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CHRISTOPHER D. RICH, Clerk By STEPHANIE VIDAK DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

RUSSELL JOKI, and KATHLEEN I. JOKI, individually and as Guardians and Guardians ad litem of PEYTON LEE GIFFORD-JOKI, a minor of age 16 enrolled at Meridian High School; and SARAH C. HOLT, individually and as Parent and Guardian ad litem of SABRINA HOLT and SOPHIA HOLT, children enrolled in Chief Joseph Elementary School in Meridian, Idaho; and VIKKI ASCUENA; DANIEL BRAINARD; DON and PATTI COFFMAN; ANNE COMSTOCK; SHERYL HENLEY; SCOTT and KRISTI HENLEY; RODNEY C. JOKI; JOE and MARALYN MURDOCK; CONNIE PULAMBO; ERIC and AIMEE SCHOOLEY; KATHY VILENDRER, (Grandparents of Enrolled School Children in the cities of Kooskia, Kellogg, Coeur d'Alene, Meridian and Boise, and/or Citizens and Patrons of the School Districts in their respective cities); each Plaintiff in their own behalf and in behalf of all parents, grandparents, and guardians ad litem of all school age children in grades K-12 throughout the State of Idaho,

Plaintiffs,

ν.

THE STATE OF IDAHO; The HONORABLE TOM LUNA, Superintendent of Public Instruction; the IDAHO STATE DEPARTMENT OF EDUCATION; and the IDAHO STATE LEGISLATURE, and (continued on next page)

Case No. CV OC 1217745

Class Action Complaint
For Declaratory Judgment, Refund of
Fees Paid, and other Relief

Aberdeen District #58; American Falls Joint District #381; Arbon Elementary District #383; Avery District #394; Basin District #72; Bear Lake County District #33; Blackfoot District #55; Blaine County District #61; Bliss District #234; Boise District #1; Bonneville Joint District #93; Boundary County District #101; Bruneau-Grand View Joint District #365; Buhl Joint District #412; Butte County District #111; Caldwell District #132; Camas County District #121; Cambridge #432; Cascade District #422; Cassia District #151; Castleford District #417; Challis District #181; Clark County District #161; Coeur d'Alene District #271; Cottonwood Joint District #242; Council District #13; Culdesac District #342; Dietrich District #314; Emmett District #221; Filer District #413; Firth District #59; Fremont County Joint District #215; Fruitland District #373; Garden Valley School District #71; Genesee District #282; Glenns Ferry District #192; Gooding Joint District #231; Grace Joint District #148; Hagerman School District #233; Heritage Community Charter School District #481; Homedale Joint District #370; Highland School District #305; Horseshoe Bend School District #73; Idaho Falls District #91; Jefferson County Joint District #251; Jerome Joint District #261; Kamiah Joint District #304; Kellogg Joint District #391; Kendrick District #283; Kimberly District #414; Kootenai District #274; Kuna Joint District #3; Lake Pend Oreille District #84; Lakeland District #272; Lapwai District #341; Lewiston District #340; Mackay District #182; Madison District #321; Marsh Valley District #21; Marsing District #363; McCall-Donnelly District #421; Meadows Valley District #11; Melba Joint District #136; Meridian Joint District #2; Middleton District #134; Midvale District #433; Minidoka County Joint District #331; Moscow District #281; Mountain Home District #193; Mountain View District #244;

Mullan District #392; Murtaugh District #418; Nampa District #131; New Plymouth School District #372; Nezperce District #302; North Gem District #149; Notus District #135; Oneida County District #351; Orofino Joint District #171; Parma District #137; Payette Joint District #371; Pleasant Valley School District #364; Plummer/Worley Joint District #44; Pocatello/Chubbuck District #25; Post Falls District #273; Potlatch District #285; Prairie Elementary District #191; Preston Joint District #201: Richfield District #316; Ririe Joint District #252; Rockland District #382; St. Maries Joint District #41; Salmon District #291; Salmon River Joint District #243; Shelley Joint District #60; Shoshone Joint District #312; Shoshone-Bannock Joint District #537; Snake River District #52; Soda Springs Joint District #150; South Lemhi School District #292; Sugar-Salem School District #322; Swan Valley District #92; Teton County District #401; Troy District #287; Twin Falls District #411; Valley District #262; Vallivue District #139; Wallace District #393; Weiser District #431; Wendell District #232; West Bonner County District #83; West Jefferson District #253; West Side District #202; Whitepine Joint District #288; Wilder District #133;

Defendants.

Plaintiffs as their claims allege:

I. Introduction and Summary

1. Plaintiffs bring this case as a Class Action on behalf of all school children, grades K through 12, of the State of Idaho, and on behalf of their parents and guardians, to enforce the provision of Article IX, Section 1 of the Constitution of the State of Idaho which reads as follows:

§ 1. Legislature to establish system of free public schools.

The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to

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- establish and maintain a general, uniform, and thorough system of public, free common schools. (Emphasis supplied.)
- 2. In contravention of the constitutional requirement to provide free common schools, the great majority of Idaho's school districts, being grossly underfunded by the State Legislature, have been engaging in the practice of levying fees upon the students and their families for various supplies and coursework, elective and otherwise, in violation of the Idaho Constitution.
- 3. Idaho stands ranked as the lowest state in the nation in terms of per capita funding of its schools. That fact does not arise from necessity. The history is that the people of Idaho strongly supported the institution of the Sales and Use Tax in 1965 primarily for the purpose of adequately funding Education. At that time, the Sales and Use Tax contained only 17 exemptions, which exemptions were there for the purpose of exempting sales prior to "sales at retail," (thus distinguishing it from a "value added" tax).
- 4. Year after year the Legislature has added new exemptions to the Sales and Use Tax, to the point where there are now 89 exemptions, with the result that the exemptions have a value of approximately \$1.7 Billion, whereas the tax itself as now imposed provides the State with only \$1 Billion in revenue. The result has been to impose increased burdens on school districts at a time when limitations upon local taxing authority make it impossible for the school districts to provide free public schools as required by the Idaho Constitution.¹

¹ Plaintiffs reluctantly bring this action to require that the school districts refund unconstitutional fee charges against the students and their families, but do so with the understanding that the Legislature can remedy the situation by restoring the Sales Tax base and reimburse the school districts for any fees returned to the students through a supplemental appropriation in the 2013 Legislative session.

