

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

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

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**RESPONSE OF UNIFIED SCHOOL DISTRICT NO. 501**  
**TO PLAINTIFF-INTERVENORS' INTERROGATORY**  
**NOS. 22, 23, 24, 25, 48 and 49 OF THE**  
**FOURTH SET AND THIRD REQUEST TO PRODUCE**

22. Under what circumstances, if any, does U.S.D. 501 receive information concerning, review, or approve, proposed city zoning changes?

ANSWER:

If there is a proposed zoning change made to the City and the School District has property within the protest area, the District is notified as any other property owner in the area.



23. If U.S.D. 501 does receive information concerning, review, or approve, proposed city zoning changes,

- a. Does U.S.D. 501 consider the racial or ethnic impact of the proposed zoning change on the city or schools;
- b. If the answer to subsection (a) is yes, provide
  1. a list of each proposed zoning change so considered;
  2. for each such change, state the position U.S.D. 501 took on the change, if any;
  3. provide a copy of any document that reflects the impact of the proposed zoning change and the response by U.S.D. 501, if any, to the proposed zoning change.

ANSWER:

- a. Yes.
- b. Since 1971, the undersigned has not been able to ascertain any proposed zoning change which the School District protested other than the proposed creation of a drainage district for the Mifflin Addition to Topeka near Landon School. The proposal had no racial impact but, if adopted, would have required the School District to participate in the payment of costs related to the proposed drainage improvement to the Mifflin residential area.

24. Under what circumstances, if any, does U.S.D. 501 receive information concerning, review, or approve, proposed public or private housing projects?

ANSWER:

If the proposed housing project also requires a zoning change in the City and the School District has property within the protest area, the District is notified as any other property owner in the area.



25. If U.S.D. 501 does receive information concerning, review, or approve, proposed housing projects,

- a. Does U.S.D. 501 consider the racial or ethnic impact of the proposed housing projects on the city or schools;
- b. If the answer to subsection (a) is yes, provide
  1. a list of each proposed housing project so considered;
  2. for each such project, state the position U.S.D. 501 took on the project, if any;
  3. provide a copy of any document that reflects the impact of the proposed housing project and the response by U.S.D. 501 if any to the proposed housing project.

ANSWER:

a. Yes.

b. Since 1971, the undersigned has not been able to ascertain any proposed housing project which would have included the School District within the protest area for zoning changes. However, review of School District records discloses that on behalf of the School District, on March 31, 1983, James M. Gray, then Superintendent of Schools, requested that the proposed sale of Trailridge Apartments (2036 East 11th Street) by the U. S. Department of Housing and Urban Development impose constraints requiring a racially balanced mix of occupants be placed on the purchaser(s) of the property. Superintendent Gray's written request and the response of the U. S. Department of Housing and Urban Development are attached hereto.

48. Prior to unification, were the boundaries of Topeka and U.S.D. 501 conterminous?

ANSWER: No.



49. If the answer to question 48 is no, in what respect were they different and, to the extent not previously supplied, please provide maps that would show the differences.

ANSWER:

Prior to unification, the School District expanded as the City expanded its boundaries; however, the rate of expansion followed the expansion of the City as outlined in the Kansas Statutes. The expansion of the School District can be determined and has been shown in the School District's answers to Interrogatory Nos. 5 and 6 of the First Set.

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 Assistant Superintendent of Management Services of Unified School District No. 501, that he has read the foregoing Response of Unified School District No. 501 to Plaintiff-Intervenors' Interrogatory Nos. 22, 23, 24, 25, 48 and 49 of the Fourth Set and Third Request to Produce which was prepared under his general direction and supervision and such response is true and correct to the best of his knowledge and belief.

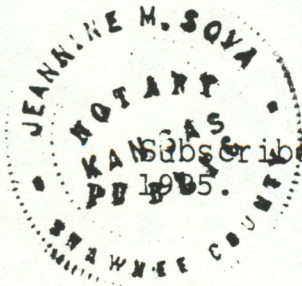
Further affiant saith not.

\_\_\_\_\_  
W. Wayne Warner

Subscribed and sworn to before me this 1st day of March,

Jeanne M. Soya  
Notary Public


My appointment expires:  
12-27-88





CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Response of Unified School District No. 501 to Plaintiff-Intervenors' Interrogatory Nos. 22, 23, 24, 25, 48 and 49 of the Fourth Set and Third Request to Produce** was served by placing same in the United States mail, first class postage prepaid, this \_\_\_\_ day of \_\_\_\_\_, 1985, to attorneys for Intervening Plaintiffs by serving: Christopher A. Hansen, American Civil Liberties Union Foundation, 132 West 43rd Street, New York, N.Y. 10036.

  
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