

School Suit Underway in District Court Here, Judge Expected to Rule on Motion to Dismiss

R.R. 2-21-68

District Judge Jack L. Green expected to rule this (Wednesday) afternoon on a motion to dismiss a civil suit filed by Grantsdale school district taxpayers against the Hamilton elementary school district and Hamilton County Supt. of Schools Margaret Lockridge.

Testimony in the case began Tuesday and continued through a mid-morning Wednesday before Gerald Schultz, attorney for the defendants, made his closing motion.

Judge Green took this under advisement and called for a recess until 1 p.m. Wednesday. He is expected his ruling would be made after The Republican's 5 p.m. deadline.

The issue in the suit is an approximate \$19,000 payment allegedly owed to the Hamilton elementary school district by Grantsdale district.

The funds in question were used as tuition payment for the 48 Grantsdale children who were approved by former Hamilton County Supt. Champ Hannon to attend school in Hamilton during the 1964-65 school year, as well as 45 children who were approved by Mrs. Lockridge to attend in Hamilton during 1965-66.

The five Grantsdale men, Charles V. Likes, James F. [unclear], Joe Strnisha, Lyle Morgan and G. R. Riley, contended that Hannon and Mrs. Lockridge acted in a "capricious and arbitrary" manner in approving the transfers.

The taxpayers, through their attorney, Raymond Fox of Missoula, are seeking a declaratory judgment from the court to prevent payment of the \$19,000 tuition fee to Hamilton.

Testifying as witnesses for the plaintiffs Tuesday and Wednesday were former Grantsdale school board chairman H. J.

Lee said the school had some physical plant and curriculum deficiencies in years past, but that these problems were being remedied at the time Hannon and Mrs. Lockridge approved the transfers.

Lee also testified in regard to teacher load, classroom space available, administrative procedures and gave an outline of the curriculum being taught at the school.

Schultz, in moving the suit be dismissed, contended the Grantsdale school board had not exhausted its legal remedies in protesting the transfers and stressed both Hannon and Mrs. Lockridge acted in good faith and in good judgment in approving them.

Fox said the suit was filed by five private taxpayers and that the plaintiffs had no further legal remedy other than to file the suit. He also reaffirmed his contention the two county superintendents had acted in an arbitrary manner in approving the transfers.

The Missoula attorney said an "exodus of about one-third of the Grantsdale student body" . . . during these years was proof of an arbitrary decision.

Schultz also pointed out the suit was filed some 21 months after the 1964-65 transfers were approved. He noted a previous Montana Supreme Court decision had noted that no more than six months should elapse before action is initiated.