

PRESS RELEASE
Tuesday, November 17, 2015

Re: Joki v. Meridian School District (West Ada)

Provided with this Press Release is a copy of the Findings of Fact and Conclusions of Law entered on Monday, November 16th, 2015 by the Honorable Richard D. Greenwood, in the litigation involving the unconstitutionally assessed fees by Meridian and other school districts throughout the state of Idaho.

This case was initiated by the Joki family on October 1, 2012. It was initially filed against all of the school districts of the state of Idaho as a class action and later, due to procedural issues, reduced to a case solely by the Joki Plaintiffs on behalf of a High School Junior and two Kindergarten children in the Meridian District.

The case was filed based upon the constitutional requirement that the Legislature of the State of Idaho provide for “...**free common schools.**” Over the past fifteen or twenty years, the school districts throughout the state have been assessing fees on students in violation of the Idaho Constitution. We estimate that the unconstitutionally assessed fees statewide approximate \$20 Million per year and in the Meridian School District, an estimated \$2 Million per year.

The case was never about the fees paid by the Joki Plaintiffs, but rather the unconstitutionality of fees charged by schools districts throughout the state. While the Court denied class action status, he made a number of rulings requested by Plaintiffs on the issue of whether or not many of the fees violate the Idaho constitutional requirement that public schools, including Charter Schools, be “free.” We invite your attention to the following paragraphs and points:

- 1) In paragraph 8 the Court states: “The question here is whether the defendant is providing a *general, thorough and free education* to Peyton Joki. The Court concludes it is not.” ...Where a class is offered as part of the regular academic courses of the school, the course must be offered without charge. [**That was a central reason the Plaintiffs brought this case.**]
- 2) The Court next stated in paragraph 9, another point urged by the Plaintiffs: “Based upon the evidence available in this case, the best determinate of whether a class is part of the regular academic course of the Defendant is whether academic credit toward graduation is granted for the class.”
- 3) In paragraph 9 the Court ruled that the junior class dues fall in a category “generally imposed on all students whether they participate in extra-curricular activities or not, which becomes a charge on attendance at the school.” The Court ruled: “As such they are impermissible.”
- 4) In paragraph 11 the Court rejected the school’s position that “only those classes offered without charge are part of the constitutionally required thorough education.” Plaintiffs

made as a major point of their case that families should not be forced to choose whether they can afford to take a course or not and they should not be required to seek charity through a waiver. The Court ruled “The fact that the fees may be waived in the discretion of the principal of the building does NOT render them constitutional.” (emphasis supplied)

- 5) The Court ruled that the district was incorrect in its position that the Plaintiffs case should be dismissed because they did not file suit under the Idaho Tort Claims Act because “In this case, the suit is for return of monies unconstitutionally taken in the form of charges for taking a class or attendance at schools. This was a major point in the Plaintiffs case.
- 6) In paragraph 20, the Court rejected the School District’s position that it is free to charge for Kindergarten because the school is not required by law to provide Kindergarten. The Court ruled that once the school district decides to offer Kindergarten it is a part of a thorough education.
- 7) In paragraph 21, the Court held that the fees charged for the Kindergarten students were impermissible. (The Court did hold that there was no proof offered that Sara Holt was the mother of her children, but that the fees paid by their grandfather, Russell Joki, should be refunded, but that that payment to Russell Joki will only occur if there is an appeal to this case to the Idaho Supreme Court.)

Although the Court, for procedural reasons, did not grant any injunctive relief against either Meridian (West Ada) School District or any other school district, the above referenced rulings, unless appealed and reversed by the Idaho Supreme Court, state the law which is applicable to all Idaho school districts.

The Joki Plaintiffs included the following as footnotes in their complaint:

² 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 2014 or subsequent Legislative sessions.

³ 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, eight years later, the Legislature has taken no corrective action, and in fact, during that period, other statutes have further debased funding for Idaho’s schools.

The Plaintiffs now urge the school districts of the state of Idaho to set an example for their students by honoring the mandates of the Idaho Constitution and further it is our desire that the Legislature of Idaho make up the loss of revenue by complying with the mandate of Article IX, Section 1 of the Idaho Constitution which provides:

SECTION 1. LEGISLATURE TO ESTABLISH SYSTEM OF FREE 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 establish and maintain a general, uniform and thorough system of public, free common schools.

Credible analysis indicates that Idaho's public schools are being underfunded to the extent of approximately \$700,000,000 per year. It is the wish and desire of the Joki family that the Idaho Legislature appropriate funds to the schools districts of Idaho to not only replace the \$20 Million in unconstitutional fee assessments, but also increase appropriations to reduce the current underfunding of Idaho's schools.

Respectfully submitted on behalf of the Citizens of Idaho

/s/ Russell Joki

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