

# Injunction Halts Pupil Assignments

A Superior Court order was issued Friday to halt the assignment of 51 Madison County students to Madison schools. Attorney Ronald K. Payne, who represents the students and their parents, obtained the injunction from Superior Court Judge Robert W. Kirby in Asheville three days before the beginning of school on Monday in Madison County.

The court order temporarily restrains the Madison County Board of Education from en-

forcing the assignment of the students living in the Sandymush area to Madison schools until a hearing on the order is conducted on Monday, August 18. The hearing will be held before Judge Frank Snapp at the Yancey County Courthouse in Burnsville. The hearing will determine whether or not the injunction will be continued or lifted.

Many of the students have attended Buncombe County schools in previous years, and

their parents prefer to send them to Buncombe primarily because of the difficulty of travel in Madison," according to Payne.

The court order was obtained after the Madison County Board of Education denied transfer requests of 62 students who live near the Buncombe County line on August 4 during a regular meeting of the board. Nearly 50 parents attended that meeting along with two attorneys, in order to submit ap-

plications for transfer to the board. The school board approved applications for five students who would be entering the last year of elementary or high school. One student application was approved subject to the board's receiving a second doctor's opinion on the student's need to attend a school closer to his home.

Currently, none of the 51 students named in the court order are attending school in Madison County. The Bun-

combe County schools will not begin operation until Monday, August 18, the same day as the hearing on the injunction in Burnsville.

Attorney Payne said he obtained the court order because "it is in their (the students) best interests to attend school in Buncombe County primarily because of the difficulty of travel." Parents of the students have listed as much as "one and one-half to two hours of traveling" on

"dangerous" roads to get to Madison schools from their homes as one of several reasons for requesting transfers for the students.

Payne said the parents "are pursuing every remedy they have available" for the assignment of their children to Madison schools. Regardless of the outcome of the hearing in Burnsville on August 18, the parents "are entitled to appeal to a jury in Madison County," he said.

Contacted by phone Monday night, Bobby Ponder, Chairman of the Madison County Board of Education, said he felt he should "refrain from discussing the matter until after the hearing." "The answer to me is where the county line runs," Ponder said.

Madison County Superintendent R.L. Edwards was attending a meeting out of town Monday night and was unavailable for comment.

# THE NEWS RECORD

SERVING THE PEOPLE OF MADISON COUNTY

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## School Bus Mishap Mars Opening Day

A Madison County school bus carrying 12 high school students went out of control and wound up in Big Pine Creek at 7:15 a.m. Monday, the opening day for county schools.

The bus, driven by Jeffery Thomas Boyd, 17, was traveling east on Big Pine Road (RP 1151) when it entered a steep downhill left turn located about three miles west of Barnard. According to N.C. Highway Patrol, the driver fell from the driver's seat and lost control of the bus. The bus ran off the left side of the road striking a tree and turned onto its left side with the rear of the bus landing in Big Pine Creek.

Patrolman Arthur Cooper stated the driver will be charged with exceeding a safe speed.

There were no injuries to the driver or the students.



SCHOOL BUS number six being pulled from Big Pine Creek three miles west of Barnard Monday morning, the first day of school in Madison County. Twelve high school

students were aboard the bus at the time of the accident. No injuries were reported. (Photo by N. Hancock)

## Income Statement Is Required

### Schools Set Meal Policy

The Madison County Board of Education recently announced its policy for free and reduced-price meals, free milk for children served under the national school lunch, school breakfast, and special milk programs.

Local school officials have adopted a family size income criteria for determining eligibility.

Children from families whose income is at or below the levels shown in the table below are eligible for free or

reduced-price meals or free milk. In addition, families not meeting these criteria but with other unusual expenses due to unusually high medical expenses, shelter costs in excess of 30 percent of income, special education expenses due to the mental or physical condition of a child, and disaster or casualty losses are urged to apply.

