



June 22, 2019

Honourable Robert Fleming  
Minister of Education  
PO Box 9045 Stn Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Fleming,

**RE: Submission of the Conseil scolaire francophone de la Colombie-Britannique's (CSF) 2020/21 Five Year Capital Plan**

Please find attached the CSF's 2020/21 Five Year Capital Plan submission, which has been unanimously approved by the elected Board of Regional Trustees (CSF's Board). The CSF's 2020/21 Five Year Capital Plan has been prepared in accordance with the requirements set out by the Capital Management Branch of the Ministry of Education (the Ministry) in the *Capital Plan Instructions: Five Year Capital Plan Submission for 2020/21*, dated March 2019 and updated April 2019.

In prior years, the CSF has submitted Project Request Fact Sheets (PRFS) or Project Identification Reports (PIR) for each of the priority capital projects detailed in the annual Five-Year Capital Plan submissions. The CSF has been advised by the Capital Management Branch that it is not necessary to resubmit or revise the PRFS submissions supporting the prior years' Capital Plans, and to only submit a PRFS if there is new information or where the CSF has prioritized a new project. On February 8, 2019, as a result of various urgent issues that have arisen related to the CSF's leased facilities in the Sea-to-Sky corridor, the CSF submitted a PRFS dealing the CSF's requirements in Pemberton, Whistler and Squamish. For the Ministry's 2020/21 Capital Plan intake, the CSF is also submitting a PRFS for a site acquisition and the expansion of École Collines D'or in Kamloops from a kindergarten to grade 7 school to a kindergarten to grade 12 school. Therefore, the CSF's 2020/21 Five-Year Capital Plan is supported by a PRFS for the Sea-to-Sky Corridor and a PRFS for Kamloops.



The Ministry is aware that the CSF has urgent needs throughout the province that must be satisfied in order for the CSF to fulfill its constitutional mandate to offer French-first language education pursuant to section 23 of the *Canadian Charter of Rights and Freedoms* (the *Charter*). In this regard, the CSF's 2020/21 Five-Year Capital Plan submission sets out the projects required by the CSF in order to deliver constitutionally mandated French-first language education in British Columbia of equivalent quality to that offered by English language school districts. From the perspective of the CSF's Board, all of the projects set out in the plan are crucial to the equitable delivery of French-first language education services to the CSF's constituencies across the province.

Furthermore, it is in the interest of the Ministry of Education, English language school districts and British Columbians with school age children to resolve the CSF's infrastructure needs. Currently, many students that are eligible to attend a school of the CSF are unable, or choose not, to attend CSF schools due to lack of space, space that is not equivalent to the English majority school districts, or because a CSF program is not available in their community. When these students are able to attend a CSF school, space will be freed up in the English language schools, including immersion classes, which are in such high demand. Furthermore, by increasing the number of secondary school graduates from the CSF, the Ministry of Education is creating a pool of French speaking students that may choose to enter into a teaching career in British Columbia, thereby alleviating some of the pressure to recruit French speaking teachers. Clearly, there are significant benefits to the educational system when the CSF's capital plan is implemented.

**The CSF's Board continues to use the same set of principles that were established to help prioritize the projects set out in the 2018/19 and 2019/20 Five -Year Capital Plans**

The CSF has applied the same principles set out in the cover letter to the Minister of Education accompanying the 2019/20 Five-Year Capital Plan submission, in the development of the 2020/21 Five- Year Capital Plan submission.

First, as was the case for 2019/20, the CSF has prioritized each of the projects in this Capital Plan submission because it is a requirement set out by the Ministry in the Capital Plan Instructions, and is necessary for the CSF's projects to be considered during the Ministry's and government's 2020/21 budget process. However, it remains the CSF Board's position that it provides such a list under protest and does not consider the prioritized capital plan to be a true reflection of the urgency that the CSF's lack of school infrastructure places on its ability to delivery constitutionally required services to the francophone community in British Columbia. All of the capital projects presented in the 2020/21 Capital Plan are required in order for the CSF to offer education to rights



holders in British Columbia of a quality that is equivalent to that of the English language school districts.

A second important principle for the CSF's Board is to prioritize projects based on Justice Russell's judgement provided on September 26, 2016. Each of these projects are identified as a first priority for the CSF and are listed for the Ministry of Education as J-1 through to J-9 in the CSF's 2020/21 Capital Plan. The CSF expects these projects to be identified by the Ministry as a priority for the 2020/21-2022/23 capital funding envelope identified in the Ministry's capital budget in the Government of British Columbia's 2020/21 Fiscal Plan. These projects alone total approximately \$34.9 M in 2019/20; \$66.7 in 2020/21; \$87.4 M in 2021/22 and \$102 M in 2022/23, far exceeding the current rolling capital funding envelope allocated to the CSF in Government's 2017/18 Fiscal Plan of \$52.7 M, which has not been increased despite the fact that the CSF's capital funding requirements over three years, including the current year, for the judgement communities only was over \$96 M in last year's capital plan submission and is over \$189 M in this year's capital plan submission.

As we advised in last year's capital plan submission letter, the Ministry and the CSF have made significant progress in identifying sites for many of the communities identified in the judgement of Justice Russell, and the \$52.7 M allocation will likely be fully expended this fiscal year. Therefore, it is imperative that the Ministry of Education obtain approval to provide a substantial and regularly increasing rolling capital budget envelope to the CSF, reflected in every year of the Ministry's 2020/21-2022/23 capital funding envelope, in the Government of British Columbia's 2020/21 Fiscal Plan.