² The Idaho Supreme Court, in *Idaho Schools for Equal Opportunity v. State of Idaho* (Dec. 2005) entered Judgment that the then present system of funding schools was deficient to meet the constitutional mandate required of the Legislature. Now, seven years later, the Legislature has taken no corrective

- 5. The Idaho Supreme Court, in *Paulson v. Minidoka County School District No. 331*, et al., 93 Idaho 469; 463 P.2d 935 (1970) ruled that the levying of certain fees upon the students violated the constitutional mandate, the Court ruling in part:
 - "Because the Appellants' [Minidoka County School District No. 331] High School is a 'common school,' it must, by constitutional command, be 'free.'"
 - One-half of the \$25 fee is assigned as a payment for what Appellants themselves call extra-curricular activities. If a student of Minidoka County High School wishes a transcript of his scholastic achievement he must pay the entire \$25, one-half which is expressly consigned to fund extra-curricular activities. Items which are "extra-curricular" are, by definition outside of or in addition to the regular academic courses or curriculum of a school. A levy for such purposes, imposed generally on all students whether they participate in extra-curricular activities or not, becomes a charge on attendance at the school. Such a charge contravenes the constitutional mandate that the school be free. (Emphasis supplied.)
 - Textbook fees...are indistinguishable from other fixed educational expense items such a school building maintenance or teachers' salaries. The Appellants may not charge students for such items because the common schools are to be "free" as our constitution requires.
 - (Paraphrased) The Court held that a charge for transcripts was a necessary part of the "entire product to be received by the student" and it must be "free," and that the school could not withhold a student's transcript to coerce payment of the lump sum \$25 fee.
 - 6. Idaho Code § 33-603 unconstitutionally provides in part as follows:

Payment of fees or returning of property. The board of trustees of each school district shall have the power and the ability to require as a condition of graduation, as a condition of issuance of a diploma or a certification, or as a condition for issuance of a transcript, that any and all indebtedness incurred by the person when he/she was a student be satisfied, or that all books or other instructional material, uniforms, athletic equipment, advances on loans, or other personal property of the school district borrowed by the person when he was a student of the district, be returned... (I.C., 33-603, as amended by S.L. 1992, ch. 112, §1; S.L. 1996, ch. 138, §1)

- 7. Plaintiffs, through this action, seek a Declaratory Judgment and other relief from the current fee imposition practices.
- 8. Plaintiffs are subjected to variety of communications under the imprimatur of state actors, including Defendant School Districts, requiring the payment of fees for enrolling in public schools as a part of the student registration process. Such communications include but are not limited to statements in Registration Materials, Fee Payment links on Defendant websites, fee announcements by school administrators and teachers, inclusion of required fees in Student Handbooks, and school board policy, all of which compel Plaintiffs to pay fees that contravene the constitutional protection of a free public education and which amount to a form of state coercion of Plaintiffs to pay for essential elements of a free public education. Such state action is impermissible establishment of fees under the Idaho Constitution Article IX, Section 1.
- 9. Defendants also communicate under the imprimatur of state actors, the expectation that Plaintiffs will purchase and provide for the Defendants school supplies which are not specifically attached to Plaintiff student needs, a requirement that, even though described at times as voluntary is clearly communicated as being a requirement for the Plaintiffs to enroll children in school, successfully attend, and complete school assignments. Plaintiffs cannot distinguish supply list purchases from fees and Plaintiffs cannot, therefore, jeopardize attendance at school in order to avoid unwanted exposure to unfavorable notice by or criticism from Defendants state actors—school teachers and administrators. Under the imprimatur of Defendant School Districts, Defendants have created a state-sponsored and state-directed "essential consumable supply curriculum" which Plaintiffs fund that contravenes the constitutional protection of a free public

education and which amounts to a form of state coercion of Plaintiffs to pay for essential elements of a free public education. Such state action is impermissible establishment of fees under the Idaho Constitution Article IX, Section 1.

- A reasonable observer would believe that payment of fees and purchasing of 10. essential school supplies signified constitutionally protected action by Defendants. But the State may not place the dissenter in the dilemma of either paying or protesting fees and "essential school supply lists". This is especially true at the middle school and high school level where adolescent students are often susceptible to peer pressure, especially in matters of social convention. Through its pervasive control of communicating and endorsing its fee and school supplies list, Defendants have created an environment that feeds on social pressure to enforce payment of fees and providing of "essential school supplies". The embarrassment and intrusion of this exercise cannot be refuted by arguing that the fees are of a de minimis character, since fees control student choice of elective and advanced courses that are important to the student's overall learning and potential for continued education. It also gives insufficient recognition to the real conflict of conscience faced by an adolescent student and financially limited parents and guardians who would have to choose whether to enroll in a class like Chemistry or take a less rigorous class. Nor is the "essential school supplies list" de minimis and voluntary, given the environment created by Defendants ant the clear message to Plaintiffs that failure to purchase "essential school supplies" will compromise not only their children's learning, but the entire school's instructional effectiveness. It is an affront to Plaintiffs and a violation of the Plaintiffs rights under the Idaho Constitution's guarantee of a free public education.
 - 11. The pressure, though subtle and indirect, to pay fees and purchase "essential school

supplies" that become part of the Defendants' general education curriculum program can be as real as any overt compulsion. The State cannot require one of its citizens to forfeit his or her rights and benefits to a free public education as the price of resisting conformance to state-sponsored school fees and purchasing of "essential school supplies" that will be distributed to and used by all students, a burden that is constitutionally required to be provided by the Defendants.

