

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,	)	
	)	
Plaintiffs	)	
	)	
and	)	Case No. T-316
	)	
CHARLES and KIMBERLY SMITH,	)	
et al.,	)	INTERVENING PLAINTIFFS'
	)	RESPONSE TO DEFENDANT UNIFIED
Intervening	)	SCHOOL DISTRICT NO. 501'S
Plaintiffs,	)	FIRST SET OF INTERROGATORIES
vs.	)	AND REQUEST FOR PRODUCTION
	)	OF DOCUMENTS
BOARD OF EDUCATION OF TOPEKA,	)	
SHAWNEE COUNTY, KANSAS, et al.,	)	
	)	
Defendants.	)	

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INTRODUCTION

Pursuant to Rule 33 of the Federal Rules of Civil Procedure intervening plaintiffs hereby respond to the First Set of Interrogatories of Defendant Unified School District No. 501. In making these responses plaintiffs have made every effort to be as specific as possible in light of the breadth of defendants' requests at the current stage of this litigation. Many of defendants' interrogatories seek information which plaintiffs are gathering from an analysis of defendants' responses to plaintiffs' interrogatories and document requests. Because some of defendants' responses to plaintiffs' interrogatories and requests for production, including responses from the State of Kansas defendants, are either incomplete or unanswered plaintiffs ability to analyze and therefore to respond fully to defendants'

interrogatories is also limited. That is, defendants' answers, documents (as that term is defined in defendants' First Set of Interrogatories) charts, summaries, attachments, maps and other documents referred to within these answers and documents which have been or will be made available for inspection and copying are in many respects not up to date, have not been received, and/or have not yet been inspected at defendants' premises. Thus, many responses provided herein will be followed by supplemental responses based on information plaintiffs are still gathering and which will make these responses more specific. Defendants will also note that many of plaintiffs' potential witnesses and trial exhibits remain unidentified. Such information will be provided as soon as it becomes available to plaintiffs.

#### Interrogatories

1. In paragraph 8 of your Motion for an Order Commanding Compliance, you claim that the School District ". . . maintains and operates racially segregated schools whereby the intervening plaintiffs and the vast majority of Black students attend schools in which the enrollment of Black students is "disproportionately high." Please state separately for each school which you claim has been maintained and operated on a "racially segregated" basis at any time from the 1950-51 school year to the present, the following:

(a) name and address of each racially segregated school and every school year in which you claim such schools were racially segregated;



(b) your meaning by the phrase "disproportionately high" as it relates to the school enrollment of Black students;

(c) name of each school which you claim the enrollment of Black students was disproportionately high, indicating the school year(s) in which such occurred for each school.

ANSWER:

The following answer modifies any answers previously given in response to this Interrogatory.

(a) All of the elementary and secondary schools within Unified School District 501<sup>1/</sup> have been and are maintained and operated on a racially segregated basis from the 1950-51 school year to the present.

(b) A "disproportionately high" measure of Black student enrollment will necessarily vary depending on the total student enrollment at a particular school, the total enrollment of White and/or Black students, and the particular geographic location of a school within the school district and its juxtaposition to near or adjacent schools. A disproportionately high representation of Black students is a figure or percentage tending to show that a school(s) has been, has remained, or is becoming a racially identifiable school under the enforcement of various policies and plans designed and implemented by Defendant Unified School District No. 501.

(c) Application of the above criteria may lead to the discovery of additional schools and years demonstrating a

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1. Hereafter a reference to Unified School District No. 501 refers to the current Topeka school district and any predecessors of District 501, i.e., Topeka School District No. 23 and any districts annexed into Topeka No. 23 such as Highland Park School District No. 35.

disproportionately high Black student enrollment. However, a rough measure of those schools which are racially identifiable are those schools that vary fifteen percent (15) from the average. Those schools are:

<u>School</u>	<u>Years</u>
Belvoir	1966-67 to 1980-81
Buchanan	1950-51 to 1959-60
Central Park	1979-80
Highland Park Central	1977-78 to 1980-81
Highland Park North	1973-74 to 1980-81
Lafayette	1966-67 to 1980-81
Grant	1966-67 to 1967-68
Lowman Hill	1966-67 to 1980-81
McKinley	1950-51 to 1955-56
Monroe	1950-51 to 1955-56 and 1966-67 to 1974-75
Parkdale	1966-67 to 1977-78
Polk	1975-76 to 1979-80
Quinton Heights	1969-70 to 1970-71 and 1975-76 and 1978-79 to 1980-81
Rice	1978-79
Washington	1950-51 to 1955-56
Boswell J. H.	1979-80
Crane J.H.	1968-69 to 1974-75
East Topeka J.H.	1966-67 to 1979-80
Eisenhower J.H.	1980-81
Highland Park J.H.	1978-79 to 1979-80
Highland Park H.S.	1980-81



2. In paragraph 8 of your Motion for an Order Commanding Compliance, you claim that the School District ". . . maintains and operates racially segregated schools whereby . . . the vast majority of White students attend schools in which the enrollment of White students is disproportionately high." Please state separately for each school which you claim has been maintained and operated on a "racially segregated" basis at any time from the 1950-51 school year to the present, the following:

(a) name and address of each racially segregated school and every school year in which you claim such schools were racially segregated;

(b) your meaning by the phrase "disproportionately high" as it relates to the school enrollment of White students;

(c) name of each school which you claim the enrollment of White students was disproportionately high, indicating the school year(s) in which such occurred for each school.

ANSWER:

The following answer modifies any answers previously given in response to this Interrogatory.

(a) All of the elementary and secondary schools within Unified School District 501 have been and are maintained and operated on a racially segregated basis from the 1950-51 school year to the present.

(b) A "disproportionately high" measure of White student enrollment will necessarily vary depending on the total student enrollment at a particular school, the total enrollment of White and/or Black students, and the particular geographic location of a school within the school district and its juxtaposition with

near or adjacent schools. A disproportionately high representation of White students is a figure or percentage tending to show that a school(s) has been, has remained, or is becoming a racially identifiable school under the enforcement of various policies and plans designed and implemented by Defendant Unified School District No. 501.

(c) Application of the above criteria may lead to the discovery of additional schools and years demonstrating a disproportionately high White student enrollment. However, a rough measure of those schools which are racially identifiable is those schools that vary fifteen percent (15) from the average. Those schools are:

<u>School</u>	<u>Years</u>
Avondale West	1966-67 to 1979-80
Avondale Southwest	1966-67 to 1974-75
Bishop	1966-67 to 1980-81
Crestview	1966-67 to 1971-72 and 1975-76 to 1980-81
Central Park	1954-55 to 1956-57 -
Gage	-1954-55 to 1956-57 and 1966-67 to 1980-81
Highland Park South	1966-67 to 1970-71
Hudson	1966-67 to 1968-69
Lafayette	1954-55-
Linn	1966-67 to 1968-69
Lundgren	-1954-55 to 1956-57 and 1966-67 to 1974-75 and 1977-78 to 1979-80
Lyman	1966-67 (annexed to Seaman 1967)



McCarter	1966-67 to 1979-80
McClure	1966-67 to 1980-81
McEachron	1966-67 to 1977-78
Polk	1954-55 to 1956-57 and 1966-67 to 1980-81
Quincy	1954-55 to 1956-57
Quinton Heights	1954-55 to 1956-57
Randolph	1954-55 to 1956-57 and 1966-67 to 1979-80
Rice	1966-67 to 1967-68
Sheldon	1966-67 to 1976-77
State Street	1954-55 to 1956-57
Stout	1955-56 to 1956-57 and 1966-67 to 1979-80
Sumner	1954-55 to 1956-57
Whitson	1954-55 to 1956-57 and 1966-67 to 1977-78 and 1979-80 to 1980-81
Capper J.H.	1966-67 to 1975-76
Eisenhower J.H.	1966-67 to 1967-68
French J.H.	1970-71 to 1980-81
Jardine J.H.	1966-67 to 1979-80
Landon J.H.	1966-67 to 1980-81
Roosevelt J.H.	1966-67 to 1971-72
Topeka West H.S.	1966-67 to 1980-81

3. Are there any schools currently maintained and operated by Unified School District No. 501 which you do not claim are operated or maintained on a racially segregated basis? If so, please identify each such school.

