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**BEFORE THE LEWIS AND CLARK COUNTY SUPERINTENDENT OF SCHOOLS
KATRINA CHANEY**

HANNAH CAIL and BEAGAN WILCOX VOLZ, PETITIONERS, v. HELENA ELEMENTARY SCHOOL DISTRICT #1, RESPONDENT.	No. _____ NOTICE OF APPEAL
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Petitioners Hannah Cail and Beagan Wilcox Volz appeal the decision of the Respondent made on June 10, 2025, to close the Hawthorne Elementary School (“Hawthorne”).

INTRODUCTION

Petitioners allege Helena Elementary School District #1 (“the Respondent” or “the District”) has failed to honor in its obligation to issue a finding that its decision to close Hawthorne is in the best interests of the students of both Hawthorne and the broader District as required by Section 20-6-509, MCA. Petitioners further allege Respondent failed to honor its own governance and operational policy to consider specific factors in any decision to close a school in the District.

JURISDICTION AND VENUE

1. The Lewis and Clark County Superintendent of Schools has jurisdiction in accordance with Section 20-3-210, MCA, and Title 10, Chapter 6, ARM.
2. Venue is proper in Lewis and Clark County because the Helena Elementary School District #1 exists within, and Petitioners are citizens of, Lewis and Clark County, Montana, and the acts and omissions giving rise to Petitioners' claims occurred in this County.

PARTIES

3. Petitioner Hannah Cail is a citizen of Lewis and Clark County with an address at 512 Harrison Ave., Helena, MT 59601, is a taxpayer in the District, and parent of a student enrolled in the District who was deprived of information required by law and policy regarding the closure of Hawthorne.
4. Petitioner Beagan Wilcox Volz is a citizen of Lewis and Clark County with an address at 813 Gilbert Street, Helena, MT 59601, is a taxpayer in the District, and parent of students enrolled in the District who was deprived of information required by law and policy regarding the closure of Hawthorne.
5. Respondent is Helena Elementary School District #1, a distinct political subdivision established in accordance with Article X of the Montana Constitution and governed in accordance with the laws of Title 20 of Montana Code Annotated. Respondent's address is 1325 Poplar St., Helena, MT 59601.
6. Respondent is governed by an elected Board of Trustees who, in turn, hire and supervise an administrative staff including a District Superintendent and adopt governance and operational policies in accordance with Section 20-3-323, MCA.

ALLEGATIONS

7. On February 25, 2025, Superintendent Rex Weltz (“Weltz”) informed the entire Hawthorne staff that he decided to tell the District Board of Trustees to close Hawthorne at the conclusion of the 2024-2025 academic year. Weltz stated at this gathering that he “had the votes on the Board” to support this decision to close Hawthorne.

8. During the March 11, 2025 meeting of the District Board of Trustees, Weltz presented a course of action for District facilities that included closing Hawthorne by June 30, 2025.

9. On March 12, 2025 Weltz informed the Hawthorne Parent Council of the course of action that included closing Hawthorne at the conclusion of the 2024-2025 academic year. At this meeting, Weltz indicated there were plans regarding the reorganization of the District’s elementary schools including where displaced Hawthorne students would attend school, but he would not share the details with the public.

10. On March 13, 2025, Weltz informed a community gathering of Hawthorne employees, parents, students, and neighbors of the course of action that included Hawthorne being closed at the conclusion of the 2024-2025 academic year. At this meeting, Weltz indicated there was (1) a potential tenant for a soon-to-be vacated Hawthorne building; (2) a plan for where displaced students from Hawthorne would attend school beginning at the 2025-2026 school year; (3) new attendance boundaries for other affected elementary schools in the District to take effect for the 2025-2026 school year; and (4) enrollment data developed by the District supporting the closure of Hawthorne and reorganization of other elementary schools but that he would not provide this information to the public.

11. On April 9, 2025, the Board of Trustees conducted a public hearing on the question

of closing Hawthorne. The hearing included a presentation on the budgetary matters facing the District. The hearing did not include a specific discussion of how the potential closure would affect the students at Hawthorne or whether the closure was in the best interests of the students at Hawthorne or other schools which would be enrolling displaced pupils.

OBLIGATIONS OF THE BOARD

12. “The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.” Article X, Section 8, Montana Constitution.

13. “Whenever it is in the best interest of the pupils affected, the trustees of any district may close any school of the district, except that a junior high school may be closed only by joint action of the trustees of the elementary district and the high school district in which the school is located. Whenever the trustees of a district close a school of the district, they shall provide the pupils of the closed school with transportation and tuition, if required, to other schools in accordance with the provisions of this title.” Section 20-6-509, MCA.

