

RACIAL SEGREGATION
in the
TOPEKA PUBLIC SCHOOLS
UNIFIED SCHOOL DISTRICT NO. 501

AN ANALYSIS
of the
FACTORS ESTABLISHING AND MAINTAINING
PURPOSEFUL SEGREGATION

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AN ANALYSIS

As of 1950 Topeka intentionally operated and maintained segregated elementary schools.

As junior high schools were established approximately three decades earlier Black children attended all-Black schools through the eighth grade, attended junior high school with whites for the ninth grade, and a racially desegregated high school. As a result of litigation brought by Black parents in 1941, Black students were permitted to attend racially mixed junior high schools in grades 7 through 9.*

For most of the decade of the 1940s, however, Topeka's only high school was apparently desegregated in classroom attendance and little else; Black students were segregated from music, sports, and student government (extracurricular) activities. It was not until 1949 that the Topeka Board of Education rescinded its formal policy of internal segregation at Topeka High School.**

Furthermore, during this period the Black teachers formed a separate Black professional association, giving emphasis to the actual segregated, dual nature of their school teaching experience.

* Graham v. Board of Education of Topeka 153 Kan. 840 (1941)

** Dudziak, Mary L., The limits of good faith: Desegregation in Topeka, Kansas

Because of racially tainted feeder patterns from elementary to junior high schools and from junior high schools to senior high schools, and other segregative practices including faculty and staff assignment and employment and the management of school facilities, vestiges of purposeful segregation have continued at the secondary level in Topeka as well as at the elementary schools. The District has never affirmatively desegregated its schools and moved from a dual structure to a unitary status.

The analysis of factors that contributed to the establishment and maintenance of a dual structure in the Topeka Public Schools is organized into the following sections.

1. Segregated or racially identifiable schools by virtue of pupil enrollment.
2. Segregated or racially identifiable schools by virtue of faculty and staff assignment.
3. Facilities: construction of new schools, school additions, school closings, and portable facilities.
4. Annexation and de-annexation activities.
5. Maintaining the Black schools: a reciprocal affair.

6. Optional zones.
 7. Open enrollment.
 8. Faculty and staff employment.
 9. Opportunities lost: Board failures to act desegregatively.
1. Segregated or racially identifiable schools by virtue of pupil enrollment

Racial data for pupil enrollment in the Topeka elementary schools are available for the four Black schools for the years 1940-41 through 1949-50 (a period of 10 years) for the grades, K-6 -- not by schools; for the years 1950-51 through 1952-53 (a period of 3 years); for the years 1953-54 through 1956-57 (a period of 4 years); and then again from 1966-67 through 1983-84 (a period of 18 years).

At the secondary level data are available for each grade, 7-12 -- not by school -- for the school years 1950-51 through 1952-53, and for all schools, 1966-67 through 1983-84. Figures for the Topeka High School can be extracted from 1940-41 through 1949-50 since it was the only high school in the District at that time.

When discussing liability in school desegregation cases an analysis is generally made of the number of schools over a relevant period of time that have been racially identifiable or segregated and, reciprocally, the number that have been racially nonidentifiable or desegregated. Such an analysis can contribute to a judgment as to the existence of liability and its scope or can help to determine the extent to which a school district with a history of de jure segregation has affirmatively overcome past discriminatory actions.

What parameters are used to define a racially identifiable or segregated school in terms of its pupil enrollment? First of all, the determination as to racial identifiability has to be a function of the racial make-up of all the schools in the district in a given school year, usually at the elementary and secondary levels. If a system is quite small, the relation of each school to all the schools in the district would probably suffice; if the district is quite large, a three-way comparison is often used (i.e., elementary, junior high, and senior high school levels).

While there is no hard-and-fast rule in determining when a school is "substantially disproportionate in its racial composition" to the other like schools in a district, the most commonly used method by the courts has been to define a school whose racial make-up falls outside a $\pm 15\%$ range from the district mean as a racially identifiable school. Thus, if an elementary school in a given district has a 63% Black enrollment and the mean Black enrollment for all elementary schools in the district is 40% Black, the school would be racially

identifiable Black as it would be outside the acceptable \pm 15% range -- in this case, 25 to 55% Black.

Elementary schools: 1941-42 through 1952-53

From 1941-42 through 1952-53 Topeka maintained four all-Black elementary schools -- Buchanan, McKinley, Monroe, and Washington -- which housed all Black pupils, grades K-6, in the District. The average yearly enrollment for these four Black schools, grades K-6, was 615 pupils.* Every other elementary school was all white.

Elementary schools: 1953-54 through 1956-57

A summary of racially identifiable elementary schools by pupil enrollment for the 1953-54 through 1956-57 school years is given in Table 1.

* The State Report for these years indicated an average Black enrollment in the four schools of 655 pupils. Depos. Ex. 11.

Table 1. Summary: racially identifiable elementary schools by pupil enrollment

Topeka Public Schools

1953-54 through 1956-57

	<u>1953-54</u>	<u>1954-55</u>	<u>1955-56</u>	<u>1956-57</u>
No. elementary schools	22	23	23	23
No. all-Black schools*	4	4	2	3
No. rac. identif. Black	4	4	7	8
No. rac. identif. white	18	17	11	11
No. desegregated schools	0	2	5	4
No. Blacks in rac. identif. Black schools	763	664	639	796
% Blacks in rac. identif. Black schools	98.7	85.9	71.2	79.8

* McKinley closed by 1955-56; Washington enrolled one white pupil in 1955-56.

Sources: L. 13 "Excerpts from Topeka Board of Education Minutes." Answers of U.S.D. No. 501 to Plaintiff-Intervenors interrogatories No.'s 21 & 23, May 4, 1981. L. 12 Racial inventory of U.S.D. No. 501 students, 1955-56 (for HEW). L. 1 Defendants answers to interrogatory No. 9: a, f, h-k. L. 10 Number and percentage of Negroes enrolled in white schools, 9-28-56.

N.B.: Identifiable B schools were over 14.5% B; ident. W schools were under 4.5% B in 1953-54.

Identifiable B schools were over 14.2% B; ident. W schools were under 4.2% B in 1954-55.

Identifiable B schools were over 15.4% B; ident. W schools were under 5.4% B in 1955-56.

Identifiable B schools were over 15.7% B; ident. W schools were under 5.7% B in 1956-57.

In 1953-54 there were 22 elementary schools, four of which were all-Black and 16 of which were all-white. For the first time, as part of a four-step plan -- one step of which was to take effect each fall when schools opened, starting in September of 1953 -- Black elementary students were gradually given options to attend certain white schools. By 1956-57 of the 23 elementary schools eight were racially identifiable Black, eleven racially identifiable white, and four were desegregated. Since the elementary District mean for the school years 1953-54 through 1956-57 was only 9.5%, 9.2%, 10.4%, and 10.7% Black respectively, a range of $\pm 5\%$ from the District mean was used to define racial identifiability; the more conventional $\pm 15\%$ criterion would not be applicable.

Elementary schools: 1966-67 through 1983-84

A summary of racially identifiable elementary schools by pupil enrollment for the 1966-67 through 1983-84 school years is given in Table 2. In this 18-year period in only one year (1982-83) were more than half of the elementary schools racially nonidentifiable or desegregated by the " $\pm 15\%$ from the mean" criterion. It was not until 1980-81 that the majority of Black elementary pupils were finally enrolled in desegregated or racially identifiable white schools, and in 1983-84 there were still 821 minority pupils (38%) enrolled in segregated minority schools.

Secondary schools 1941-42 through 1952-53

Beginning in 1941-42 Black pupils were allowed for the first time to attend grades seven and eight with white children. From 1941-42 through 1949-50 Blacks

constituted 11.2% of the junior high school enrollment (grades 7-9) and 8.7% of the senior high school enrollment (grades 10-12). By 1950-51 through 1952-53 the percentage of Blacks had dropped to 8.9% at the junior high school level and to 7.7% in the senior high school grades. While enrollment figures for race are not available for individual secondary schools during this period it is relatively certain that both Capper and Roosevelt Junior High Schools were virtually all-white since in 1966 Capper had no minority pupils enrolled and Roosevelt only 11 (2.4%). There may have been others.