ANSWER:

No. See answer dated March 10, 1982.

4. Please identify each school which you claim is currently being operated and maintained by Unified School District No. 501 on a racially segregated basis, and specifically set forth with respect to each school:

- (a) the facts upon which you rely for this claim;
- (b) identify the specific source of the facts upon which you rely for this claim;
- (c) list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- (d) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

All of the elementary, junior high and high schools within defendant Unified School District No. 501 have been and are maintained and operated on a racially segregated basis.

(a) Defendants have engaged in a pattern and practice of opening and closing schools, making boundary changes, annexations and de-annexations, creating optional attendance zones, modifying existing attendance zones, and supporting open enrollment and transfer policies, all of which have perpetuated and/or promoted racial segregation among students and therefore effectuated a racially segregated school system. Defendants have also designed and implemented various building and construction plans involving all of the elementary and secondary schools which have included,



among other things, permanent and temporary additions to existing facilities, siting and erecting new schools, closing certain schools and reassigning students in a manner which has perpetuated and/or promoted racial segregation. Defendants have allocated funds to support each of the policies and plans described above, as well as to implement policies to maintain separate and unequal schools and facilities, including, among others, segregative faculty assignments and transfer policies, and allocation of unequal physical, curricular and extra-curricular facilities to racially identifiable schools.

(b) Reference can be made to all of defendants' responses 'to intervening plaintiffs' first, second and third sets of interrogatories and first and second document requests to Unified School District 501.

(c) For specific documentary sources see defendants' response to

(1) in the First Set of Interrogatories:

[A] No. 4;

[B] documents responsive to Interrogatory No. 5;

[C] answers and attachments responsive to Interrogatory No. 6;

[D] answers, documents and maps responsive to Interrogatories Nos. 7 and 8;

[E] documents, maps and attachments responsive to Interrogatory 9, subparts e, f, h, l, i, j & k (referring to student enrollment by race, attendance zones, feeder patterns for elementary and secondary schools, etc.);

[F] documents and attachments responsive to Interrogatory No. 9, subparts a-e, g, o, s & t (referring to school openings and closings, e.g., the Topeka four-step plan to desegregate the school system, building and site needs plans, projections of building needs, recommendations for attendance areas and changes, proposed short and long-range facilities plans, capital improvements, etc.);

[G] answers and documents in a set of appendices (A-N) which are responsive to Interrogatory Nos. 10, 11, 18, 26, 27 and 28 (e.g., excerpts from Topeka school board minutes; copies of Daily Capital newspaper articles; plan for establishing attendance areas, published policies of the Topeka public schools pertaining to attendance and discipline; summaries of student transfers under open enrollment policies, etc.);

[H] answers and documents, and documents made available for inspection pursuant to Interrogatory No. 17;

[I] documents responsive to Interrogatory Nos. 19 and 20 (e.g., facilities plans, building and site needs plans, recommendations for attendance areas, proposed short and long-range facilities plans, capital improvements, etc.);

[J] documents responsive to Interrogatory No. 12 which refers to total budgets collected from the State of Kansas, from local taxation, sales taxes, and other sources and descriptions of allotments to general fund and item expenditures);

[K] documents responsive or made available for inspection pursuant to Interrogatory No. 13 (referring to allocation of funds to each school by each school year);



[L] documents responsive to Interrogatory No. 14 (referring to funding by the federal government for the school district and for particular programs and projects);

[M] summaries, charts and other documents responsive or made available for inspection pursuant to Interrogatory 9, subparts p,q and r, and answers, charts, descriptions of policies and documents referred to therein responsive to Interrogatory Nos. 29 to 33 (which refer to faculty experience, assignment and school district hiring practices).

(2) From the Third Set of Interrogatories: [A] answers and attachments provided as answers to Interrogatory Nos. 7, 8 and 9 (referring to student enrollment by race and by school of attendance from each optional attendance zone for elementary, junior high and high schools as well as identity of entering students to junior high and high schools by race from 1950 to present);

[B] answers to Interrogatory No. 10;

[C] answers, documents and charts responsive to Interrogatory Nos. 2, 3, 4, and 5.

(3) See answers and documents referred to in response to plaintiffs' First Request for Production of Documents (referring to studies or reports in connection with specific federal or other school district programs, e.g., Title III, vocational training, etc.);

(4) documents made available for inspection and copying pursuant to plaintiffs' Second Request for Production of Documents (referring to correspondence and communication with the

federal Office of Civil Rights and/or Equal Opportunity Employment Commission, Department of Housing and Urban Development and Topeka Housing Authority).

As of this date, trial exhibits are unidentified.

(d) As of this date most witnesses remain unidentified. However, plaintiffs will probably call the individuals listed below to testify on the segregative impact of defendants' various plans including, among others, the creation of optional attendance zones, boundary changes, annexations and de-annexations, and the subsequent opening and closing of certain schools and reassignment of students to new schools.

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3212

5. In paragraph 9 of your Motion for an Order Commanding Compliance, you claim that the School District "has established school attendance zones which perpetuate racially segregated schools." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) identify the school attendance zones which you claim "perpetuate racially segregated schools";

(b) please describe specifically the acts or omissions of Unified School District No. 501 (or its predecessor) for which you claim race was a factor in determining school attendance boundaries;

(c) identify the specific source of the information upon which you base your claim contained in paragraph 9;



(d) list and identify the documentary evidence and particularly indicate anything that will be used as a trial exhibit which will prove that the School District has established school attendance zones which perpetuate racially segregated schools;

(e) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

(a)(b) All past and present school attendance zones are part of a pattern and practice by which defendants have perpetuated and/or promoted racial segregation within Unified School District No. 501. Defendants have engaged in a pattern and practice of opening and closing schools, making boundary changes, annexations and de-annexations, creating optional attendance zones, modifying existing attendance zones, and supporting open enrollment and transfer policies, all of which have perpetuated and/or promoted racial segregation among students and therefore effectuated a racially segregated school system. Defendants have also designed and implemented various building and construction plans involving all of the elementary and secondary schools which have included, among other things, permanent and temporary additions to existing facilities, siting and erecting new schools, closing certain schools and reassigning students in a manner which has perpetuated and/or promoted racial segregation. It is not always possible to isolate which of these factors perpetuated and/or promoted racial segregation. For example, attendance zones are necessarily dependent on sites chosen for schools and thus linked inextricably to planning and opening and closing. Given this qualification, zones are also

inextricably linked to the Board's use of temporary or permanent additions. For specifics on attendance zones, see answer to Question 14 infra.

