

Marie-France Lapierre
Présidente
Conseil scolaire francophone de la Colombie-Britannique
100-13511 Commerce Parkway
Richmond, C.-B. V6V 2J8

March 6th, 2017

Dear Madame Lapierre,

I have been made aware in the past few days that a vote was held by the Conseil scolaire francophone de la C.-B. (CSF) Board to award the space in the new Neighbourhood Learning Center (NLC) of its new school being built in Coquitlam, B.C. Per the press release of your organization dated February 27, 2017, the NLC space has been awarded to an applicant that is named *Les Petits Pionniers*.

It is my understanding that the 2 companies that presently occupy and rent spaces in École des Pionniers submitted applications to rent the space: 1) *Les Ptits Lutins* - a non-profit company that provides a pre-kindergarten education service as well as a daycare service for children 3-5 years old and 2) *Les Petits Pionniers* - a for-profit company that offers a daycare service for children 1-5 years old. Your press release states that the space was awarded to *Les Petits Pionniers*, and the NLC space will welcome a non-profit company, which is inaccurate, and therefore grossly misleading to the public at large. I can only assume that this company will become a non-profit organization with the same name (?) by the time it occupies the NLC space.

In an interview that you provided to Radio-Canada Phare-Ouest on February 27 (7:20 am), you stated that a call for tenders was part of the process to rent the space in the NLC and that the CSF had made known the needed criteria for consideration. I searched the CSF website for that document but, it seems, it is not available to the public. A call for tenders, as you are no doubt aware, is a legal process in B.C. and I am curious if the call for tenders stated that all applicants considering submitting an application for the NLC space would be considered as a non-profit company as long as they committed to becoming a non-profit company if awarded the tender? If applicants were considered a non-profit company (without having a current NPO number) just by promising to become one if they obtained the contract, did the call for tenders state the following or something comparable "that any interested applicants would be considered an applicant as long as they commit to meet the requirements of the CSF (offer a service in French and be a non-profit organization)" in the application process? - If so, applicants such as English speaking, non-profit daycares could have applied by promising to hire Francophone staff and the process would have considered them as applicants as well.

It has been shared that in early January, when the CSF received two applications for the NLC space, both applicants were asked by the Board to submit a comprehensive business plan for the NLC space, which would then be reviewed by a consultant hired by the Board, and the consultant's evaluation would then guide the decision of the Board.

This section of the process was described by you in your second radio interview on Radio-Canada Boulevard du Pacifique February 27, 2017 (4:40 pm). You stated that the evaluation by the consultant turned out to be inconclusive and the Board then requested that each applicant meet for 30 minutes with the Board on February 24, 2017. Following these interviews, the Board debated behind closed doors and reached a decision by voting at some point before February 27, 2017 (date of the press release).

The CSF has 2 policies in place to deal with the allocation of spaces within CSF owned buildings. One is called *Services préscolaires P-703* and another one is called *Utilisation des espaces P-1104*. Each one is accompanied by an administrative document, respectively *Services préscolaires DA-703-1* and *Utilisation des espaces DA-1104*. These documents were last reviewed, sent for consultation with the community and adopted by the Board while I was a Trustee with the CSF.

The document DA-1104 describes in section 1 the criteria to be considered for the purpose of allocating a space in a CSF operated school and are ranked by priority: ie the criteria 1.1 will be considered with a higher priority than 1.2 and so on.

1. Allocation des espaces

L'allocation des espaces cités à l'article 3 des principes directeurs de la [politique P-1104](#) s'effectuera de la façon suivante :

- 1.1. enseignement de la maternelle à la 12^e année;
- 1.2. autres besoins éducatifs du CSF;
- 1.3. programmes Franc-départ (financés par le ministère de l'Éducation);
- 1.4. garderie à but non lucratif pour enfants qui répondent aux critères de la [politique d'admissibilité](#) du CSF;
- 1.5. prématernelle à but non lucratif pour les enfants qui répondent aux critères de la [politique d'admissibilité](#) du CSF;
- 1.6. garderie à but lucratif pour enfants qui répondent aux critères de la [politique d'admissibilité](#) du CSF;
- 1.7. prématernelle à but lucratif pour enfants qui répondent aux critères de la [politique d'admissibilité](#) du CSF;
- 1.8. service de garde avant et après l'école à but non lucratif pour les élèves de l'école du CSF;
- 1.9. service de garde avant et après l'école à but lucratif pour les élèves de l'école du CSF;
- 1.10. autres groupes et sociétés francophones à but non lucratif;
- 1.11. autres groupes et sociétés francophones à but lucratif;
- 1.12. institutions francophones postsecondaires, pour utilisation reliée au programme francophone;

- 1.13. organismes gouvernementaux francophones;
- 1.14. autres utilisations.

Applicant 1: is a non-profit preschool and daycare (category 1.5 and 1.4 in section 1 of DA-1104). Applicant 2: is a for-profit daycare (category 1.6 in section 1 of DA-1104) however is being ranked higher for some unexplained reason.

If both applicants are to offer a daycare and preschool services in the new NLC space and both are considered at the same level for the purpose of the application (a situation that was unexplained in the press release and interviews), section 6 (DA-1104) then helps in guiding the decision to allocate the space.

6. Critères d'évaluation pour l'allocation des espaces

Le CSF établit des critères d'évaluation à l'allocation des espaces aux organismes qui ont le même niveau de priorité énoncé dans la section 1. *Allocation des espaces* de la présente directive administrative.

