

NO \_\_\_\_\_ FILED \_\_\_\_\_  
A.M. \_\_\_\_\_ P.M. \_\_\_\_\_

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JUN 21 2016

CHRISTOPHER D. RICH, Clerk  
By SANTIAGO BARRIOS  
DEPUTY

*Attorney for Plaintiffs*

PATRICK H. OWEN }

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MOLLY A. HYDE, Individually, as a Patron of  
West Ada Joint School District #2, and on behalf of  
and as Guardian *Ad Litem* of her minor children,  
Kyle Hyde and Trenton Hyde,

Plaintiffs,

v.

WEST ADA JOINT SCHOOL DISTRICT NO. 2,

Defendants.

CV 00 1611158

Case No.

SUMMONS

**NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF(S).**

THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE  
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

**TO:** WEST ADA JOINT SCHOOL DISTRICT NO. 2, a municipal corporation of the State of  
Idaho

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within 20 days after service of this Summons on you. If you fail to so respond, the court may enter judgment against you as demanded by the Plaintiffs in the Complaint.

Two copies of the Complaint are served with this Summons. If you wish to seek the advice or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiffs' attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

**JUN 21 2016**

DATED this \_\_\_ day of June, 2016.

CLERK OF THE DISTRICT COURT

**CHRISTOPHER D. RICH**

**SANTIAGO BARRIOS**

By \_\_\_\_\_  
Deputy

SEAL

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Kyle Hyde and Trenton Hyde,

Plaintiffs,

v.

WEST ADA JOINT SCHOOL DISTRICT NO. 2,  
Defendants.

Plaintiffs as their claim allege:

**I. Jurisdiction and Venue**

1. Jurisdiction lies in this Court under Article IX, Section 1 of the Constitution of the State of Idaho. Venue lies in this Court against the West Ada Joint School District No. 2, which is located in

CONFIRMATION

NO  
A.M. FILED P.M.

JUN 21 2016

CHRISTOPHER D. RICH, Clerk  
By SANTIAGO BARRIOS  
DEPUTY

CV OC 1611158

Case No.

Category A: \$96

**Complaint for:**

**(1) Class Action by Patrons and  
Students of West Ada Joint  
School District #2 for  
Declaratory Judgment,  
Refund of Fees Paid Pursuant  
to Unconstitutional  
Assessment Thereof; and**

**(2) Declaratory Judgment**

Ada County, Idaho.

## II. Parties

- (A) **Parties Plaintiff:** Plaintiff Molly A. Hyde is the parent and guardian *ad litem* of Kyle Hyde and Trenton Hyde, both minors. Kyle Hyde is currently a student in the Defendant School District and Trenton Hyde will be enrolled as such in the fall of 2016. They bring this action on behalf of themselves and as “Class Representatives” on behalf of all parents/patrons and students in West Ada Joint School District No. 2.
- (B) **Party Defendant:** West Ada Joint School District No. 2, a municipal corporation of the State of Idaho located in Ada County, Idaho.

### FIRST CAUSE OF ACTION

1. Plaintiffs bring this action against the Defendant West Ada Joint School District No. 2 (hereinafter “West Ada”) as a Class Action on behalf of all school children, grades K through 12 enrolled in West Ada in the 2014-15 and subsequent school years, and on behalf of their parents and guardians, to enforce the “free common school” 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 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, West Ada, being grossly underfunded by the State Legislature, has been engaging in the practice of levying fees upon its students and their families for various coursework, electives, supplies

and other fees and charges, both “curricular” and “co-curricular,” in violation of the Idaho Constitution.

3. Idaho is ranked as the lowest state in the nation in terms of per capita funding of its schools. That fact does not arise from necessity. Historically, the Legislature and people of Idaho strongly supported the institution of the Sales and Use Tax in 1965, primarily for the purpose of adequately funding Education. At the time of implementation, the Sales and Use Tax contained only 17 exemptions, which exemptions were in place 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 more than 98 exemptions, with the result that the exemptions have a value of approximately \$1.9 Billion, whereas the tax itself as now imposed provides the State with only \$1.2 Billion in revenue. The result has been to impose increased burdens on West Ada at a time when limitations upon local taxing authority make it difficult for West Ada and other school districts to provide free public schools as required by the Idaho Constitution.<sup>1 2</sup>

5. Additionally, over the twenty years last past, Idaho has enacted legislation adding

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<sup>1</sup> 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 tax base and reimburse the school districts for any fees returned to the students through a supplemental appropriation in the 2017 or subsequent Legislative sessions.

