

January 25, 2017

BY EMAIL : [minister.educ@gov.bc.ca](mailto:minister.educ@gov.bc.ca)

Hon. Mike Bernier, MLA  
Minister of Education  
Room 134, Parliament Buildings  
Victoria, BC V8V 1X4

**Re: First steps in implementing the Supreme Court of British Columbia's judgment in *Conseil scolaire francophone de la Colombie Britannique, Fédération des parents francophones de Colombie-Britannique et al v British Columbia***

Dear Minister Bernier:

I write in my capacity as Chair of the Board of Regional Trustees of the Conseil scolaire francophone de la Colombie-Britannique ("CSF"), British Columbia's only French-language school board, which is mandated to deliver French-language education throughout British Columbia pursuant to section 23 of the *Canadian Charter of Rights and Freedoms* ("Charter").

***First steps required to implement Justice Russell's decision***

It has now been four months since Justice Russell released her reasons for judgment in the *Charter* challenge launched by the CSF and the Fédération des parents francophones de Colombie-Britannique ("FPFC-B") and a number of co-plaintiff parents in June 2010. While some portions of this ruling are subject to appeal by the CSF and the FPFC-B and others are under cross-appeal by the Province, a number of the matters decided by Justice Russell have not been appealed. As such, the CSF and FPFC-B's expectation is that implementation of these portions of the decision will begin without delay.

The CSF is appreciative of your Ministry's quick action with regard to the CSF's January 5, 2017 request that the Province support the CSF's request that the 2021 Census be modified to capture data regarding all three categories of rights-holders under section 23 of the *Charter*. The CSF received Ms. Mason's January 24, 2017 letters on this subject, and looks forward to your Ministry's continued support in assisting the CSF to provide more accurate enrolment forecasts, as contemplated in Justice Russell's decision.

It is clear that Justice Russell's decision lays the foundation for a new relationship between the Province and the CSF. Some of the elements of this new relationship can be put in place right away, while others will require longer-term action as the Ministry of Education and other arms of government coordinate medium- and long-term plans.

However, the CSF's officials have identified a number of short-term initiatives, some of which should be in place before the end of the 2016/17 school year, and some of which are required for the beginning of the 2017/18 school year.

***Initiatives required before the end of the 2016/17 school year***

Despite being the fastest growing school districts (in terms of percentage) since its founding in 1995 and despite being the fastest growing school district in actual numbers between 2013 and 2015, the CSF has received very few capital approvals in the past decade. Justice Russell identified the Province's system of ranking the CSF's projects against those of English-language school districts as unconstitutional, and ordered the Province to establish a long-term rolling Capital Envelope to provide the CSF with secure funding to address its need for capital projects across the Province.

Given Justice Russell's community-specific declarations regarding Vancouver (west of Main Street), Abbotsford, Sechelt, and Penticton, and the relative urgency of the situations in these communities, the CSF expects the first year of funding in the long-term rolling Capital Envelope will be announced before the end of the 2016/17 school year, and that the funding in the first year will be sufficient to provide at least for capital projects in Abbotsford, Sechelt, and Penticton (funding already having been announced for Vancouver (west of Main Street) in October 2011).

In addition to announcing the first year of funding in the CSF's long-term rolling Capital Envelope, an announcement of a site for a project in Vancouver (west of Main Street) should be made before the end of the 2016/17 school year. The CSF is appreciative of the efforts that have been made by your officials with officials of School District No. 39 (Vancouver). The CSF will also require assistance in securing a lease with School District No. 34 (Abbotsford) in order to launch a French-language program for the 2017/18 school year.

Justice Russell held that the lease funding freeze imposed by the Province since the 2014/15 school year (freezing lease funding at 2013/14 levels) was unconstitutional. Since that time, the CSF's lease costs have continued to increase as enrolment has grown at its schools operating in leased space, or as English-language school districts have increased rental rates as short-term leases have been renewed. In order to give effect to Justice Russell's ruling, the CSF requires reimbursements of its lease costs in excess of \$1.69 million before June 30, 2017 (the end of the CSF's current fiscal year).

In addition, in order to give effect to Justice Russell's decision with regard to compensation for the chronic underfunding of the CSF's transportation system from the 2001/02 school year to the 2011/12 school year, the CSF requests payment of the first instalment of \$600,000 in *Charter* damages before June 30, 2017. While the CSF understands that the Province has cross-appealed this portion of Justice Russell's order, no stay has been issued by the Court of Appeal. To the extent that Justice Russell's conclusions are overturned on appeal, the CSF's future operating grants can certainly be adjusted for any required reimbursement.

