

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.)
)

ANSWER OF UNIFIED SCHOOL DISTRICT NO. 501
TO PLAINTIFF-INTERVENORS INTERROGATORY NOS. 51-59
OF THE THIRD SET

51. With reference to "optional attendance zones" which have been or are presently used by USD 501, please provide the following:

- a. Reason(s) for use of such optional attendance zones;
- b. Method(s) by which optional attendance zones are evaluated to determine whether they have met the objectives set out in (a.) above;
- c. Person(s) making such evaluation and/or determination;
- d. Reason(s) for the termination of the use of an optional attendance zone.

ANSWER:

a. 1) To permit parents of school age children to work out travel problems where travel distance was approximately equal

between two or more established district school buildings and where the travel route and direction was difficult or even hazardous due to natural or man-made barriers. (Examples: streams or drainage channels without frequent bridging, construction or existence of limited access thoroughfares, railroads, one-way streets, lack of sidewalks in some newer subdivisions.)

2) To permit the enrollment of school-age children in one or two or more existing school buildings which were nearly equi-distant from their legal residence while the Board of Education was preparing plans, letting bids, and awaiting the construction of a building to serve the patrons of rapidly developing areas, particularly from 1945-1970. The Board of Education generally did not have much lead time to make timely adjustments to the actions of other city and county governmental agencies who approved platting, zoning, sewer, water and utility arrangements. Therefore, the immediate educational needs of the residents in these new areas required some flexibility and temporary arrangements be utilized until the permanent school building could be put in place. The annexations of the Avondale school district and portions of the Highland Park district caused the formation of some optional areas due to traditional attendance patterns from one level to another by the patrons being absorbed into the Topeka district. School capacities and

geographic barriers required some adjustment to required attendance patterns.

b. & c. 1) The study of the optional attendance areas was usually incorporated within the cooperative review process given to all school attendance areas. During the 1950's, the School District was under the leadership of Superintendent Wendell Godwin, who was assisted by Raymond Tilzey, Director of Census and Pupil Accounting, and Mose J. Whitson, Assistant to the Superintendent and Deputy Superintendent of Personnel, in matters regarding school facilities, staffing, and attendance areas. After basic agreement was reached within the committee mentioned above, the recommendations were presented to the Board of Education members during a regular business meeting. Patrons could attend and speak to various boundary adjustments being considered. When the Board members determined that all the important facts were in, they generally adopted the boundary lines for each school and any optional area that they desired to have shared by two or more schools according to the needs presented. Other decisions regarding capital improvements, remodeling, and staffing plans usually followed the Board's decision regarding attendance boundaries. It was difficult to plan for neighborhoods which had declining densities of school-age population, yet had buildings that were constructed and had an expected lifetime of 50-75 years on the same site, regardless of whether it was the center of the current population

or not. Even today, the planners for the District receive comments from parents who desire to have changes made in other areas of the District, but want their neighborhood school untouched. Some parents desire to have all of their children follow the same school progression from level to level, even though declining birth rates, and out-migration force the District to modify its educational facilities to operate efficiently, even if it means to close some schools.

2) More recently, beginning in 1975, the School District adopted a five-year long-range plan with only slight revisions as it moves through each year of implementation. The Board of Education is committed to actions that would maintain a unitary neighborhood school district plan. The Board of Education reviews the updating of the long-range plan on an annual basis to determine needed adjustments in attendance area boundaries, improvements in school facilities, and staffing needed for its comprehensive curricular offerings for students.

d. 1) Some optional attendance areas were made obsolete because a new school building was constructed to serve the population of a developing area.

2) In a 1963 study of optional attendance areas, these basic assumptions were used in making recommendations for the reduction of optional areas:

A. Topeka Public Schools will adhere to the neighborhood school concept.

- B. Pupils will be assigned to school without regard to race.
- C. Rising enrollments make it imperative that the number of variables (i.e., students living in optional attendance areas) should be reduced to make estimated enrollment figures more stable, thereby enabling more efficient use of building facilities.

52. Has there been any occasion where an optional zone was terminated and a new school constructed in the area of the optional zone?

ANSWER:

Yes, based upon examination of the available District maps, it appears that such occurred in three instances.

53. If the answer to Interrogatory 52 was affirmative, please state what the new school(s) was/were and the date such school(s) opened.

ANSWER:

1) Sheldon was constructed and received students from a large optional attendance area between Gage-Southwest(Whitson)-Randolph elementary schools. Sheldon opened in 1957-58 with 274 students.

2) Landon was constructed and received the students living in an optional attendance area between Roosevelt-Boswell (and possibly Capper) junior high schools. Landon opened in 1963-64 with 232 students.

3) French was constructed and received the students living in an optional attendance area between Capper-Landon-

Jardine junior high schools. French opened in 197²-71 with 439 students.

