

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

Intervenor-  
Plaintiffs

No. T-316

vs

BOARD OF EDUCATION OF TOPEKA,  
SHAWNEE COUNTY, KANSAS, et al

Defendants

PLAINTIFF-INTERVENORS' INTERROGATORIES  
TO DEFENDANT BOARD OF EDUCATION  
FIRST SET

The Plaintiff-Intervenors pursuant to Rule 33 of the Federal Rules of Civil Procedure requests that the above named Defendants answer under oath within thirty (30) days the following written interrogatories. These interrogatories shall be answered as of the day in which the interrogatories are filed except where otherwise indicated and shall be deemed continuing up to the date of trial in that supplemental answers shall be supplied if additional or different information becomes known to Defendants. Where the answer to any of the interrogatories set forth below is a reference to any document, Plaintiff-Intervenors hereby request pursuant to Rule 34 of the Federal Rules of Civil Procedure that the Defendants make available such document for inspection and copying at Plaintiff-Intervenors attorneys offices or some other mutually convenience place within thirty (30) days after service of these interrogatories.

1. For each answer to these interrogatories, state and identify the following:
  - a. The name, official position and address of each person who assisted in preparing Defendants answers thereto.
  - b. Each document and record, by page, sheet or other references thereto from which the information requested was obtained.
  
2. State the date on which your school district was created as it presently exists, with its present name and administrative/governing organization.
  - a. State the manner (e.g., petition, referendum, etc.) in which it was created and specifically the legal authority for its creation.
  
3. If your school district is a successor, in whole or in part, to a prior school district or school districts, provide the following information for each such immediate predecessor:
  - a. The name, description or title of each such immediate predecessor school district.
  
  - b. Describe the geographical boundaries of each such immediate predecessor school district.
  
  - c. State the manner in which each immediate predecessor was created and specify the legal authority for its creation.

4. Describe the geographic boundaries of your school district as presently constituted.
5. Since 1940, give the following information for all territorial additions to or expansion of, the boundaries of your school district:
  - a. The date of each expansion or addition and description of the territory involved including the number of square miles.
  - b. The name of each school district or school organization which lost the territory involved in each such expansion or addition.
  - c. The reason(s) for each such expansion or addition.
  - d. State the manner and procedure in which each such expansion or addition was effectuated and specify the legal authority for its effectuation.

6. Since 1954, if the boundaries of your school district have ever decreased in size, or if your district has ever lost territory for any reason, please give the following information:
  - a. The date of each loss or decrease and a description of the territory involved therein, including the number of square miles lost.
  - b. The name of each school district or organization which gained the territory involved in each such loss or decrease.
  - c. The reason(s) for each such loss or decrease.
  - d. State the manner or procedure in which each such loss or decrease was effectuated and specify the legal authority for such effectuation.
  - e. State the number of students lost by your school district as a result of each such loss or decrease by:
    1. Total students
    2. White students
    3. Black students
    4. Other minority students

7. Give the tract number or other description of each federal census tract which was wholly included within the boundaries of your school district for the census years of 1950, 1960, 1970 and 1980.

8. Give the tract number or other description of each federal census tract which was partly, but not wholly, included within the boundaries of your school district for the census years of 1950, 1960, 1970 and 1980.

9. State separately for each school in existence and for each school year during the school years from 1940-1941 to 1979-1980, the following:
- a. Name and address of the school
  - b. Date of original construction
  - c. Date of opening
  - d. Description of school by:
    1. Size of school building and grounds
    2. Number and sizes of classrooms
    3. Number and type of other facilities in the school including but not limited to science laboratories, libraries, gymnasiums, auditoriums and workshops
    4. Outdoor recreational facilities, such as tennis courts, football fields, etc.
  - e. Date of closing
  - f. Grades served
  - g. Student capacity
  - h. Student enrollment by:
    1. Total number of students
    2. Number of white students
    3. Number of black students
    4. Number of other minority students
  - i. School attendance zone description by providing a boundary map with a demarcation of the attendance zone
  - j. Name of next school in which students are fed (inapplicable to high school)
  - k. Name of lower schools from which students are fed (inapplicable to elementary schools)
  - l. The schools to which students from this school were reassigned or transferred and for each school to which the students were reassigned state:
    1. Total number of students transferred
    2. The number of students that were white
    3. The number of students that were black