(c)(d) For documentary sources, reference can be made to defendants' responses to plaintiffs' first, second and third sets of interrogatories and first and second document requests or more specifically to:

(1) in the First Set: [A] answers and documents responsive to interrogatory Nos. 7 and 8, and No. 9 (attendance zones);

[B] responses to Interrogatory Nos. 10, 11, 18, 26, 27, 28 (student attendance policies, optional attendance zones, feeder patterns for elementary and secondary schools; recommendations for attendance areas and changes; published policies of the Topeka schools pertaining to attendance and discipline, etc.);

[C] documents and answers responsive to Interrogatory Nos. 19 and 20;

(2) from the Second Set, answers, documents and attachments responsive to Interrogatory Nos. 6 and 7 (attendance zones and enrollments);

(3) from the Third Set, answers, documents and attachments or charts responsive to Interrogatory Nos. 51 to 59 (attendance zones, alternatives, students' awareness of optional attendance zones, etc.).

As of this date documentary evidence which will become trial exhibits remain unidentified.

(e) As of this date most witnesses remain unidentified. However, plaintiffs will probaby call the individuals listed



below to testify on the segregative impact of defendants' various plans including, among others, the creation of optional attendance zones, boundary changes, annexations and de-annexations, and the subsequent opening and closing of certain schools and reassignment of students to new schools.

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3212

6. In paragraph 10 of your Motion for an Order Commanding Compliance, you claim that the School District "has adopted and implemented an Open Enrollment policy which the plaintiffs believe will continue to perpetuate racially segregated schools." Please specifically set forth and describe for each school year since 1950-51 to the present the facts upon which you rely for this claim and identify those schools in which racial segregation has been perpetuated by said policy. In addition, please identify the specific source of the information upon which you rely; list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit on this point; and give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

The segregative impact of the open enrollment policy is necessarily part of the pattern and practices described above (see subpart (a) of plaintiffs' response to Interrogatory No. 4). Specifically, the District Citizens Advisory Council Report on Open Enrollment (a portion of which was supplied to plaintiffs) concluded that:

"A trend toward polarization existed at the elementary and middle school levels but not at the senior high level ..."

"Changes in minority percentages might also occur due to other transfer applications. A trend in polarization occurred similarly in open enrollment and other transfer applications ..."

Reference can be made to all of defendants' responses to intervening plaintiffs' first, second and third set of interrogatories and first and second document requests.

More specifically, defendants can refer to: [a] documents, attachments and/or maps provided with answers to the First Set of Interrogatories and responsive to Nos. 4-8, and 9, subparts e, f, h1, i, j & k (referring to student enrollment by race, attendance zones, feeder patterns for elementary and secondary schools, etc.);

[b] documents and attachments responsive to Interrogatory No. 9 (First Set), subparts a-e, g, o, s & t (referring to school openings and closings, recommendations for attendance areas and changes, etc.);

[c] answers and documents in a set of appendices (A-N) which are responsive to Interrogatory Nos. 10, 11, 18, 26, 27 and 28 (First Set) (e.g., copies of Daily Capital newspaper articles; plan for establishing attendance areas, published policies of the



Topeka schools pertaining to attendance and discipline, and summaries of student transfers under open enrollment policies, etc.). Particular reference should be made to Appendix M, the report referred to above.

[d] documents responsive to Interrogatory Nos. 17, 19 and 20.

Documentary evidence to be used as trial exhibits remain unidentified.

To date witnesses remain unidentified. However, plaintiffs will probably call Dr. Gordon Foster to testify on the segregative impact of defendants' various plans and policies including, among others, the effects of the open enrollment and transfer policies.

7. In paragraph 11 of your Motion for an Order Commanding Compliance, you claim that the "Long Range Facilities Plan adopted and implemented by the School District further perpetuates the racially segregated schools." Please specifically set forth and describe for each school year since 1950-51 to the present the facts upon which you rely for this claim and identify those schools in which racial segregation has been perpetuated by said plan. In addition, please identify the specific source of the information upon which you rely; list and identify the documentary evidence and particularly indicate anything which will be used as a trial exhibit on this point; and give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

The segregative impact of the long-range facilities plans and other construction/renovation/closing plans are part of the pattern and practices described above (see subpart (a) of plaintiffs' response to Interrogatory No. 4). Defendants can refer to their responses to intervening plaintiffs' first, second and third of set of interrogatories and first and second document requests.

Like attendance zones, it is not always possible to isolate which of the various actions and inactions perpetuated and/or promoted racial segregation. Because the plans concern school openings and closings, temporary and permanent additions, and boundary changes, for specifics (subject to this qualification) see plaintiffs' responses to questions 13-14, 16, 17, 21 infra.

More specifically, defendants can refer to documents and attachments responsive to Interrogatory No. 9, subparts a-e, g, o, s & t (referring to school openings and closings, e.g., the Topeka four-step plan to desegregate the school system, building and site needs plans, projections of building needs, recommendations for attendance areas and changes, proposed short and long-range facilities plans, capital improvements, etc.); and to Interrogatory Nos. 19 and 20 (e.g., facilities plans, building and site needs plans, recommendations for attendance areas, proposed short and long-range facilities plans, capital improvements, etc.).



To date documentary evidence which will be used as trial exhibits remain unidentified.

To date most witnesses remain unidentified. However, plaintiffs will probably call the individuals listed below to testify on defendants' various policies and plans including, among others, the opening and closing of certain schools and the design and use of the long-range facilities plan in a manner that perpetuated and/or promoted racial segregation within Unified School District No. 501:

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3213

8. In paragraph 12 of your Motion for an Order Commanding Compliance, you claim that "the facilities, equipment, curriculum and instruction provided in those schools with disproportionately high Black enrollment are substantially inferior to those provided for [in] the schools where there is a disproportionately high White enrollment." Please state separately for each school and for each school year during the school years from 1950-51 to the present, the following:

(a) the facilities which you claim are or were "substantially inferior";

(b) the specific facts upon which you rely for this claim of inferior facilities;

(c) please identify the specific source of such information concerning inferior facilities;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior facilities were provided to those schools with "disproportionately high Black enrollment:"

(e) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

(f) the equipment which you claim is and/or was "substantially inferior";

(g) the specific facts upon which you rely for this claim of inferior equipment;

(h) please identify the specific source of such information concerning inferior equipment;

(i) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior equipment was provided to those schools with "disproportionately high Black enrollment";

(j) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

(k) the curriculum which you claim is and/or was "substantially inferior";

(l) the specific facts upon which you rely for this claim of inferior curriculum;

(m) please identify the specific source of such information concerning inferior curriculum;

(n) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior curriculum was provided to those schools with "disproportionately high Black enrollment";

(o) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case;

(p) the instruction which you claim is and/or was "substantially inferior";



(q) the specific facts upon which you rely for this claim of inferior instruction;

(r) please identify the specific source of such information concerning inferior instruction;

(s) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such substantially inferior instruction was provided to those schools with "disproportionately high Black enrollment";

(t) give the names, telephone numbers, and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

(a) See Answers to Questions 1(a) and 2(a) above;

(b) Plaintiffs anticipate collecting additional information on this item. At present, there is evidence that

(1) As of 1980, Black Highland Park High was older than White Topeka West High;

(2) As of 1980, Black Eisenhower J.H. was older than either White J.H. school (French, Landon);

(3) As of 1980, Black Eisenhower J.H. had less square feet per pupil than either White J.H. school (French, Landon);

(4) As of 1973-74, the disproportionately Black junior high schools were inferior to the disproportionately White junior high schools;

