



Home School Legal Defense Association

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September 5, 2025

SENT VIA ELECTRONIC MAIL

CONFIRMED VIA FIRST CLASS MAIL

Board Chair Dax Keller
Superintendent Gary Thomas
Preston Joint School District #201
105 E 2nd Street
Preston, ID 83263

Re: Homeschool Sports Transportation Fee Policy

Dear Chairman Keller, Superintendent Thomas, and members of the School Board:

By way of introduction, the Home School Legal Defense Association (HSLDA) is a national non-profit advocacy organization that seeks to protect and advance the constitutional right of parents to direct the education of their children at home. We have over 90,000 member families in all fifty-states.

I am writing in response to concerns we have received from homeschooling families in Preston, regarding a new policy that appears to have imposed a \$250.00 transportation fee on homeschooled students who wish to participate in sports through the district pursuant to Idaho Code § 33-203. As described to me, it appears that the policy imposes a unique responsibility on homeschooled and dual-enrolled students, which is not imposed on students who attend the district's schools full-time. I write to express our serious concerns about such a policy.

While school boards do generally have greater authority to impose fees on participation in extracurricular activities, *see, e.g.,* Idaho Code § 33-512(12); *Paulson v. Minidoka Cnty Sch. Dist. No. 331*, 463 P.2d 935, 938 (Id. 1970), the Legislature has qualified that general right as it applies to dual-enrolled homeschooled students in Idaho Code § 33-203. As you may know, section 33-203 grants the parents of a student enrolled in a nonpublic school a statutory right to "enroll the student in any public school . . . for dual enrollment purposes." § 33-203(1).

From its original enactment in 1995, the statute has always stated that students participating in dual-enrollment "may enter into any program in the public school available to other students subject to compliance with *the same rules and requirements that apply to any student's participation in the activity.*" Idaho Code. § 33-203(2), 1995 Idaho Laws Ch. 224 (H.B. 171). In 2002, the Legislature amended the statute to further clarify that this right of equal treatment also included a right to be subject to "the same *responsibilities* and standards of behavior and performance" that apply to any other student participant. Idaho Code. § 33-203(2), 2002 Idaho Laws Ch. 106 (H.B. 535).

It is difficult to see how imposing a unique transportation fee, which applies only to homeschooled students, could be squared with the Legislature's long-standing intent that



homeschool students not be subject to “requirements” or “responsibilities” that their publicly-educated peers do not share—especially when homeschooling parents already support the school system through their payment of state and local taxes, without taking advantage of the range of services offered by the school to other parents in the district. A unique \$250.00 financial fee that applies only to homeschoolers would certainly qualify as a unique “requirement” or “responsibility,” and thus would be at odds with both the intent and the directive of the Legislature.

Finally, while I do not have any knowledge of the Board's basis for enacting this policy (specifically, whether each homeschool student's participation in athletic activities generates \$250.00 worth of extra costs that must be borne by the district), I would note that section 33-203 creates an alternative method for recouping such costs that would not require the district to impose unique fees on homeschool students. Subsection (3) of the statute expressly states that “school district shall be allowed to include dual-enrolled nonpublic school” students in their calculations for state funding, “to the extent of the student's participation in the public school programs.” § 33-203(3).

For the foregoing reasons, we would express serious reservations as to whether this policy is consistent with the will of the Legislature, as expressed in Idaho Code. § 33-203. The statute makes clear that homeschool students may be subject to additional responsibilities—including financial responsibilities—that are common to all participants. But they cannot be singled-out for unique responsibilities, just because they are dual-enrolled instead of full-time enrolled.

Accordingly, we would ask that the Board reconsider this policy, and either rescind it or amend it to remove the imposition of a unique fee requirement on homeschooling families. Should you have any additional questions, please feel free to reach out to me at (540) 338-5600, or via electronic mail at peterk@hslida.org.

Sincerely,



Peter K. Kamakawiwoole, Jr.
Director of Litigation
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