4. The number of students that were other minority
  5. Describe and accompany a map with a demarcation of the portion of the attendance zone for the transferring school that was incorporated into the attendance zone for the receiving school
- m. Schools from which students were reassigned or transferred to this school and for each school from which students were reassigned to the school state:
1. Total number of students reassigned
  2. The number of students that were white
  3. The number of students that were black
  4. The number of students that were other minority
  5. Description of the portion of the attendance zone for the transferring school that was incorporated into the attendance area for the receiving school. Accompany a map with a demarcation of this description
- n. If this school was closed, state the schools the students from the closed school were reassigned and for each school to which the students were reassigned state:
1. The total number of students
  2. The number of white students
  3. The number of black students
  4. The number of other minority students
  5. Description of the portion of the attendance zone for the closed school that was incorporated into the attendance zone for the receiving school. Accompany a map with a demarcation of this description
- o. Identify for each closed school all documents and memoranda utilized by the Defendant as a basis for justifying such closing. State the location and custodian of each such document or memoranda utilized.
- p. Faculty assignment to the school by:
1. Total faculty
  2. White faculty

3. Black faculty
  4. Other minority faculty
- q. Years of teaching experience of the faculty of the school by:
1. Average years
  2. Norm of years
- r. Level of educational achievement of the faculty of the school by:
1. Average years of education
  2. Norm of years of education
- s. Whether since the original construction, any additional classrooms or other facilities have been constructed to the schools. If the answer is in the affirmative, state:
1. The date of construction
  2. The type and description of the addition
  3. The cost of construction of the addition and the amount of funds from each source used in the construction
  4. The number of students the facility and the addition were designed to accommodate and the increase in student capacity with the facility addition
  5. How much additional space was obtained by construction of the addition, and what was the space utilized for
  6. Whether the additional capacity was needed to accommodate students transferred from other schools
  7. Whether the additional facility was needed to accommodate an increase in enrollment in the school due to increase in student population within the ~~static~~ attendance zone for the school
  8. State any other reasons for the construction of the additional facilities
- t. Whether portable classrooms have been used by the schools. If the answer is affirmative, state:



1. The total number of portable classrooms that have been used by the school
2. The date the portable classrooms were installed at the school site
3. The period of time the portable classrooms were in use
4. The number of students accommodated by each portable classroom and the increase in student capacity with the portable classrooms
5. Whether the portable classrooms were utilized to accommodate students which were reassigned from other schools. If the answer is affirmative, state the schools from which the students were reassigned
6. Whether the portable classrooms were utilized to accommodate an increase in enrollment of the school due to an increase in the student population in the attendance area for the school
7. Please state any other reasons for the use of the portable classrooms

10. For each school year from 1940-1941 to 1979-1980, state:

- a. How the school district determined what school a student attended
- b. The criterion utilized to establish the attendance zones for the school

11. For each school in existence and for each school year during the school years from 1940-1941 to 1979-1980, state the specific criteria stated in interrogatory 10 (b) above that was utilized to establish the attendance zone for the particular school.

12. For each of the school years from 1940-1941 to 1979-1980, state in dollar amount the total actual budget for the school district and provide the following itemization:

- a. The amount of the total budget collected from the State of Kansas
- b. The amount of total budget collected from local taxes and describe each local tax source (real property, sales tax, etc.) and the amount received therefrom
- c. The amount collected from other sources and describe each other source
- d. The amount of the total budget allocated to the general fund
- e. The amount of each line item expenditure in the budget

13. For each school in existence and for each school year during the school years from 1940-1941 to 1979-1980, state:

- a. The amount of funds allocated to the school and the expenditure items to which the funds were allocated
- b. The source(s) of the funds allocated to the school
- c. The average per pupil expenditure:
  1. Including all funds
  2. Excluding state and federal funds

14. For each school year from 1940-1941 to 1979-1980, state:

- a. The total amount of money that the school district received from the federal government
- b. The name of and the amount received from each agency of the federal government
- c. A description of each program or project under which the school district received federal funds
- d. The schools that received the aid or service provided by each federal program

15. For each school in existence and for each school year during the school years from 1940-1941 to 1979-1980, state and describe:

- a. Each and every course of study for each grade level at the school
- b. The textbooks and other materials used in connection with the course of study
- c. Extracurricular activities provided through the school
- d. Special courses taught at the school that generally is not taught at other schools
- e. Audio-visual and other types of equipment used in connection with the instruction at the school
- f. The criteria utilized in the selection of textbooks and other educational materials used for each course offering and educational program

16. For each school in existence and for each year during the school years from 1940-1941 to 1979-1980, state whether any tests designed to measure academic achievement were administered at the school. If the answer is in the affirmative state:

- a. The name of the test
- b. A description of the test and the objectives of the test
- c. The name and address of the author or preparer of the test
- d. The name and address of the person or organization that scored the test
- e. The name and official title and address of the person in the school district who had the responsibility of selecting the test to be administered at the school
- f. The average and median test score at the school

17. For each of the school years from 1945-1946 to 1979-1980, state whether any federally subsidised housing projects have been or are located within any attendance zone for a school in the school district. If the answer is in the affirmative, state:

- a. Name and address of the housing project
- b. Name of school whose attendance zone the housing project is located within
- c. Date the housing project was open
- d. The school year the housing project was included in the school attendance zone
- e. A description of the school attendance zone prior and subsequent to the housing project being included in the attendance zone. Accompany a map with a demarcation of this description
- f. The residency of the housing project by:
  1. Total number of residents
  2. Total number of white residents
  3. Total number of black residents
  4. Total number of other residents
- g. Whether any federal, state, county or municipal agency requested the school district to provide a school to serve a federal housing project. If the answer is in the affirmative, state:
  1. Name of the governmental agency that made the request
  2. The date the request was made
  3. The housing project to be served by the school
  4. The school which was provided to serve the housing project

18. State whether an optional attendance or open enrollment policy has been used in the school district since the 1940-1941 school year; and if the answer is in the affirmative, state:
- a. The school years such policies were in existence
  - b. The terms under which the students were allowed to transfer from their assigned schools
  - c. The schools which the policy applied to
  - d. For each school which the policy applied to, state the schools to which students from the particular school transferred under the open enrollment policy. And for each school to which the students transferred state:
    1. Total number of students that transferred
    2. Number of white students that transferred
    3. Number of black students that transferred
    4. Number of other minority students that transferred
  - e. For each school which the policy applied to, state the schools from which students transferred to this particular school under the policy. And for each school from which the students transferred state:
    1. Total number of students that transferred
    2. Number of white students that transferred
    3. Number of black students that transferred
    4. Number of other minority students that transferred

19. State whether since school year 194-1941, 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



20. State whether since school year 1940-1941 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
21. Since the 1940-1941 school year, state whether the school district or its predecessor has ever had any policy or practice with respect to separation or assignment of students on the basis of race, color or national origin. If the answer is in the affirmative, state:
- a. Date the policy was adopted
  - b. The period of time the policy was or has been in effect
  - c. Description of the policy
  - d. For each year the policy was in effect, state the name of the schools that Black and other minority students were assigned pursuant to the policy
  - e. Description of the attendance zone for each school stated in 21(d), if not previously described. Accompany a map with a demarcation of this description.

22. State whether your district, or its immediate predecessor, has since 1940 had any policies or practices with respect to separation or segregation of students on the basis of race, including participation in intramural, social and extra-curricular activities provided through the schools. If the answer is in the affirmative, describe the policies or practices as originally adopted and the basis therefore, and state when and in what form they were originally adopted.

23. State whether any desegregation plans have been proposed for the school district from the 1953-1954 school year to present. If the answer is in the affirmative, state for each plan:

- a. Detailed description of the plan
- b. The year it was proposed
- c. By whom it was proposed
- d. The extent to which it was ever implemented
- e. The year it was implemented
- f. Whether and how it was modified
- g. Whether it was only proposed but never implemented

24. Since school year 1940-1941, describe any and all plans or proposals, formal or informal, (including those described in Interrogatory No. 23) for facilities used or construction which included identification or projection of the effect of such plans or proposals on the racial composition of any school or program within your district which were:

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

25. For all school transportation policies in existence from the 1940-1941 school year to the present, describe the policy; and for each school year from 1940-1941 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 lonest bus ride by:
  - 1. Distance
  - 2. Time
- d. The cost of such transportation by:
  - 1. Total cost
  - 2. Percentage of the school system's annual budget

26. For each school year from 1940-1941 to 1979-1980, state the school district's policy other than that stated in Interrogatory No. 18 with regard to transfer of students from one school within the district to another school within the district, both upon a change of student residence and without a change of student residence

27. For each policy stated in Interrogatory No. 26 and for each school year from 1940-1941 to 1979-1980, state each school which the student transferred to pursuant to the policy and for each school state:

- a. Total number of students transferring pursuant to the policy
- b. Number of white students
- c. Number of black students
- d. Number of other minority students

28. Please describe any and all projections of the potential impact on the racial composition of any schools of any actual or proposed transfer optional attendance programs or policies received, solicited or developed by the school board or district at any time from 1940 to the present.

