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Zeyen v. Bonneville Joint District, # 93

United States Court of Appeals, Ninth Circuit - August 23, 2024 - F.4th - 2024 WL 3909574

Students' parents brought § 1983 action against school districts, alleging that payment of fees associated with educational and extracurricular opportunities within public school districts constituted a taking of property without due process in violation of the Takings Clause of the Fifth Amendment.

Parties filed cross motions for summary judgment. First district judge denied school districts' motion and then denied school districts' motion for reconsideration. After case was reassigned to a second judge, the United States District Court for the District of Idaho granted school districts' second summary judgment motion. Parents appealed.

The Court of Appeals held that:

- Second judge's procedural error in revisiting first judge's order without conducting manifest justice analysis was harmless;
- Interest in free public education did not give rise to a vested private property interest subject to the Takings Clause;
- Fees did not amount to an exaction in violation of the Takings Clause; and
- Fees were not taken for a public use as required for a Takings Clause violation.

Second district judge's procedural error in revisiting first district judge's prior interlocutory order denying summary judgment to school districts in students' parents' action alleging that payment of fees for educational and extracurricular opportunities within public school district constituted a taking of property under the Fifth Amendment without making necessary conclusion that enforcement of previous decision would work a manifest injustice was harmless, since second judge's decision on the merits of summary judgment motion under the Takings Clause was correct.

Neither students nor their parents could possess, use, dispose of, or sell their interest in free public education as provided by the Idaho Constitution's "free common schools" provision, and thus, interest in free public education did not give rise to a vested private property interest subject to the Takings Clause as would support students' parents' claim alleging that payment of fees for educational and extracurricular opportunities within public school district constituted a taking of property without due process in violation of the Fifth Amendment; public education was a variable product, not a consistent, standalone thing, tangible or intangible, over which student had exclusive dominion, as required minimum standards for public education could be, and had been, altered, modified, or abolished.

Fees charged by school districts for educational and extracurricular opportunities were charged on the happening of a contingency, election to enroll students in certain optional courses with associated fees, and as such, they lacked the direct governmental appropriation of a specific, vested monetary interest necessary to give rise to a per se monetary takings claim.

Fees charged by school districts for educational and extracurricular opportunities did not amount to an exaction in violation of the Takings Clause; fees were equitably paid by students who wished to exercise an option to participate in those activities and classes and not imposed generally on all students whether they participated in such activities or not.

Students parents could not allege that property, money paid for educational and extracurricular opportunities within school districts, was taken for public use, thus precluding claim under the Takings Clause; fees did not benefit the public because they were directly tied to conferral of specific benefits extended to students in exchange for the fees.