



VIA EMAIL  
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To: All Superintendents

On September 29, 2006, the Honourable Mr. Justice Johnston provided his reasons for judgment in the recent case brought by John Young with regard to school fees.

The B.C. Supreme Court found that boards may not charge fees for materials necessary to complete a course that is a necessary part of a student's educational program leading to graduation. The Court stated that "school boards are entitled to charge fees only for materials used that are surplus to what would be necessary for a student to meet the expected outcomes in a course requiring consumption of materials."

The Court provided two examples: "...if a student enrolls in a music course, and requires, for successful completion of that course, a musical instrument for class and home practise, a board may not charge a rental fee for that instrument." Similarly, a board "may only charge fees for use of a musical instrument beyond that which would reasonably be required for a student in a music course that is part of the educational program leading to graduation."

"In the same way, if a student enrolls in a course such as woodworking, home economics or art, as part of his or her educational program leading to graduation, the school board must provide, free of charge, the materials necessary for successful completion of the course."

This means that a board may not offer any course, including elective courses that have fees prohibited by the School Board Fees Order, if that course is providing credits to a student leading to meet the requirements for graduation. For example, in the past some boards have offered two Physical Education courses, one without fees, and one with fees for activities that are part of the course. Boards may not continue with this practice as they may not charge for activities that are part of a course leading to graduation which are necessary for successful completion.

The Court also considered fees for field trips and ruled that no fees can be charged for field trips that are mandatory or where the "field trip is necessary, in the sense that a student will have more difficulty successfully completing the course that gives rise to the field trip." The Court said "If, on the other hand, the field trip is an enhancement on the class or course, not necessary for its successful completion, and attendance is optional, the school may attempt to recover expenses from the students who choose to attend."

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A determination will need to be made about whether or not the field trip is necessary for a student to avoid difficulty in meeting the successful completion requirements for a course.

Boards may continue to charge fees for the purchase of paper, writing tools, calculators, student planners, exercise books, computer diskettes and other school supplies and equipment for a student's personal use, and may require students to provide appropriate personal clothing for school activities, such as, gym strip, footwear, outerwear, and personal safety equipment.

The Ministry will be discussing with school boards the monitoring of fees.

Superintendents are encouraged to read the whole judgment which can be found on the web site at <http://www.courts.gov.bc.ca/Jdb-txt/SC/06/14/2006BCSC1415.htm>

Please ensure that you review your schedule of fees to ensure that they are consistent with the *School Act* and the School Board Fees Order in light of the court's ruling.

Sincerely yours,



Emery Dossall, FdD  
Deputy Minister

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