<sup>2</sup> 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 inadequate to meet the constitutional mandate required of the Legislature. Now, eleven 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.

exemptions and other reductions to the corporate and individual Income Tax rates, thus further reducing the funds available for education appropriately supplied from the General Fund.

6. While reducing general fund tax collections as stated in paragraphs 4 and 5 above, the State has reduced the authority of school districts to raise revenues through local property taxes.

7. 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 of 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.

8. 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)

9. Plaintiffs, through this action, seek return of fees unconstitutionally assessed and paid for the 2014-2015 and subsequent school years, and Declaratory Judgment and other relief from the current unconstitutional fee imposition practices. Unconstitutional fees have been assessed against and paid on behalf of Kyle Hyde for which Plaintiffs are entitled to be reimbursed, and unless the assessment of unconstitutional fees is discontinued the Plaintiffs will be assessed and required to pay such unconstitutional fees throughout the course of their matriculation through the grade levels at West Ada from Kindergarten through grade 12.

10. Plaintiffs, and all other parents and guardians with students enrolled, recently enrolled, or soon to be enrolled in West Ada, are, have been or will be subjected to multiple communications from West Ada 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 the West Ada website, fee announcements by school administrators and teachers, inclusion of required fees in Student Handbooks, and school board policy, all of which compel Plaintiffs and all others similarly situated to pay fees that contravene the constitutional protection of a free public education and which amount to a form of coercion to pay for essential and normal elements of a free public

education. Such action is an impermissible establishment and collection of fees under the Article IX, §1 of the Constitution of the State of Idaho.

11. The Defendant, West Ada, also communicates the expectation that Plaintiffs, and others similarly situated, will purchase and provide school supplies which are not specifically attached to individual 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 school teachers and administrators. Defendant West Ada has created a state-sponsored and state-directed “essential consumable supply curriculum” which Plaintiffs assert 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 Article IX, §1 of the Idaho Constitution.

12. A reasonable observer would believe that payment of fees and purchasing of essential school supplies signified constitutionally protected action by Defendant. 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, West Ada has 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 minimus* 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 of 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 minimus* and voluntary, given the environment created by West Ada and 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. Such is an affront to Plaintiffs and others similarly situated, and constitutes a violation of their rights under the Idaho Constitution's guarantee of a free public education.

13. The pressure, though subtle and indirect, to pay fees and purchase "essential school supplies" that become part of the Defendant's general education curriculum program can be as real as any overt compulsion. The "State" (by and through "West Ada") 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 Defendant.

### **III. Class Allegations**

14. This action is brought as a Plaintiff class action pursuant to Rule 23(b)(3) of the Idaho Rules of Civil Procedure.

15. Plaintiff Class Representatives Molly A. Hyde and her minor children, Kyle Hyde and Trenton Hyde, are members of the Plaintiff Class as defined herein and bring this action on

their own behalf and on behalf of those West Ada students and parents/patrons similarly situated.

16. 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 West Ada in charging various fees for educational services in grades K-12 in violation of the Idaho Constitution's mandate to provide free, common schools.

17. The class represented by the Plaintiffs (the "Plaintiff Class") includes all students enrolled in West Ada and their parents and guardians<sup>3</sup>, commencing with school year 2014-2015, now, and in the future.

18. The named Plaintiffs are members of the Plaintiff Class.

19. There are currently more than 35,000 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 class members is impracticable.

20. 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 damages as a result of the Defendant's wrongful and unconstitutional misconduct complained of herein.

21. Plaintiffs will fairly and adequately protect the interests of the members of the Plaintiff Class and have retained counsel competent and experienced in class action litigation as well as prosecution of actions of this nature.

22. 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

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<sup>3</sup> The term "guardians" throughout this Complaint also includes other persons who may be paying fees or furnishing supplies on behalf of West Ada students.

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.

23. 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.

24. 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.

