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Class-action suit about summer school fees OK'd

BY SEAN SULLIVAN, THE PROVINCE APRIL 7, 2011

Parents who paid for their children's summer school classes between 2003 and 2006 may soon have an opportunity to get that money back.

A B.C. Supreme Court judge has given the go-ahead for a class-action lawsuit that could cost the Vancouver School Board up to \$9 million.

The suit hinges on a 2007 B.C. government decision that declared charging fees for summer school to be illegal. Schools were ordered to return all fees charged that year.

For lawyer Jim Poyner and his clients, it comes down to fairness: If fees were determined to be against the School Act in 2007, they should have been forbidden in previous years.

"We are of the view that these charges were unlawful, in that the School Act requires that there be no charges for courses leading to graduation," Poyner said. "They must be given free of charge."

Kids haven't had to pay for summer school courses since the 2007 decision.

"The law has to be obeyed by everyone," he added.

Poyner launched the lawsuit in 2009 on behalf of Sarah and Ali Agha Riazi, whose Grade 9 son failed in 2003 to complete course requirements for his science and English courses at Lord Byng Secondary School.

The boy went to summer school, where the Riazis paid \$274 for each course, a total of \$558.

They want that money back.

The class-action suit only extends back until 2003, as there's a six-year limitation on such proceedings.

Poyner has now filed classaction lawsuits against 26 other school districts in B.C., a move that could put another \$8 million in parents' pockets.

The lawsuit is expected to be certified this week, pending a change in wording requested by the judge.

The Vancouver School Board now has the opportunity to respond to the charges.

If the suit is successful, parents would be able to make claims to have their money returned, Poyner said.

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