(5) As of 1970, the disproportionately Black junior high schools were inferior to the disproportionately White junior high schools;

(c)(d)

re items (1)(2)(3) from (b) "Basic Information Relative To Schools Operated In USD 501 Since The 1950-51 Schools Years."

re item (4) from (b) [A] see HEW report contained between pp. 128 and 130 of Board Minutes, Feb. 5, 1974-April 16, 1974 (requested in visit, March 21-23, 1984);

[B] "Brown v. Board of Education -- Johnson v. Board of Education, 1954-1975: Segregation, An Unresolved Controversy in The Public Schools of Topeka, Kansas, and the Nation" by Bruce R. Powell, Apr. 21, 1975, Senior Honors Thesis in History, pp. 76-end.

re item (5) from (b) From the 1973 Capital Improvements Report, Topeka Junior High Schools Report (requested in Hanson letter of March 15, 1984)

(e) Plaintiffs have not identified any such witnesses at this time)

(f)(g)(k)(l)(p) At the present time, there is evidence that:

(1) As of 1980, the teachers in Black Highland Park High School averaged 10.62 years teaching and 57% had only a bachelor's degree. The teachers in White Topeka West averaged 12.71 years teaching and 49% had only a bachelors' degree.

(2) As of 1980, teachers in the four Black elementary schools (Belvoir, Highland Park North, Lafayette, Quinton Heights) averaged 10.23 years teaching and 61% had only a bachelors' degree. The teachers in the nine White elementary schools (Bishop, Crestview, Gage, Lundgren,



McCarter, McClure, Potwin, Randolph, Whitson) averaged 13.62 years teaching and 42% had only a bachelors degrees.

(3) On each of the five tests reported in response to Plaintiffs' Interrogatory, Set 1, Question 16, students in the Black schools scored substantially lower than students in the White schools.

[A] On the Iowa Basic Skills Test for 1979, students in the Black schools (Belvoir, Highland Park North, Lafayette, Quinton Heights) compare with students in the White schools (Bishop, Crestview, Gage, Lundgren, McCarter, McClure, Potwin, Randolph, Whitson) as follows:

	<u>Grade</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Black School Average % Score		30.25	28.75	22.75	23.25	2
White School Average % Score		90.33	86.78	85.33	86.33	8

[B] On the Metropolitan Readiness Test, 1977-78, the Black schools (those listed above in [A] plus Polk and Parkdale) scored an average of 46.69 while the White schools (above plus McEachron and Stout) scored an average of 68.81.

[C] On the Gates MacGinitie Reading test for 1975 and 1977, Black schools (b) scored an average of 43.57 and 51.8. White schools (b) scored 70.46 and 75.65.

[D] For the junior high schools in 1977-78 the average STEP score of Black East Topeka was 14.125. The average for the White schools (Jardine, French, Landon) was 45.79.

[E] For the junior high schools in April, 1979, the percentile scores on the Iowa Basic Skills Test for Black Boswell, East Topeka and Highland Park averaged 21.1 respectively. For White Jardine, French and Landon the averages were 78.8.

(h)(i)(m)(n)(r)(s): As to items(1) and (2) from (f) see School Board Answers to Plaintiffs' Interrogatories, Set 1, Questions 9(p)(q)(r);

As to item (3) from (f) see School Board Answers to Plaintiffs' Interrogatories, Set 1, Question 16.

As of this date, witnesses remain unidentified.

9. In paragraph 13 of your Motion for an Order Commanding Compliance, you claim that "Black teachers, counselors and other Black personnel are assigned to schools where Black enrollment is disproportionately high." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) the name of each school with disproportionately high Black enrollment to which you claim Black teachers, counselors and other Black personnel were assigned;

(b) the facts upon which you rely for this claim;

(c) identify the specific source of the information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that will be used as a trial exhibit which will prove that Black teachers, counselors and other Black personnel were and/or are assigned to schools where Black enrollment is disproportionately high;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.



ANSWER:

(a) (b) (c) (1) The identity of schools in which placement of teachers, counselors, and other school personnel is done so as to perpetuate and/or promote racial segregation within the Topeka school system depends on the application of criteria described in plaintiffs' response to Interrogatory Nos. 1 and 2 to more complete and updated information. However, a rough analysis demonstrates that personnel assignments have been done on a racial basis in the following schools:

Highland Park High School  
Topeka West High School  
Eisenhower Junior High  
Landon Junior High  
Belvoir Elementary  
Highland Park North Elementary  
Lafayette Elementary  
Quinton Heights Elementary  
Bishop Elementary  
Crestview Elementary  
Gage Elementary  
Lundgren Elementary  
McCarter Elementary  
McClure Elementary  
Potwin Elementary  
Randolph Elementary  
Whitson Elementary

(2) Placement of teaching faculty at one time was openly done on a racially identifiable basis within the Topeka school system, i.e., only Black teachers taught at the four Black elementary schools: Washington, McKinley, Monroe and Buchanan.

(3) Open racial segregation of teachers and other personnel was not discontinued until late into the 1950's.

(4) Proposals to make integration of the teaching faculty part of a school desegregation plan have been rejected by the Topeka School Board.

(5) Plans to eliminate the practice of assigning personnel to the Topeka schools on a racial basis have never been implemented.

(6) As of 1974-75, 31% of the teachers in the Black elementary schools were minorities. Only 3% of the teachers in the White elementary schools were minorities.

(7) As of 1974-75 year, 28% of the teachers in the Black junior high schools were minorities. Only 2% of the teachers in the white junior highs were minorities.

(8) As of 1980, 9% of the teachers in Black Eisenhower junior high were minorities. Only an average of  $5\frac{1}{2}\%$  of the teachers in White French and Landon were minorities.

(9) As of 1980, on the average, the four Black elementary schools (Belvoir, Highland Park, Lafayette and Quinton Heights) had 15% minority faculty and the nine White schools (Bishop, Crestview, Gage, Lundgren, McCarter, McClure, Potwin, Randolph and Whitson) had only 5%.



(c) Reference can be made to all of defendants' responses to intervening plaintiffs' first, second and third set of interrogatories and first and second document requests for facts supporting these allegations since the segregative impact of the defendants' personnel assignment policies and practices are part of the pattern and practices described above (see subpart (a) of plaintiffs' response to Interrogatory No. 4). Reference can also be made to the Topeka School Board minutes.

More specifically, defendants can refer to documents and attachments provided with responses to the First Set of Interrogatories Nos. 9 h,p,q,r, and 29 through 33, as well the response to Interrogatory No. 50 from the Third Set of Interrogatories.

Documentary evidence which will be used as trial exhibits remain unidentified.

As of this date, witnesses remain unidentified.

10. In paragraph 13 of your Motion for an Order Commanding Compliance, you claim that "White teachers, counselors and other White personnel are assigned to schools where White enrollment is disproportionately high." State separately for each school in existence and for each school year during the school years from 1950-51 to the present, the following:

(a) the name of each school with disproportionately high White enrollment to which you claim White teachers, counselors and other White personnel were assigned;

(b) the facts upon which you rely for this claim;

(c) identify the specific source of the information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that will be used as a trial exhibit which will prove that White teachers, counselors and other White personnel were and/or are assigned to schools where White enrollment is disproportionately high;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

(a)(b)(1) The identity of schools in which placement of teachers, counselors, and other school personnel is done so as to perpetuate and/or promote racial segregation within the Topeka school system depends on the application of criteria described in plaintiffs' response to Interrogatory Nos. 1 and 2 to more complete and updated information. However, a rough analysis demonstrates that personnel assignments have been done on a racial basis in the following schools:

- Highland Park High School
- Topeka West High School
- Eisenhower Junior High
- Landon Junior High
- Belvoir Elementary
- Highland Park North Elementary
- Lafayette Elementary
- Quinton Heights Elementary
- Bishop Elementary
- Crestview Elementary
- Gage Elementary
- Lundgren Elementary
- McCarter Elementary



McClure Elementary

Potwin Elementary

Randolph Elementary

Whitson Elementary

(2) Placement of teaching faculty at one time was openly done on a racially identifiable basis within the Topeka school system, i.e., only Black teachers taught at the four Black elementary schools: Washington, McKinley, Monroe and Buchanan.

