

August 19, 2025

Preston School District #201
105 E. 2nd Street
Preston, ID 83263

Called back @ 9:07 will be on the agenda for the Board

Subject: Formal Complaint Regarding Discriminatory Fee Structure for Dual-Enrolled Homeschool Students

Dear Superintendent Thomas, Assistant Superintendent Garner, and Members of the Preston School District Board,

We are writing on behalf of ourselves and other families in the district who choose to homeschool our children while also utilizing dual enrollment opportunities through the public school system. We are deeply concerned about the school board's recent policy change that increases fees for part-time, dual-enrolled homeschool students—charging five times the amount that full-time public school students are required to pay.

We have been informed that this fee increase is partially justified by the assertion that homeschool students now receive \$5,000 per year in education funding through Idaho's Parental Choice Tax Credit (House Bill 93). However, this justification is factually and legally inaccurate.

According to the language of House Bill 93 and guidance provided by the Idaho State Tax Commission, any student who is enrolled in a public school for any portion of a semester—including part-time or for extracurricular activities—is expressly ineligible to receive the tax credit for that semester. This disqualification applies to the very group of homeschool families your policy targets: those who are dual enrolled.

In other words, no dual-enrolled homeschooler is legally eligible to receive the \$5,000 credit that your board has cited as justification for charging excessive fees. The result is a discriminatory and baseless financial burden placed on a specific group of families, without any lawful rationale. This policy appears to violate Idaho's dual enrollment statutes (Idaho Code § 33-203), which guarantee access to public school offerings for nonpublic students, and may constitute discriminatory treatment under both Idaho law and the constitutional principles governing public education.

The case *Joki v. Meridian Joint School District* (2012 & 2017) affirms that:

"Where a class is offered as part of the regular academic courses of the school, the course must be offered without charge."

While the district's recent proposed update to equalize fees for credit-bearing classes is commendable, the same legal reasoning extends to co-curricular and extracurricular activities when they are offered as part of a public school's regular programming.

Furthermore, Article IX, Section 1 of the Idaho Constitution mandates:

"...a general, uniform and thorough system of public, free common schools."

This guarantee of free and uniform access to public education cannot be met if part-time students — who are legally entitled to participate in public school programs under Idaho law — are charged dramatically higher fees than their full-time peers for identical opportunities.

Charging part-time students substantially more:

- Discriminates based on enrollment status;
- Creates an undue financial burden;
- Violates the equal protection principles implied in Joki and other Idaho legal precedent (e.g., Paulson v. Minidoka, 1970).

If extracurricular sports are funded, managed, and offered by the district as part of the public school system — regardless of whether they bear credit — then access must be equitable for all students within the district, including those who are part-time enrolled (such as homeschooled students under Idaho's dual enrollment law).

We respectfully request that the school board:

1. Immediately rescind the increased fee structure applied to dual-enrolled homeschool students and reimburse any fees already paid by homeschool students for this school year;
2. Provide a written explanation of the board's legal authority for charging these higher fees, especially in light of the actual eligibility criteria under HB 93;
3. Ensure that all district-sponsored programs are equally accessible to all students — regardless of enrollment status — in accordance with Idaho constitutional principles and relevant court decisions.
4. Align district policy with Idaho's dual enrollment laws and the actual provisions of House Bill 93.

If this matter is not addressed promptly, we are prepared to escalate the issue by filing formal complaints with the Idaho Department of Education, the State Tax Commission, and seeking legal representation to pursue possible remedies, via the Home School Legal Defense Association.

We trust that the board will recognize this policy's unintended consequences and correct it without requiring further action. We are open to a collaborative discussion to resolve this fairly for all parties involved.

Signed: Please see attached petition