II. Jurisdiction and Venue

12. Jurisdiction lies in this court under Article IX, Section 1 of the Constitution of the State of Idaho. Venue lies in this court for actions against the "state" defendants and as the most convenient forum for litigation against the Defendant School Districts.

III. Parties

(A) Parties Plaintiff:

- 1. Russell Joki is a long time professional educator at the K-12 and higher education levels, for the twelve years last past as a professor in the Graduate Studies Program of the College of Education at one of Idaho's major universities, and is the legal guardian of Peyton Lee Gifford-Joki, a current student at Meridian High School.
- Kathleen Joki is a former middle school and pre-school educator, and grandmother of Peyton Lee Gifford-Joki.
- Sarah Holt is a former pre-school educator and homemaker and is the mother of Sabrina Holt and Sophia Holt, each currently enrolled in Kindergarten at Chief Joseph Elementary in the Meridian School District.
- 4. Plaintiffs Vikki Ascuena; Daniel Brainard; Don And Patti Coffman; Anne Comstock;

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Sheryl Henley; Scott and Kristi Henley; Rodney C. Joki; Joe and Maralyn Murdock; Connie Pulambo; Eric and Aimee Schooley; Kathy Vilendrer, (Grandparents of Enrolled School Children in the cities of Kooskia, Kellogg, Coeur d'Alene, Meridian and Boise, and each are citizens of Idaho and patrons of the School Districts in which they reside and have an interest as citizens and patrons in the quality of education in Idaho.

(B) Parties Defendant:

THE STATE OF IDAHO; THE HONORABLE TOM LUNA, Superintendent of Public Instruction; the IDAHO STATE DEPARTMENT OF EDUCATION; and the IDAHO STATE LEGISLATURE. Each of the foregoing Defendants are charged under the Constitution and the laws of the State of Idaho with the proper administration of Idaho's schools in grades K through 12 and have varying responsibilities relative to the appropriation and utilization of public funds for the use and benefit of the schools and the patrons thereof.

The DEFENDANT SCHOOL DISTRICTS listed in the caption of this Complaint are each made Defendants herein by virtue of being charged with the administration of their respective school districts and the proper and constitutional use of funds whether procured via appropriation from the Idaho Legislature, local tax levies, federal In-Lieu Grants or distributions, or otherwise.

IV. Class Allegations

- 13. This action is brought as a Plaintiff class action pursuant to Rule 23(b)(3) of the Idaho Rules of Civil Procedure.
- 14. Plaintiffs and Class Representatives Russell Joki, Kathleen Joki, Peyton Lee Gifford-Joki, Sarah C. Holt, Sabrina Holt, Sophia Holt and the other named Plaintiffs are

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members of the Plaintiff Class as defined herein and bring this action on their own behalf and on behalf of those similarly situated.

- 15. Plaintiffs seek to recover damages which they, and the Class Members, have suffered, and continue to suffer, as a result of the conduct and practices of the Defendant School Districts in charging various fees for educational services in grades K-12 in violation of the Idaho Constitution's mandate to provide free, common schools.
- 16. The class represented by the Plaintiffs (the "Plaintiff Class") includes all students now, and in the future during the pendency of this action, enrolled in the Defendant School Districts together with their parents or guardians.
 - 17. The named Plaintiffs are members of the Plaintiff Class.
- 18. There are currently more than 280,000 school children who are members of the class and literally thousands of their parents and guardians, making the members of the Plaintiff Class so numerous that joinder of all members is impracticable.
- 19. The claims of the named Plaintiffs are typical of the claims of the members of the Plaintiff Class. Plaintiffs and all members of the Plaintiff Class sustained economic and as a result of the Defendants' wrongful and unconstitutional misconduct complained of herein.
- 20. Plaintiffs will fairly and adequately protect the interests of the members of the Plaintiff Class at each resort and have retained counsel competent and experienced in class action litigation as well as prosecution of actions of this nature.
- 21. A class action is superior to other available methods for a fair and efficient adjudication of this controversy. Since the damages suffered by the individual Plaintiff Class Members may be relatively small and geographically diverse, the expense and burden of

individual litigation makes it impossible for the Plaintiff Class Members individually to seek redress for the wrongful conduct alleged.

- 22. Common questions of law and fact exist as to all members of the Plaintiff Class, which predominate over questions affecting solely individual members of the class.
- 23. Plaintiffs know of no difficulty which will be encountered in the management of this litigation which would preclude its maintenance as a Plaintiff Class action.
 - 24. Among the questions of law and fact common to the Plaintiff Class are:
 - (a) The proper interpretation of the constitutional mandate for "free" schools;
 - (b) The types of fees which are impermissible under Article IX, Section 1;
 - (c) Whether the fees wrongfully charged must be refunded;
 - (d) The terms of a Declaratory Judgment;
 - (e) Whether Idaho Code Section 33-603 should be declared unconstitutional to the extent it conflicts with the mandate of Article IX, Section 1.

IV. Factual allegations

- 25. Appendix A hereto, (which contains a sampling of listings on web-sites of Idaho schools of fees charged to students), demonstrates the generally pervasive proclivity of School Districts throughout the state to impose fees upon students in violation of both Article IX, Section 1 of the Idaho Constitution and the ruling of the Idaho Supreme Court in *Paulson v. Minidoka County School District No. 331, et al.*, 93 Idaho 469; 463 P.2d 935 (1970).
- 26. In August of 2012, the named plaintiffs, Russell Joki, Katherine Joki, and Sarah Holt attended school registration for the purpose of enrolling a high school student at Meridian High School and an Open House at Chief Joseph Elementary School of the Meridian School District No. 2 for enrollment and attendance of kindergarten students.
 - 27. At the high school registration and Open House event, the Meridian School

District, a sub-division of the State of Idaho and under the policy jurisdiction of the Idaho State Board of Education, distributed copies of fee schedules, specifying amounts required to register for attendance at classes which, under the Idaho Constitution Article IX, Section 1 (Idaho Const. Art. IX, Sec. 1), should be part of a free public education.