(3) Open racial segregation of teachers and other personnel was not discontinued until late into the 1950's.

(4) Proposals to make integration of the teaching faculty part of a school desegregation plan have been rejected by the Topeka School Board.

(5) Plans to eliminate the practice of assigning personnel to the schools on a racial basis have never been implemented.

(6) As of 1974-75, 31% of the teachers in the Black elementary schools were minorities. Only 3% of the teachers in the White elementary schools were minorities.

(7) As of 1974-75 year, 28% of the teachers in the Black junior high schools were minorities. Only 2% of the teachers in the white junior highs were minorities.

(8) As of 1980, 9% of the teachers in Black Eisenhower junior high were minorities. Only an average of  $5\frac{1}{2}\%$  of the teachers in White French and Landon were minorities.

(9) As of 1980, on the average, the four Black elementary schools (Belvoir, Highland Park, Lafayette and Quinton Heights) had 15% minority faculty and the nine White schools (Bishop,

Crestview, Gage, Lundgren, McCarter, McClure, Potwin, Randolph and Whitson) had only 5%.

(c) Reference can be made to all of defendants' responses to intervening plaintiffs' first, second and third set of interrogatories and first and second document requests for facts supporting these allegations since the segregative impact of the defendants' personnel assignment policies and practices are part of the pattern and practices described above (see subpart (a) of plaintiffs' response to Interrogatory No. 4). Reference can also be made to the Topeka School Board minutes.

More specifically, defendants can refer to documents and attachments provided with responses to the First Set of Interrogatories Nos. 9 h,p,q,r, and 29 through 33, as well the response to Interrogatory No. 50 from the Third Set of Interrogatories, and the Powell paper referred to in answer to Question 8, supra.

Documentary evidence which will be used as trial exhibits remain unidentified.

(d) As of this date witnesses remain unidentified.

11. If you intend to call as a witness any individual who may have the qualifications to testify as an expert as to any matter, state:

(a) the name and address of each such individual;

(b) the subject matter upon which the expert is expected to testify;

(c) the substance of the facts and opinions to which the expert is expected to testify;



(d) a summary of the grounds for each such opinion;

(e) the field of expertise of the expert;

(f) set forth in detail the qualifications and training of the expert, including professional and practice experience, educational institutions attended, and degrees obtained. As to each item listed in the answer to this interrogatory, set forth the relevant dates and the nature and identity of each institution attended and of each place at which experience or training was received;

(g) set forth the exact title of any and all articles or publications written by the expert relating in any way to his or her field of expertise or the subject matter of his or her anticipated testimony. As to each such article or publication, identify the publisher and set forth the date and location of publication;

(h) set forth a detailed description of any and all oral reports, conclusions, or comments ever prepared by the expert with respect to the subject matter of this litigation.

ANSWER:

(a)(b)(c)(d) To date plaintiffs intend to call as expert witnesses the individuals listed below who will testify on the racially segregative impact of the defendants' policies including, among others, the creation of optional attendance zones, boundary changes, annexations and de-annexations, opening and closing of certain schools and support of open enrollment and transfer policies.

Additional persons who may serve as expert witnesses to testify on policies and practices which perpetuated and/or promoted racial segregation within Unified School District No. 501 remain unidentified but supplemental information will be provided as soon as it is available to plaintiffs:

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3212

(e)(f)(g) Resumes are being provided in a supplemental response to this interrogatory which will detail the field of expertise of each individual, his or her practical and professional experience in the stated field of expertise and, where relevant, titles of articles or publications relating to such field and the subject matter which qualifies the person to serve as an expert witness in this litigation.

(h) To the extent this interrogatory seeks details on oral comments or conclusions given by expert witnesses, an objection is made on grounds that the final question is burdensome and not an appropriate subject of discovery. If the question seeks discovery of written expert reports, no such reports exist to date but they will be made available to defendants when plaintiffs receive it (subject to defendants similarly agreeing to supply expert reports.)

12. Identify all persons who have been retained or specially employed or consulted in anticipation of this litigation or preparation for trial and who are not expected to be called as witnesses at trial.

(a) as to each person identified set forth the subject matter on which he or she was retained, employed or consulted;

(b) set forth his or her field of expertise;

(c) set forth in detail his or her qualifications and training, including professional and practical experience,



educational institutions attended, and degrees obtained. As to each item listed in the answer to this interrogatory, set forth the relevant dates and the nature and identity of each institution attended and of each place at which experience or training was received;

(d) set forth the exact title of any and all articles or publications written by the person relating in any way to his or her field of expertise or the subject matter of this litigation. As to each such article or publication, identify the publisher and set forth the date and location of publication;

(e) set forth a detailed description of all oral reports, conclusions or comments ever prepared by the person with respect to the subject matter of this litigation.

ANSWER:

Intervening plaintiffs object to this interrogatory. The identity of persons who have been retained or specially employed in anticipation of this litigation but who are not expected to testify as witnesses at trial is not an appropriate subject of discovery.

13. If you claim that any given school was constructed for and/or had its site chosen for racial reasons, at any time from 1950-51 school year to the present, please state the following:

(a) the name and location of each such school;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you base this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove this claim;

(e) give the names, telephone numbers, and addresses of all persons you expect to be called as witnesses to establish these facts at the trial of this case;

(f) describe all specific integrative alternatives, if any, to the construction and/or site selection for those schools identified in answer (a) above;

(g) identify the source of your information in answer (f) above and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used at the trial to prove that specific integrative alternatives were available.

ANSWER:

(a)(b)(c)(d)Defendant Unified School District No. 501 decided to site, build, construct and/or open school buildings and facilities which perpetuated and/of promoted existing patterns of racial segregation within the Topeka school system between the 1950-51 school year to the present.

Construction of the following schools had a racially segregative impact:

Crestview Elementary	1954
Lundgren Elementary	1950
McCarter Elementary	1957
McEachron Elementary	1959
Sheldon Elementary	1957
Stout Elementary	1955
Lowman Hill Elementary	1959
Lafayette Elementary	1957
Quinton Heights Elementary	1954
Southwest Elementary	1952
Belvoir Elementary	1967
Bishop Elementary	1965
Hudson Elementary	1963
Linn Elementary	1964



McClure Elementary	1962
Polk Elementary	1962
Eisenhower J.H.	1961
Jardine J.H.	1961
Quincy J.H.	1962
Landon J.H.	1963
French J.H.	1970
Chase Middle J.H.	1980
Robinson J.H.	1980
Topeka West H.S.	1961

Reference can be made to documents, maps and other attachments provided with defendants' responses to plaintiffs' First Set of Interrogatories Nos. 7, 8, 9 a-d, f-h.

In addition to the original school building constructions listed above Defendant Unified School District No. 501 and its predecessors decided to make the following additions and/or modifications to ~~existing~~ school buildings which constructions helped maintain and expand upon existing patterns of racial segregation within the Topeka school system from the 1950-51 school year to the present:

Highland Park H.S.	1965, 1969, 1970
Topeka S.H.S.	1980
Topeka West H.S.	1963, 1964, 1965, 1968, 1971, 1980
Boswell J.H.	1957
Capper J.H.	1955, 1963
Highland Park J.H.	1959
Holliday J.H.	1964

Landon J.H.	1976
Roosevelt J.H.	1957
Belvoir Elementary	1959, 1967, 1977
Bishop Elementary	1969
Central Park Elementary	1967, 1980
Highland Park Central Elementary	1965
Highland Park North Elementary	1977
Highland Park South Elementary	1967, 1977
Lafayette Elementary	1962
Lundgren Elementary	1963
McCarter Elementary	1977
McClure Elementary	1964, 1978
Parkdale Elementary	1962
Quincy Elementary	1976
Randolph Elementary	1970
Rice Elementary	1966

Reference can be made to documents and attachments provided in defendants' responses to plaintiffs' First Set of Interrogatories Nos. 7, 8, 9-d, f, h and s.

In addition to the two aspects of racial containment listed above accomplished through the use of physical school plant facilities, Defendant Unified School District No. 501 and its predecessors caused portable classroom buildings to be placed at the various school locations listed below in a manner that facilitated the separation of the races and maintained and expanded upon the existing patterns of racial segregation within



the Topeka school system between the 1950-51 school and the present:

Gage Elementary	1951-59
Quinton Heights Elementary	1953, 1959
Crestview Elementary	1956-62
Lundgren Elementary	1958-62
Capper J.H.	1960-62, 1964-75
McEachron Elementary	1961-64, 1971-80
Highland Park North Elementary	1962-77
McCarter Elementary	1962
State Street Elementary	1962-80
Avondale East Elementary	1963
McClure Elementary	1963-67
Rice Elementary	1963-66
Topeka West H.S.	1964-80
Belvoir Elementary	1965, 1966
Lafayette Elementary	1965, 1970-80
Bishop Elementary	1966-69
Central Park Elementary	1966-75
Jardine Elementary	1967-69
Landon Elementary	1967-80
Highland Park H.S.	1968-70
Highland Park J.H.	1968-79
Hudson Elementary	1968-80
Polk Elementary	1968-72
Highland Park South Elementary	1970-79

Holliday J.H.

1976-79

Reference can be made to documents and attachments provided with defendants' responses to plaintiffs' First Set of Interrogatories Nos. 7, 8 i, 9 a-d, f-h and t.

Documentary evidence which will be used as trial exhibits remain unidentified.

(e) To date many of plaintiffs' witnesses remain unidentified. However, plaintiffs will probably call as witnesses the persons listed below to testify on the segregative impact of defendants' various plans including, among others, the opening and closing of certain schools and the use of building additions or portable classrooms.

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3213

(f)(g) Defendants could have made boundary changes, additions to buildings, use or non-use of portable classrooms and sitings for new schools, or use of other means of accommodating changes in student enrollment, such as temporary and/or permanent transportation policies, which would have taken into consideration the existing patterns of racial segregation and the segregative impact of their actual decisions on racial segregation within Unified School District No. 501.

14. If you claim that the establishment and/or maintenance of certain school attendance zones (at any time since the 1950-51



school year to the present) was segregative because there were integrative alternatives available, please state:

(a) identify each school boundary which you claim was segregative, indicating the school year(s) in which such occurred for each school;

(b) set forth the specific facts upon which you rely for your claim that each such boundary was segregative;

(c) identify the source of your information in answer (b) and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used at the trial to prove that said boundaries were segregative;

(d) describe the specific integrative alternatives available with respect to each boundary which you claim was segregative;

(e) specifically state the facts upon which you rely for this claim that integrative alternatives were available;

(f) identify the source of your information in answer (e) above and list all documentary evidence and exhibits and the names, addresses and telephone numbers of all witnesses to be used in trial to prove this claim of specific integrative alternatives.

ANSWER:

(a) By law all elementary school attendance boundaries within the Topeka school system during the 1950 to 1954 period were maintained on a racially segregated basis. After 1954, all of the elementary school attendance areas were and are segregative to the extent that their design and implementation failed to dismantle and subsequently exacerbated the racial segregation that legally existed prior to 1954.

(b) More specifically, the attendance areas of the following elementary schools were separately segregative in their effect due to the particular timing and placement of their initial design:

Buchanan	1955
Monroe	1955
Washington	1955
Stout	1955
Lafayette	1957
McCarter	1957
Sheldon	1957
Avondale East	1959
Avondale Southwest	1959
Avondale West	1959
Highland Park Central	1959
Highland Park North	1959
Highland Park South	1959
Lowman Hill	1959
McEachron	1959
Belvoir	1960
Dawson	1960
Rice	1960
McClure	1962
Polk	1962
Quincy	1962
Hudson	1963
Lyman	1963
Linn	1964
Bishop	1965
Belvoir	1967



The following elementary school attendance areas were also segregative due to their re-design and implementation following certain Unified School District No. 501 school closings.

Quincy	1954
Lowman Hill	1959
Parkdale	1962
Sumner	1963
Clay	1963
Polk	1963
Monroe	1963
Parkdale	1963
Lafayette	1963
Polk	1965
Monroe	1965
Quinton Heights	1965
Quincy	1962
Rice	1966
State Street	1966
Polk	1975
Potwin	1975
Lowman Hill	1975
Sumner	1975
Quinton Heights	1975
Highland Park North	1975
Gage	1977
McCarter	1977
Whitson	1977

Sumner	1979
Lowman Hill	1979
Quinton Heights	1979
Lowman Hill	1980
Randolph	1980

The following senior high school attendance boundaries were segregative in effect due to their initial design and implementation by Unified School District No. 501:

Topeka	1959
Highland Park	1959
Topeka West	1961
Topeka	1961
Highland Park	1961

The following junior high school attendance areas were segregative in effect due to their initial design and implementation by Unified School District No. 501:

Eisenhower	1961
Jardine	1961
Landon	1963
French	1970
Robinson	1980
Chase Middle	1980

The following junior high attendance areas were racially segregative in their effect as part of a racially discriminatory Unified School District No. 501 junior high school closing:

Boswell	1975
Jardine	1975



Landon	1976
French	1976
Eisenhower	1980

(c) Reference can be made to documents and attachments in defendants' responses to plaintiffs' First Set of Interrogatory Nos. 7, 8, 9h and i. Documentary evidence which will be used as trial exhibits remain unidentified.

(d) and (e) The design and implementation of school attendance areas could have taken into consideration the existing segregation within the Topeka school system; the mandate after 1954 that any such changes including closings and openings of schools be made with a view toward their segregative impact on the entire school system; and other available means of accommodating changes in student enrollment, including transportation policies, that would not perpetuate and/or further promote racial segregation.

(f) Documentary evidence which will be used as trial exhibits remains unidentified.

As of this date most witnesses remain unidentified. However, plaintiffs will probably call as witnesses the individuals listed below to testify on the segregative impact of defendants' various plans including, all changes in school attendance zones.

