

Independent School Fee Refund Guidelines

These guidelines are intended only as guidance. They are not intended to provide legal advice or to supplement or supplant legal advice received by an independent school authority regarding consumer protection or other legal or Ministerial policy requirements that may relate to fees collected by independent school authorities.

Independent school authorities that collect fees for tuition, boarding, or any other purpose are the first point of contact for refunds. Routine refunds at currently operating Group 1, 2, 3, and 4 schools are the sole responsibility of independent school authorities. Independent school authorities are expected to be aware of any applicable Ministry policy requirements and any legal requirements for consumer transactions relating to fee collection and refunds. School authorities should deal with appeals of refund decisions within their own appeal/mediation processes and policies.

The *Independent School Act* does not provide the Inspector of Independent Schools or the Ministry of Education with a role in routine refunds.

As set out under section 12(5) of the Independent School Regulation, in the case of a Group 4 school that has closed or had its certificate suspended or cancelled by the Inspector of Independent Schools, there is a process involving the Ministry of Education for the prorated repayment of fees for courses not taken or completed. Group 4 schools must maintain a bond for this purpose. Notwithstanding this bond, during their first year of operation especially, Group 4 schools are expected to have sufficient funds on hand to make refunds available to students upon closure of the school without having to immediately rely on the security bond. Students of a Group 4 school may apply for a prorated refund under the provisions of the Independent School Regulation and the *Bonding Act* in cases where a school is closed or closes and refunds are not provided. Any portion of the bond remaining after all claims have been processed will be returned to the independent school authority as set out under the *Bonding Act*.

Refund policies should be provided to families before any fees are paid and should be published online or otherwise made available upon request. While it is recommended that all independent schools maintain consistent information regarding refunds, for Group 4 schools there is a specific requirement under section 6(g) of the Schedule to the Independent School Act:

the independent school's educational program, fees, accommodation and policy pertaining to the refund of school fees or other costs must be consistent with any promotional or other informational material published or supplied by the authority.

Refund policies should be fair, transparent and clearly set out:

- under what circumstances refunds will or will not be paid, including closure of the school
- list any non-refundable fees
- deadlines for requesting refunds

The policy for [Establishing an Independent School](#) prohibits schools from collecting fees for multiple years and limits fee collection to only the current and upcoming school year.

Group 1, 2, and 3 schools' refund policy must include the following statement in the first year of operation:

- *The Inspector of Independent Schools expects schools with interim Group 1, 2, or 3 certification to have access to enough cash-on-hand to provide fee refunds in the event that the school fails to open or fails to receive certification after an initial external evaluation inspection or otherwise closes during its first year of operation.*

Group 4 schools' fee refund policy must include the following statement in the first year of operation:

- *The Inspector of Independent Schools expects all Group 4 schools, including start-up schools with interim Group 4 certification to have access – without recourse to the Group 4 Independent School Bond – to enough cash-on-hand to provide fee refunds in full in the event that the school fails to open or re-open, fails to receive initial or ongoing certification after an inspection, or otherwise closes. Ministry of Education and Child Care's administration of a Group 4 independent school bond for the purpose of providing partial refunds can be a lengthy process as it is completed very carefully and within legislatively established timelines. Former students and their parents / guardians are advised that claims will not be assessed until the end of the limitation period (two to three years after the date of school closure) in order to provide equity of access to refunds from the bond to all potential claimants. The timeline for the Ministry's claim review and refund administration process will depend on a variety of factors, including the number and complexity of the claims. Refunds will not be available until a minimum of 2.5 years beyond the date of the school closure, but could take significantly longer. Parents should not rely on prorated refunds derived from this bond for any payment required before the payout of bond monies (e.g. parents should not rely on the partial refund coming from the bond to pay fees at another school).*