Table 2. Summary: racially identifiable elementary schools by pupil enrollment

Topeka Public Schools

1966-67 thru 1983-84

<u>Year</u>	<u># Schools</u>	<u># Ident. Minority Schools</u>	<u># Ident. White Schools</u>	<u># Deseg. Schools</u>	<u># Minor. in Iden. Minority Schools</u>	<u>% Minor. in Iden. Minority Schools</u>
1966-67	35	7	12	16	1579	65.7
1967-68	34	7	11	16	1506	61.2
1968-69	34	7	11	16	1266	50.1
1969-70	34	8	13	13	1722	64.0
1970-71	34	7	12	15	1452	55.8
1971-72	34	8	14	12	1616	63.2
1972-73	34	7	13	14	1339	54.2
1973-74	34	7	13	14	1214	53.0
1974-75	34	7	13	14	1165	51.3
1975-76	32	7	12	13	1120	50.3
1976-77	32	7	12	13	1150	51.6
1977-78	30	7	12	11	1133	52.1
1978-79	29	8	10	11	1180	55.7
1979-80	28	7	11	10	1142	53.5
1980-81	27	6	9	12	1015	47.2
1981-82	26	5	8	13	878	39.3
1982-83	26	4	5	17	729	33.2
1983-84	26	5	8	13	821	38.0

Source: L.12 Deposition Ex. 6 (Miller)

N.B.: Identifiable minority schools were more than 15% above the district mean in minority enrollment; identifiable white schools less than 15% below the district mean in minority.

Secondary schools: 1953-54 thru 1956-57

No secondary enrollment figures by race are available for these years. It is probable, however, that at least Capper and Roosevelt were all-white or virtually so at this time.

Secondary schools: 1966-67 thru 1983-84

A summary of racially identifiable schools by pupil enrollment for the 1966-67 thru 1983-84 school years is presented in Table 3. For this 18-year period an average of 47% of all secondary schools were racially identifiable minority or white. For the last eight years of this period an average of 45% of all secondary schools were racially identifiable indicating that little progress had been made in reducing the number of schools "substantially disproportionate in their racial composition."

Many secondary schools from the time racial enrollment data became available in 1966-67 evidenced a continuing history of racial identifiability -- either minority or white -- in the ensuing years (Tables 4 and 5). From 1966-67 until it was closed in 1980 East Topeka enrolled 60 to 71% minority pupils; Crane was segregated from 1966-67 until it was closed in 1975 with 53% minority the previous year; Curtis was an identifiable minority school from 1966-67 thru 1971-72 and was closed in 1975; Highland Park Junior High School was identifiable minority for 6 out of 14 years before it was closed in 1980; Boswell became a segregated school in 1979-80 and was closed the following year; and Eisenhower was minority identifiable from 1980-81 thru 1983-84.

Table 3. Summary: racially identifiable secondary schools by pupil enrollment

Topeka Public Schools

1966-67 thru 1983-84

<u>Year</u>	<u># Schools</u>	<u># Ident. Minority Schools</u>	<u># Ident. White Schools</u>	<u># Deseg. Schools</u>	<u># Minor. in Ident. Minority Schools</u>	<u>% Minor. in Ident. Minority Schools</u>
1966-67	17	3	5	9	530	36.3
1967-68	14	4	5	5	1036	64.9
1968-69	14	4	5	5	1139	65.1
1969-70	14	4	4	6	1089	62.9
1970-71	15	3	5	7	687	37.8
1971-72	15	3	3	9	575	30.6
1972-73	15	3	2	10	604	33.3
1973-74	15	2	5	8	426	22.5
1974-75	15	2	4	9	394	21.9
1975-76	13	1	3	9	275	14.9
1976-77	12	2	3	7	377	20.6
1977-78	12	2	3	7	374	20.4
1978-79	12	2	3	7	358	20.2
1979-80	12	3	4	5	507	28.3
1980-81	9	1	3	5	215	12.0
1981-82	9	1	3	5	229	12.8
1982-83	9	1	3	5	248	13.8
1983-84	9	1	3	5	242	14.2

Source: L. 12 Deposition Ex. 6 (Miller)

N.B.: Identifiable minority schools were more than 10% above the district mean in minority enrollment 1966-67 thru 1970-71 and more than 15% above the district mean in minority enrollment from 1971-72 thru 1983-84; identifiable white schools were less than 10% below the district mean in minority enrollment from 1966-67 thru 1970-71 and less than 15% below the district mean in minority enrollment from 1971-72 thru 1983-84.

Table 4. Racially identifiable minority secondary schools: percentage minority enrollment

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
East Topeka	62	60	60	62	63	61	62	63	65
Crane	35	28	40	46	44	49	47	51	53
Curtis	28	30	33	29	33	35	-	-	-
Highland Park J.H.	-	-	-	-	27	-	32	-	-

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
East Topeka	67	67	72	71	71	cl	-	-	-
Crane	cl	-	-	-	-	-	-	-	-
Curtis	cl	-	-	-	-	-	-	-	-
Highland Park J.H.	-	36	38	41	44	cl	-	-	-
Eisenhower	-	-	-	-	-	45	46	46	42
Boswell	-	-	-	-	43	cl	-	-	-

Table 5. Racially identifiable white secondary schools: percentage minority enrollment

	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Capper	-	1	1	1	1	-	-	1	1
Jardine	1	1	1	1	3	-	-	2	3
Landon	2	1	1	1	1	1	1	2	2
Topeka West	1	1	1	1	1	1	1	1	2
French	-	-	-	-	1	1	-	3	-

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Capper	4	cl	-	-	-	-	-	-	-
Landon	4	3	3	3	4	5	6	6	6
Topeka West	2	2	3	4	5	4	5	6	7
French	-	3	4	5	6	5	6	6	6

Among the white schools from 1966-67 Capper never enrolled more than 4% minority pupils before closing in 1976; Landon and Topeka West have remained segregated from 1966-67 thru 1983-84; and French was racially identifiable white for most of the years since it opened in 1970 thru 1983-84.

Summary

In terms of pupil enrollment the elementary schools were completely segregated by race prior to 1953. The four-step plan, started in 1953, progressed for four years; by the last year (1956), four schools were desegregated and 19 segregated, three of which remained all-Black. There was certainly no evidence of an affirmative effort to eliminate root and branch the vestiges of state-imposed segregation by the reassignment of pupils to elementary schools. This failure to act assumes special significance in light of the compact geographical nature of the Topeka District in respect to the possible use of pupil transportation as a technique to desegregate schools.

At the secondary level data are not available on enrollments by race for the ten secondary schools in operation at the time of Brown I. It can only be conjectured that at that time Capper was an all-white junior high school and Roosevelt probably so. From 1961 to 1970, however, five new secondary schools were opened and four of them were assigned virtually all-white pupils; Jardine, Topeka West, Landon, and French. Even if most of the secondary schools were either desegregated or at least racially mixed by 1954, the construction and opening of four new secondary schools virtually all-white from 1961 to 1970

leaves little doubt as to intentional segregative action by the Topeka Board in terms of pupil assignment.

2. Segregated or racially identifiable schools
by virtue of faculty and staff assignment

School district policies and practices with regard to the assignment of faculty and staff are among the most important indicia of a segregated system. Where it is possible to identify a white school or a minority school simply by reference to the racial composition of its teachers and staff, liability may be presumed. In affirmatively desegregating, a district must assign its staff "so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system."*

Since available data on faculty and staff assignments by school and race only go back to 1973-74, the analysis of Topeka assignment policies and practices that follows will be made prior to the 1973-74 school year and from 1973-74 thru 1983-84.

Assignment policies and practices prior to 1973-74

There is no record of an official Board of Education policy on the assignment of teachers or other employees on the basis of race, color, or national

* Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211
(5th Cir. 1970)

origin at least prior to 1973. It appears that Black teachers were assigned only to Black schools prior to 1953-54 at least and "no one can specifically recall Black teachers being assigned to non Black schools prior to the 1957-58 school year." There is no record of any plan or proposal for the racial desegregation of teachers and other employees in the Topeka District.* No data are available on faculty and staff assignment by race during this period.

