

## **SUMMARY STATEMENT**

*Hansen v. Boise School District No. 1*  
Docket No. 51605

Wil and Deborah Hansen appeal the district court's judgment dismissing their complaint against Boise School District No.1. The Hansens filed their complaint in their individual capacities, as guardians ad litem for their minor grandchild, and as class representatives. Their grandchild attended kindergarten during the 2017–18 school year, where the first half day was free, but the School District charged \$250 per month for the second half day, totaling \$2,250 for the school year. They allege that such fees violate the Idaho Constitution's "free common schools" provision and constitute a taking of property without due process. The district court dismissed the Hansens' claims as time-barred under the applicable statute of limitations.

The Hansens asked the Idaho Supreme Court to vacate the district court's dismissal of their Fifth Amendment claim on timeliness grounds and remand the case for adjudication on the merits. They argued that their grandchild has the right to recover the tuition fees and is entitled to the statutory tolling for minors under Idaho Code section 5-230, which pauses the deadline for filing a complaint for up to six years. The Hansens framed the issue on appeal as a statute of limitation matter, arguing that their grandchild is entitled to the statutory tolling for minors under Idaho Code section 5-230, which pauses the deadline for filing a complaint for up to six years. However, the application of Idaho Code section 5-230 is contingent upon a threshold standing inquiry.

The Court affirmed the district court's judgment dismissing the Hansens' claims. The Court reasoned that since the kindergarten tuition payments were made entirely by the Hansens using their own funds, rather than any property belonging to their grandchild, the grandchild did not suffer a deprivation of property. Without a specific identifiable injury, he lacked the standing to pursue a claim under the Fifth Amendment. As a result, only the Hansens, not their grandchild, had standing to pursue a Fifth Amendment claim. Because the Hansens made all the tuition payments by the end of the 2017–18 school year, the two-year filing deadline passed before they filed their complaint on February 22, 2023. Therefore, the Hansens' Fifth Amendment claim was time-barred under the statute of limitation, Idaho Code section 5-219(4).

***\*\*\*This summary constitutes no part of the Court's opinion. It has been prepared by court staff for the convenience of the public.\*\*\****