Les critères suivants peuvent être des facteurs importants lors de la prise de décision du CSF :

- 6.1. Le type de clientèle visé par la demande
- 6.2. Le nombre de la clientèle visée par la demande
- 6.3. L'impact de l'organisation qui utilise l'espace sur la capacité des intervenants à s'épanouir au niveau de la langue et de la culture francophone
- 6.4. L'impact pédagogique que le service peut apporter à l'école
- 6.5. L'interaction avec la communauté-école
- 6.6. La qualité du plan d'affaire de l'organisme fournit avec la demande
- 6.7. Les années de service avec le CSF

Section 6.7 (DA-1104) guides the decision by looking at the number of years in service with the CSF. Applicant 1 has, I believe, around 15 years as a non-profit company operating in a CSF school. Applicant 2 has 0 years of service with the CSF as a non-profit organization (a requirement for allocating the space). Can, in this instance, the years as a for-profit organization operating within a CSF school be considered? Perhaps, but one would have to evaluate if operating a business for profit is the same as operating a business as non-profit (guided by a constitution, bylaws and board members) which for-profit organizations do not have to deal with.

Should the CSF, in a process of allocating spaces in the NLC, consider an application with a promise to obtain a status of non-profit organization by the applicant? The CSF requirement of having a non-profit organization depends then on the applicant to obtain the accreditation of a different governmental agency. If that status is not granted by the move-in date, what happens to the process? Especially in this case where the applicant had already over a year to obtain its non-profit status to fulfill the requirement of the CSF policies, which were part of a consultation process in 2015 and enacted on January 16, 2016.

In summary, it is impossible for me to think that the Board followed and adhered to these policies/documents to guide their decision making process to allocate the space. I also do not believe the CSF has any authority in B.C. to grant the status of non-profit company to *Les Petits Pionniers*. To state that the NLC space will welcome a non-profit company in your press release is, to say the least, grossly misleading to the community when *Les Petits Pionniers* is a registered for-profit company in B.C.

Furthermore, it is clearly stated in section 4 (DA-1104) who has the responsibility in allocating the spaces of a school in the present circumstance - it is with the Principal of the school first (because in the present situation the applicants are in the categories 1.4, 1.5 or 1.6 of section 1) and then, because the present situation requires an official contract between parties; these applications are therefore to be sent to the Head Office of the CSF.

4.1. Toute location d'espace se rapportant aux priorités 1.4 à 1.14 sera sujette à l'approbation de la direction de l'école, et ce, avant toute considération par le secteur des opérations. Les demandes d'utilisation d'espace, qui sont sujettes à un bail officiel ou à un contrat d'utilisation, doivent être faites par écrit à la direction de l'école avant le 1^{er} janvier pour que celle-ci les achemine ensuite au bureau central.

The policy P-1104 then states clearly who at the Head Office is responsible to allocate the space and in the present situation it is the Secretary-Treasurer.

Responsable de la mise en application de la politique

Le secrétaire trésorier ou la secrétaire trésorière est responsable de la mise en œuvre de la présente politique.

Because in the present situation the applicants are in the preschool categories, section 2 of the document DA-703 indicates as well who assumes the responsibility to allocate the spaces and here again it is the Secretary –Treasurer, in collaboration with the Superintendent and in consultation as well with the Principal of the school.

2.2. Le secrétaire trésorier ou la secrétaire trésorière, en collaboration avec la direction générale du CSF et en consultation avec la direction de l'école concernée et le secteur des opérations, assume la responsabilité d'allouer des espaces aux services préscolaires.

The Board, it appears, took it upon itself to make the decision regarding awarding the contract: however the responsibility for making this type of decision lies with the Secretary-Treasurer, the Superintendent, and the Principal per the referenced documents noted above. Since the Board made the decision, the Board would still require derogation to the policies to assume a role of allocator of the space to an applicant. Was such derogation obtained in a public meeting (proper procedure) since I am unaware that such a debate and a vote took place?

In the absence of seeing the consultant's report, it is baffling to me that a consultant was hired, as per your statement, and was paid money (over \$1,000) but was unable to make a recommendation in this process. It is also perplexing that the consultant did not inform the Board that the decision was not the responsibility of the Board to make.

It is clearly written in the policies that the CSF senior staff assumes the responsibility to allocate the space. It is confusing that the Board in this situation made the final decision regarding the allocation of the space, behind closed doors. For sure a redacted information package (hiding personal information but showing what services will be offered) could have been submitted to a public meeting since it is in the interest of the community to know what kind of services will be offered in the NLC space in January 2018. *Les Petits Pionniers*, the for-profit applicant, was awarded the contract to move in 2018, an election year for the Board. I can only assume that none of the 7 elected Board members voiced any opposition to the Board making the final decision despite the policies giving the responsibility to the CSF senior staff to allocate the NLC space.

The funding for the NLC space is given to the CSF by the government. It is the responsibility of the CSF administrative staff to manage that space. It is incomprehensible to me that the Board was allowed to decide who should be able to rent the NLC space. Such an outcome using the process that was followed does not show any confidence in the abilities of the CSF senior staff to assume their responsibilities. In addition, the process followed to make this decision by the Board causes one to question the Board's understanding of its role/responsibilities and its ability to execute this function in a transparent, legal manner.

Regards,

Luc Morin
Former CSF Board Trustee (December 12, 2014 – April 28, 2016)
Vancouver BC