29. Please state the total number of applicants by race or national origin who applied to the district for positions as classroom teachers for the last ten (10) academic years.

30. Please state the total number of new hires (indicate full or part time) by race or national origin for classroom teachers for the last ten (10) academic years and the school of assignment.

31. Describe the process by which the district determines the school to which a particular teacher is assigned.

32. State whether your district or its immediate predecessor has ever had any policy or practice with respect to separation, segregation or assignment of teachers or other employees on the basis of race, color or national origin. If so, describe the policy or practice as originally adopted and the basis thereof.

33. List any and all plans or proposals (formal or informal and specify dates) for racial desegregation of teachers and other employees, within your district.

34. Does your school district own or lease a computer? (specify)

35. State whether your school district contracts with an outside agency for computer services to process the district's student enrollment or personnel information; if so, describe those services and estimate the percentage of computerized student enrollment or personnel service you contract out.

36. State whether your school district has its own computer programming department; if so, provide the following information:

- a. A description of its structure
- b. The name and job title of each person employed in the department
- c. The number of programmers and systems analysts employed
- d. Whether you employ any specialty programmers; if so, state how many and list their specialties



37. State whether your school district has a computerized student enrollment and/or personnel system; if so, provide the following information for each such system in effect on the date of your answer to this data request:

- a. The date the system was implemented
- b. The purposes for which you use the system
- c. Name and describe the reports in the system
- d. State whether you keep written records concerning your student enrollment and/or personnel which are used as the base data for your computer records; if so, state whether you keep such written records on a regular or irregular basis and state the date on which you began to keep them

38. Other than the system named in question No. 37,, did you have any computerized student enrollment or personnel systems in effect at any time prior to your answer to this date request. If so, answer question No. 37. separately for each such system, and state the date on which you ceased to use such system.

39. Does your school district have any computerized files other than those described in question No. 37, which contain student enrollment and/or personnel information (e.g., racial or national origin identity of students, or payroll, work history or other)? If so, list each such file and provide the following information as to each:

- a. The date you started using the file
- b. The purposes for which you use the file
- c. Name and describe all reports that have been programmed to be produced from the file
- d. Name and describe each report which has been generated by the file, and state the date of each

40. State the names of all superintendents of schools, assistant superintendents of schools and members of the board of education from the 1940-1941 school year to the present; and with regard to each such person, state:

- a. The period of the person's tenure
- b. The person's last known address and phone number

41. With regard to all documents identified and described in the answers to any of the foregoing interrogatories, state whether such documents will be made available to Plaintiffs-Intervenors without a formal Request for Production of Documents pursuant to Rule 34 of the Federal Rules of Civil Procedure. If the answer is in the affirmative, please enclose such documents with Defendant's Answer to Plaintiffs-Intervenors interrogatories.

CHARLES S. SCOTT, SR.  
CHARLES S. SCOTT, JR.  
RICHARD E. JONES  
JOSEPH JOHNSON

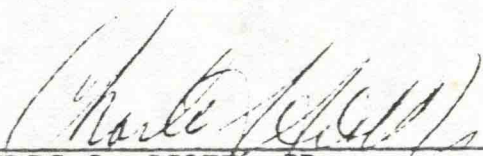
BY: \_\_\_\_\_  
CHARLES S. SCOTT, JR.

Attorney for Plaintiffs-Intervenors

CERTIFICATE OF SERVICE

Charles S. Scott, Jr., the undersigned attorney for Plaintiffs-Intervenors, certifies that the above and foregoing Plaintiffs-Intervenors' Interrogatories to Defendant Board of Education was mailed by First Class, United States Mail, postage prepaid at Topeka, Kansas, on this 24 day of January, 1980, to:

Charles Henson  
Eidson, Lewis, Porter & Haynes  
1300 Merchants Bank Tower  
Topeka, Kansas 66612

  
\_\_\_\_\_  
CHARLES S. SCOTT, JR.

VERIFICATION

STATE OF KANSAS        )  
                                  )ss:  
COUNTY OF SHAWNEE )

\_\_\_\_\_, of lawful age, being first duly sworn  
deposes and states as follows:

He is the duly authorized representative of the Defendant  
above named; that he has given answers to said interrogatories  
and the answers above given are true and correct.

BOARD OF EDUCATION OF TOPEKA, KANSAS  
BY:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 1980

\_\_\_\_\_  
NOTARY PUBLIC

My appointment expires: