

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.
	)	IP-68-C-225
DONNY BUCKLEY, et al.,	)	
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
THE BOARD OF SCHOOL COMMISSIONERS	)	<u>POST HEARING BRIEF</u>
OF INDIANAPOLIS, et al.,	)	<u>OF THE UNITED STATES</u>
	)	
Defendants.	)	
	)	

INTRODUCTION

The central question presently before this Court is whether relief involving the students and schools of districts other than the original defendant Indianapolis Public School District (IPS) is warranted in light of applicable case law and the facts of this case.

The controlling legal standards to be applied in this case are found in the Supreme Court's July 25, 1974 decision in Milliken v. Bradley, 418 U.S. 717. The facts

*/ Citations to Milliken in this brief are to the Slip Opinion.

In the discussion which follows we have endeavored to provide the court with the means of reassessing this case in light of Milliken, presenting as nearly as possible a full range of relevant factual and legal considerations. We conclude, that while the issue is not free from doubt, as a logical next step the court should require IPS to prepare and present alternative plans -- an IPS only plan and a plan which through use of the annexation and transfer authority provided by state law, involves limited portions of other Marion County jurisdictions.

I. BACKGROUND

A. The History Preceding This Litigation and Brief Summary of the Evidence

The history of official segregation in Indiana, in public education as well as other areas, has been chronicled by this Court in its earlier Opinions.^{*/}

Indiana abolished the local option of having segregation in the public schools in 1949. Neither this change in state law, nor the Supreme Court's decision in Brown I, nor the passage of time and additional legislation affected an improvement in the segregated conditions of IPS schools. This suit was initiated in August 1968;

^{*/} The August 8, 1971 Opinion is reported at 332 F. Supp. 655 (1971), with a summary of the history of Indiana's official segregation described at pp. 658-665; July 20, 1973, Opinion, 368 F. Supp. 1191 (1973) at pp. 1199-1200.

in August 1971 this Court found the schools to be officially segregated; and to this date unconstitutional separation of public school students has not been fully eliminated.

Indianapolis grew at a rapid pace during the two decades preceding the filing of this suit in 1968. Its population increased dramatically, its urbanized area spilled beyond its civil borders (and included the development of suburban employment centers in the 1960's), its suburbs came into existence and IPS took in thousands of new acres and students as it expanded along with the civil city (in accordance with state law) through scores of territorial annexations initiated by the civil city--changes which have been detailed by this Court in its earlier decisions and which are depicted in the exhibits introduced during the March ^{*/} 1975 hearings. These changes were accompanied by a

*/ Plaintiff-Intervenor's Exhibit K (1975 hearing) is a color-coded map depicting changes in the boundaries of Indianapolis (and hence IPS) during various periods of time between 1900 and 1969 when the parallel growth ended. Not only did the IPS lines change hundreds of times (Pl. Exhs. 1 and 2, 1975 hearings), but they were crossed by students living within IPS and going to school in an adjacent district. Burns Ind. Stat. Ann. 28-5001 provides that the school corporation in which a student resides "may, if the conditions warrant" grant an order of transfer to another school corporation "upon application of the parent" and if the student "can better be accommodated" in the receiving school corporation. Reasons for transfer in and out given by IPS in its Answers to Interrogatories filed January 25, 1975 (Exh. I), include: curriculum, health, senior year, special education, and transportation (no sidewalk). See also MDC Exh. 1, 2, 3, 5, 6 and 7 (maps depicting changes in zoning classifications, location of interceptor sewers and sanitary districts, location of conventionally financed and federally assisted multi-family housing, expansion of fire and police districts, etc.).

radical change in the central city's racial composition and a concentration of blacks in the central city and IPS as compared to the rest of Marion County.

By the mid-1960's, the school city had occasionally */ provided the impetus for expansion, but most territorial growth by IPS came as the result of its unwilling or **/ acquiescent role as companion to the expanding civil city. IPS accommodated the civil city's envelopment of suburban areas by building new school plants, making temporary arrangements for students convenience, adding kindergartens to acquired schools, and providing transportation to school for pupils newly taken into the center city ***/ system.

In 1959, the Indiana legislature passed a law [Burns Ind. Stat. Ann. 28-3501 et seq. (Acts 1959, Ch. 202)] enabling school districts within a county to consolidate. The state legislation recognized many advantages of consolidation and set up machinery for each county to study its own reorganization needs and to institute changes after approval by a State Commission. In 1961, the Marion County Reorganization Committee recommended this step

*/ Answers to Interrogatories of the United States submitted by the Defendant IPS on January 15, 1975. (Exhibit B thereto).

**/ Id., Exhibit E to Answers.

***/ Ibid.

for Indianapolis--Marion County, but the proposal was
rejected^{*/}. A similar idea was advanced and abandoned in
1966^{**/}. In the meantime, the civil city of Indianapolis
was having difficulty in expanding with the metropolis.
A 1967 proposal that the civil city annex the entire
county produced no change (Pl. Exh. 2, March 1975
hearings, 1967 Special Ordinance No. 3). Civil
annexations previously enacted were being held up by
state court litigation (MDC Exh. 7, 1975 hearing). On
October 31, 1967, IPS passed a resolution against large
future annexations for the district^{***/}; and on October 29,
1968 IPS and the suburban Perry Township School District
agreed (pursuant to State law) by concurrent resolution
that six previous civil annexations of Perry territory
by the civil city would not include education of Perry
students by IPS. (Answers to Int., Exh. D thereto)

Effective civil city expansion was undertaken
by the state legislature in 1969 with the passage of the
Unified Government Act (Uni-Gov). At the same time, the
historic parallel growth of IPS and the civil city of
Indianapolis was ended. (Burns Ind. Stat. Ann. 28-2346a
(1970 Cum. Supp.)^{****/}) Through Uni-Gov city functions were

^{*/} July 20, 1973 Decision.

^{**/} 1975 hearing, T. 159.

^{***/} Answer to Int., Exh. G thereto, which disapproves of
"annexation of all or a major part of Marion County into
the Indianapolis School System. . . ."

^{****/} This statute had been passed in 1967 and vetoed
by the governor.

expanded to include most of Marion County (with a complementary exclusion of public schools^{*/}). The Uni-Gov city-county consolidation scheme excepted functions which were already performed on a county-wide basis (such as library services); a base police and fire district was established to coincide with the civil city boundaries as they existed at the time of passage of the Uni-Gov Act, with a provision (unlike that for public schools) allowing for expansion by resolution of the city-county counsel.^{**/} IPS is now the sole state entity able to initiate a territorial expansion of the central city school district. To date this power has not been exercised.^{***/}

^{*/} Burns Ind. Stat. Ann. Secs. 48-9101 to 48-9507 (1970 Cum. Supp.).

^{**/} This procedure has since been invoked on a number of occasions. Pl. Exhs. 3 and 4, 1975 hearing.

^{***/} In the memorandum filed with our position statement the United States viewed the case as one where the practical and legal restrictions on IPS annexation authority could be readily demonstrated. In this regard the record made during the hearing is not as clear as we had forecast. The restrictions on IPS annexation powers were not, according to the testimony and exhibits, solely a function of the adoption of Uni-Gov, but had proceeded on a separate though contemporaneous legislative course. Acts 1959, Ch. 52. Burns Ind. Stat. Ann. 28-2346a (1970 Cum. Supp.). While the issue is still one which should be addressed by the Court, candor compels us to correct any impression in our earlier memorandum that the resolution is obvious. Accordingly, we qualify our earlier contention and the accompanying suggestion (Memo p. 4) that the court's equity powers would consequently extend to all powers possessed by IPS before passage of Uni-Gov. The present discussion includes these as well as other considerations which the record indicates are relevant.

Credible evidence exists which tends to support this Court's earlier observations that actions and policies, both public and private, with respect to housing played a role in determining the disparate student racial compositions as between the school districts in the Indianapolis metropolitan area. Such actions were discussed extensively in this Court's August 1971 Decision, 332 F. Supp. at 662-663. Reference was made to practices of white realtors, use of a dual price system, harassment of Negroes who managed to move into white neighborhoods, widespread use of racial covenants^{*/}, criminal ordinances prohibiting residential integration, racial classifications in real estate advertising and a custom of some communities of not allowing blacks to stay overnight. Evidence received in the 1973 hearings included testimony to the effect that the major real estate trade association expressly banned black agents from membership until the early 1960's, thereby denying them status as "realtors" and access to the service wherein real estate firms exchange property listings^{**/}. Two black

^{*/} Additional evidence of racial covenants in suburban areas was introduced in the 1975 hearings. Pl. Int. Exh. I, 1975 hearing.

^{**/} Tr. Vol. III, p. 460-464 (Ray); see also 332 F. Supp. at 666.

agents testified as to their difficulties or inability to show property outside of Center Township (wholely ^{*/} within IPS). Two present or past officials in the Indiana Civil Rights Commission noted a pattern of complaints received by blacks allegedly frustrated in ^{**/} attempts to obtain housing outside of IPS. With respect to the location of public housing, the testimony in this case of Deputy Mayor Carroll at the 1975 hearings (T. 260-290) amounted to a tacit confession that this heavily black-occupied housing was unacceptable in any jurisdiction other than IPS.

B. Procedural History

This lawsuit was brought by the government on May 31, 1968, charging the defendant IPS with racial discrimination in the assignment of students and faculty members to the system's public schools. On August 5, 1968, this Court found discriminatory faculty assignment and ordered remedial injunctive relief commencing with the 1968-69 school year. 302 F. Supp. 309, Aff'd 437 F.2d 1143 (1971).

*/ See Tr. Vol. III, pp. 462-467 (Ray); Vol. II, pp. 273-280 (Barnette). Mr. Barnette, a former black real estate agent testified to a pattern of refusals to allow him to show houses on the market in the metropolitan area. He recalled or estimated 2 of such refusals occurring in Pike Township, 15-20 in Washington Township (but also many sales there), 6-10 in Lawrence Township, 2 in Wayne Township and other obstacles in the Town of Speedway.

**/ See Tr. Vol. I, p. 86-87 (Morford); Vol. II, p. 216-17 (Edwards).

With respect to student assignment, this Court on August 18, 1971, found that IPS was operating a de jure segregated dual system. This Court also ordered the United States and IPS to join as defendants those parties necessary to determine the legal propriety of an inter-district remedy involving school systems other than IPS. 332 F. Supp. 655, 679, 680, Aff'd 474 F.2d 81.

On September 7, 1971, the United States moved to join the ten school districts located inside Marion County and two school districts located outside Marion County, but did not seek relief against the defendants so added; on September 7, 1971, this Court granted the motion and ordered the parties joined as defendants.

On September 14, 1971, plaintiff-intervenors filed a Motion to Intervene and a Complaint in Intervention directed against the original defendants, the defendants added pursuant to the Courts order, and a number of additional state and local authorities. The Complaint in Intervention, as amended on October 21, 1971, alleged that certain Indiana statutes affecting governmental reorganization in Marion County were unconstitutional because schools were excluded from the metropolitan government and alleged racial discrimination by the state and local authorities in the operation of IPS schools.

On July 20, 1973, after a hearing on the issues raised in the intervenors' amended complaint, this Court held, inter alia, that desegregation of IPS must proceed on a metropolitan, inter-district basis. 368 F. Supp. 119.

On August 21, 1974, the Seventh Circuit Court of Appeals reversed those rulings pertaining to a metropolitan remedy outside Marion County, vacated the rulings of this Court relating to a metropolitan remedy within Uni-Gov, and remanded the case for further proceedings consistent with Milliken v. Bradley, 418 U.S. 717 (1974).

Pursuant to the Seventh Circuit's remand, this Court ordered those defendants located outside of Marion County dismissed from this action on December 13, 1974.

On March 18, 19, 20 and 25, 1975, a hearing was held where the parties adduced evidence relating to the issues on remand.

II. THE APPLICABLE LAW

A. Limitations Placed on the Equitable Jurisdiction of Federal District Courts by the Supreme Court in Milliken

The United States Supreme Court decision in Milliken v. Bradley, 418 U.S. 717 (1974) held that massive, judicial consolidation of Detroit, Michigan with 53 surrounding school districts was not justified because the multi-district remedy had no logical or constitutional nexus with official segregation occurring solely within

the city of Detroit. In so doing, the Court held that inter-district remedies were proper only when there is an inter-district violation or a violation within one district that had a segregatory effect in another district. "Boundary lines may be bridged when there has been a constitutional violation calling for inter-district relief. . . ." (Slip Opinion, p. 22).

Under Milliken v. Bradley, an inter-district remedy is proper only when "racially discriminatory acts of the state or local school districts, or of a single school district, have been a substantial cause of inter-district segregation" (slip op. 25). The question before the court is whether the Uni-Gov legislation was "a substantial cause of inter-district segregation" (ibid.). The answer depends upon what the facts surrounding Uni-Gov's adoption show about its purpose and effect, including whether Uni-Gov had the effect of weakening the authority of IPS to annex surrounding territory or to require inter-district student transfers and, if so, whether IPS would have exercised that authority in the absence of Uni-Gov in a way that would have substantially affected the racial composition of IPS and/or some other school district.

If Uni-Gov was a substantial cause of inter-district segregation, the court may fashion inter-district relief to the extent necessary "to eliminate the inter-district segregation directly caused by the constitutional violation"

(Milliken, slip op. 25) -- i.e., "to restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct" (id. at 27).

Ordering IPS to exercise its annexation or transfer authority would be a form of inter-district relief that must be predicated on a finding that there has been an inter-district violation. But even if the court finds that there has not been an inter-district violation, and therefore that only intra-IPS relief is appropriate, it may properly find that other or less disruptive relief would be available if IPS chose to exercise its existing annexation or transfer authority. In that connection, the court may properly require IPS to consider exercising its existing inter-district authority and to submit plans showing what would be possible if it did choose to exercise that authority.

B. The Analytical Process Required by Milliken in Assessing the Appropriateness of Inter-district Relief

In Milliken the Court gave little guidance as to what constitutes an inter-district violation or an intra-district violation with inter-district effect. Chief Justice Burger did state:

Thus, an inter-district remedy might be in order where the racially discriminatory acts of one or more school districts caused racial segregation in an adjacent district, or where district lines have been deliberately drawn on the basis of race. In such circumstances an inter-district remedy would be appropriate to eliminate the inter-district

segregation directly caused by the constitutional violation. Conversely without an inter-district violation and inter-district effect, there is no constitutional wrong calling for an inter-district remedy.

Justice Stewart in his concurring opinion expanded on this concept referring to "different racial compositions in contiguous districts" that might call for an inter-district remedy if there were "a showing that such disparity was imposed, fostered, or encouraged by the State or its political subdivisions. . . ."

Other recent cases have dealt with the proper way to analyze causation in school desegregation cases.

The United States Court of Appeals for the Second Circuit in Hart v. Community School Board, No. 74-2076, ____ F.2d ____ (January 27, 1975), enunciated a clear standard for judging causation:

Unless the Supreme Court speaks to the contrary, we believe that a finding of de jure segregation may be based on actions taken, coupled with omissions made, by governmental authorities which have the natural and foreseeable consequence of causing educational segregation.

* * *

To say that the foreseeable must be shown to have been actually foreseen would invite a standard almost impossible of proof save by admissions. When we consider the motivation of people constituting a school board, the task would be even harder, for we are dealing with a collective will. It is difficult enough to find the collective mind of a group of legislators It is even

harder to find the motivation of local citizens, many of whom would be as reluctant to admit that they have racial prejudice as to admit that they have no sense of humor.

* * *

Aside from the difficulties of ferreting out a collective motive and conversely the injustice of ascribing collective will to articulate remarks of particular bigots, the nature of the "state action" takes its quality from its foreseeable effect. The Fourteenth Amendment is not meant to assess blame but to prevent injustice.

Slip opinion at 1469-70 (emphasis added).

Similarly, the Sixth Circuit recently stated in Oliver v. Michigan State Board of Education, Nos.

74-1104 - 05, ____ F.2d ____ (December 9, 1974) that:

A finding of de jure segregation requires a showing of three elements: (1) action or inaction by public officials (2) with segregative purpose (3) which actually results in increased or continued segregation in the public schools. A presumption of segregative purpose arises when plaintiffs establish that the natural, probable, and foreseeable result of public officials' action or inaction was an increase or perpetuation of public school segregation. The presumption becomes proof unless defendants affirmatively establish that their action or inaction was a consistent and resolute application of racially neutral principles.

In Evans v. Buchanan, D.C. Del. (C.A. No. 1816-1822, March 27, 1975) the district court sitting as a three judge panel found that the state of Delaware, through the sanctioning of discrimination in the rental and sale of housing units and the recordation of racially restrictive covenants, had contributed to a significant degree to the demographic isolation of the races which exists in New Castle County and the City of Wilmington,^{*/} and that a state school reorganization statute which excluded Wilmington from its operation had the effect of inhibiting the ability of the school district to consolidate to promote racial balance. The Court went on to find the statute in effect redrew school district lines in light of Milliken and held that an inter-district remedy would be appropriate.

The concept that an "intra-district violation which has an inter-district effect" gives a federal district court the authority to order an inter-district remedy embodies the proposition that local school districts must share in the dismantling of segregated schools other than their own if they (or the State, of which they are a part) were responsible for either the creation or the maintenance of the segregated schools.

^{*/} In the last two decades, Wilmington experienced the familiar phenomenon of a decrease in the number of whites in the city and school system while the number of blacks increased in the city and school system. The suburbs around Wilmington, on the other hand, experienced a substantial growth in the white population. As a result, the percentage of black students in the Wilmington School District grew from 28 percent in 1954 to 83 percent in 1973.

If the state or the surrounding districts acted to maintain racial residential concentrations within the central district, they would be maintaining existing school segregation there. Thus, a central question is the sufficiency of the evidence showing that official action contributed to the concentration of blacks within the segregated district.

In Wilmington, the three-judge court split over the sufficiency of the evidence in this regard. The dissenting judge (slip opinion, pp. 3-7) chose to agree with the Fourth Circuit's view in the Richmond case --
*/
that the socio-economic causes of racial concentration in America's central cities is so complex that its cause is unknowable. However, the majority in Wilmington found that housing discrimination evidence supported a holding that "governmental authorities are responsible to a significant degree for the increasing disparity between city and suburbs" and that "this conduct constitutes segregative action with inter-district effects under Milliken" (slip opinion at pp. 24-25).

Central-city racial concentration is undoubtedly a phenomenon of multiple, complex causes--some private, some public, and some personal. Though complex, such causes are capable of legal evaluation. Government

*/ Bradley v. School Board, 462 F.2d 1058 (4th Cir., 1972).

housing policies, for example, may restrict choice of residential location on a racial basis, as do racial covenants, duly recorded in official records. In Meyers v. Ridley, 465 F.2d 630 (D.C. Cir. 1972), the Court of Appeals prohibited the District of Columbia Recorder of Deeds from accepting deeds with racially restrictive covenants in them. The Court at 640 reasoned:

It is certainly not beyond the realm of possibility that a black person might be reluctant to buy a home in a white neighborhood when government itself implicitly recognizes racially restrictive covenants

• • • •

And at 641, the Court said:

A certain percentage of blacks no doubt refuse to buy property burdened with such recorded covenants either because they are under misapprehension as to the legal effect of covenants or because they do not want to go where they appear unwanted, whatever their legal rights.

If an appraisal of all available facts leads the court to conclude that, intentionally or not, a state's policy--or that of its subdivisions--had the effect of restricting blacks to the city and therefore to city schools contrary to the normal patterns of residential mobility and that the school authorities co-operated with and ratified such policies even though they had authority to merge, consolidate or expand, a constitutional violation

might be made out that could justify inter-district relief under Milliken.

In addition to discriminatory housing practices which keep persons away from suburban areas, concentration of blacks within central city areas may be abetted by discriminatory segregation in schools fostered by the central city school district itself. In Keyes v. School District No. 1, 413 U.S. 189, 202 (1973), the Supreme Court took note of the interrelationship between discriminatory student and faculty assignment decisions such as those made by IPS and the racial composition of residential neighborhoods within a metropolitan area:

. . . [t]he use of mobile classrooms, the drafting of student transfer policies, the transportation of students, and the assignment of faculty and staff, on racially identifiable bases, have the clear effect of earmarking schools according to their racial composition, and this, in turn, together with the elements of student assignment and school construction, may have a profound reciprocal effect on the racial composition of residential neighborhoods within a metropolitan area, thereby causing racial concentration within the schools.

III. OTHER LEGAL CONSIDERATIONS

A. White Flight May Not Be Used As the Basis for Ordering Metropolitan Wide Relief

This Court has previously expressed concerns that ordering any system wide desegregation within the boundaries of IPS would eventually result in IPS becoming

an all or predominantly black school system. The possibility that white flight may result from the implementation of a desegregation decree is not a basis on which to order metropolitan wide relief. In Milliken the Court of Appeals based its ruling requiring metropolitan relief, in part, on its view that "any less comprehensive a solution than a metropolitan area plan would result in an all black school system immediately surrounded by practically all white suburban school systems, with an overwhelming white majority living in the total metropolitan area." 484 F.2d 215, 245 (6th Cir., 1973) (en banc). However, the Supreme Court rejected this approach, saying:

The suggestion . . . that schools which have a majority of Negro students are not 'desegregated,' whatever the racial makeup of the school district population and however neutrally the district lines have been drawn and administered, finds no support in our prior cases.

Milliken, 418 U.S. at _____, n. 22, slip opinion at 27, n. 22. Therefore, we believe any plan ordered by this Court should eliminate the violations found to exist in this record and should not address itself to the effect which such an order may have on the future racial make up of the district. See also United States v. Scotland Neck City Board of Education, 407 U.S. 484, 491 (1972). (Concern for white flight is not a basis for refusing to order complete desegregation.)

B. Assuming That the Court Finds Inter-district Violations, its Decree Should be a Practical One Limited to the Steps Needed to Correct the Violation

Under Milliken, if this Court should determine that the facts in this case constitute an inter-district violation (or a violation which has an inter-district effect) the relief ordered must be practical and limited to that which is needed "to correct the condition that offends the constitution" - Swann. Under these principles the complete consolidation of IPS with its surrounding neighbors cannot be required.

C. In Formulating a Plan, IPS Should be Required to Consider All of Its Plenary Authority Under State Law, Including Voluntary Inter-district Student Transfer Provisions

Brown II, 349 U.S. 294 (1955) places the primary responsibility for disestablishing a de jure dual school on the school board. This burden was further amplified in Green v. County School Board, 391 U.S. 430 (1968), where the Supreme Court stated that:

The burden on a school board today is to come forward with a plan that promise realistically to work . . . now . . . until it is clear that state-imposed segregation has been completely removed.

Green, supra at 439. See also Louisiana v. United States, 380 U.S. 145, 154 (1965).

IPS has a duty to consider utilizing the transfer provisions of Indiana Code, §§28-5001 et seq. to disestablish its de jure dual school system. Under the terms of §28-5001, IPS may allow its students to transfer to neighboring school districts if they "can be better accommodated in the public schools of another [neighboring] school corporation. . ." Cf. Keyes v. School District #1, 413 U.S. 189, 235-36 (1973) (Powell, Jr., concurring).

IV. CONCLUSION

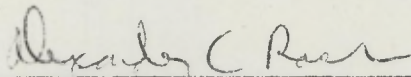
Given a constitutional violation at least within IPS, at a minimum, the record justifies the court in requiring IPS to come forward promptly with a plan that would eliminate the segregatory conditions within the boundaries of IPS.

The necessity of inter-district relief under Milliken rests on the court's assessment of whether under all the circumstances there is an inter-district effect. In making this determination the Court should consider facts of record such as the racial concentrations in various parts of IPS, the age and site size of many of the all-black schools, the odd shape of the district and the requirement of the greatest degree of desegregation under and the circumstances, /the role of Uni-Gov and its associated legislation with the tendency to freeze IPS lines by placing on IPS the sole initiative for expansion.

If the Court concludes that there is such a violation under Milliken, it should assess the practicality of a limited inter-district remedy. This can best be done in evaluating specific plans including the demographic and geographic factors that make inter-district relief potentially practical including factors such as the availability of unused classroom space in the suburban schools surrounding IPS. (See attachment I).