25. 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**

26. West Ada has been on notice about the unconstitutionality of the fees it has been charging at least since the litigation on that subject was filed in Ada County District Court on October 1, 2012. As a result of that litigation, the Honorable Richard D. Greenwood entered Findings of Fact and Conclusions of Law which are a proper basis for “affirmative collateral estoppel” in this case, seven of which Findings and/or Conclusions are summarized as follows:

1. In paragraph 8 the Court stated: “The question here is whether the defendant is providing a *general, thorough and free education* to Peyton Joki. The Court concludes it is not,” further stating: “...Where a class is offered as part of the regular academic courses of the school, the course must be offered without charge.”
2. The Court next stated in paragraph 9: “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.”
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 Plaintiff 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.)

27. 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 (including West Ada) 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).<sup>4</sup>

Appendix B hereto calculates the estimated unconstitutionally charged fees statewide for school supplies at \$2,378,482.

28. Plaintiffs allege that the fees for curricular, co-curricular offerings and school supplies collected in violation of the constitutional mandate by West Ada exceed \$2,000,000 per school year. This calculation is subject to modification upon completion of discovery.

29. Plaintiffs request West Ada be required to reimburse each class member for fees unconstitutionally collected for the 2014-2015 and subsequent school years.

#### **V. Attorney Fees under Private Attorney General Doctrine or Common Fund Doctrine**

30. Plaintiffs request the Defendant West Ada Joint School District be required to pay Plaintiffs' attorney reasonable attorney fees under the Private Attorney General Doctrine as enunciated in *Hellar v. Cenarrusa*, 106 Idaho 571, 862 P.2d 524 (1984) and other relevant cases. Further, and alternatively, attorney fees attributable to refunds be assessed under the Common Fund Doctrine equal to not less than twenty percent (20%) of the fees ordered refunded, or under such other measure as the Court may deem appropriate.

WHEREFORE, Plaintiffs pray judgment as follows:

1. Certification as a Class action;
2. Declaration that certain of the fees being imposed by the West Ada Joint School District No. 2 upon school children and their parents and guardians for a public education are illegal and unconstitutional;
3. That West Ada Joint School District No. 2 be required to reimburse all Class

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<sup>4</sup> Some of Idaho's 50 Charter Schools also are imposing fees which violate the Constitution.

Members for all such fees paid for the 2014-2015 and succeeding school years, which sum is estimated to be approximately \$2 Million per year.

4. That this Court enter appropriate Declaratory Judgment that the alleged unconstitutional practices hereinabove referenced violate the mandates of the Idaho Constitution.

5. For reasonable attorney fees.

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

DATED this 21<sup>st</sup> day of June, 2016.

The HUNTLEY LAW FIRM PLLC

A handwritten signature in black ink, appearing to read "Robert C. Huntley", is written over a horizontal line. The signature is fluid and cursive.

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).

### 5<sup>th</sup> 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

PLEASE LABEL THESE ITEMS WITH YOUR CHILD'S NAME

1 Backpack or Book Bag (please label with name)

1 1" 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

1 4 ounce Bottle of White Glue

LAST NAME begins with A - L:

1 Box Zipper seal GALLON Size FREEZER storage bags

1 8 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 F Coeur d'Alene District 271**

**8<sup>TH</sup> 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 ½ -2")  
White eraser  
4-AAA Batteries (for clickers)  
Calculator (TI30 or TI30X)  
2GB Flash drive  
1 box of tissue

2-reams white 8 1/2 x 11 copy 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

400 (for misc supplies and assemblies)

- \*Envelopes (kept at home) are helpful for sending notes, money, book orders, etc. to school
- \*Please NO markers, bottles of glue, or crayons. We will supply the crayons.
- \*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  
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)  
1 ream white copy paper 8 1/2" x 11"  
1 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  
1 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 glue)  
1 ruler, inch and cm - no flexible rulers please  
1 pair pointed scissors (example-Fiskars)  
1 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)  
1 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  
1 Ruler, inch & cm non-bendable  
1 pair pointed scissors (example-Fiskars)  
2 4-oz glue all (not school glue)  
1 large glue sticks  
1 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)  
Crayola or Prang only, watercolors (16-count preferable)  
Crayola-brand colored pencils  
\$10 Art Supply fee