54. What other devices and/or methods are available to the School District which have been used or could be used to achieve the same results as an optional attendance zone?

ANSWER:

1) The School District could have elected to transport students to whatever school the District desired to assign them, which would have decreased the financial resources available for instructional programs.

2) The School District could have purchased more portable classrooms which could have been located on a temporary site for use until the new school building could be built which would accommodate the children from patrons in the rapidly developing areas.

3) The School District could have started a long-range plan for the development of a construction plan to be implemented as certain population or housing increases were anticipated. Land could have been purchased at large acreage cost, rather than lot prices. This would have required the advancement of investment capital which patrons might have been reluctant to favor as a bond issue for some future time which may not affect them due to their children's stage in the schooling process.

55. Have these devices ever been utilized by the School District?

ANSWER:

Since 1975, the School District has used long-range planning to anticipate population changes and modifications in attendance areas made necessary by the closing of some schools and the moving of the 9th grade into the senior high schools, while converting the junior high schools to a middle school program.

Since the 1965 Kansas Unification of school districts, the current boundaries are not changed by other city-county governmental agencies without our Board of Education's concurrence with an adjacent school district board's approval, or through action by the State Board of Education per statutory means. The Board has made some minor changes along its common boundary with USD 437—the Auburn-Washburn district.

56. If other such devices have been utilized, please state:
- a. Schools involved
 - b. Dates such devices used

ANSWER:

None.

57. If other such devices have not been utilized, according to what criteria was the decision made to use an optional attendance as opposed to other available devices?

ANSWER:

The Board of Education reaffirmed its desire, on many occasions, to not get into the student transportation business. The expenses of portable classrooms would have been an added

expense to an already limited budget and property tax resource, prior to state aid on a larger scale as presently known.

58. Please explain how students living in an optional attendance area are made aware of the fact that they have the option of attending one of two schools.

ANSWER:

The local newspaper usually ran a "Back to School" edition or supplement in the Sunday edition of their newspaper during the early part of August prior to the first day of school. Attendance maps were printed on many occasions during the time the Board of Education was considering boundary changes, in addition to the coverage mentioned above. News coverage by local TV stations includes maps which are provided by District administrative staff. The District communications office summarizes Board of Education actions affecting the community in a "report" sheet. Large prints of attendance area maps are given to school principals to use in advising parents regarding legal residence, moving to another residence within the School District, and determining whether certain addresses were legally within their school's attendance boundaries. School principals usually notify their patrons through a school newsletter regarding the changes adopted. The student handbook of policies which affects students has been published since the 1970-71 school year and is given to students (or their parents) at the beginning of the

school year or whenever they enter a District school.

59. Please explain whether a student living in an elementary optional attendance zone, who chooses to utilize the option, is required to attend the middle school or junior high school in the district where he or she lives may the student attend the middle school or junior high school within the district of the optional attendance zone?

ANSWER:

Optional areas were eliminated at the elementary and junior high school levels at the end of the 1974-75 school year and at the senior high school level at the end of the 1975-76 school year. Prior to these dates an elementary optional area was effective for grades K-6 only; therefore, the student would have attended the junior high school in the district where he/she lived unless the junior high school attendance zone was covered under a separate optional zone.

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 Director of Demographic Services for Unified School District No. 501, that he has read the answer to Interrogatory Nos. 51-59 of Intervening Plaintiffs' Interrogatories-- Third 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.

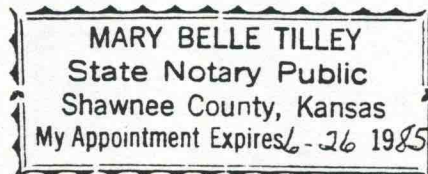
Gerald A. Miller
Gerald A. Miller

Subscribed and sworn to before me this 1st day of June, 1983.

Mary Belle Tilley
Notary Public

my appointment expires:

June 26, 1985.



CERTIFICATE OF SERVICE

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 NO. 51-59 OF THE THIRD SET was served upon attorneys for Intervening Plaintiffs by placing same in the United States mail, first class postage prepaid, this 1st day of June, 1983, addressed to Richard Jones, 605 S.E. Quincy, Suite 1, Topeka, Kansas 66603.

R. Gary Sebelius

R. 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

Copy

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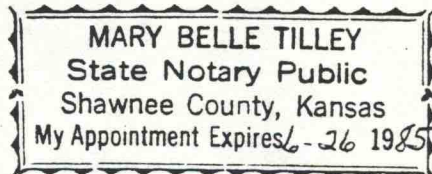
Further affiant saith not.

Gerald A. Miller
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Subscribed and sworn to before me this 1st day of June, 1983.

Mary Belle Tilley
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Attorneys for Unified
School District No. 501