

Poyner Baxter LLP - Class action suit seeks refund of unlawfully collected school fees

VANCOUVER, Oct. 5 /CNW/ - A class action suit filed today in the Supreme Court of B.C. against the provincial government claims on behalf of parents a refund of unlawfully collected school fees.

The suit was filed Thursday by the law firm of Poyner Baxter LLP of North Vancouver under B.C.'s "Class Proceedings Act." Such a suit is typically brought in the name of one or more individuals as "representative of a class,"

and, if successful, would apply to every unlawful fee payment collected in the province, past and present.

In today's action, the Statement of Claim cites the father of two North Vancouver students, one currently in Grade 10 and the other in Grade 8. They had been assessed additional fees since kindergarten, and the law suit lists special charges this year totalling \$169.50 for one student, and \$165 for the other.

This follows a Supreme Court of B.C. ruling September 29, 2006 on a Victoria case that these special fees were in contravention of the provisions of the School Act, R.S.B.C. 1996, c. 412. Justice Robert Johnston ruled that the education ministry's fee policy has been incorrectly applied, and that it should permit fees only for supplies such as musical instruments that go beyond the course requirements. "In the same way, if a student enrolls in a course such as woodworking, home economics or art, as part of his or her education program leading to graduation, the school board must provide, free of charge, the materials necessary for successful completion of the course," Mr. Justice Johnston wrote. "If at the end of the class the student wishes to purchase the work he or she has completed, that is a different matter, and the purchase may be negotiated."

The Poyner Baxter Statement of Claim seeks not only reimbursement of all unlawfully collected fees, but also a complete accounting of all past fees collected.

"I think all British Columbia parents should be grateful to Victoria school trustee John Young who courageously challenged the arrogant and unauthorized collection of these fees by school boards, with the implicit or complicit support of the provincial government," said lawyer Jim Poyner. "It is not acceptable to simply forget the injustice that has been done in the past or to deal with complaining parents one at a time."

The complete text of the Statement of Claim can be found at www.poynerbaxter.com.