### FOURTH GRADE

2 8-oz white glue  
2 set #2 pencil pencils  
2 boxes 24-count crayons  
1 set "Twistables" colored pencils  
4 Dry Erase Markers  
1 set watercolor paints, Crayola or Prang  
last name starts A - F, Band-aids  
last 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  
1 large box facial tissue  
1 pair pointed scissors  
1 pkg 300-count wide-ruled paper  
6 glue sticks  
1 wide-ruled spiral notebook  
\$10 Art Supply fee

### FIFTH GRADE

1 large box facial tissues  
1 dozen #2 pencils  
1 ruler, inch & cm  
1 pair full-size scissors  
2 black pens  
1 set Crayola watercolor paints  
1 pack of 24 or larger Crayola colored pencils  
1 box 24-count Crayola crayons  
1 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	<p><b>Elementary:</b> FEES: Student fees are charged annually to cover costs of 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</p> <p><b>Middle School:</b> 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.</p> <p><b>High School:</b> 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.</p>
American Falls District 381	Includes \$16.00 PE uniform for grade 7
Basin District 72	<p><b>Student Fees General Supply Fee \$20.00</b> This fee helps cover expenses for supplies 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.</p>
Boise District No. 1	Once students enter Jr. High, there is no longer <del>provided</del> list of school supplies. The 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	<p>Coeur d'Alene School District has launched a new online payment service allowing 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.</p> <p>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.</p> <p>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.</p> <p>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: <a href="http://www.cdaschools.org">www.cdaschools.org</a> (if a parent has lost their login or password, they may follow the lost password prompt on the login page of FAMILY ACCESS.)</p>
Filer School District 413	<p><b>Fee Policy:</b> Students whose fees are not paid by graduation will not be allowed to participate in Filer High School commencement ceremonies.</p>

<p>Fremont District 215</p>	<p>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&amp;B Soccer, SB, BB, *Debate  \$30 _____ Track, Cross Country  \$25 _____ FB, VB, G&amp;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 &amp; Fds \$15 _____  Sm Engines \$15 _____ Int Ag \$ 5 _____ Horticulture \$10 _____  Ag Welding \$15 _____ Eq Scl \$25 _____ Power Tech \$15 _____  Adv Ag Weld \$15 _____ FFA \$15 _____ Int Ag Mech \$15 _____  Ag Fabrication \$15 _____ BI Ag Mech \$15 _____  Bsc Wds-S1-\$25 _____ S2-\$45 _____ Adv Wds \$100 _____  Technology \$15 _____ Drafting \$ 5 _____</p>
<p>Fruitland District 373</p>	<p>Student Fees/Student Fines/ and Charges/ Return of Property  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, 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.</p>
<p>Highland District 305</p>	<p>Students may be charged for the following items:  a. Student Body Activity Cards  b. <del>Passes</del></p>
<p>Idaho Falls School District</p>	<p>Regular transcript fee is \$5.00 per copy. (Mailed within 5-10 business days after payment is received).  Rush service fee is \$10.00 per copy. (Request is processed the next business day after payment is received.)</p>
<p>Madison District 321</p>	<p>Required fees for all students:  Student Association Fee \$14  English Writing Lab 7  Internet 3  Lockers (Optional) 5  Sophomore Fees 5  Junior Fees 5  Senior Fees 15  <del>All fees must be paid before receiving a transcript</del></p>
<p>Wallace District 393</p>	<p>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). <u>Fees must be paid at the time of registration.</u>  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). <u>Fees must be paid at the time of registration.</u></p>

