



October 11, 2018

Ref: 204159

Marie France Lapierre, President
Conseil scolaire francophone de la Colombie-Britannique
Email: info@csf.bc.ca

Dear Ms. Lapierre:

Thank you for your letter dated June 27, 2018, to accompany your 2019/20 Annual Five Year Capital Plan submission.

As you know, the Ministry of Education requires that all Boards of Education and the Board of Regional Trustees prioritize the needs identified in their capital plan submissions to allow the Ministry to effectively prioritize projects within the Ministry's overall capital plan.

Accordingly, the Ministry appreciates that you have submitted your capital plan with the projects prioritized. However, given that the decisions about how to rank the projects on your capital plan submission were made by the Board of Regional Trustees, in our view, the title of the prioritized column "Project Priority (MOE)" is not accurate; it wrongly suggests the Ministry was involved in those decisions.

The Ministry is aware that you disagree with the requirement to prioritize; however, the BC Court of Appeal has recently upheld the requirement to prioritize as constitutional, even where projects are sought to remedy breaches of minority language education rights. Neither of those facts changes the reality that it was the CSF, not the Ministry, which determined how to prioritize the projects identified on your 2019/20 capital plan. Consistent with the Court of Appeal's reasoning on this issue, the Ministry maintains that it is important for the Board of Regional Trustees to acknowledge that it made the prioritization decisions, based presumably, on the factors and principles that guide the CSF's capital planning process.

With respect to your requests concerning the CSF's capital funding envelope, as you are likely aware, the BC Supreme Court decision requiring the Ministry to create a separate funding envelope expressly did not specify a dollar amount, nor did it prescribe how funds were to be allocated to the envelope. The amount of funding is managed by the Ministry based on the project values in your capital plan submission, in consideration of what the CSF could reasonably deliver, given available school sites and construction timelines, as well as the actual costs of projects. The Ministry will review the allocation of funds to the envelope annually through its capital planning process, and in that review process, the knowledge gained through the regular operational meetings and communications between Ministry and CSF staff will be taken into consideration.

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It is also important to address the concept of flexibility as you describe it in your letter, since it is a complex matter in capital planning. In order to plan ahead effectively, the Ministry requires a prioritized district capital plan to inform the Ministry's capital plan. When a new priority is identified outside of the regular capital planning process, it creates a situation where the Ministry must reconsider the projects previously supported and decide which of those projects should proceed and; therefore, which project will not go ahead if the new priority is to be accommodated given the finite funding available each fiscal year.

The Ministry of Education recognizes that properties in Surrey, and, in fact, in many places that are developing, are difficult to acquire and if available, they often come at a significant cost. Had the Ministry supported the CSF in acquiring the South Surrey property, at an approximate value of \$20 million, that change would have meant another CSF project, for example, one of the schools in Vancouver West of Main or Penticton would have to be delayed. If a property in Surrey is truly the highest CSF priority, then this should be reflected in the CSF capital plan. However, the Ministry must work within its approved capital spending targets as established in government's budget cycle. The Ministry cannot overspend in a given year or within its fiscal plan, and; therefore, cannot unilaterally increase the amount of its funding to accommodate new or additional projects within the same cycle. As a result, project prioritization and good planning are imperative, and, in our view, the Ministry and the CSF must work together to deliver on those priorities identified in the Supreme Court's judgement first before addressing other communities.

Thank you again for the submission of your 2019/20 Annual Five Year Capital Plan, and for the efforts of the CSF staff and Ministry staff to resolve issues and to advance projects for the CSF.

Sincerely,



Rob Fleming
Minister

pc: Sylvain Allison, Secretary Treasurer, Conseil scolaire francophone
Reg Bawa, ADM, Resource Management Division, Ministry of Education
Joel Palmer, Executive Director, Ministry of Education
Ryan Spillett, Director, Ministry of Education
Rachelle Ray, Regional Director, Ministry of Education