

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. 19, 20, 24 & 25 OF THE FIRST SET
(FOR THE 1940 TO 1950 TIME PERIOD)

19. State whether since school year 1940-41, there has been any plan proposed for the School District referred to as the "Long Range Facility Plan" or any other systemwide plan involving the closing, construction and consolidation of schools; alterations in school attendance zones. If the answer is in the affirmative, state for each plan:

- a. The date the plan was prepared and proposed for consideration by the School Board
- b. A description of what the plan entails
- c. The schools closed under the plan
- d. The schools to which students from the closed schools under the plan were transferred and for each school to which the students were transferred, state:
 1. Total number of students

2. Number of White students
 3. Number of Black students
 4. Number of other minority students
- e. Description of the portion of the attendance zone for the closed school under the plan that was incorporated into the attendance zone for each school to which students from the closed school were transferred. Accompany a map with a demarcation of this description.
 - f. The name of the schools to operate under the plan
 - g. The enrollment of each school to operate under the plan by:
 1. Total number of students
 2. Number of White students
 3. Number of Black students
 4. Number of other minority students
 - h. A description of the attendance zone for each school stated in 19(f). Accompany a map with a demarcation of this description.

ANSWER:

Reference is made in the minutes of the July 5, 1946 meeting of the Board of Education of Topeka Public Schools to a "Ten-year Plan of Building Improvements and Expansion" which was presented by Kenneth McFarland, Superintendent of Schools. The plan was not included within the official Board minutes, nor was any kind of summary of the plan. However, the plan was described in the July 6, 1946 edition of The Topeka Daily Capital (copy attached). That article indicated that this plan included the following nine major components:

- (1) a new Oakland grade school;
- (2) a new school for the south or west side, depending on population trends;

- (3) auditorium and gymnasium additions for Boswell Junior High;
- (4) the addition of four classrooms to Randolph Grade School;
- (5) a swimming pool at Topeka High School;
- (6) the development of an athletic field (location not indicated);
- (7) the clearing of additional sites for Roosevelt, Crane, Sumner, Monroe, Central Park, and Lincoln;
- (8) a new Potwin school; and
- (9) the beginning of a systematic replacement of the following buildings which were obsolete or would be obsolete in another ten years: Lowman Hill, Quincy, Lafayette, Quinton Heights, Polk, and Van Buren.

No specific schedule for implementation of the plan was indicated nor was any official adoption of the plan by the Board of Education found in the official minutes of Board of Education meetings. Official Board of Education meeting minutes for the ten years following July 5, 1946 indicate, however, that the following action was taken which appears to have been a part of (or at least consistent with) the "Ten-year Plan".

- (1) A new Oakland grade school was constructed;
- (2) Land for a new high school athletic field was acquired and a new athletic field was developed in the area bounded by 21st Street, Topeka Boulevard, 24th Street, and Western (if projected south of 21st Street)--the present Quinton Heights Hill property.
- (3) A new Potwin grade school was constructed.
- (4) A new southwest grade school (the present Whitson Elementary School) was constructed.
- (5) A new Quinton Heights grade school was constructed.

(6) Construction of a new Lafayette grade school was begun.

(7) The Crane and Lincoln sites were enlarged.

No specific information relative to parts b-h was available from official Board meeting minutes.

Reference to the availability of additional information relative to the "Ten-year Plan" was made in the official minutes of the October 14, 1946 meeting of the Board of Education, but material was not included as a part of the minutes. Only a brief mention was also made in The Topeka Daily Capital of October 15, 1946 (copy attached).

20. State whether since school year 1940-41 the School District has prepared a periodic capital expenditure or building plan. If the answer is in the affirmative, state:

- a. The school years in which each plan was prepared
- b. A detailed description of each plan
- c. The action the School District took with respect to implementing each plan

ANSWER:

No periodic capital expenditure or building plan for the ten-year period of time between 1940 and 1950, other than that described in response to Interrogatory No. 19, was found. Responses to the specific questions included here have been answered in response to Interrogatory No. 19 above.

24. Since school year 1940-41, 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 organizations)

ANSWER:

No plans or proposals, formal or informal, 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 the District were found for the ten-year period of 1940 to 1950.

25. For all school transportation policies in existence from the 1940-41 school year to the present, describe the policy; and for each school year from 1940-41 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 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:

No official Board of Education policy related to student transportation was found for the ten-year period of 1940 to 1950. Reference was consistently made in the official minutes of Board of Education meetings to the contracting of student transportation with C. G. Grimes and the Topeka Transportation Company. However, it was not possible to ascertain the total cost since only route costs were indicated in a typical reference; nor was it possible to determine from existing records the number of students transported or the distance and times for the average and longest bus rides. It does appear, however, that during this time period the School District provided for the transportation of Black school children to and from school.

The answers to these interrogatories were prepared under the direction and supervision of Michael D. Tribbey, Assistant Superintendent of Program Audit and Planning for Unified School District No. 501.

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 Program Audit and Planning for Unified School District No. 501, that he has read the answer to Interrogatory No. 19, 20, 24 & 25 of Intervening Plaintiffs' Interrogatories--First Set (for the 1940 to 1950 Time Period) which was prepared under his general direction and

supervision and such answer is true and correct to the best of his knowledge and belief.

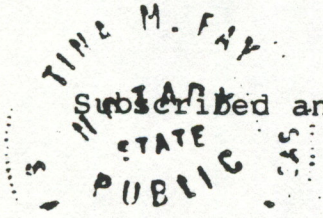
Further affiant saith not.

Michael D. Tribbey
Michael D. Tribbey

Subscribed and sworn to before me this 29 day of June, 1983.

Jana M. Fay
Notary Public

my appointment expires:
4-24-87.



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 NOS. 19, 20, 24 & 25 OF THE FIRST SET (FOR THE 1940 TO 1950 TIME PERIOD) was served by depositing same in the United States mail, first class postage prepaid, this 29 day of June, 1983, to attorneys for Intervening Plaintiffs by serving Richard Jones, 605 S.E. Quincy, Suite 1, Topeka, Kansas 66603.

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School District No. 501