

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. 9 [1, m, n], 10, 11, 18, 26-28 OF THE  
FIRST SET (FOR THE 1940 TO 1950 TIME PERIOD)

9. State separately for each school in existence and for each school year during the school years from 1940-41 to [1949-50], the following:
1. 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. 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.

**ANSWER:**

Neither School District records nor other available documents reviewed disclosed any reliable information from which an answer to these interrogatories can be derived. For further substantiation of the unavailability of records from which to derive the information sought by these interrogatories, see the original answer of Unified School District No. 501 served on intervening plaintiffs on May 5, 1981.

10. For each school year from 1940-41 to [1949-50], 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 during the school years from 1940-41 to [1949-50], state the specific criteria stated in Interrogatory 10(b) above that was utilized to establish the attendance zone for the particular school.

ANSWER:

It appears that from 1940 to 1950, White students were assigned to attend their neighborhood school determined by their parent(s) residence. During this time period, Black students at the elementary level were required to attend one of the following schools: Buchanan, located at 12th and Buchanan; McKinley, located at 915 North Western; Monroe, located at 15th and Monroe; and Washington, located at 1021 Washington Street. While it does not appear that there were any definite attendance boundaries for these schools, it seems to be an assumption that Black elementary school children in north Topeka (north of the Kansas River) attended McKinley School; children in the south and central Topeka area attended Buchanan; and children in east Topeka attended either Monroe or Washington. On September 8, 1953, prior to the United States Supreme Court decision herein, the Board of Education of Topeka Public Schools began a series of four steps to terminate segregation in the elementary schools. Information regarding this action is contained in the original answer of Unified School District No. 501 to these interrogatories, served on intervening plaintiffs on July 3, 1981.

In addition, during the 1940-41 school year, the four schools listed above provided for the education of seventh and eighth grade Black students. Upon completion of the eighth grade, Black students attended the neighborhood junior high schools of the School District. White children in the City of Topeka were provided with what was known as the 6-3-3 system of education; that is, six years of elementary or grade school, three years of junior high school, and three years of senior high school. Black children were educated under a system which might be referred to as the 8-1-3 plan; that is, grade school through the first eight grades, then to the same junior high school attended by White children for the ninth year. The Black children attended senior high school with White children. After the Kansas Supreme Court decision in Graham v. Board of Education, 153 Kan. 840, 114 P.2d 313 (1941), beginning with the 1941-42 school year, seventh and eighth grade Black children attended the same junior high schools attended by White children.

18. State whether an optional attendance or open enrollment policy has been used in the School District since the 1940-41 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

**ANSWER:**

The official minutes of the Board of Education mention the authorization, amendment, and the deletion of optional attendance areas at various times in the period 1940 to 1949. The practice of using optional attendance areas and/or enrollment policy was probably used by the Board of Education to ameliorate the situation created for the families with children attending the original schools serving their residence, but who were displaced by the Board action, reassigning their residence to another school attendance area.

This researcher was not able to document a clear statement of the District's enrollment and attendance policy for 1940. Therefore, it has been difficult to assess the effect of Board policy changes or the reassignment of attendance area boundaries cited in the Board minutes for the period between 1940 and 1950.

26. For each school year from 1940-41 to 1979-80, 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.

ANSWER:

Incomplete data thwarts an accurate answer to this interrogatory. Attached hereto is a comparison of the effect of the Kansas Supreme Court decision in Graham v. Board of Education, 153 Kan. 840, 114 P.2d 313 (1941), upon the affected schools; namely, a comparison of the school year enrollments for the 1940-41 and the 1941-42 school years.

27. For each policy stated in Interrogatory No. 26 and for each school year from 1940-41 to [1949-50], state each school which the student transferred 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 racial composition of any schools of any actual or proposed transfer or optional attendance programs or policies received, solicited or developed by the School Board or District at any time from 1940 to the present.

ANSWER:

See answer to Interrogatory No. 9 [l, m & n] above.

The answers to these interrogatories were prepared under the direction of Gerald A. Miller, Director of Demographic Services, Unified School District No. 501.

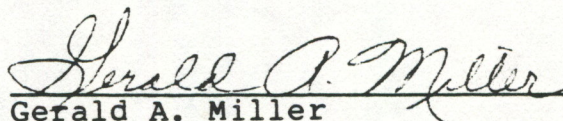
V E R I F I C A T I O N

STATE OF KANSAS        )  
                                  )     ss:  
COUNTY OF SHAWNEE    )

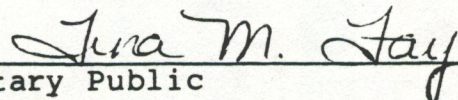
The undersigned, of lawful age, being first duly sworn upon his oath, deposes and states:

That he is Director of Demographic Services for Unified School District No. 501, that he has read the answer to Interrogatory Nos. 9 [l, m, n], 10, 11, 18, 26-28 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.

  
\_\_\_\_\_  
Gerald A. Miller

Subscribed and sworn to before me this 30 day of June,


  
\_\_\_\_\_  
Notary Public



my appointment expires:  
4-24-87

C E R T I F I C A T E   O F   S E R V I C E

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: 9 [l, m, n], 10, 11, 18, 26-28 OF THE FIRST SET (FOR THE 1940 TO 1950 TIME PERIOD) was served upon attorneys for Intervening Plaintiffs by depositing same in the United States mail, first class postage prepaid, this 30 day of June, 1983, to Richard Jones, 605 S.E. Quincy, Suite 1, Topeka, Kansas 66603.

  
\_\_\_\_\_  
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of Eidson, Lewis, Porter & Haynes  
1300 Merchants National Bank Bldg.  
Topeka, Kansas 66612  
(913) 233-2332

Attorneys for Unified  
School District No. 501

BEFORE AND AFTER GRAHAM  
CASE DECISION

COLUMN - WRITE

	1	2	3	4	5	6
		1940-41		1941-42		INCREASE OR DECREASE
1	BOSWELL	515		479		-36
2	CRANE	398		441		+43
3	CURTIS	302		296		-6
4	EAST TOPEKA	577		582		+5
5	HOLLIDAY	332		297		-35
6	ROOSEVELT	546		532		-14
7		<u>2670</u>		<u>2627</u>		<u>-43</u>
8						
9						
10	BRANNER	247		212		-35
11	BRANNER ANNEX	106		113		+7
12	BOOHANAN	209		165		-44
13	CENTRAL PARK	381		383		+2
14	CLAY	209		231		+22
15	GAGE	273		287		+14
16	GRANT	331		323		-8
17	LAFAYETTE	311		306		-5
18	LINCOLN	389		339		-50
19	LOWMAN HILL	270		284		+14
20	MCKINLEY	200		154		-46
21	MONROE	254		203		-51
22	OAKLAND - LUNDGREN	371		380		+9
23	PARKDALE	258		283		+25
24	POLK	178		194		+16
25	POTWIN	368		382		+14
26	QUINCY	454		415		-39
27	QUINTON HEIGHTS	78		94		+16
28	RANDOLPH	571		526		-45
29	STATE STREET	425		404		-21
30	SUMNER	389		364		-25
31	VAN BUREN	261		340		+79
32	WASHINGTON	258		168		-90
33		<u>6791</u>		<u>6550</u>		<u>-241</u>

NOTE: Other factors such as birth rate in prior years, involvement of families, the state, and nation in wartime mobilization and movement to outlying school districts could have affected the decrease in enrollment.