Assignment policies and practices: 1973-74 thru 1983-84

The process for assignment of certified personnel was reviewed in 1980-81. One of the objectives stated was that "efforts should be maintained to achieve a distribution of minority staff members which will comply with the requirements of law." However, in reviewing the account of the reassignment process involved in closing several schools and changing the grade structure from 6-3-3 to 6-2-4 no specific mention is made of race as a criterion for assignment.**

Article XXI of the Professional Agreement between the School District and NEA-Topeka, Inc. makes no mention of race as a criterion for school assignment of teachers.*** Dr. Ybarra, Director of Personnel, indicated no knowledge of an assignment policy regarding minority personnel.****

* Answer to P.I.'s interrogatories No.'s 32 & 33.

** Objective No. 9, Exhibit B, Ans. to interrogatory No. 33.

*** Answer to interrogatory No. 31.

**** Deposition, June 7, 1984 (pp. 44-5).

In an analysis of assignment practices during this period four basic procedures were used.

Minority staff in schools with highest minority enrollment compared to minority staff in schools with the lowest minority enrollment

From 1973-74 thru 1983-84 the elementary schools with the highest minority enrollments in Topeka had a much higher average of minority staff members than the elementary schools with the lowest minority enrollment (Table 6). The highest 50 percent of the schools in minority enrollment averaged 27 percent minority staff members in 1973-74 compared to an average of 6.3 percent minority staff members in the lowest 50 percent of the schools in minority enrollment; this was more than a 4 to 1 difference. By 1983-84 the difference had gradually dropped to below 2 to 1. However, on an average, the whitest schools in the District should have just as great a percentage of minority staff as the highest minority schools, and the differences should be negligible.

At the secondary level in 1973-74 eight times as many minority staff were assigned on the average to the schools with the highest minority enrollment compared to the whiter schools. By 1983-84 the difference had declined to a 2 to 1 ratio; that is, in the four whiter secondary schools the percentage of minority staff on the average was only half the percentage in the four secondary schools with the higher minority pupil enrollment. It is also of interest to note that since 1980-81, following the big changeover in secondary assignments when an improved racial balance was one of the objectives, the 2 to 1 ratio has held constant.

TABLE 6. Average Percentage Minority Staff Assigned to Schools With Highest Minority Enrollment Compared to Average Percentage Minority Staff Assigned to Schools with Lowest Minority Enrollment

Topeka Public Schools: U.S.D No. 501
Summary 1973-74 Thru 1983-84

Elementary Schools

	<u>No. Schools Highest Minority Enrollment</u>	<u>Average % Minority Staff</u>	<u>No. Schools Lowest Minority Enrollment</u>	<u>Average % Minority Staff</u>	<u>Highest cf Lowest: (x) Greater</u>
1973-74	17	27.0	17	6.3	4.29
1974-75	17	19.8	17	4.0	4.95
1975-76	16	15.1	16	3.2	4.72
1976-77	16	23.3	16	6.8	3.43
1977-78	15	21.4	15	4.9	4.37
1978-79	14	17.8	14	5.3	3.36
1979-80	14	17.0	14	6.1	2.79
1980-81	13	19.8	13	5.4	3.67
1981-82	13	16.2	13	7.2	2.25
1982-83	13	14.2	13	7.8	1.82
1983-84	13	15.1	13	8.6	1.76

Secondary Schools

1973-74	7	16.0	7	2.0	8.00
1974-75	7	15.4	7	2.5	6.16
1975-76	6	16.9	6	2.3	7.35
1976-77	6	19.0	6	4.5	4.22
1977-78	6	19.7	6	4.5	4.38
1978-79	6	17.3	6	3.6	4.81
1979-80	6	20.2	6	5.6	3.61
1980-81	4	13.2	4	6.6	2.00
1981-82	4	14.2	4	8.8	1.61
1982-83	4	15.9	4	8.2	1.94
1983-84	4	14.6	4	7.3	2.00

Source: Personnel Reports 1973-74 thru 1983-84, Topeka Schools (Interrogatory No. 54)

Racial Inventory for USD #501 Students, 1973-74 thru 1983-84, Topeka Schools (Depos. Ex 6)

Minority staff in identifiable minority schools compared to minority staff in identifiable white schools by pupil enrollment

From 1973-74 thru 1983-84 the racially identifiable minority schools by pupil enrollment had a much higher average of minority staff members than the racially identifiable white elementary schools (Table 7). In 1973-74 the seven schools identifiable minority averaged 37.7 percent minority staff, while the thirteen schools identifiable white averaged 4 percent minority staff, a ratio greater than 9 to 1. By 1983-84 the difference had dropped to 2 to 1, but during the eleven-year period the ratio of differences averaged over 6 to 1. This meant that an elementary student assigned to a racially identifiable white school was on the average six times more likely to have a white teacher or to encounter a white secretary in the school office than a student assigned to a racially identifiable minority school; obviously, students in racially identifiable minority schools were six times more likely to have a minority teacher than the pupils in identifiable white schools.

At the secondary level the same differences held true, only they were more pronounced.

Schools racially identifiable by virtue of staff assignments

By any likely measure most of the schools in Topeka from 1973-74 thru 1983-84 have been racially identifiable by virtue of staff assignments. Using a variance of ± 15 percent of the District's average percentage minority staff personnel at the elementary and secondary levels as the acceptable range for

TABLE 7. Average Percentage Minority Staff Assigned to Identifiable Minority Schools Compared to Average Percentage Minority Staff Assigned to Identifiable White Schools

Topeka Public School: U.S.D. No. 501
Summary 1973-74 Thru 1983-84

Elementary Schools

	<u>No. Schools Identifiable Minority</u>	<u>Average % Minority Staff</u>	<u>No. Schools Identifiable White</u>	<u>Average % Minority Staff</u>	<u>Minority Schools cf White Schools: (x) Greater</u>
1973-74	7	37.7	13	4.0	9.43
1974-75	7	27.6	13	2.4	11.50
1975-76	7	21.9	12	2.5	8.76
1976-77	7	33.5	12	5.2	6.44
1977-78	7	29.3	12	2.7	10.85
1978-79	8	24.8	10	5.4	4.59
1979-80	7	23.0	11	6.5	3.54
1980-81	6	23.9	9	4.8	4.98
1981-82	5	20.7	8	5.4	3.83
1982-83	4	18.5	5	7.3	2.53
1983-84	5	15.4	8	7.4	2.08

Secondary Schools

1973-74	2	28.0	5	2.3	12.17
1974-75	2	28.9	4	2.7	10.70
1975-76	1	46.3	3	2.1	22.05
1976-77	2	32.3	3	4.5	7.18
1977-78	2	35.2	3	3.4	10.35
1978-79	2	28.1	3	3.1	9.06
1979-80	3	27.8	4	2.0	13.90
1980-81	1	16.0	3	5.7	2.81
1981-82	1	14.8	3	8.1	1.83
1982-83	1	21.9	3	8.1	2.70
1983-84	1	16.0	3	7.3	2.19

Sources: Personnel Reports 1973-74 thru 1983-84, Topeka Schools (Interrogatory No. 54)

Racial Inventory for USD #501 Students, 1973-74 thru 1983-84, Topeka Schools (Depos. Ex 6)

desegregating elementary or secondary schools,* we find that during this eleven-year span on the average 86 percent of the elementary schools have been racially identifiable minority or white by virtue of staff assignments; at the secondary level, 89 percent (Table 8).

Looked at another way and comparing 1973-74 with 1978-79 and with 1983-84:

	<u># Schools</u>	<u># minority staff: range</u>	<u>minority a percentage of total staff: range</u>
Elementary			
1973-74	34	0 - 17	0 - 71
1978-79	29	0 - 15	0 - 33
1983-84	26	0 - 10	0 - 32
Secondary			
1973-74	15	0 - 19	0 - 40
1978-79	12	0 - 17	0 - 42
1983-84	9	3 - 26	6 - 25

Not too much progress was made in lessening the variances among schools in the eleven-year period.