Mr. Willaim Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156

(305) 284-3213

15. If you claim that at anytime since the beginning of the 1950-51 school year to the present the School District established any student transfer policies for racial reasons or for which there were foreseeably segregative effects, please state the following:

(a) identify and describe each transfer policy which you claim was established for racial reasons;

(b) set forth the specific facts upon which you rely for this claim;

(c) please identify the specific source of such information;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that said student transfer policy was established for racial reasons;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case;

(f) in addition, if you claim that any such transfer policies listed above in answer (a) had a foreseeably segregative effect, please identify each such transfer policy and the school year(s) in which you claim the segregative effect occurred;

(g) please set forth the specific facts upon which you rely for your claim that said transfer policy had a foreseeable segregative effect;

(h) please identify the specific source of such information concerning foreseeable segregative effect of said transfer policy;

(i) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which would prove that said transfer policy had a foreseeable segregative effect;

(j) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish the claim of foreseeable segregative effect concerning transfer policies at the trial of this case.



ANSWER:

The act of permitting transfers of students under policies or plans having a foreseeable segregative effect are part of the pattern and practices described above in subpart (a) of plaintiffs' response to Interrogatory No. 4 which perpetuated and/or promoted racial segregation. Among these were the transfers and reassignments of students permitted under an open enrollment policy and other optional attendance policies adopted by Unified School District No. 501 at various times since the 1950-51 school year and involving all of the elementary, junior high and high schools within the district. See also answers to questions 6 and 16.

Reference can be made to all of defendants' responses to intervening plaintiffs' First, Second and Third Set of Interrogatories and first and second document requests for facts supporting these allegations since the segregative impact of any of defendants' optional attendance, transfer, reassignment or open enrollment policies are necessarily part of the pattern and practices described above. More specifically, defendants can refer to answers and documents in a set of appendices (A-N) which are responsive to Interrogatory Nos. 10, 11, 18, 26, 27 and 28 referring to plans for establishing attendance areas, published policies of the Topeka schools pertaining to attendance and discipline, and summaries of student transfers under open enrollment policies, etc.).

Documentary evidence which will be used as trial exhibits remain unidentified. As of this date most witnesses remain

unidentified. However, plaintiffs will probably call the individuals listed below to testify on the segregative impact of defendants' various plans including, among others, the creation of optional attendance zones and open enrollment and other transfer policies.

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3213

16. If you claim that the School District established and maintained any optional attendance policy since the 1950-51 school year for racial reasons or which had a foreseeably segregative effect, please state the following:

(a) identify and describe each optional attendance policy, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim with regard to each optional attendance policy;

(c) identify the specific source of such information in support of this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that optional attendance policies were established and maintained for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:



The optional attendance zones listed below and in effect during the years indicated had a racially segregative impact within the Topeka school system:

(a) PRE-1963 OPTIONAL ATTENDANCE ZONES

Between Lincoln - Sumner	1955-58
Between Lincoln - Parkdale - Washington	1955-56
Between Washington - Lafayette	1955-58
Between Washington - Parkdale	1955-
Between State Street - Oakland	1955-58
Between Monroe - Van Buren - Polk	1955-58
Between Van Buren - Polk	1955-
Between Central Park - Polk	1955-
Between Central Park - Stout	1955-
Between Central Park - Randolph	1955-
Between Central Park - Lowman Hill	1955-
Between Buchanan - Lowman Hill - Clay	1955-58
Between Lowman Hill - Gage	1955-58
Between Lowman Hill - Gage - Randolph	1955-
Between Lowman Hill - Clay - Potwin	1955-58
Between Lowman Hill - Gage - Potwin	1955-58
Between Lowman Hill - Randolph	1955-
Between Sumner - Potwin	1955-
Between Sumner - Potwin - Clay	1955-
Between Sumner - Clay	1955-
Between Southwest - Randolph	1955-
Between Southwest - Randolph - Gage	1955-58
Between Southwest - Crestview	1955-58

Between Southwest - Stout	1955-
Between Randolph - Stout	1955-
Between Monroe - Lincoln	1958-
Between Washington - Lincoln Parkdale	1958-
Between Lincoln - Lafayette - Parkdale	1958-
Between Quinton Heights - Stout	1958-
Between Buchanan - Lowman Hill - Polk	1958-
Between Lowman Hill - Clay - Gage	1958-
Between Sheldon - Gage	1958-

POST 1963 OPTIONAL ATTANDANCE ZONES

Between Topeka J.H. - Highland Park J.H.	1959-76
Between Topeka J.H. - Topeka West J.H.	1968-69
Between Boswell J.H. - Capper J.H.	1963-64
Between Boswell J.H. - Crane J.H.	1963-65
Between Boswell J.H. - Jardine J.H.	1963-66
Between Boswell J.H. - Landon J.H.	1963-65
Between Boswell J.H. - Roosevelt J.H.	1963-68
Between Capper J.H. - Jardine J.H.	1963-65
Between Capper J.H. - Landon J.H.	1963-64
Between Crane J.H. - East Topeka J.H.	1963-64
Between Crane J.H. - Eisenhower J.H.	1963-64
Between Crane J.H. - Highland Park J.H.	1963-64
Between Crane J.H. - Jardine J.H.	1963-65
Between Crane J.H. - Roosevelt J.H.	1963-64
Between East Topeka J.H. - Highland Park J.H.	1963-64
Between East Topeka J.H. - Holliday J.H.	1963-64



Between Eisenhower J.H.- Highland Park J.H.	1963-75
Between Eisenhower J.H. - Jardine J.H.	1963-64
Between French J.H. - Capper J.H.	1973-75
Between Highland Park J.H. - Jardine J.H.	1963-64
Between Avondale East - Highland Park Central	1963-64
Between Avondale West - Stout	1963-65
Between Belvoir - Hudson	1963-64
Between Central - Lowman Hill	1963-64
Between Central Park - Randolph	1963-64
Between Central Park - Stout	1963-64
Between Clay - Gage	1963-74
Between Clay - Lowman Hill	1963-74
Between Clay - Potwin	1963-64
Between Crestview - McClure	1963-63
Between Crestview - Whitson	1963-63
Between Gage - Lowman Hill	1963-74
Between Gage - Randolph	1963-74
Between Gage - Sheldon	1963-74
Highland Park Central - Highland Park North	1963-64
Highland Park Central - Highland Park South	1963-69
Between Highland Park Central - Quinton Heights	1963-64
Between Lafayette - Parkdale	1963-69
Between Lafayette - Sumner	1963-65
Between Lowman Hill - Polk	1963-64
Between Lowman Hill - Randolph	1963-64
Between Lundgren - State Street	1963-64
Between McCarter - Sheldon	1963-64

Between Monroe - Polk	1963-65
Between Monroe - Van Buren	1963-64
Between Monroe - Parkdale	1964-65
Between Parkdale - Sumner	1964-65
Between Parkdale - Polk	1964-65
Between Potwin - Sumner	1963-64
Between Quinton Heights - Stout	1963-64
Between Randolph - Stout	1963-65
Between Randolph - Whitson	1963-64
Between Stout - Whitson	1963-72

(b) and (c) Reference can be made to documents and attachments provided with defendants' responses to plaintiffs' First Set of Interrogatory Nos. 7, 9i and 18 and from the Second Set Interrogatory Nos. 7 and 8.

(d) Documentary evidence which will become trial exhibits remain unidentified.

(e) To date most witnesses remain unidentified. However, plaintiffs will probably call as witnesses the individuals listed below to testify on the segregative impact of defendants' various plans including, among others, the creation of the above optional attendance zones.