Application forms are being sent to all homes in a letter to parents. Additional copies are available at the principal's of-

fice in each school. The information provided on the application is confidential and will be used only for the purpose of determining eligibility. Applications may be submitted at any time during the year.

A simple statement of income and family size is required plus a signed certification by the parents or guardians that the information provided is correct.

In certain cases foster children are also eligible for

these benefits. If a family has foster children living with them and wishes to apply for such meals and milk for them, you should contact the school.

Under the provisions of the policy, school principals will review applications and determine eligibility. If a parent is dissatisfied with the ruling of the official, he may wish to discuss the decision with the determining official on an informal basis.

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## Blackout Hits Area

Lightning struck a power transmission line between Marshall and Hot Springs Saturday causing a power failure which affected the entire town of Hot Springs.

A spokesman for Carolina Power and Light Company in Asheville said the incident occurred at 3:05 Saturday afternoon, and electrical power was restored to the area at 5:10. CP&L linemen made a walking inspection of the transmission line Monday to

check for any serious damage.

Residents and business in Hot Springs went without many conveniences during the two hour blackout. Air conditioners and fans stood idle in mid-ninety degree temperatures. Service stations were unable to pump gas and the Trail Cafe was only able to serve up iced tea and water to customers who gathered there to question what happened to cause the power failure.

## Hot Springs Man Drowns

A Hot Springs resident drowned while fishing in a pond near Hot Springs about 2:30 p.m. Friday, according to a report from the Madison County Sheriff's Department.

The report said Larry O'Neal Dockery, 26, drowned while fishing with a friend in

the pond on Mill Ridge Road. A spokesman for the sheriff's department said Dockery stepped into a hole 13 feet deep while wading in the pond.

Officers were on the scene for two hours helping to recover the body. The drowning was ruled accidental.

## Soil Erosion Abated At High School

The project to combat erosion of the grounds at Madison High School is two thirds completed, and although work continues, the gullies formed by past years of erosion have been filled and prevention of future erosion looks highly successful, according to Russell Blevins of the Soil Conservation Service.

The \$167,000 Resource Conservation and Development project was officially approved last November by the Soil Conservation Service's area office in Waynesville, Robert L. Edwards, superintendent of Madison County Schools, and Emery Metcalf of the Madison Soil and Conservation District.

Three-quarters of the cost of the project is being paid by the U.S. Department of Agriculture and one-quarter is being paid by Madison County through the Board of Educa-

tion acting as contracting agent.

Actual work on the project began on May 1, and Blevins said the work should be completed in 25 more days. The work has primarily consisted of filling, regrading and sowing three large gullies caused by rainfall runoff over the last several years from the grandstand and playing field areas at the school. Previously, the water from these areas had gathered into a single drainage pipe which discharged the water onto an eroding bank beside the football field.

"The water wasn't carried out as it was suppose to be," said Bill Brown, government inspector and technician for the Soil Conservation Service. Brown said 4,500 cubic yards of dirt has been used to fill what was once known as "Madison Canyon," and more than 1,000 feet of 21 inch and 15

inch corrugated drainage pipe has been used to route the water properly into Walnut Creek. Diverge and swell ditches have been constructed to route the water into the drains.

In addition, the SCS is cooperating with the school to regrade and plant vegetation in the area behind the retaining wall being constructed at the stadium. This will help prevent further erosion and the sinking of the concrete walkway above the grandstand.

In all, some 20 acres of land surrounding the high school has been affected by the work of the project. Brown commented that problems of erosion such as the one that has occurred here are "due to the lack of forethought" on the part of architects and contractors. "They know about buildings, but they don't seem concerned about the land," he said.



FORTY-FIVE HUNDRED cubic yards of dirt was used to fill the erosion gully (foreground) beside

the Madison High football field. Water is now properly drained into Walnut Creek (upper left).



JEFF TIPTON and Joy Fisher talk on the lawn at Marshall Elementary School on opening day.



RUSSELL BLEVINS and Bill Brown stand at the top of what was once called "Madison Canyon." They have supervised the soil conservation work at Madison High School.