Respectfully submitted,

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ATTACHMENT I

Maximum capacity enrollment figures for the schools surrounding the IPS system were computed from the standards for capacity used by the Division of Inspection for the State Board of Education. The schools in question are almost all governed by the standards for first class schools (98% of the schools). The maximum student-teacher ratios for 1st class schools are as follows:

<u>Grade Level</u>	<u>Student-Teacher Ratio</u>
K-3	30 to 1
4-8	34 to 1
9-12	28 to 1

Thus, for example, for Acton Elementary School numbered "48" on the chart it was determined that 9 classrooms were in the K-3 level and 9 were in the 4-8 grade level. The maximum capacity enrollment figures was then obtained by using the maximum student-teacher ratio:

$$\begin{array}{r} \text{K-3} - 9 \times 30 = 270 \\ \text{4-8} - 9 \times 34 = 306 \\ \hline 576 \end{array}$$

The maximum capacity enrollment figure is 576, the current enrollment figure is 451, and the number under capacity is 125 (576-451).

The numbers of classrooms and student enrollment figures are taken from the submissions made by the added defendants pursuant to this Court's order of December 13, 1974. Total enrollment figures vary from those contained in Plaintiff-Intervenor Exh. J (1975 hearing) as follows: (1) This Attachment includes neither classrooms nor students for Special Education (2) the figures here for Warren Township include neither classrooms nor students in kindergarten; and (3) we are unable to reconcile Perry Township's figure of 13,282 students on Plaintiff-Intervenor Exh. J with the figure of 11,967 contained in it's submission to the Court.

<u>District</u>	<u>School</u>	<u>No. Class- rooms</u>	<u>Enroll- ment</u>	<u>Maximum Capacity</u>	<u>(+)Over/ (-)Under Capacity</u>
Pike					
	1 Central Elem	22	498	692	-194
	2 Eastbrook Elem	22	466	692	-226
	3 Guion Creek	22	563	692	-129
	4 Lincoln Middle	36	865	1224	-359
	5 Pike HS	59	1140	1652	-512

Washington

	6 Training Center	38	47*	1064	*.
	7 No. Central	150	3795	4200	-405
	8 Eastwood JHS	41	900	1394	-494
	9 Northview JHS	71	1608	2414	-806
	10 Westlane	56	1112	1904	-792
	11 Allisonville	24	553	734	-181
	12 Crooked Ck.	27	678	858	-180
	13 Delaware Trail	24	574	768	-194
	14 Fall Creek	22	574	704	-130
	15 Grandview	23	541	730	-189
	16 Greenbriar	27	688	866	-178
	17 Harcourt	25	562	790	-228
	18 John Strange	25	652	794	-142
	19 Nora	25	623	794	-171
	20 Spring Mill	26	638	828	-190
	21 White River Elem	23	495	734	-239
	22 Wyandotte Elem	15	378	478	-100

*Students from other areas also attend

Lawrence

	23 Brook Park	24	622	764	-142
	24 Crestview	25	654	794	-140
	25 Harrison Hill	23	541	734	-193
	26 Indian Creek	22	560	696	-136
	27 Lawrence Elem	23	557	730	-173
	28 Mary E. Castle	22	526	700	-174
	29 Oaklandon	21	487	670	-183
	30 Skiles Test	25	640	798	-158
	31 Belzer JHS	59	1296	2006	-710
	32 Craig JHS	54	1227	1836	-609
	33 Lawrence HS	87	2248	2436	-188

