

SUMMARY STATEMENT

Gifford v. West Ada Joint School District #2

Docket No. 48291

Peyton Gifford and Mollie Gabaldon (“Parents”) sued West Ada Joint School District #2 (“West Ada”) alleging that the school district violated Article IX, section 1 of the Idaho Constitution by charging fees for the second half-day of kindergarten. Article IX, section 1 provides that the legislature must establish and maintain a “general, *uniform*, and thorough system of public, *free* common schools.” (Emphasis added). Parents’ initial complaint sought a declaratory judgment that (a) kindergarten must be free under the Idaho Constitution and (b) that parents who have paid kindergarten fees are entitled to reimbursement. Parents later amended the complaint to seek an order placing Parents’ son and similarly situated schoolchildren “in line” for free full-day kindergarten instruction. The district court dismissed the complaint for lack of standing because Parents did not pay kindergarten fees or attempt to enroll their child in a school offering full-day kindergarten. Parents appealed, arguing that they have standing because they would have enrolled their child in a school with full-day kindergarten if West Ada had offered it for free.

The Idaho Supreme Court affirmed the decision of the district court in part, reversed in part, and remanded the case for further proceedings. The Court unanimously held that although the district court properly concluded Parents lacked standing to pursue a claim based on an economic injury, it failed to consider whether Parents had standing to assert a second, discrete injury—loss of educational opportunity. The Court then determined, on de novo review, that Parents’ had standing to pursue a claim related to their alleged “educational injury” because such an injury, if proven, would be a cognizable injury in fact under Article IX, section 1 of the Idaho Constitution. The Court concluded:

In essence, Parents are contending, and have made at least a facial showing, that West Ada is running two separate but unequal kindergarten programs—a full-day program for those who can afford it and a half-day program for those who cannot. Such a claim, which is largely undisputed by West Ada, raises the specter of past constitutional challenges to “inherently unequal” educational systems. *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483, 495 (1954). The question of whether Parents can ultimately prove this claim under Idaho law has not been addressed by the district court. Accordingly, we will leave to the district court to first rule on the merits of Parents’ claim.

Accordingly, the Court remanded the case to the district court to consider the merits of the important constitutional question raised by Parents’ complaint.

*****This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.*****