28. Plaintiffs Joki paid \$85.00 in fees for their high school student for the purpose of registration as a junior and courses, a violation of the Idaho Constitutional provisions of a free education and *Paulson v Minidoka*:

Chemistry Lab	\$10.00
Food/Nutrition	\$25.00
Art/Pottery	\$30.00
Sports Medicine	\$15.00
Junior Class Dues	<u>\$10.00</u>
	\$85.00

- 29. Plaintiffs Joki paid \$90.00 for their kindergarten students for the purpose of "field trip, school supplies and milk for snacks, and art supplies" all of which should be included in the Idaho Constitutional provisions of a free education.
- 30. Plaintiffs received a handout from the kindergarten teacher, titled Chief Joseph Elementary School Supply List 2012-2013 which required educational supply materials and heard the kindergarten teacher indicate fees for attendance were due immediately.
- 31. Defendant school district, Meridian School District No. 2, includes on its webpage a link entitled "Pay High School Fees online."
- 32. Plaintiffs allege that the fees collected in violation of the constitutional mandate by the Defendant School Districts throughout the state of Idaho exceeds \$2,378,482, as per the calculation on Appendix B attached hereto. This calculation is subject to modification upon

completion of discovery.

33. Plaintiffs request the Defendant School Districts, or alternatively, the Defendant

Legislature of the State of Idaho, through a special appropriation, be required to reimburse each

class member for fees unconstitutionally collected for the 2012-2013 school year.

VI. Attorney Fees under Private Attorney General Doctrine or Common Fund Doctrine.

34. Plaintiffs request the Defendant School Districts, or the Idaho Legislature, be

required to pay their attorney reasonable attorney fees under the Private Attorney General

Doctrine or the Common Fund Doctrine equal to not less than twenty percent (20%) of the fees

ordered refunded.

WHEREFORE, Plaintiffs pray judgment as follows:

1. Certification this action as a Class action;

2. Declaring that certain of the fees being imposed by the Defendants upon school

children and their parents and guardians for a public education are illegal and unconstitutional;

3. That the Defendant Idaho State Legislature or the Defendant School Districts be

required to reimburse all Class Members for all such fees paid for the 2012-2013 school year,

which sum is estimated to be \$2,378,482.

4. For reasonable attorney fees.

5. For such other and further relief as may be meet and equitable in the premises.

DATED this 1st day of October, 2012.

The HUNTLEY LAW FIRM PLL

Robert C. Huntley

Attachment A-Aberdeen School District 58 Supply List

ABERDEEN provides a supply list for each grade level, including "Activity Fees" for grades 2-5 ranging from \$4.50 to \$4.75 (third grade only).

5th Grade Supply List 2011-2012

Tub of Clorox wipes (1)

Pencils (12)

Red Pens (2)

Colored Pencils (8 ct)

Glue (1)

Spiral notebooks (6)

Pens--black/blue (2)

Markers (8ct)

Erasers

Hi lighter (1)

Pocket Folders (6)

Tissues (4)

Pencil Box

Black dry erase markers

water color tray (1)

sketch book (1)

blank index cards (1)

No Binders!!! They won't fit in desks

\$4.50 Activity fee

Attachment B-American Falls 381 Supply List

Sixth Grade

Red Pens

Black Pens

#2 pencils (or plenty of lead for your mechanical pencils !!)

Erasers

Binder / Trapper Keeper

Loose leaf paper (lots of it)

Scissors

Ruler

Colored pencils or crayons

Glue or glue sticks

5 Pocket folders to put in binder (one for each core subject)

Box of Kleenex for homeroom teacher

"SET" paper for math available from math Teacher-- Pads=\$5.00, single sheets=\$.05

Notebook for Math examples

Headphones for Keyboarding

***** 1 combination lock for PE *****

Students with last name A-M please bring Hand Sanitizer

Students with last name N-Z please bring Lysol Wipes

4th Grade

Attachment C Boise School District #1

Printer Friendly Version: 4th Grade

Required Items:

#2 lead pencils - package of 12 or fewer.

Box of crayons, 16 or more...

White school glue, 1 - 8 oz. bottle or 2 - 4 oz. bottles (orange cap recommended).

Large pink eraser and two or more pencil cap erasers.

Ruler, 12" with metric scale.

Two spiral or wireless notebooks, 70-100 pages each, college-ruled.

Large package 3-holed wide-ruled paper.

Pair of quality pointed scissors (Fiskar-type recommended).

Red pen or pencil for correcting.

Four folders with pockets.

Large box of facial tissues.

Set of water-based felt markers.

Backpack, book bag, or other appropriate alternative is recommended.

Attachment D Bonneville District 93

Kindergarten

2012 - 2013

PEASE LABEL THESE ITEMS WITH YOUR CHILD'S NAME

- 1 Backpack or Book Bag (please label with name)
- 11" 3 ring binder with a Vinyl "View" Cover to insert a paper
- 1 Composition Book, WIDE Rule, 9.75 x 7.5, 100 page
- 1 Plastic Pencil Box, 8.5 x 2.5 x 5.5
- 1 Scissors, 5 inch Pointed (put Inside pencil box)
- 1 Box of 8 count LARGE Crayola Crayons (put inside pencil box)

DO NOT PUT NAMES ON THE FOLLOWING SUPPLIES:

- 2 Boxes of 24 count Regular Size Crayola Crayons
- 6 Yellow Pencils (sharpened)
- 15 Washable Glue Sticks
- 14 ounce Bottle of White Glue

LAST NAME begins with A – L:

- 1 Box Zipper seal GALLON Size FREEZER storage bags
- 18 ounce+ Hand Sanitizer with Pump
- 1 Pack of Skinny Washable Markers
- 1 Container of Sanitizing Wipes

LAST NAME begins with M-Z:

- 1 Box Zipper Seal QUART size FREEZER Storage Bags
- 1 box of Tissues, 200 count
- 1 Pack of 24 Colored Pencils
- 1 Container of Baby Wipes

Attachment E Coeur d' Alene District 271

8TH GRADE All students should have:

Pencil/pen bag

#2 or mechanical pencils

Pens-Black, blue and red

Colored pencils

2-reams college ruled notebook paper (loose leaf)

Ruler

3 sets of dividers

4-3-ring binders (1 1/2 -2")

White eraser

4-AAA Batteries (for clickers)

Calculator (TI30 or TI30X)

2GB Flash drive

1 box of tissue

2 reams white 8 16 1x Littleopy paper 20#

Highlighter

PLEASE NOTE: Supplies are listed by grade level.