***Initiatives required before the beginning of the 2017/18 school year***

The CSF expects that by the beginning of the 2017/18 school year, the Province will be in a position to announce sites for the capital projects required to respond to Justice Russell's declarations regarding École du Pacifique in Sechelt, and École Entre-lacs in Penticton.

In addition to these projects, in the 2017/18 school year, the CSF will require assistance renegotiating its leases with School District No. 8 (Kootenay Lake) (École des Sentiers-alpins); School District No. 19 (Revelstoke) (École des Glaciers); School District No. 38 (Richmond) (École des Navigateurs); School District No. 48 (Sea to Sky) (École La Passerelle and École de la Vallée de Pemberton); School District No. 73 (Kamloops) (École des Collines-d'or); and School District No. 82 (Coast Mountains) (École Jack-Cook). In all of these districts, the CSF operates on short-term leases. In many of these districts, the Ministry of Education's assistance will also be required in order to secure more suitable space from which the CSF can offer its programs.

The CSF expects to require the Ministry's assistance in renegotiating its leases with non-school district landlords. Specifically, the CSF currently leases space from the Resort Municipality of Whistler (administrative and instructional space for École La Passerelle), the Squamish-Lillooet Regional District (instructional and physical education space for École de la Vallée de Pemberton), Jericho Road Church in Port Alberni (École des Grands-Cèdres), and the Atchelitz Farmers Institute in Chilliwack (physical education space for École La Vérendrye).

As each of the leases with the school districts and community organizations noted above comes to term, the CSF expects to require your Ministry's assistance to secure more appropriate leasing conditions that will give the CSF, and the families whose children attend its schools, more certainty going forward. For instance, the CSF will also need greater certainty with regard to its access to amenities in spaces that are shared with English-language schools or other organizations. The CSF expects that your officials will want to take the lead in these negotiations. However, the CSF will of course remain involved throughout the process given it is the intended beneficiary, notably by providing information as to the CSF's pedagogical and operational needs, or other assistance as required.

Additionally, the CSF will require operating funding to launch Franc-Départ (Strong Start) programs in Rossland at École des Sept-sommets and in Prince George at École Franco-nord, and to offer full-time Franc-Départ programs in Delta at École du Bois-joli, in Penticton at École Entre-lacs, in Nelson at École des Sentiers-alpins, and in Campbell River at École Mer-et-montagne (part-time programs are currently offered in these communities). The CSF has sufficient space in these communities to offer a Franc-Départ, such that the Province must fund these programs given Justice Russell's conclusion that Franc-Départ programs now form part of the K-12 system in British Columbia.

***Other initiatives for the 2017/18 school year and beyond***

In addition to the short-term initiatives identified above, my officials will work with your officials to implement the CSF's longer term priorities, particularly as regards future years of the long-term Capital Envelope ordered by Justice Russell.

As identified in the School District Facilities Plan that the CSF submitted in November 2015 and updated in the Fall of 2016, there are currently a number of communities across British Columbia that are under-served by the CSF, either because the existing CSF school in the region is over-crowded or not sufficiently accessible, or because there is no CSF school in the area.

To this end, in addition to planning by way of the CSF's long-term Capital Envelope for expansion projects in communities like Surrey, Langley or North Vancouver, it will be important for the Ministry of Education's officials to work with the CSF's officials to identify the requirements for Ministry of Education support for opening "starter" CSF programs in new communities like Vernon and Pitt Meadows.

Furthermore, the CSF currently has two leases that extend beyond the 2017/18 school year and may require your Ministry's assistance in renegotiating those leases; the first with School District No. 61 (Victoria) (elementary and secondary annex space for École Victor-Brodeur), and the second with Capilano University in Squamish (École Les Aiglons).

I look forward to hearing further from you on this matter. In the meantime, if you require further information, please contact Mr. Sylvain Allison, the CSF's Secretary-Treasurer.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lapierre', is placed over a light grey rectangular background.

Marie-France Lapierre  
Chair

cc. Shanna Mason, Assistant Deputy Minister – Planning and Major Projects Division  
Ryan Spillett, Executive Director – Capital Delivery Branch  
Sylvain Allison, Secretary-Treasurer, School District No. 93 (Conseil scolaire francophone)  
Bertrand Dupain, Superintendent of Schools, School District No. 93 (Conseil scolaire francophone)