14. Only the Board of Trustees has the authority to close a school in the District in accordance with Article X, Section 8 of the Montana Constitution and Section 20-6-509, MCA. The statute specifically requires the Board of Trustees to complete a finding that the closure of the school is in the best interests of the students affected by the closure.

15. The Board of Trustees adopted District Policy 9150 – School Closure on June 22, 1999. This policy was amended on September 3, 2024. The policy states:

Prior to the Board adopting a resolution closing an operating school, the Board shall consider the impact of such school closure on the education community. In evaluating the impact, the Board shall consider at a minimum the following factors:

1. Projected or actual enrollment declines and the likelihood that they will remain permanent.
2. The effect the school closure will have on other facilities and on the district's educational program offering.

3. Alternative use of the facility, including the potential for revenue for sale or lease of property.
4. Financial considerations including operation and maintenance costs, anticipated capital improvements, and the costs of closure and transferring operations elsewhere in relation to other schools in the district.
5. The effect the school closure will have on district staffing, and on the costs of instruction, administration, transportation and other support services.
6. Student safety factors, including travel, school building features, and school grounds, in relation to other schools in the district. Ability of other schools in the affected district to safely accommodate pupils if a school closes.
7. Such other facts as the Board deems necessary and appropriate in light of the circumstances.

(Empasis Added)

16. The hearing held on April 9, 2025, did not provide a sufficient basis to develop a set of findings for the Board of Trustees to adopt and issue when deciding to close Hawthorne in that it did not specifically address whether the potential closure of the school was in the “best interests of the affected pupils” as required by Section 20-6-509, MCA, or specific consideration of factors required in Policy 9150. Accordingly, no such findings were made upon which to base the decision to close Hawthorne.

17. The public Board packet distributed on June 8, 2025, for the June 10, 2025 Board meeting did not include information stating the recommended closure of Hawthorne was in the best interests of the affected pupils as required by Section 20-6-509, MCA, or consideration of the factors required by Policy 9150. Rather, it only included a one sentence memorandum stating the District Superintendent recommended the school be closed prior to the 2025- 2026 school year.

18. The motion adopted by the Board of Trustees on June 10, 2025, to close Hawthorne did not mention or include a finding or even a reference that the closure of Hawthorne was in the best interests of the students enrolled in Hawthorne or the students enrolled in the schools where displaced Hawthorne students will be enrolled in violation of

Section 20-6-509, MCA.

19. The motion adopted by the Board of Trustees on June 10, 2025, to close Hawthorne did not mention consideration of any of the factors detailed in or even a reference to Policy 9150 in violation of the Respondent's established procedures.

20. The information discussed and relied upon during the June 10, 2025 meeting by the Superintendent and Trustees was focused solely on budgetary matters of the District. The information was not related to the best interests of the pupils affected by the closure of the school as required by Section 20-6-509, MCA, or the factors related to facilities, safety, and personnel as detailed in Policy 9150.

21. The Board of Trustees did not make a finding or findings to explain their decision to close Hawthorne to the public or to articulate whether or how that decision is in the best interests of affected students.

22. The Board of Trustees failed to honor the applicable law and its own policy throughout the process to determine whether to close Hawthorne which deprived students, parents, employees, and taxpayers of a transparent and accountable closure process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners ask the County Superintendent to:

(a) Find that Respondent failed in its obligation to adopt and issue findings stating the closure of Hawthorne is in the best interests of the students affected as required by Section 20-6-509, MCA.

(b) Find that Respondent failed in its obligation to consider factors on matters relating to facilities, personnel, finances, and safety as required by District Policy 9150.

(c) Order Respondent to preserve all documents, correspondence, emails, calendars, budgets, and memoranda regarding possible closure, lease, disposal, restructuring, reorganizing, reboundary of elementary schools in the District and provide copies of said items to Petitioner.

(d) Order Respondent to conduct a closure determination process in full compliance with all applicable school closure laws as well as Policy 9150, which results in a full set of complete findings regarding the best interests of the affected students as required by Section 20-6-509, MCA, as well as a complete report demonstrating consideration on the factors provided in Policy 9150.

(e) Order Respondent to issue a formal, physical, written letter to the parents or guardians of each student enrolled in Hawthorne during the 2024-2025 school year expressing regret and remorse for failing to conduct a transparent and compliant closure process in accordance with the applicable law and policy.

(f) Grant such other and further relief the Superintendent deems just and proper.

DATED this 9th day of July, 2025.

JACKSON, MURDO & GRANT, P.C.

By: Michael P. Talia

Michael P. Talia

Attorneys for Petitioner

CERTIFICATE OF MAILING

I certify that a copy of the foregoing document was sent to the following address by certified U.S. Mail, return receipt requested, on July 9, 2025:

Helena Elementary School District #1
1325 Poplar St.
Helena, MT 59601



Michael P. Talia