Looked at still another way. In 1973-74 there were 34 elementary schools and 127 elementary minority staff (3.7 average); 7 schools had no minority staff and 5 schools had only one. At the secondary level there were 15 schools

* That is, if there were 12.4 percent minority staff employees in the District's elementary schools in a given year any particular elementary school would be racially identifiable by staff assignment if it had over 14.3 or less than 10.6 percent minority staff.

TABLE 8. Schools Racially Identifiable
by Virtue of Staff Assignments

Topeka Public Schools: U.S.D. No. 501
Summary 1973-74 : 1983-84

Elementary Schools

	Number Schools	No. Schools Racially Identifiable	Minority %		% Deviation		
			(+)	(-)	1 - 4.9	5 - 14.9	15 or over
1973-74	34	29	11	18	7	13	9
1974-75	34	29	10	19	11	15	3
1975-76	32	30	9	21	14	15	1
1976-77	32	30	11	19	9	17	4
1977-78	30	28	10	18	8	18	2
1978-79	29	27	9	18	12	14	1
1979-80	28	22	7	15	10	10	2
1980-81	27	23	9	14	10	12	1
1981-82	26	22	8	14	13	8	1
1982-83	26	18	9	9	8	9	1
1983-84	26	21	9	12	8	12	1

Secondary Schools

1973-74	15	14	5	9	6	7	1
1974-75	15	14	4	10	6	7	1
1975-76	13	13	5	8	9	3	1
1976-77	12	10	3	7	2	7	1
1977-78	12	11	2	9	4	6	1
1978-79	12	10	4	6	6	3	1
1979-80	12	9	4	5	3	5	1
1980-81	9	7	3	4	6	1	0
1981-82	9	7	4	3	7	0	0
1982-83	9	9	5	4	5	4	0
1983-84	9	9	4	5	8	1	0

Source: Personnel Reports, 1973-74 thru 1983-84, Topeka Public Schools (Interrogatory No. 54)

with 70 minority staff (4.7 average); 2 schools had only one minority staff member and 4 schools only two.

In 1978-79 there were 29 elementary schools and 92 minority staff (3.2 average); 4 schools had no minority staff and 8 others had less than two. At the secondary level there were 12 schools with 73 minority staff (6.1 average); 2 schools had no minority staff members and 3 other schools had less than three.

In 1983-84 there were 26 elementary schools and 78 minority staff (3 average); 4 schools had no minority staff and 6 others had less than two. At the secondary level there were 9 schools with 81 minority staff (9 average); 3 schools had three or less minority staff.

Analysis of faculty assignments, 1981-82

A review of faculty assignments (absent other staff) in 1981-82* indicates that as of that date there remained some disparity in minority assignments among schools at the different levels and that these disparities still related to the differences in minority enrollments for the most part.

	<u># Minority Faculty</u>	<u>Total Faculty</u>	<u>% Minority</u>	<u>Singleton-type ratio</u>	
Highland Park HS	5	78	6.4	+ 1 M	- 1 W
Topeka	10	89	11.2	- 3 M	+ 3 W
Topeka West	4	85	4.7	+ 2 M	- 2 W

* Answers to I.P.'s Interrogatory No. 50.

These figures illustrate that the two high schools with the largest minority enrollment historically have over twice as many minority staff by numbers and percentage as the protected white high school. The reassignment of only six minority faculty and, reciprocally, six white faculty would bring all the schools to a Singleton-type desegregated position.

	<u># Minority Faculty</u>	<u>Total Faculty</u>	<u>% Minority</u>	<u>Singleton-type ratio</u>	
Chase	5	29	17.2	- 1 M	+ 1 W
Eisenhower	4	27	14.8	- 1 M	+ 1 W
French	1	26	3.8	+ 2 M	- 2 W
Jardine	3	32	9.4		
Landon	2	23	8.7		
Robinson	4	35	11.4		

These figures indicate that the middle schools in 1981-82 were reasonably close to a Singleton-type desegregated assignment. At the elementary level seven schools in 1981-82 had no minority staff assigned while at least seven others had double the minority staff percentage of all elementary schools. The movement of seven minority and seven white teachers would have remedied this situation.

	<u># Minority Faculty</u>	<u>Total Faculty</u>	<u>% Minority</u>	<u>Singleton-type ratio</u>	
Avondale East	23	6	26.1	- 3 M	+ 3 W
Belvoir	20	5	25.0	- 2 M	+ 2 W
Bishop	21	0	0.0	+ 1 M	- 1 W
Highland Park North	19	4	21.1	- 1 M	+ 1 W
Linn	13	0	0.0	+ 1 M	- 1 W
McClure	19	0	0.0	+ 1 M	- 1 W
McEachron	17	0	0.0	+ 1 M	- 1 W
Potwin	11	0	0.0	+ 1 M	- 1 W
Quincy	23	4	17.4	- 1 M	+ 1 W
Quinton Heights	15	0	0.0	+ 1 M	- 1 W
Whitson	22	0	0.0	+ 1 M	- 1 W

Summary

An analysis of faculty and staff assignments to the schools in the Topeka District indicates the intentional segregation of both elementary and secondary schools by faculty and staff assignments. It was nearly 1960 before the Board decided white pupils could be exposed to Black teachers. While the severity of disparity in assignments to minority and white schools has lessened, the percentage of schools racially identifiable by virtue of faculty assignment has changed very little. Apparently it was not until 1980 that any policy was formalized by the Board -- and only then by a relatively obscure objective statement -- to disestablish the segregation in personnel assignments. Certainly the seeming reluctance of the District to correct or deal with this condition by either policy or practice -- one of the most important indicia of segregated schools and an area over which the Board has complete control administratively -- suggests a presumption of liability in other suspect areas.

3. Facilities: Construction of new schools, school additions, school closings, and portable facilities

In determining the existence of liability the patterns emerging from the construction of new schools, additions to old ones, closing schools, and the use of temporary portable or rental facilities carry great weight. In addition, where a dual system has existed it is a school board's responsibility to see that new school construction and closings do not act to maintain or re-establish segregation.

Construction of new schools, 1954-83

Twenty-two new schools were opened by the Topeka District between 1954 and 1983 -- fifteen elementary and seven secondary. Six of the elementary were replacement schools. Eight of the elementary schools and four of the secondary schools opened racially identifiable and remained so through 1983-84 or for extended periods of time.

1954	<u>Crestview</u>	1954-56	all-white
		1957-65	no data
		1966-71	racially identifiable W (0.4 to 1.2% min.)
		1972-74	racially non identifiable (11.1 to 12.7% min.)
		1975-83	racially identifiable W (2.8 to 4.8% min.)

Opened all-white and stayed racially identifiable white through 1983-84 except for a three year period, 1972-74.

1954	<u>Quinton Heights</u> (replacement)	1954	racially identifiable W (3.4% B)
		1955-56	racially non identifiable (7.0 to 7.3% B)
		1957-65	no data
		1966-76	racially identifiable min. (36.4 to 38.2% min.)
		1977	racially non identifiable (34.1% min.)
		1978-83	racially identifiable min. (39.0 to 54.7% min.)

Opened racially identifiable white but was sited next to the all-Black Monroe School and became a receiving school for Black reassignments. By 1956 it was 7.3% Black and in 1966 was 36.4% minority. It stayed racially identifiable minority from 1966 thru 1983 except for one year, 1977.

1955	<u>Stout</u>	1955-56	all-white
		1957-65	no data
		1966-79	racially identifiable W (0.5 to 7.1% min.)

Opened all-white and stayed racially identifiable white through 1979.

1957	<u>Lafayette</u> (replacement)	1957-65	no data
		1966-83	racially identifiable min. (54.5 to 55.9% min.)

Became a receiving school for Black reassignments and was racially identifiable minority for all the years records were available, 1966-83.

1957 McCarter 1957-65 no data
 1966-81 racially identifiable W (0.3 to 9.2% min.)
 1982 racially non identifiable (10.9% min.)
 1983 racially identifiable W (7.0% min.)

Opened racially identifiable white and stayed so thru 1981; again racially identifiable white in 1983.

1957 Sheldon 1957-65 no data
 1966-70 racially non identifiable (3.1 to 4.3% min.)
 1971-76 racially identifiable W (4.4 to 3.0% min.)
 1976 closed

Became a receiving school for white reassignments and was essentially a white school or very close to it for its twenty years in service.

1959 Lowman Hill 1959-65 no data
 (replacement) 1966-81 racially identifiable min. (49.6 to 41.8% min.)

The old Lowman Hill school was all-white in 1953 and 1954; in 1955 it became 16% Black (racially identifiable) and in 1956-57 was 17.4% Black. From 1959 thru 1965 the new school became increasingly Black as a receiving school for black reassignments.

1959 McEachron 1959-65 no data
 1966-77 racially identifiable W (0.0 to 6.5% min.)
 1978-80 racially non identifiable (9.7 to 10.6% min.)
 1981 and 1983 racially ident. min. (9.1 and 9.2% min.)

Opened all-white in 1959 probably. Racially identifiable white through 1979 and again in 1981 and 1983.

1962 McClure 1966-83 racially identifiable W (0.5 to 4.6% min.)

Opened racially identifiable white and has stayed so through 1983-84.

1965 Bishop 1966-68 racially non identifiable (2.5 to 3.0% min.)
 1969-81 racially identifiable W (3.4 to 10.2% min.)

For three years was racially non identifiable by a whisker. In 1969 became racially identifiable white and stayed so through 1981-82.

1967 Belvoir 1967-83 racially identifiable min. (56.8 to 59.6% min.)
(replacement)

Opened racially identifiable minority and stayed so through 1983-84.

1961 Jardine 1966-70 racially identifiable W (0.4 to 2.7% min.)
1971 and 1972 racially non ident. (2.9 to 3.1% min.)
1973 and 1974 racially ident. W (2.1 to 2.6% min.)
1979 racially identifiable W (8.8% min.)

Opened racially identifiable white and remained so through 1970-71 and three intermittent years thereafter.

1961 Topeka West 1966-83 racially identifiable W (0.4 to 6.6% min.)

Opened as a racially identifiable white school and was still so in 1983-84.

1963 Landon 1966-83 racially identifiable W (1.5 to 6.2% min.)

Opened as a racially identifiable white school and stayed so through 1983-84.

1970 French 1970 and 1971 racially ident. W (0.9 to 0.9% min.)
1972 and 1974 racially non ident. (2.1 and 5.6% min.)
1973 racially identifiable W (3.0% min.)
1975 racially non identifiable (6.3% min.)
1976-83 racially identifiable W (2.7 to 6.1% min.)

Opened racially identifiable white and stayed so through 1983-84 except for 1972, 1974, and 1975 years.

School closings, 1954-83

When schools are closed the pupils are reassigned to new attendance zones to attend other schools or, in some cases, to replacement schools. Where capacity is available in opposite race schools, assignment to such schools becomes a desegregative technique; assigning pupils to same-race schools impacts those schools racially and is a segregative action. Examples of the latter follow.

1954 Seabrook 1953 (all-white)

Approximately 281 pupils assigned to Crestview which opened all-white in 1954. Spaces were available in Black schools.

1955 McKinley reassigned to Grant and Quincy

	1953			1954			1955			1966		
	B	W	% B	B	W	% B	B	W	% B	Min.	W	% Min.
Grant	0	318		3	306	1.0	75	296	20.2	150	188	44.4
Quincy	0	419		34	426	7.4	34	407	7.7	69	294	19.0
McKinley	110	0		67	0		close					

Effect of closing assignments was to segregate Grant School.

1959 Buchanan reassigned to Lowman Hill

	1956			1959 Est.			1966		
	B	W	% B	B	W	% B	Min.	W	% Min.
Central Park	20	364	5.2				55	300	15.5
Clay	19	223	7.9				34	184	15.6
Polk	4	221	1.8				21	161	11.5
Lowman Hill	53	251	17.4				199	202	49.6
Buchanan	108	0		close					

Effect of closing assignments was to further impact Lowman Hill racially.

1978 Parkdale reassigned to Lafayette and Highland Park North

	1977			1978		
	Min.	W	% Min.	Min.	W	% Min.
Lafayette	255	128	66.6	289	141	67.2
Highland Park North	127	142	47.2	170	121	58.4
Sumner	48	192	20.0	56	195	22.3
Lundgren	15	240	5.9	18	232	7.2
Parkdale	201	97	67.4	close		

Effect of closing assignments was to further impact Lafayette and Highland Park North racially.

Similar segregative closings took place with Washington (1962), Van Buren (1964), Dawson (1966), Sheldon (1977), Polk (1979), Central Park (1980), Crane (1975), and Capper (1976). In 1980 the junior high system was completely reorganized but little improvement resulted from a desegregation standpoint. In 1980 there were nine junior high schools, three minority, three white, and three desegregated; in 1981 there were six schools remaining, one minority, two white, and three still desegregated.

<u>1979</u>	<u>% Min.</u>		<u>% Min.</u>		<u>% Min.</u>
East Topeka	71.4	Eisenhower	34.7	Jardine	8.8
Highland Park	43.9	Holliday	25.0	French	6.2
Boswell	42.5	Roosevelt	19.5	Landon	4.0
<u>1980</u>					
Eisenhower	45.0	Chase	38.5	Jardine	4.7
		Jardine	13.5	Landon	5.3
		Robinson	32.8		

Construction of school additions, 1954-83

During the 1954-83 period there were something like 46 major constructions of four classrooms or more added on to 36 of the existing school buildings. Of these 46 major additions, approximately 26 were to identifiable white schools, 12 to identifiable Black or minority schools, and 8 to racially non identifiable schools. Six major additions were made in 1954, five to white schools and one to a Black school. In 1957 there were major additions to 21 of the 23 elementary schools and to six secondary schools. Very seldom was capacity added to desegregated schools, but before 1958 there were very few schools desegregated.

Since 1957 there have only been eleven major additions, and nine of these were at racially identifiable schools seven white and two black. The significant result of school additions was a general maintenance of the status quo racially which amounted to, in most cases where additions were made, a maintenance of segregated schools.

Use of temporary facilities, 1954-83

In the same manner that the construction of classroom additions to buildings was generally used to maintain or impact segregated conditions, the Topeka District often placed portable facilities. Between 1967 and 1980 at the elementary level 231 portable classrooms were used at regular elementary schools, counted on a year-to-year basis. That is, this actual number of portables was not utilized but, on the average, 16-1/2 were in place each of the 14 years. In 1967 many of the schools receiving portables were racially identifiable, and most of them were heavily white or minority.

<u>1967 % Minority</u>			
Lafayette	59.2	Hudson	8.1
Highland Park North	29.7	Rice	7.2
State Street	26.8	Highland Park South	4.0

Elementary Average	16.9	Bishop	4.0

Central Park	16.4	McClure	0.6
Polk	13.6	McEachron	0.0

From 1967 thru 1980 of the 113 portable placements on a year-to-year basis 106 were at identifiably white junior high schools. From 1964 to 1980 at the

senior high level, 103 of the 106 annual portable placements were at Topeka West, a racially identifiable white school.

Summary

The utilization of facilities played a major role in the maintenance and impaction of segregated schools in Topeka from 1954 thru 1983. This was especially so in relation to opening newly constructed schools and closing schools, where many opportunities were lost as attendance boundaries changed to lessen the impact of segregation or to desegregate affirmatively in terms of pupil assignment. The construction of classroom additions to buildings and the placement of portable classrooms played a less significant role in this regard but, to some extent, contributed to the status quo racially which was largely segregated.

4. Annexation and de-annexation activities

Between 1952 and 1962 the Topeka District annexed fifteen schools from outside the District boundaries, twelve elementary and three secondary. Eight of these buildings were annexed in 1959 comprising the schools in the Avondale and Highland Park areas. In the decision-making process accompanying annexation the racial status and projected racial status of schools being annexed is one of the more obvious component inputs. Nearly half of these added schools were destined to be maintained as racially identifiable, segregated schools for most of the time they were utilized by the District, absent any affirmative desegregative actions.

1952	<u>Southwest</u> (Whitson)	1953	0.7% B1	8 B1 Students
		1956	0.5% B1	4
		1966	1.3% min.	6 min. students
		1970	0.5	2
		1983	9.5	32

Annexed racially identifiable white and remained so through 1983-84 except for one year (1978).

1953	<u>Capper</u>	1966	0% min.	0 min. students
		1970	1.1% min.	5
		1975	4.1%	15
		1976	close	

Annexed racially identifiable white and remained so through its closing in 1976 except for two years (1971 and 1972).

1959	<u>Avondale SW</u> (Shaner)	1966	0.7% min.	3 min. students
		1970	4.6	19
		1975	10.2	34

Annexed racially identifiable white and remained so through 1974-75 except for two years (1968 and 1970).

1959	<u>Avondale W</u>	1966	1.3% min.	7 min. students
		1970	0.8	4
		1975	4.0	16
		1980	13.3	41

Annexed racially identifiable white and remained so through 1979-80 school year.

1959	<u>Highland Park N</u>	1966	21.6% min.	119 min. students
		1970	31.0	143
		1975	42.1	146
		1983	62.1	198

Became racially identifiable minority in 1969 and became progressively greater in minority percentage enrollment through 1983-84.

1960	<u>Belvoir</u>	1966	59.7% min.	255 min. students
		1970	63.9	232
		1975	69.5	214
		1983	59.6	121

Annexed racially identifiable minority and has remained so through 1983-84.

1962	<u>Lyman</u>	1966	0% min.
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Annexed racially identifiable white and remained so through its de-annexation in 1967.

Summary

At least seven schools were annexed by the Topeka District and opened and maintained for the most part as racially identifiable schools, five white and two minority. Additionally, Highland Park Central and Highland Park Junior High Schools were assigned through the years a disproportionately larger number of minority students in relation to other District schools; each of them became racially identifiable minority over a period of four years, 1977-80 and 1976-79 respectively. Through at least 1980 the Board seemingly took no positive steps to desegregate these annexed schools. Since 1980 Highland Park North and Belvoir remain the two elementary schools with the heaviest concentration of minority students.

5. Maintaining the Black schools: a reciprocal affair

The history of desegregation in the Topeka Schools illustrates a system of racial duality in which a large number of schools have been "earmarked" as Black and minority or white and maintained that way. In the case of Black or minority

schools many have gone through a transitional phase of becoming increasingly identifiable racially, but the direction was always clear; the white schools illustrate a protective type of action where they have been white and are maintained that way by various techniques. These techniques -- attendance boundary changes, transportation, optional zones, pairing and clustering, opening and closing schools, portables and classroom additions, magnet programs, reassignment of faculty and staff and students, and the like -- can be segregative or desegregative depending on how they are used. In Topeka, most of them were used in the segregative mode.

Elementary schools

In 1950 there were four all-Black schools and eighteen all-white; in 1953 it was the same except for two white schools which had enrolled an estimated ten Black pupils.

	1950 (22 schools)			
	<u>Black</u>		<u>White</u>	
Buchanan	100% B		18 schools	100% W
Monroe				
McKinley				
Washington				
	all B faculties		all white faculties	

1953 (22 schools)

Same as 1950 except for ten B pupils in Southwest and Randolph.

By 1956 McKinley had closed leaving three of the original four all-Black schools and five transitional Black schools which had been assigned the largest number of Black pupils proportionately in the early desegregation activities. Reciprocally, there were six virtually all-white schools.

1956 (23 schools)

<u>Black</u>			
Buchanan	100% B1	Crestview	0% B1
Monroe	100%	Gage	0%
Washington	100%	Lundgren	0%
Parkdale	24.4% (transitional)	Potwin	0%
Van Buren	20.9% (transitional)	Stout	0%
Lincoln	19.9% (transitional)	Southwest	0.5%
Grant	17.6% (transitional)		
Lowman Hill	17.4% (transitional)		

By 1966 -- the next year of racial records available -- Buchanan, Washington, Van Buren, and Lincoln had been closed and Belvoir annexed. Belvoir, along with the 1956 Black schools still open, formed the nucleus of the 1966 minority group. Lafayette and Quinton Heights, which had been pretransitional Black in 1956 with 13.7 and 7.3% B pupils respectively, completed the group.

On the white side in 1966 there were 12 schools less than 1.4% minority with a combined minority enrollment of 32 students. Five of the six whitest schools from 1956 were still in the group; Lundgren had reached a 3.3% minority enrollment. Of the others, three had been annexed and three were newly constructed.

1966

<u>Minority</u>		<u>White</u>			
Parkdale	93.1% min.	Gage	1.4% min.	Crestview	0.4% min.
Monroe	79.8%	Southwest	1.3%	McCarter	0.3%
Belvoir	59.7%	Avondale W	1.3%	Randolph	0.2%
Lafayette	54.5%	Avondale SW	0.7%	Lyman	0%
Lowman Hill	49.6%	McClure	0.5%	McEachron	0%
Grant	44.4%	Stout	0.5%	Potwin	0%
Quinton Heights	36.4%				

Nine years later in 1974 the same seven minority schools from 1966 were still the "minority schools" except that Highland Park North -- an annexed school -- had replaced Grant. The six schools that were the whitest in 1956 were still in the white group in 1974 except for Crestview -- which had momentarily become desegregated. For the most part the minority staff personnel assigned to these schools only added to their racial identifiability.

1974-75

<u>Minority Schools</u>			<u>White Schools</u>		
	<u>% min. enroll.</u>	<u>% min. staff</u>		<u>% min. enroll.</u>	<u>% min. staff</u>
Parkdale	86.7%	48.4%	McClure	0.7%	0.0%
Monroe	82.7%	53.3%	McCarter	1.6%	6.5%
Lafayette	68.9%	29.2%	Randolph	1.9%	0.0%
Belvoir	67.1%	18.8%	Southwest	2.5%	0.0%
Lowman Hill	47.0%	13.6%	McEachron	2.6%	0.0%
Highland Park N	42.3%	11.4%	Avondale W	2.8%	3.6%
Quinton Heights	37.0%	18.2%	Lundgren	3.5%	0.0%
			Gage	3.9%	5.0%
			Potwin	3.9%	0.0%
			Sheldon	4.1%	5.3%
% min. enroll. Dist. elem.		21.1	Bishop	4.5%	3.1%
% min. staff Dist. elem.		12.4	Stout	4.6%	7.7%
			Avondale SW	4.9%	0.0%

By 1983-84 the "minority schools" of 1974 had either been closed or remained "minority schools." Hudson was an addition. The whitest schools had been in the white group since 1956 or since they were opened.

1983-84

<u>Minority Schools</u>			<u>White Schools</u>		
	<u>% min. enroll.</u>	<u>% min. staff</u>		<u>% min. enroll.</u>	<u>% min. staff</u>
Highland Park N	62.1%	15.9%	Potwin	4.2%	12.7%
Belvoir	59.6%	25.6%	McClure	4.6%	0.0%
Lafayette	55.9%	19.3%	Crestview	4.8%	11.3%
Quinton Heights	54.7%	10.8%	McCarter	7.0%	15.4%
Hudson	45.9%	5.4%	Gage	7.9%	10.3%
			McEachron	9.2%	4.2%
% min. enroll. Dist. elem.		25.3	Southwest	9.5%	0.0%
% min. staff Dist. elem.		12.3			

Secondary schools

In 1966 there were three "minority" junior high schools and one transitional minority junior high. On the white side there were three junior high schools and one senior high.

1966

<u>Black</u>		<u>White</u>	
East Topeka	61.8% min.	Capper	0.0% min.
Crane	34.5%	Jardine	0.4%
Curtis	27.9%	Topeka West H.S.	0.4%
Highland Park J.H.	17.8%	Landon	1.5%

% min. enroll. Dist. Secondary 15.1

In 1974 these same schools were in about the position racially as 1966.

1974

<u>Minority Schools</u>			<u>White Schools</u>		
	<u>% min. enroll.</u>	<u>% min. staff</u>		<u>% min. enroll.</u>	<u>% min. staff</u>
East Topeka	64.6%	40.4%	Capper	1.1%	2.4%
Crane	52.9%	17.4	Jardine	2.6%	0.0%
Curtis	25.6%	3.8%	Topeka West H.S.	2.4%	1.8%
Highland Park J.H.	28.5 %	19.5%	Landon	2.0%	6.5%
%			%		
% min. enroll. Dist. secondary		18.4			
% min. staff Dist. secondary		8.7			

By 1983 the junior high schools had been completely reorganized and several of the minority schools closed. Eisenhower was left as the only "minority" school; there were still some white schools.

1983

<u>Minority Schools</u>			<u>White Schools</u>		
	<u>% min. enroll.</u>	<u>% min. staff</u>		<u>% min. enroll.</u>	<u>% min. staff</u>
Eisenhower	41.7%	16.0%	French	6.1%	6.3%
			Landon	6.2%	9.5%
			Topeka West	6.6%	6.0%
%			%		
% min. enroll. Dist. secondary		25.4			
% min. staff Dist. secondary		12.4			

Summary

By one technique or another or several acting in concert Topeka managed to maintain a cadre of Black and minority schools at one end of the racial spectrum and, reciprocally, a cadre of white schools at the other extreme. The individual schools so characterized stayed remarkably the same schools through the years except as Black schools were closed. At the secondary level the junior high reorganization in 1980 finally disrupted the pattern.

6. Optional Zones

From 1954 thru 1956 optional zones were in existence between the newly-established Black attendance areas of all-Black Buchanan, Monroe, and Washington and surrounding majority white schools: Buchanan-Lowman Hill and Polk, Monroe-Van Buren and Polk, Washington-Lincoln and Parkdale. This permitted whites to opt for attendance at the white or whiter schools; no whites chose to go to the Black schools. It also permitted a considerable number of Blacks to attend the white schools.

In 1958 two optional attendance zones between Potwin and Lowman Hill were changed to a Lowman Hill-Gage-Clay option which, along with some other changes, permitted whites to get from Potwin to Clay, concentration of blacks at Lowman Hill, and continuing white predominance at Potwin.

A series of optional zone changes in 1964 with regard to the six optional zones surrounding Lowman Hill established a pattern of assigning Black pupils to Lowman Hill and whites to the surrounding white schools.

A series of optional zone changes in 1962 of areas around Lincoln, Lafayette, Parkdale, and Sumner helped consolidate Parkdale as a school with heavy Black concentration.

From 1959 to 1964 optional zone changes were made in relation to the Quinton Heights School which increased its Black enrollment and permitted whites to attend area white schools.

As of 1963 Crane had seven optional attendance zones surrounding it which were for the most part with whiter schools. These were all dismantled by 1965 and white areas assigned to white schools.

Summary

A number of examples of racially significant optional zones have been presented which illustrate the classic manner made by the use of such zones to maintain segregation. As areas undergo racial changes optional zones are established for a period of time to allow whites in the area to go to whiter schools during the transition. As changing areas gain racial identity the optional zones are closed and the areas assigned to like-race schools. Topeka used optional zones in this manner largely to permit whites to stay segregated in whiter schools during transitional periods.

7. Open enrollment

Exhibiting either a modicum of naivete about or indifference to the desegregation of schools, the Topeka District adopted an Open Enrollment policy in July,

1978. Even where restricted by racial safeguards (essentially meaning it is "less open") open enrollment has never brought appreciable results in school desegregation. Whites predictably have not enrolled in minority schools, and minorities have gone to those schools, white or minority, where they perceive they have the best chance for a good education. Open enrollment without racial restrictions -- the restrictions usually meaning the transfer must not result in increased segregation at either the sending or receiving schools -- has been considered discriminatory for some years in districts with any significant minority enrollment.

In Topeka a citizens' committee was asked to study the racial effects of the Open Enrollment policy and its implementation. The Committee's report to the Board involved a review of data on applications for open enrollment transfers for the school year 1979-80 and applications for transfers for all other reasons except child care baby sitters. Data are also available on approved applications for transfer for 1980-81 (Depos. Ex. 8).

The Committee used a rather obtuse and over-complicated method of analyzing the application data but reached the following conclusions (in part).

1. Open enrollment as applied for would cause a general trend toward racial polarization in the schools.
2. Applications for other allowable transfers, if permitted, would also create a general trend toward racial polarization.

A review of these application data and of the net effect of the approved transfers in 1980-81 suggested the general outcomes that could certainly be anticipated.

1. Both white and minority students tend to transfer out of high percentage minority-enrolled schools, but especially whites, leaving them more impacted racially in relation to the other schools in the District.
2. Both white and minority students tend to transfer into high percentage white-enrolled schools, but especially whites, leaving them more impacted racially.
3. Exceptions may be found to these trends where a school is perceived as "excellent" in some way by both racial groups or has some common demographic advantage.

Summary

It seems strange indeed that Topeka at this point (1978) in the history of school segregation-desegregation would adopt a policy of open enrollment which would be virtually certain to bring about segregative results.

8. Faculty and staff employment

Racial data are available on employment in the Topeka Schools since around 1970, and information on the distribution of employees by EEOC job category from

1975. The number of staff employees by race serving in schools since 1973 is given in Table 9. The most frequently suggested guideline for minority representation in the employment force is that the staff should reflect the racial mix of student enrollment. This is especially true of formerly de jure districts where Black employees only worked with Black students and white employees only worked with white students. Here the percentage of minority employees was apt to be about the same as the percentage of minority students. As seen in Table 9 this guideline has never been approached in Topeka and the likelihood of its being met gets less and less over the years as the percentage of minority students gradually increases and the percentage of minority staff stays about constant. The ratio by 1983 was more than 2 to 1 of minority student percentage to minority staff percentage. The ratio of minority student percentage to minority faculty percentage was at about 2.5 to 1, as the faculty is lesser minority than the total staff.

Another guideline for minority employment less frequently used is the ratio to minorities in the residential population. A third approach generally found acceptable in the courts [United States vs. Hazelwood School District, 534 f. 2d 805 (1976)] is to measure the success of overall staff desegregation by the degree to which it reflects the racial mix of the available relevant work force in the area from which the school district could reasonably be expected to draw employees. The latter approach would also consider such factors as recruitment practices and applicant flow data for the various job categories. It is likely that the percentage minority population in Topeka and the percentage minorities

TABLE 9. Staff Employees in Schools
 Topeka Public Schools: U.S.D. No. 501
 1973-74 thru 1983-84

<u>Elementary</u>	<u>Total Staff</u>	<u>Minority Staff</u>	<u>% Minority Staff</u>	<u>% Minority Students</u>
1973-74	708	127	17.9	20.1
1974-75	933	116	12.4	21.1
1975-76	997	99	9.9	21.5
1976-77	590	95	16.1	22.1
1977-78	780	110	14.1	22.5
1978-79	746	92	12.3	23.0
1979-80	721	89	12.3	23.9
1980-81	706	91	12.9	24.4
1981-82	667	82	12.3	25.2
1982-83	679	76	11.2	25.4
1983-84	635	78	12.3	25.3
<u>Secondary</u>				
1973-74	874	70	8.0	18.4
1974-75	870	76	8.7	18.4
1975-76	836	74	8.9	19.6
1976-77	775	86	11.1	20.6
1977-78	555	80	14.4	22.0
1978-79	771	73	9.5	22.6
1979-80	748	86	11.5	24.0
1980-81	687	76	11.1	25.1
1981-82	677	77	11.4	25.6
1982-83	654	79	12.1	25.9
1983-84	652	81	12.4	25.4

<u>Special</u>	<u>Total Staff</u>	<u>Minority Staff</u>	<u>% Minority Staff</u>	<u>% Minority Students</u>
1973-74	-	-	-	-
1974-75	-	-	-	-
1975-76	104	10	9.6	20.6
1976-77	145	12	8.3	17.2
1977-78	134	9	6.7	13.4
1978-79	139	12	8.6	14.6
1979-80	135	12	8.9	14.1
1980-81	146	12	8.2	17.0
1981-82	151	16	10.6	16.7
1982-83	174	16	9.2	18.9
1983-84	178	14	7.9	20.6
 <u>All Schools</u>				
1973-74	1,582	197	12.5	19.3
1974-75	1,803	192	10.6	19.8
1975-76	1,937	183	9.4	20.9
1976-77	1,510	193	12.8	21.3
1977-78	1,469	199	13.5	22.1
1978-79	1,656	177	10.7	22.2
1979-80	1,604	187	11.7	23.7
1980-81	1,539	179	11.6	24.5
1981-82	1,495	175	11.7	25.6
1982-83	1,507	171	11.3	25.9
1983-84	1,465	173	11.8	25.8

Sources: Interrogatory No. 54
Depos., EX 6

in the relevant labor market are both considerably lower than the percentage minority enrollment figure of 25-26%.