Additional materials may be requested during the school year.

Attachment F Wendell District 232

Kindergarten Supply List

2012-2013

Pencil Box (9:x6" or smaller)

Glue Sticks (2 big ones or 4 small ones)

Pencils (3-6)

Scissors (that cut well)

Backpack (one that is large enough to hold papers)

Box of tissues

Snack-sized Ziplocs (if your last name begins with A-L)

Gallon-sized Ziplocs (if your last name begins with M-Z)

1 container of Clorox wipes

\$4:00 (for misc supplies and assemblies

- *Envelopes (kept at home) are helpful for sending notes, money, book or-ders, etc. to school
- *Please NO markers, bottles of glue, or crayons. We will supply the cray-ons.
- *Please label all items with your child's name.

West Bonner District 83

PRIEST RIVER ELEMENTARY Kindergarten

Please clearly mark the following 3 items with your child's first and last name:

2 durable pocket folders

Backpack

Clean, non-marking slip-on or Velcro shoes for PE (*Please do not send shoes that tie unless your child can tie his or her own shoes*)

The following items will be shared and do not need to be marked with your child's name:

- 2 box Crayola crayons (24 pack)
- 1 pkg. Crayola markers or 1 pkg. Crayola colored pencils
- 4 Elmer's glue sticks
- 1 box of Kleenex

1 bottle Elmers glue
1 water color paints
In addition to the items listed above, please send one or more of the following items:
Red, Green or White tri-beads
White cotton balls-large
Stickers
Pom-poms
Sequins

CHIEF JOSEPH ELEMENTARY

SCHOOL SUPPLY LIST 2012-2013

KINDERGARTEN

Parents of kindergartners will be charged a \$35.00 fee which covers field trip, school supplies and milk for snacks. \$10 Art Supply fee. Total fee \$45

FIRST GRADE

2 dozen SHARPENED Ticonderoga #2 pencils

I box colored pencils (12 count)

2 boxes of Crayola Crayons (16 count)

2 sets of Prang or Crayola watercolors

2 sets of classic color markers (broad tip)

6 BLACK FINE TIP Expo dry-crase markers.

2 black Sharpie markers

2 large Pink Pearl erasers

4 bottles white GLUE ALL (Elmers)

4 glue sticks

1 school box (8" x 5")

2 folders with pockets and brads

I pair of pointed-children's scissors

1 container disinfecting wipes (Lysol, Clorox, Kirkland)

I ream white copy paper 8 12" x 11"

I poster board (any color)

Girls: 1 box soft tissues

2 boxes Ziplock sandwich bags

Boys: 1 bottle of liquid hand sanitizer

2 boxes Ziplock bags (GALLON size)

\$10 Art Supply fee

SECOND GRADE

2 dozen #2 pencils (Ticonderoga)

1 large box facial tissues

Pink Pearl erasers (no pencil-top erasers, please)

1 box Ziplock Freezer Bags (Boys - gallon size / Girls-quart size)

2 wide-ruled spiral notebooks (70 sheets)

I standard composition book (100 sheets)

1 1" 3-ring binder

3 folders w/pockets on bottom

2 sets watercolor paints (Prang or Crayola, no Rose Art please)

1 folder (poly) plastic w/pockets on bottom

8 glue sticks

2-4 oz. Elmer's white Glue All (not school glue)

I ruler, inch and cm - no flexible rulers please

1 pair pointed scissors (example-Fiskars)

I yellow highlighter

4 black Dry-Erase Markers

1 black Sharpie fine-tip marker

2 red pens

2 boxes 24-count crayons (no larger count)

2 boxes Crayola markers, classic colors (10 count, no larger please)

I old clean sock

Antibacterial Surface Wipes (class-size, Lysol or Clorox)

Please do not label supplies

\$10 Art Supply fee

THIRD GRADE

2-3 dozen #2 pencils (Ticonderoga-PLEASE!)

4 Pink Pearl erasers

I Ruler, inch & cm non-bendable

I pair pointed scissors (example-Fiskars)

2 4-oz glue all (not school glue)

1 large glue sticks

I low-odor Expo markers

2 boxes 24-count crayons (no larger box)

2 black Sharpies fine-tip

1 box Ziplock Baggies

Boys- quart size

Girls-gallon size

2 pkg 100-count wide-ruled paper

2 composition books (100 sheets)

2 red pens

2 large boxes facial tissue

3 pocket folders with pockets on bottom

No trapper keepers or binders

1 canister Disinfecting Wipes-(example Lysol)

Cravola or Prang only, watercolors (16-count preferable)

Cravola-brand colored pencils

\$10 Art Supply fee

FOURTH GRADE

2 8-oz white glue

2 dz #2 www.den pencils

2 boxes 24-count crayons

I set "Twistables" colored pencils

4 Dry Erase Markers

1 set watercolor paints, Crayola or Prang

last name starts A - F, Bandaids

iast name starts G-L, sanitizer wipes

last name starts M - R, hand sanitizer

last name starts S - Z, paper towels

1 Pencil Box (8" x 4 1/2")

1 Highlighter

1 Pink Pearl Eraser

Red correcting Pens

2 pocket folders

I large box facial tissue

I pair pointed scissors

1 pkg 300-count wide-ruled paper

6 glue sticks 1 wide-ruled spiral notebook

\$10 Art Supply fee.

