.121	41,687	.160	138,575	.531
1973-1974	25,643,758	31,366	.122	25,836	.101	900	.004			89,964	.351	148,066	.577
1974-1975	28,818,968	33,066	.115	30,800	.107	900	.003			127,027	.441	191,793	.666
1975-1976	32,822,981	47,739	.145	39,525	.120	2,090	.006	101,470	.309	153,449	.468	344,273	1.049
1976-1977	36,036,604	46,462	.129	41,960	.116	500	.001	154,957	.430	156,904	.435	400,783	1.112
1977-1978	40,658,642	49,157	.121	44,160	.109	1,100	.003	263,029	.647	227,371	.559	584,817	1.438
1978-1979	40,801,084	47,661	.117	54,920	.135	195	.0005	316,334	.775	261,403	.641	680,513	1.668
1979-1980	39,057,238	52,800	.135	58,764	.150	200	.0005	268,505	.687	255,331	.654	635,600	1.627

\*Includes federal funds.



## TRANSPORTATION

The Board of Education of Unified School District No. 501 will provide transportation, at school district expense, during the 1975-76 school year in accordance with the following criteria:

- A. All students residing in the former Curtis Junior High School attendance area will be transported at Unified School District No. 501 expense to either Roosevelt Junior High School or Holli-day Junior High School according to the attendance center to which their residence has been assigned.
- B. Students residing in the former Monroe Elementary School attendance area -- and who live a distance of one (1) mile or more from their new attendance center -- will be transported at Unified School District No. 501 expense to either Polk Elementary School or Quinton Heights Elementary School according to the attendance center to which their residence has been assigned.
- C. Students residing in the former Crane Junior High School attendance area -- and who live a distance of  $1\frac{1}{2}$  miles or more from their new attendance center -- will be transported at Unified School District No. 501 expense to either Boswell Junior High School or Jardine Junior High School according to the attendance center to which their residence has been assigned.



TRANSPORTATION

The Board of Education of Unified School District No. 501 will provide transportation for those pupils who meet the following criteria:

- A. Whose place of residence is in a closed school attendance area, the area being defined in the year the school was closed.
- B. Whose residence is one (1) mile for elementary and one and one-half ( $1\frac{1}{2}$ ) miles for junior high pupils by the most direct, commonly used streets from their assigned attendance centers.

The intent to provide transportation shall mean free access to vehicles on routes from within one-fourth ( $\frac{1}{4}$ ) mile of the residence to the assigned attendance center prior to the take up of normal class schedules and again to return after normal school dismissal.

In defining most direct, commonly used streets to determine distance, provisions will be made to alter the distance interpretation to account for physical hazards.

The privilege of free transportation is contingent on reasonable behavior by the pupil and will be withdrawn, as necessary, to correct behavioral problems.



TABLE V

## SPECIAL EDUCATION STUDENT TRANSPORTATION

<u>Local Board Policy</u>	<u>School/Calendar Year</u>	<u>Approximate Number of Students</u>	<u>Cost</u>
None	1972-1973	332	\$ 41,687
None	1973-1974	345	89,964
None	1974-1975	360	127,027
None	1975-1976	375	153,449
None	1976-1977	385	156,904
None	1977-1978	426	227,371
None	1978-1979	529	261,403
None	1979-1980	630	255,331

DISTANCES AND TIMES OF 1980-81 REGULAR  
STUDENT TRANSPORTATION BUS ROUTES

<u>Bus Route/Run</u>	<u>Distance from First Stop to School (Miles)</u>	<u>Average Time of Route/Run (Minutes)</u>
Chase #1	5.5	23
Quincy #1	4.0	19
Chase #2	3.0	10
Quincy #2	2.0	15
Chase #3	5.0	20
State Street	4.0	15
Chase #4	5.0	35
Lafayette & Rice	4.5	15
Eisenhower #1	7.0	15
Avondale West	2.0	20
Eisenhower #2	6.0	22
Quinton Heights	5.0	15
Eisenhower #3	3.5	15
Highland Park South	3.2	15
Eisenhower #4	6.4	23
Quinton Heights #1	3.0	10
Eisenhower #5	8.2	25
Quinton Heights #2	3.0	15
French #1	6.0	28
McClure #1	2.0	17
French #2	5.0	20
McClure #2	2.0	15
Landon #1	5.7	20
Gage #1	3.0	13
Landon #2	4.0	20
Whitson	3.0	20
Landon #3	8.5	25
McCarter	5.0	13
Jardine #1	7.5	28
Shaner	6.1	18
Jardine #2	3.3	20
McEachron #2	4.0	15
Robinson #1	5.5	26
Sumner	2.1	15

<u>Bus Route/Run</u>	<u>Distance from First Stop to School (Miles)</u>	<u>Average Time of Route/Run (Minutes)</u>
Robinson #2	6.0	35
Randolph	2.0	10
Robinson #3	5.0	25
Stout #1	2.0	14
Highland Park North	2.4	15
Highland Park Central	2.5	10
Stout #2*	3.0	10
Stout #3*	3.5	10
McEachron #1*	2.0	15
Bishop*	2.0	10
Gage*	3.0	15

\*Denotes single routes/runs. All other routes/runs are double; i.e., a route/run is made for a middle school, and then a route/run is made by the same bus for an elementary school.

The longest bus ride in distance for the current school year is Landon #3 (8.5 miles); and the longest bus rides in time for the current school year are Chase #4 and Robinson #2 (35 minutes each).