A breakdown of District employees by minority and others into nine basic EEOC categories (some are consolidated for simplification) from 1975 thru 1983 is found in Table 10. Minorities generally have been underrepresented in these categories: elementary teachers, secondary teachers, and clerical/secretarial. They have been overrepresented as teacher aides and service workers.

Summary

Employment of minorities is considerably deficient as measured against the criterion of student enrollment ratios, probably a lot less off the mark using criteria of minorities in the general population or the relevant labor market.

TABLE 10. District Employees by Categories

Topeka Public Schools: U.S.D. No. 501

1975-76 thru 1983-84

<u>Categories</u>	<u>1975-1976</u>		
	<u>Total Employees</u>	<u>Minority Employees</u>	<u>% Minority Employees</u>
District-wide Managerial	72	8	11.1
School-based Managerial	65	6	9.2
Elementary Classroom Teachers	397	50	12.6
Secondary Classroom Teachers	506	40	7.9
Other Teachers & Professional Staff	413	21	5.1
Teacher Aides	208	43	20.7
Clerical/Secretarial	189	12	6.3
Skilled & Technical	80	8	10.0
Service Workers	389	23	5.9
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Total	2,319	211	9.1

<u>1976-1977</u>			
District-wide Managerial	58	7	12.1
School-based Managerial	61	7	11.5
Elementary Classroom Teachers	516	43	8.3
Secondary Classroom Teachers	416	39	9.4
Other Teachers & Professional Staff	378	37	9.8
Teacher Aides	208	64	30.8
Clerical/Secretarial	188	14	7.4
Skilled & Technical	76	10	13.2
Service Workers	230	26	11.3
	<hr/>	<hr/>	<hr/>
Total	2,131	247	11.6

1977-1978

<u>Categories</u>	<u>Total Employees</u>	<u>Minority Employees</u>	<u>% Minority Employees</u>
District-wide Managerial	59	7	11.9
School-based Managerial	58	7	12.1
Elementary Classroom Teachers	406	37	9.1
Secondary Classroom Teachers	400	32	8.0
Other Teachers & Professional Staff	452	52	11.5
Teacher Aides	215	64	29.8
Clerical/Secretarial	180	15	8.3
Skilled & Technical	73	11	15.1
Service Workers	225	26	11.6
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Total	2,068	251	12.1

1978-1979

District-wide Managerial	59	7	11.9
School-based Managerial	58	7	12.1
Elementary Classroom Teachers	406	39	9.6
Secondary Classroom Teachers	399	24	6.0
Other Teachers & Professional Staff	466	44	9.4
Teacher Aides	232	54	23.3
Clerical/Secretarial	169	14	8.3
Skilled & Technical	79	12	15.2
Service Workers	242	29	12.0
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Total	2,110	230	10.9

1979-1980

<u>Categories</u>	<u>Total Employees</u>	<u>Minority Employees</u>	<u>% Minority Employees</u>
District-wide Managerial	59	7	11.9
School-based Managerial	60	8	13.3
Elementary Classroom Teachers	401	39	9.7
Secondary Classroom Teachers	381	25	6.6
Other Teachers & Professional Staff	463	43	9.3
Teacher Aides	220	53	24.1
Clerical/Secretarial	169	13	7.7
Skilled & Technical	96	13	13.5
Service Workers	232	35	15.1
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Total	2,081	236	11.3

1980-1981

District-wide Managerial	61	8	13.1
School-based Managerial	53	7	13.2
Elementary Classroom Teachers	391	36	9.2
Secondary Classroom Teachers	368	28	7.6
Other Teachers & Professional Staff	466	53	11.4
Teacher Aides	208	45	21.6
Clerical/Secretarial	169	15	8.9
Skilled & Technical	85	10	11.8
Service Workers	231	33	14.3
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Total	2,032	235	11.6

1981-1982

<u>Categories</u>	<u>Total Employees</u>	<u>Minority Employees</u>	<u>% Minority Employees</u>
District-wide Managerial	55	6	10.9
School-based Managerial	52	8	15.4
Elementary Classroom Teachers	367	35	9.5
Secondary Classroom Teachers	366	30	8.2
Other Teachers & Professional Staff	469	49	10.4
Teacher Aides	192	40	20.8
Clerical/Secretarial	164	11	6.7
Skilled & Technical	94	12	12.8
Service Workers	215	34	15.8
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Total	1,974	225	11.4

1982-1983

District-wide Managerial	52	8	15.4
School-based Managerial	49	7	14.3
Elementary Classroom Teachers	364	34	9.3
Secondary Classroom Teachers	362	27	7.5
Other Teachers & Professional Staff	449	47	10.5
Teacher Aides	203	45	22.2
Clerical/Secretarial	160	11	6.9
Skilled & Technical	78	8	10.3
Service Workers	216	37	17.1
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Total	1,933	224	11.6

1983-1984

<u>Categories</u>	<u>Total Employees</u>	<u>Minority Employees</u>	<u>% Minority Employees</u>
District-wide Managerial	55	6	10.9
School-based Managerial	51	7	13.7
Elementary Classroom Teachers	360	39	10.8
Secondary Classroom Teachers	349	28	8.0
Other Teachers & Professional Staff	467	47	10.1
Teacher Aides	192	45	23.4
Clerical/Secretarial	162	13	8.0
Skilled & Technical	87	10	11.5
Service Workers	203	35	17.2
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Total	1,926	230	11.9

Source: Interrogatory No. 54

9. Opportunities lost: Board failures to act desegregatively

In any given year between 1953 when the Topeka Board instituted its only desegregation plan (the four-step plan) and 1974 when the Board considered a "Tentative Plan for a More Perfect Unitary School System," school desegregation by virtue of nondiscriminatory student and staff assignments to schools could have been implemented in whole, in part, in stages, or all at once. It would have been both feasible and practicable to affirmatively disestablish the dual structure and remove the vestiges of segregation "root and branch." To the extent that Topeka was sort of a "first cousin" to southern de jure systems (such as the other Brown I districts), the most likely time to have desegregated the District would have been between 1967 and 1974 when the majority of such districts completed the task. This did not take place.

In 1974 the Topeka District enjoyed an exceptionally good opportunity to get the job done under pressure by HEW when the political onus of a decision to desegregate (if indeed there is such a burden in the liberal state of Kansas) could have been easily shifted to the Federal government. The Tentative Plan developed and proposed by the administrative staff, while not perfect, (e.g., Lafayette was projected to be 50% minority, Highland Park North was left at 41% minority, and there were six elementary and three junior high schools left virtually all-white) would have probably received approval from HEW and, in that framework at least, the District would have been unitary and desegregated. This did not take place.

Finally in January 1984 two long-range master proposals, Plan X and Plan N, were developed to be considered by the community, the District Citizens' Advisory Council, and the Board. Plan N, which was based on a K-5, 6-8, 9-12 grade structure, and Plan X, which was based on a K-6, 7-8, 9-12 grade structure, both involved a considerable amount of construction, closing schools, and reorganization. While not perfect from a desegregation planning standpoint both plans would have moved the District very close to being completely desegregated. This did not take place.

It would have been both feasible and practicable in any given year from 1974 thru 1984 for the Topeka Board to have effectuated a complete desegregation plan.

Summary

Although all the data available indicate that there were no meaningful barriers to complete desegregation in the Topeka Schools District, it has not taken place.