FIFTH GRADE

I large box facial tissues

.1.dozen.#2,nencils

I ruler, inch & cm

1 pair full-size scissors

2 black pens

"rste Craybia watertahor paints

1 pack of 24 or larger Crayola colored pencils

1 box 24-count Crayola crayons

I box Crayola fine-tipped markers

2 pkg 300-count college-ruled paper

2 spiral college-ruled notebooks

1 1-inch binder (please nothing bigger)

4 glue sticks

1 8-oz white glue

2 2-pocket folders

1 Pink Pearl eraser

1 school supply box 8" by 4 1/2"

\$10 Art Supply fee

ATTENTION PARENTS:

We ask each family to provide one ream of white copy paper, 8 1/2" x 11"

Please-make every effort to buy the products listed. Products do vary in quality.

Sampling of Idaho School Districts Requiring Fees and Providing Imprimatur School Supply Lists

District	Sample School District Imprimatur Language
Aberdeen School District 58	Elementary: FEES: Student fees are charged annually to cover costs of
Aberdeen School Sistrict 30	activities/supplies/fieldtrips offered by the school. Fees are to be paid to the
	homeroom teacher. Each student must pay separately.
	Kindergarten fees - \$11.25 Grades 1-5 - \$ 4.50 ESL- \$ 2.50 Middle School: Student activity fees are charged annually to cover entry cost to
	games and other activities such as assemblies, points parties,
	etc. The fee for the 2010–2011 school year is \$20.00.
	Extracurricular events will also be charged a fee. The athletic fee
	is \$50.00 per sport, dance team is \$10.00, and cheerleading is
	\$10.00. No scholarships are available through the school and
	students will be expected to pay these costs prior to the first
	event (game). Students enrolled in PE classes will be required to purchase a PE
	uniforms. The fee for these uniforms is \$14.00, and for your convenience, you may
	purchase the uniforms at the Middle
	School. In addition, there are supply fees for some classes as noted on
	the 2010-2011 class registration form. All fees are to be paid to
	the office at the beginning of the school year.
	High School: STUDENT FEES. Student activity fees are charged annually to cover
	entry cost to games and reduce entry costs to other activities such as dances, etc.
	They also help in paying for some assemblies the
	school holds such as guest speakers or other special programs. Fees are payable to
	Aberdeen High School and are to be turned in to Mrs. Myler at the office window.
	When paying any fees or dues, please retain your receipt for future reference. The
·	fee for the current year is \$35.
American Falls District 381	Includes \$16.00 PE uniform for grade 7
	Student Fees General Supply Fee \$20.00 This fee helps cover expenses for supplies
Basin District 72	used in conjunction with computers, printers and PE (not to include gym attire), as
	well as some field trip expenses. Students also receive a student ID card. Other Fees
	Fees for clubs, art and shop projects are the responsibility of the individual student.
	Students unable to pay fees may speak to the principal about financial assistance.
Daine District No. 1	Once students enter Jr. High, there is no longer prequired list of school supplies. The
Boise District No. 1	following supplies are suggested, however different teachers and classes will require
	different supplies. Please refer to your student's teachers for required supplies for
	their class.
Coeur d' Alene District 271	Coeur d'Alene School District has launched a new online payment service allowing
Coeur d' Alerie District 2/1	parents the opportunity to pay for a student's food service, school fees/fines and
	School PLUS anywhere they have access to the web. The online payment solution is
	provided as an additional payment option and as a convenience for parents. Cash
	and checks will be accepted at the schools for all registration fees.
	The district's goal is for parents to be able to skip long payment lines at registration
	for those who choose to use the online payment solution. Parents may either pay
	student fees from home or work before they attend registration or may access
	district provided computers set up at the schools during registration.
	A parent may pay online with either a credit/debit card or by entering their check
	information. If a parent opts to pay using a credit card a convenience fee of \$1.95 is
	charged. If a parent opts for check payment there is no additional fee.
	The online payment service is accessed through the district's FAMILY ACCESS, a
	student administrative system that involves parents in the education process and
	allows the district to provide timely information. Parents can view their student's
,	attendance, grades, progress reports and look at food purchases and balances
	online. The system is also used for district emergency communications to parents.
	Parents will need their FAMILY ACCESS login and password to register for the online
	payment system. The FAMILY ACCESS link and tutorial on how to use the online
	payment service is available on the main page of the district's website at:
	www.cdaschools.org (if a parent has lost their login or password, they may follow
	the lost password prompt on the login page of FAMILY ACCESS.)
Filer School District 413	Fee Policy: Students whose fees are not paid by graduation will not be allowed to
	participate in Filer High School commencement ceremonles.

