

BOISE, MONDAY, MAY 5, 2025 at 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**ASHLEY TIPTON, individually, and as)
guardian for C.W., a minor child under the age)
of eighteen (18) years of age,)**

Plaintiff-Appellant,)

v.)

**NEW HORIZON ACADEMY CHILD-CARE)
IDAHO, INC., dba NEW HORIZON)
ACADEMY, and TERRA ROBERTSON,)
individually,)**

Defendants-Respondents.)

Docket No. 51200

Appeal from the District Court of the Fourth Judicial District of the State of Idaho,
Ada County, Samuel A. Hoagland, District Judge.

Boyles Law, PLLC, Sandpoint, for Appellant.

Brassey Crawford, PLLC, Boise, and Taft Stettinius & Hollister, LLP,
Minneapolis, MN for Respondents New Horizon Academy Child-Care Idaho, Inc.
and Terra Robertson

This case concerns the statutory interpretation of Idaho Code section 39-1118, which governs the immunization requirements for children attending daycare facilities. Ashley Tipton and her minor child (“Child”) appeal from the district court’s order dismissing their complaint against New Horizon Academy (“New Horizon”) and its director. Child was previously enrolled at New Horizon, a private daycare facility. New Horizon requested Tipton submit an updated immunization record for Child, and Tipton responded by asserting an exemption on religious or other grounds. New Horizon informed Tipton that it does not accept exemptions from immunizations, and Child was subsequently expelled after Tipton refused to provide proof of immunization for Child by the stated deadline.

Tipton filed a complaint in district court, seeking declaratory and injunctive relief to prohibit New Horizon from rejecting immunization exemptions and to reinstate Child’s attendance at New Horizon. The district court dismissed the complaint on motion from New Horizon, concluding that Idaho Code section 39-1118 did not prohibit a private daycare facility from enacting its own policies regarding immunizations and expelling a child accordingly. On appeal, Tipton argues the district court erred in dismissing her complaint because its interpretation of Idaho

Code section 39-1118: (1) failed to give full effect to the exemption provision in the statute; (2) led to the absurd result that daycare facilities can regulate a child's immunizations; and (3) ignored the compulsory education requirements of Idaho Code section 33-202.