



Media release – for immediate release

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Homeschool expenses may be reimbursed by Minister of Education: BC Supreme Court

678 words

Burnaby – The legislature has expressly empowered the Minister of Education to enact policies for the reimbursement of homeschooling expenses, the BC Supreme Court confirmed in a recent judicial review [decision](#)

Judge William Veenstra's decision is the culmination of human rights complaints against the Ministry of Education initiated in 2019, over six years ago.

In the complaints, single mother 'Parent W' and her child, 'Child W', claimed that the lack of funding for parent directed education programs creates significant financial barriers to accessing such programs. Due to the lack of funding, the complaints alleged that some families are financially forced to enrol in schools or screen-based programs that cannot meet students' needs and that discriminate against them.

Despite parent-defined education programs being made legal in 1989 in BC, homeschooling families receive no education funding. In contrast, last year public school districts received [per student](#) funding ranging from \$11,601 in Delta to \$41,343 in Stikine and up to [\\$51,300](#) more for each special needs student.

The Ministry of Education convinced the tribunal to dismiss the complaints on the basis that per-pupil funding of registered homeschool students was not permitted by the *School Act*. Given that the decision appeared to ignore the fact that since 2007 the *School Act* has explicitly empowered the Minister of Education to enact policies to authorize the reimbursement of homeschool expenses, Parent W sought reconsideration from the tribunal, and then judicial review in the BC Supreme Court.

The court ultimately upheld the tribunal’s dismissals, but did so on the basis of characterizing the underlying human rights complaints being only about per-pupil operating funding, such that the Minister’s statutory homeschooling expense reimbursement powers would not have changed the outcome of the complaints. Under the court judgment, a challenge to the lack of equal per-pupil operating funding for registered homeschool students would need to take place in a future court *Charter* challenge to the *School Act*, rather than at the Human Rights Tribunal.

However, the court judgment provides useful clarity on the Minister’s legal power over expense reimbursements. Geoffrey Trotter, lawyer for Parent W and Child W, says, “The court judgment confirms that sections 168.1 and 168(2) of the *School Act* and s. 11.2 of the *Independent School Act* expressly authorize the Minister to reimburse s. 13 registered homeschooling educational expenses falling within categories to be designated by the Minister. Despite this, per para. 36 of the court judgment, the tribunal and court were not provided with evidence that the Minister had ever enacted any policies setting reimbursement criteria or processes since these sections were enacted in 2007.”

Parent W says, “BC students are very diverse. The education system is evolving to be more inclusive and respectful of human rights. But schools and screen-based courses cannot accommodate the rights of all students or even guarantee safety, so families need access to homeschooling. The BC *School Act* makes homeschooling parents equal to the minister regarding defining their children’s education program and allows the Minister to reimburse expense. But this never happens. So lower income and single parent families like mine find homeschooling very difficult or impossible financially. Home learner families should apply to the Minister of Education for reimbursements permitted under the BC *School Act*. If the Minister refuses to provide reimbursements or to enact non-discriminatory reimbursement policies, that may constitute discrimination prohibited in the Human Rights Code, which could be the subject of a future human rights complaint.”

Kids First Parent Association of Canada supported the judicial review and continues to advocate for equal educational funding for homeschooling families. The charity’s posted response to the Decision states: “We will insist that the Minister enact policies to implement the homeschooling reimbursement provisions in the *School Act* confirmed by the court and will oppose any arbitrary limit on reimbursements if they fall below the per-pupil operating funding currently provided to public school districts in BC. In our opinion, to arbitrarily limit per-pupil reimbursements just because parents – mostly women – exercise their legal right to provide their children’s education program would constitute discrimination on the basis of sex and family status, among other grounds.”

Contact: Helen Ward; President, Kids First Parent Association of Canada: 604-291-0088, mobile – 604-652-8297. Email: info@kidsfirstcanada.org