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Fremont District 215	Student Association Dues (Each Student) \$25
	Activity Card (Athletic Pass- Recommended) \$30
	Yearbook (\$25 deposit to reserve a copy) \$50
	Pay to Play \$40 G&B Soccer, SB, BB, *Debate
	\$30 Track, Cross Country
	\$25FB, VB, G&B Bkb, Wrestling
	**Travel(per sport) \$15x =
	**Add'l Extended Travel Fee \$10 per overnight trip
	*Add'l Debate Paper Fee \$10 (Debate projects only)
	Band \$25 Choir\$15
	PE/Wt Trng/Aerobics, Varsity Athletics (one per year) \$10
	Drawing \$15 Crafts \$20
	Painting \$20 Sculpture \$20
	Pottery \$25 Photography \$35
	Adv Pottery \$30
	Teen Living \$10 Clothing Design \$10
	Nutr & Fds \$15
	Sm Engines \$15 Int Ag \$ 5 Horticulture \$10
	Ag Welding \$15 Eq Sci \$25 Power Tech \$15
	Adv Ag Weld \$15 FFA \$15 Int Ag Mech \$15
	Ag Fabrication \$15 Bi Ag Mech \$15
	Bsc Wds-S1-\$25S2-\$45Adv Wds \$100
	Technology \$15 Drafting \$ 5
C District 272	Student Fees/Student Fines/ and Charges/ Return of Property
Fruitland District 373	Within the concept of free public education, the Fruitland School District shall
	provide an educational program for the students as free of costs as possible. Fees
	may be required for excess supplies used in elective courses including, but not
	limited to, commercial, industrial arts, music, physical education, domestic science,
	ilmited to, commercial, industrial arts, music, physical education, domestic science,
	science and/or agriculture. The Board may waive a fee(s) in cases of financial
	hardship. The Board authorizes the superintendent, in conjunction with the school
	principals, to establish appropriate fees and procedures governing the collection of
	fees and to make annual reports to the Board regarding the fees schedules for each
	school.
	A student shall be responsible for the cost of replacing materials or property that is
	lost or damaged due to negligence and may be required to pay a fine for actual
	breakage. The Fruitland School District may require as a condition of graduation,
	issuance of a diploma or certificate, or issuance of a transcript, that all indebtedness
	incurred by a student be satisfied, or that all books or other instructional material,
	uniforms, athletic equipment, advances on loans, or other personal property of the
	school district be returned.
Highland District 305	Students may be charged for the following items:
	a. Student Body Activity Cards
	b. Class Fees of Dues
Idaho Falls School District	Regular transcript fee is \$5.00 per copy. (Mailed within 5-10 business days after
Idano rans senous sistemet	payment is received).
	Rush service fee is \$10.00 per copy. (Request is processed the next business day
	after payment is received.)
Mandiana District 221	Required fees for all students:
Madison District 321	Student Association Fee \$14
	English Writing Lab 7
	Internet 3
	Lockers (Optional) 5
	Sophomore Fees 5
	Juniorfees 5
	Senior Fees 15
	Allifeesmust be paid before receiving a diploma.
Wallace District 393	REGISTRATION FEES for 9th - 12th Grades: Student Activity Ticket \$16.00 (tax
	included); \$10.00 science fee for advanced lab science classes, book deposit \$20.00;
	Shop and Art Supply Cards \$10.00 (tax included) per course each semester (required
	for attendance in Shop and Art classes). Fees must be paid at the time of registration.
	REGISTRATION FEES for 7th - 8th Grades: Student Activity Ticket \$16.00 (tax
	included); book deposit \$20.00; Shop and Art supply fee \$10.00 (tax included) each
	semester (required for attendance in Shop and Art classes). Fees must be paid at the
<u>.</u>	time of registration.
'	ante or regionations

Wendell District 232		High School Class Fees			
	Fee Type	Amount	Additional Info		
	Ceramics	\$24.00			
	Painting	\$16.00	÷		
	Digital Photo	\$15.00			
	Drafting	No Fee			
	Drawing	\$16.00			
	Locker Fee	\$7.50	New students or	nly, unless lock is	s lost.
	Activity Card	\$35.00			
	Adult Athletic Pass	\$68.00			
	Grades 1-8 High Sch	•			
		,			
		·	ool Class Fees		
·	Fee Type		<u>int Additional Inf</u>	<u>o</u>	
	Class Projects	\$10.0	-		
	P.E. Uniform	\$15.0		de only	
	Yearbook	\$25.0			
	Student Body Fees	\$2.00			
•	Pay to Participate	\$25.0		r the first two, t	
	Locker Fee	\$7,50		only, unless loc	k is lost
	Activity Card	\$25.0			
	Adult Athletic Pass for				
	Activity Card for HS & I	MS Activities \$45.0	0		
West Bonner District 83	STUDENTS 3440 Stude	nt Fees, Fines and	Charges / Return o	of Property	
Transfer Bollina Control of		Within the concept of free public education, the District shall provide an educational			
	program for the studen	program for the students as free of costs as possible.			
	A student may be charg	A student may be charged a reasonable fee for any course or activity not reasonably			
	related to a recognized	academic and edu	cational goal of the	e District or any	course
	or activity held outside	or activity held outside normal school functions. The Board may waive the fee in			
	cases of financial hards	cases of financial hardship. The Board delegates authority to the Superintendent to			
	establish appropriate fe	establish appropriate fees and procedures governing the collection of fees and to			
	make annual reports to	the Board regardi	ng fee schedules. I	ees may be requ	uired fo
	the actual cost of break	the actual cost of breakage and of excessive supplies used in courses such as			
	commercial, industrial a	commercial, industrial arts, music, domestic science, science or agriculture. A			
•	student shall be respon	student shall be responsible for the cost of replacing materials or property that is los			
	or damaged due to neg	or damaged due to negligence. The District, may require, as a condition of			
	graduation, issuance of	graduation, issuance of a diploma or certificate, issuance of a transcript, that all			
	indebtedness incurred l	indebtedness incurred by a student be satisfied, or that all			
		books or other instructional material, uniforms, athletic equipment, advances on			
	loans or other personal	property of the Di	strict be returned.	LIBO	
West Side District 202			or damage to textbooks culator Rental	\$20.00	1
41 CJC DIGG DIGGIOC EVA	Art Fee	15.00 Printing	Fee (after 160 pages)	\$2.00	ļ
	Band Instrument Rental	\$45.00 Science \$25.00 State At	Lab hietic "Pay to Play"	\$15.00 \$75.00/sport	1
			Athletic Family Limit)**	\$375.00 per family	1
	Distance Education Courses	\$50-\$75/credit Student	Body Fee	\$27.00 \$10.00	1
	FFA Dues	\$20.00 Teen Li \$12.00 Weight	ring Fee ifting class fee	\$5.00	1
		JBD Acespoo		\$40.00	1
		55.00		1	1

CHIEF JOSEPH ELEMENTARY

SCHOOL SUPPLY LIST 2012-2013

KINDERGARTEN

Parents of kindergartners will be charged a \$35.00 fee which covers field trip, school supplies and milk for snacks. \$10 Art Supply fee. Total fee \$45