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3213



17. If you claim that the School District established any plan involving the closing and/or consolidation of schools for racial reasons or which plan had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such plan involving the closing and/or consolidation of schools, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such plan involving the closing and/or consolidation of schools was established for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

The closure of the following schools had a foreseeably segregative effect:

Buchanan (1959)

Washington (1962)

Lincoln (1963)

Van Buren (1965)

McKinley (1954)

Dawson (1966)

Clay (1975)

Monroe (1975)

Sheldon (1977-78)

Polk (1979-80)

Parkdale (1978-79)

Central Park (1980-81)

Crane (1975-76)

Capper (1976-77)

Holliday (1980-81)

East Topeka (1980-81)

Highland Park J.H. (1980-81)

Roosevelt (1980-81)

Boswell (1980-81)

Reference can be made to all of defendants' responses to intervening plaintiffs' first, second and third set of interrogatories and first and second document requests for facts supporting these allegations since the segregative impact of the closing of certain schools in Topeka is necessarily part of the pattern and practices described above (see subpart (a) of plaintiffs' response to Interrogatory No. 4).

More specifically, defendants can refer to documents and attachments provided with their answers to the First Set of Interrogatories and responsive to Nos. 7, 8 and 9, subparts e, h, j, k, n & o (referring to student enrollment by race, attendance zones, feeder patterns for elementary and secondary schools, etc.).

Documentary evidence which will be used as trial exhibits remain unidentified.

To date most witnesses remain unidentified; however, plaintiffs will probably call as witnesses to testify on the



segregative impact of defendants' various plans including, among others, the opening and closing of certain schools the following persons:

Mr. William Lamson  
704 Windward Road  
Jackson, Mississippi 39206  
(601) 982-3849

Dr. Gordon Foster  
7751 S.W. 131st Street  
Miami, Florida 33156  
(305) 284-3213

18. If you claim that the School District established any transportation policy for racial reasons or which policy had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such transportation policy, indicating whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such transportation policy was established for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

(a)(1) "[T]he practice of the Board [of Education] during the early 1950's [was] to provide transportation for Black students to Buchanan, McKinley, Monroe, and Washington schools." This policy was established for racial reasons.

(2) Since the 1950's the School Board has provided student transportation only in the extremely limited circumstances provided by Policy 3610 and 3610 Revised. This refusal is part of the pattern of actions taken by the Board that contributed to racially segregated schools. See answer to question 4, supra.

(b)(c) See Answer of Unified School District No. 501 To Plaintiffs' Interrogatory No. 2.

(d) To date these witnesses remain unidentified.

19. If you claim that the School District established and maintained any policies or practices concerning student participation in intramural, social and extracurricular activities provided through the schools for racial reasons or which policy or practice had a foreseeably segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such policy or practice;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such policy or practice involving student participation in intramural, social and extracurricular activities provided through the schools was established and maintained for racial reasons or had a foreseeably segregative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.



ANSWER:

To date, plaintiffs do not have any information with respect to such a claim.

20. Do you claim that the School District rejected any plan or proposal (formal or informal) which you believe would have had an integrative effect on the operation and maintenance of the School District at any time beginning with the 1950-51 school year to the present? If so, please state:

(a) identify and describe each such plan or proposal, indicating by whom it was submitted and the date of its submission to the School District;

(b) the specific facts upon which you rely for your claim that the adoption of such plan or proposal would have had an integrative effect on the maintenance and operation of the School District;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such plan or proposal would have had an integrative effect;

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

Yes.

(a)(b) Both formal and informal desegregation plans having the potential for an integrative effect on the Topeka Unified School District have been rejected by the Topeka School Board. To date plaintiffs know of:

(1) a proposal made by the NAACP on December 21, 1955 to the School Board to make integration of the teaching faculty part of the Topeka Four-Step Plan for Desegregation proposed in 1954, which proposal was rejected; and

(2) a desegregation plan designed by staff of the Topeka Unified School District in or about 1974 which the staff believed would have an integrative effect and which was also rejected. ("Tentative Plan for a More Perfect Unitary School System For Topeka Unified School District No. 501 For Implementation at the Beginning of the 1974-1975 School Year.")

(c) Defendants can refer to their responses to plaintiffs' interrogatories or to Minutes of the Topeka School Board as sources of information (including but not limited to September 3, 1953; January 20, 1954; February 7, 1955, February 23, 1955, December 21, 1955), or more specifically to:

Answers, documents and attachments or documents referred to in the answers to Interrogatory Nos. 19, 23 and 24 of Plaintiffs' First Set of Interrogatories to Defendant Unified School District No. 501.

(d) Documents which will be used as trial exhibits remain unidentified.

(e) To date witnesses who will attest to these facts remain unidentified.

21. If you claim that the School District followed any policy of reassigning students from one attendance area to another for racial reasons or which policy had a foreseeably



segregative effect, at any time beginning with the 1950-51 school year to the present, please state the following:

(a) identify and describe each such policy involving student reassignment, indicating the year(s) in which such policy was followed and whether you claim it was established for racial reasons or whether it had a foreseeably segregative effect;

(b) the specific facts upon which you rely for this claim;

(c) identify the specific source of the information upon which you rely for this claim;

(d) list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such policy involving student reassignment was established and maintained for racial reasons or had a foreseeably segregative effect.

(e) give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

See the responses provided to Interrogatory Nos. 4 through 7 and 13 through 18.

To the extent any documents referred to in these responses are not in the possession of the defendants they will be made available for inspection and copying at their request and upon reasonable notice.

DATED this 13th day of April, 1984.

*E. Richard Larson*

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E. RICHARD LARSON

*Christopher A. Hansen*

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CHRISTOPHER A. HANSEN  
American Civil Liberties Union  
Foundation  
132 West 43rd Street  
New York, New York 10036  
(212) 944-9800

*Richard E. Jones by ERL*

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RICHARD E. JONES  
Jones & Jones  
724<sup>1</sup>/<sub>2</sub> Kansas Avenue  
Topeka, Kansas 66603  
(413) 235-3961

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Attorneys for Intervening Plaintiffs  
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VERIFICATION

STATE OF NEW YORK     )  
                                  ) SS:  
COUNTY OF NEW YORK    )

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

That he is one of the Attorneys for Plaintiffs, that he has read the Intervening Plaintiffs' Response to Unified School District No. 501's First Set of Interrogatories which was prepared under his general direction and supervision and such answer is true and correct to the best of his knowledge and belief.

*Christopher A. Hansen*  
-----  
CHRISTOPHER A. HANSEN  
American Civil Liberties Union  
Foundation  
132 West 43rd Street  
New York, New York 10036  
(212) 944-9800

Subscribed and sworn to before me this 13 day of April, 1984.

*E. Richard Larson*  
-----  
Notary Public

1985

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Intervening Plaintiffs' response to UNIFIED SCHOOL DISTRICT NO. 501's FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS was served upon defendants by mailing same First Class Priority U.S. mail, postage prepaid, this 13th day of April, 1984 to:

K. Gary Sebelius  
Eidson, Lewis, Porter & Haynes  
1300 Merchants National Bank Building  
Topeka, Kansas 66612

Dan Biles  
Assistant Attorney General  
Kansas Judicial Center, 2nd Floor  
Topeka, Kansas 66612

*E. Richard Larson*

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E. RICHARD LARSON  
CHRISTOPHER A. HANSEN  
American Civil Liberties Union  
Foundation  
132 West 43rd Street  
New York, New York 10036

Dated: April 13, 1984