<u>District</u>	<u>School</u>	<u>No. Class- rooms</u>	<u>Enroll- ment</u>	<u>Maximum Capacity</u>	<u>(+)Over/ (-)Under Capacity</u>
Warren					
	34 Lakeside Elem	18	479	576	-97
	35 Brookview Elem	17	451	546	-95
	36 Eastridge Elem	18	526	576	-50
	37 Grassy Creek	16	395	516	-121
	38 Hawthorne	15	351	482	-131
	39 Heather Hills	18	469	576	-107
	40 Lowell	16	419	516	-97
	41 Moorhead	17	423	546	-123
	42 Pleasant Run	17	430	546	-116
	43 Sunny Heights	17	465	546	-81
	44 Creston JHS	43-44	789	1462	-673
	45 Stonybrook JHS	50	977	1700	-723
	46 Woodview JHS	43-44	973	1462	-489
	47 Warren Central JHS	80	2508	2240	+268
Franklin					
	48 Acton Elem	18	451	576	-125
	49 Bunker Hill Elem.	13	348	414	-66
	50 Wanamaker Elem	18	477	576	-99
	51 Franklin JHS	20	502	680	-178
	52 Franklin Central	40	995	1120	-125
Beech Grove					
	53 Central Elem	30	794	956	-162
	54 South Grove	22	537	708	-171
	55 Beech Grove J.	27	449	646	-197
	56 Beech Grove H.S.	41	973	1148	-175
Perry					
	57 McArthur Elem	22	517	692	-175
	58 Burkhart Elem	17	364	534	-170
	59 Edgewood Elem	16	391	512	-121
	60 Homecroh Elem	17	412	534	-122
	61 Lincoln Elem	27	589	850	-261
	62 Riley Elem	7	91	210	-119
	63 Southport Elem	22	534	692	-158
	64 Glens Valley El	11	298	346	-48
	65 Winchester Village	23	651	722	-71

<u>District</u>	<u>School</u>	<u>No. Class- rooms</u>	<u>Enroll- ment</u>	<u>Maximum Capacity</u>	<u>(+)Over/ (-)Under Capacity</u>
Perry					
	66 C. Young Elem	28	653	970	-317
	67 Keystone Mid.	48	904	1632	-728
	68 Meridian Mid.	71	1420	2414	-994
	69 Southport Mid.	42	787	1428	-641
	70 Perry Meridian	117	2437	3276	-839
	71 Southport H.S.	77	1919	2156	-237
Decatur					
	72 Lynwood	18	464	576	-112
	73 S. Decatur	21	576	674	-98
	74 Valley Mills	22	582	700	-118
	75 W. Newton	14	351	452	-101
	76 Decatur JHS	37	896	1258	-362
	77 Decatur HS	65	1395	1820	-425
Wayne					
	78 Chapel Glen	26	814	828	-14
	79 Chapelwood	24	732	760	-28
	80 Garden Cy Elem	25	713	760	-47
	81 Maplewood	26	757	828	-71
	82 McClelland	25	692	798	-106
	83 Rhoades Elem	23	652	726	-74
	84 Robey Elem	25	487	606	-119
	85 Sanders	15	407	474	-67
	86 Stout Field-Elem	25	764	798	-34
	87 Westlake Elem	24	642	764	-122
	88 Ben Davis H.S.	86	2660	2408	+252
	89 Ben Davis JHS	55	1031	1870	-839
	90 Fulton JHS	54	1070	1836	-766
	91 So. Wayne JHS	48	977	1632	-655

<u>District</u>	<u>School</u>	<u>No. Class- rooms</u>	<u>Enroll- ment</u>	<u>Maximum Capacity</u>	<u>(+)Over/ (-)Under Capacity</u>
Speedway					
	92 C.G. Fisher	14 ⁺	188	256	- 68
	93 Arthur Newby	8	196	256	- 60
	94 James Allison	14	300	444	-144
	95 Frank Wheeler	14	337	444	-107
	96 Speedway JHS	22	373	748	-375
	97 Speedway HS	34	813	952	-139

+ 6 rooms may not be useable.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served on all the parties in this case by depositing them in the United States mail, postage prepaid, addressed as follows:

Mr. Richard L. Brown
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Indianapolis, Indiana 46204

Mr. Fred S. White
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Mr. James D. Capehart
2700 Indiana National Bank
Tower
Indianapolis, Indiana 46204

Mr. William O. Schreckengast
380 Main Street
Beech Grove, Indiana 46302

Mr. Charles W. Hunter
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Indianapolis, Indiana 46204

Mr. Kurt F. Pantzer, Jr.
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Mr. Lewis C. Bose
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Mr. Ben Weaver
600 Union Federal Building
Indianapolis, Indiana 46204

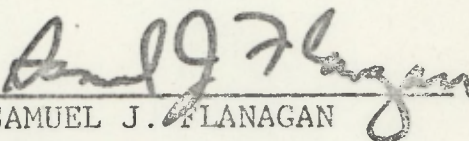
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This the ^{14th} day of April, 1975.



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