FIRST GRADE

- 2 dozen SHARPENED Ticonderoga #2 pencils
- 1 box colored pencils (12 count)
- 2 boxes of Crayola Crayons (16 count)
- 2 sets of Prang or Crayola watercolors
- 2 sets of classic color markers (broad tip)
- 6 BLACK FINE TIP Expo dry-erase markers
- 2 black Sharpie markers
- 2 large Pink Pearl erasers
- 4 bottles white GLUE ALL (Elmers)
- 4 glue sticks
- 1 school box (8" x 5")
- 2 folders with pockets and brads
- 1 pair of pointed-children's scissors
- 1 container disinfecting wipes (Lysol, Clorox, Kirkland)
- I ream white copy paper 8 1/2" x 11"
- I poster board (any color)
- Girls: I box soft tissues
 - 2 boxes Ziplock sandwich bags
- Boys: I bottle of liquid hand sanitizer
 - 2 boxes Ziplock bags (GALLON size)
- \$10 Art Supply fee

SECOND GRADE

- 2 dozen #2 pencils (Ticonderoga)
- 1 large box facial tissues
-) Pink Pearl erasers (no pencil-top erasers, please)
- 1 box Ziplock Freezer Bags (Boys gallon size / Girls-quart size)
- 2 wide-ruled spiral notebooks (70 sheets)
- 1 standard composition book (100 sheets)
- 1 1" 3-ring binder
- 3 folders w/pockets on bottom
- 2 sets watercolor paints (Prang or Crayola, no Rose Art please)
- 1 folder (poly) plastic w/pockets on bottom
- 8 glue sticks
- 2-4 oz. Elmer's white Glue All (not school gfue)
- I ruler, inch and cm no flexible rulers please
- I pair pointed scissors (example-Fiskars)
- 1 yellow highlighter
- 4 black Dry-Erase Markers
- 1 black Sharpie fine-tip marker
- 2 boxes 24-count crayons (no larger count)
- 2 boxes Crayola markers, classic colors (10 count, no larger please)
- Antibacterial Surface Wipes (class-size, Lysol or Clorox)
- Please do not label supplies
- \$10 Art Supply fee

THIRD GRADE

- 2-3 dozen #2 pencils (Ticonderoga-PLEASE!)
- 4 Pink Pearl erasers
- 1 Ruler, inch & cm non-bendable
- 1 pair pointed scissors (example-Fiskars)
- 2 4-oz glue all (not school glue)
- 1 large glue sticks
- low-odor Expo markers
- 2 boxes 24-count crayons (no larger box)
- 2 black Sharpies fine-tip
- I box Ziplock Baggies
 - Boys- quart size

- Girls-gallon size
- 2 pkg 100-count wide-ruled paper
- 2 composition books (100 sheets)
- 2 red pens
- 2 large boxes facial tissue
- 3 pocket folders with pockets on bottom
- No trapper keepers or binders
- 1 canister Disinfecting Wipes-(example Lysol)
- Crayola or Prang only, watercolors (16-count preferable)
- Cravola-brand colored pencils
- \$10 Art Supply fee

FOURTH GRADE

- 28-oz white glue
- 2 dz #2 wooden pencils
- 2 boxes 24-count crayons
- 1 set "Twistables" colored pencils
- 4 Dry Erase Markers
- 's ser wateredfor paints, Crayola or Prang
- last name starts A-F, Bandaids
- last name starts G-L, sanitizer wipes
- last name starts M-R, hand sanitizer
- last name starts S-Z, paper towels
- I Pencil Box (8" x 4 1/2")
- I Highlighter
- 1 Pink Pearl Eraser
- Red correcting Pens
- 2 pocket folders
- I large box facial tissue
- I pair pointed scissors
- 1 pkg 300-count wide-ruled paper
- 6 glue sticks
- I wide-ruled spiral notebook
- \$10 Art Supply fee.

FIFTH GRADE

- I large box facial tissues
- .1.dozen.#2,pencils
- 1 ruler, inch & cm
- 1 pair full-size scissors
- 2 black pens
- 1 rst. Crayba wateration paints
- 1 pack of 24 or larger Crayola colored pencils
- 1 box 24-count Crayola crayons
- I box Crayola fine-tipped markers
- 2 pkg 300-count confege-ruled paper 2 spiral college-ruled notebooks
- 1 1-inch binder (please nothing bigger)
- 4 glue sticks
- 18-oz white glue
- 2 2-pocket folders
- i Pink Pearl eraser
- 1 school supply box 8" by 4 1/2"
- \$10 Art Supply fee

ATTENTION PARENTS:

We ask each family to provide one ream of white copy paper, 8 11" x 11"

Please make every effort to buy the products listed. Products do vary in quality.

Minimum Estimated Fee Refund for Class Action Plaintiffs Totals \$2,378,482

Enrollment data from Idaho Department of Education 2011-2012 Fall Enrollment Statistics as Reported November 4, 2011

http://www.sde.idaho.gov/site/statistics/fall_enrollment.htm

Plaintiffs are unable to use actual fee average for each grade level, as defendant school districts do not openly report all fees charged and some fees are "indirect" but "required" as part of school supply lists which bear the imprimatur of the defendant school districts. Therefore plaintiffs make a minimum estimate for each grade level.

Grade	Total Statewide Enrollment	Minimum Estimated Fee Refund
Level		
К	22,029	@ \$2.00 per student=\$44,058
1	22,687	@ \$2.00 per student=\$45,374
2	22,210	@ \$2.00 per student=\$44,420
31	21,980	@ \$2.00 per student=\$43,960
41	21,980	@ \$2.00 per student=\$43,960
5	21,899	@ \$2.00 per student=\$43,798
6	21,886	@ \$2.00 per student=\$43,772
Total	154,671	
Elementary		\$309,342
7	21,957	@ \$10.00 per student=\$219,570
8	21,305	@ \$10.00 per student=\$213,050
9	21,706	@ \$10.00 per student=\$217,060
10	21,220	@ \$20.00 per student=\$424,400
11	20,212	@ \$20.00 per student=\$404,240
12²	19,694	@ \$30.00 per student=\$590,820
Total	126,094	
Secondary		\$2,069,140
Grand	281,772	
Total		\$2,378,482

Notes

¹ Idaho State Department of Education reports the same total enrollment for grades 3 and 4.

² Estimate for seniors includes cost for at least one transcript.