Wendell District 232	<p style="text-align: center;"><b>High School Class Fees</b></p> <table border="1"> <thead> <tr> <th>Fee Type</th> <th>Amount</th> <th>Additional Info</th> </tr> </thead> <tbody> <tr> <td>Ceramics</td> <td>\$24.00</td> <td></td> </tr> <tr> <td>Painting</td> <td>\$16.00</td> <td></td> </tr> <tr> <td>Digital Photo</td> <td>\$15.00</td> <td></td> </tr> <tr> <td>Drafting</td> <td>No Fee</td> <td></td> </tr> <tr> <td>Drawing</td> <td>\$16.00</td> <td></td> </tr> <tr> <td>Locker Fee</td> <td>\$7.50</td> <td>New students only, unless lock is lost.</td> </tr> <tr> <td>Activity Card</td> <td>\$35.00</td> <td></td> </tr> <tr> <td>Adult Athletic Pass</td> <td>\$68.00</td> <td></td> </tr> <tr> <td>Grades 1-8 High School Pass</td> <td>\$20.00</td> <td></td> </tr> </tbody> </table> <p style="text-align: center;"><b>Middle School Class Fees</b></p> <table border="1"> <thead> <tr> <th>Fee Type</th> <th>Amount</th> <th>Additional Info</th> </tr> </thead> <tbody> <tr> <td>Class Projects</td> <td>\$10.00</td> <td></td> </tr> <tr> <td>P.E. Uniform</td> <td>\$15.00</td> <td>6th &amp; 8th Grade only</td> </tr> <tr> <td>Yearbook</td> <td>\$25.00</td> <td></td> </tr> <tr> <td>Student Body Fees</td> <td>\$2.00</td> <td></td> </tr> <tr> <td>Pay to Participate</td> <td>\$25.00</td> <td>per activity for the first two, third free</td> </tr> <tr> <td>Locker Fee</td> <td>\$7.50</td> <td>New students only, unless lock is lost.</td> </tr> <tr> <td>Activity Card</td> <td>\$25.00</td> <td></td> </tr> <tr> <td>Adult Athletic Pass for MS Activities</td> <td>\$30.00</td> <td></td> </tr> <tr> <td>Activity Card for HS &amp; MS Activities</td> <td>\$45.00</td> <td></td> </tr> </tbody> </table>		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 only, unless lock is lost.	Activity Card	\$35.00		Adult Athletic Pass	\$68.00		Grades 1-8 High School Pass	\$20.00		Fee Type	Amount	Additional Info	Class Projects	\$10.00		P.E. Uniform	\$15.00	6th & 8th Grade only	Yearbook	\$25.00		Student Body Fees	\$2.00		Pay to Participate	\$25.00	per activity for the first two, third free	Locker Fee	\$7.50	New students only, unless lock is lost.	Activity Card	\$25.00		Adult Athletic Pass for MS Activities	\$30.00		Activity Card for HS & MS Activities	\$45.00	
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# 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)  
1 ream white copy paper 8 1/2" x 11"  
1 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  
1 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 glue)  
1 ruler, inch and cm - no flexible rulers please  
1 pair pointed scissors (example-Fiskars)  
1 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)  
1 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  
1 Ruler, inch & cm non-bendable  
1 pair pointed scissors (example-Fiskars)  
2 4-oz glue all (not school glue)  
1 large glue sticks  
1 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)  
*Crayola or Prang only, watercolors (16-count preferable)*  
*Crayola-brand colored pencils*  
\$10 Art Supply fee

### FOURTH GRADE

2 8-oz white glue  
2 do #2 wooden pencils  
2 boxes 24-count crayons  
1 set "Twistables" colored pencils  
4 Dry Erase Markers  
1 set watercolor paints, Crayola or Prang  
last name starts A - F, Band-aids  
last 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  
1 large box facial tissue  
1 pair pointed scissors  
1 pkg 300-count wide-ruled paper  
6 glue sticks  
1 wide-ruled spiral notebook  
\$10 Art Supply fee

### FIFTH GRADE

1 large box facial tissues  
1 dozen #2 pencils  
1 ruler, inch & cm  
1 pair full-size scissors  
2 black pens  
1 set Crayola watercolor paints  
1 pack of 24 or larger Crayola colored pencils  
1 box 24-count Crayola crayons  
1 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  
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1 Pink Pearl eraser  
1 school supply box 8" by 4 1/2"  
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### 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.

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](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 Level	Total Statewide Enrollment	Minimum Estimated Fee Refund
K	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
3 <sup>1</sup>	21,980	@ \$2.00 per student=\$43,960
4 <sup>1</sup>	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
<b>Total Elementary</b>	<b>154,671</b>	<b>\$309,342</b>
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
12 <sup>2</sup>	19,694	@ \$30.00 per student=\$590,820
<b>Total Secondary</b>	<b>126,094</b>	<b>\$2,069,140</b>
<b>Grand Total</b>	<b>281,772</b>	<b>\$2,378,482</b>

Notes

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

<sup>2</sup> Estimate for seniors includes cost for at least one transcript.

APPENDIX B