A third guiding factor for the CSF's Board is to prioritize projects based on what can reasonably be achieved within the Five-Year Capital Plan. Highest priority has been given to projects that could start within the first three years of the 2020/21 Capital Plan, and/or where there is significant operational need for increased or new space for French-first language programming. The objective of this principle is to maximize the number of projects that could be started each year within the capital funding envelope as projects that are feasible and ready to start are prioritized.

The final and very important guiding principle is that of flexibility to proceed with projects that are identified in the CSF's Five-Year Capital Plan submission. This principle acknowledges that the provincial nature of the CSF's service delivery model is unique, and opportunities that are currently unknown are likely to arise outside of the Ministry's annual capital budgeting processes. In recognition of the unique situation of the CSF, the CSF expects that if a site or leasing opportunity arises outside of the Ministry's annual capital approval process, but is deemed by the CSF's Board to be as high a priority as an approved or supported project, Ministry officials will



work with the CSF to review and approve the business case of the emerging project. The CSF has been advised that one of the key obstacles to allowing flexibility in the implementation of the CSF's Capital Plan for the Ministry is the amount of the annual capital allocation the Ministry has allocated to the CSF. Indeed, in your letter dated October 11, 2018 addressed to the former Chair of the CSF's Board, Marie France Lapierre, you state:

“[T]he concept of flexibility . . . 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.”

Respectfully, if the CSF's Board decides that there is a priority project that can be acted on immediately and wishes to pursue this project over a project that has been previously supported by the Ministry, this decision should rest with the CSF's Board and not the Ministry. Furthermore, the CSF does not have any visibility into which projects the Ministry has supported for funding within the CSF's \$52.7 M capital funding envelope in a given year. These decisions are made by the Ministry and the actual annual allocation of the \$52.7 M envelope has never been discussed with, or communicated to, the CSF. In effect, the Ministry is making decisions about how the CSF's \$52.7 M capital envelope will be managed and applied, without any regard to the CSF's current operational priorities or decisions made by the duly elected Board of Regional Trustees.

Furthermore, if there is an opportunity to purchase a school site in an area where land is at a premium and is difficult to come across, it is the CSF Board's expectation that the Ministry will work with the CSF to purchase such property. In this regard, it is very unfortunate that the Ministry was unwilling to consider the CSF's request to purchase approximately 5.5 acres of Crown land being disposed of by BC Hydro located in the area of the 1800 block Kings and Haultain in Saanich. You may recall, Minister Fleming, that the former Chair of the CSF's Board wrote to you on October 1, 2018 requesting the Ministry's assistance to acquire this site. In this letter, you were advised that the CSF has identified an urgent need for a school site on the east side of Greater Victoria in its annual Capital Plan submissions to the Ministry since at least 2009/10. However, on December 6, 2018 you responded advising that the Ministry would not support the purchase of this site as “available capital funding continues to be focussed directly on the priority communities identified in the court decision.” While the CSF agrees that it is important to focus on the judgement communities, the Ministry must recognize that the CSF's operational priorities are not static; additional urgent priorities have developed since the court documents were first

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filed in 2010. Furthermore, it is the position of the CSF that all the communities listed in the Capital Plan submission are priorities, that the CSF's Board should be able to make decisions about whether an immediate opportunity in non-judgement community should be considered for funding given current operational realities, and that these decisions can be taken outside of the Ministry's capital planning cycle.

The decision by the Ministry to not support the purchase of site on the east side of Greater Victoria has now resulted in a crisis for the francophone community in the École Beausoleil catchment area. École Beausoleil is located in the former Sundance Elementary School and is owned by the Greater Victoria School District ("SD 61"). Until the summer of 2018, the CSF had a short-term lease for this facility with SD 61; however, the lease has not been in effect since the summer of 2018 and SD 61 has refused to renew the lease, which caused significant uncertainty over the past school year about the CSF's ability to continue to offer French-first language education programming at this location. It now appears these concerns were warranted as, in May 2019, the CSF became aware of a recommendation resulting from SD 61's catchment boundary review that has created an emergency situation for the CSF. In particular, in the Overview of Proposed Changes set out in the GVSD/SD 61 Catchment Boundary Review document, it states that "[t]he current Oaklands Elementary boundary would be reduced. The former portion is proposed to become the Bank St. School catchment" and that "[t]he facility on Bank St. would open up as an elementary school in 2020." This proposal creates a significant problem for the CSF, as there are no alternative school sites or facilities identified from which to operate École Beausoleil, and SD 61's proposed timeline to reopen the Bank Street school offers very little time for the CSF to work with the Ministry of Education to locate, secure and establish a new school.

The Ministry's refusal to approve the acquisition of the former BC Hydro site is particularly short-sighted given that the CSF has identified the urgent need for a school on the east side of Victoria in its capital plan submissions since at least 2009/2010. The former BC Hydro site was extremely well situated within the CSF's current catchment area served by École Beausoleil. This is just one example of the Ministry making decisions about the CSF's \$52.7 M capital funding envelope without fully considering the CSF Board's current operational requirements, which has now resulted in absolutely dire consequences for the CSF and the francophone community in Victoria, particularly if the CSF is unable to find a suitable location to relocate its school. In order to have better outcomes and avoid the Ministry creating crises for the CSF by making unilateral decisions, the CSF's Board proposes that the Ministry consult and collaborate with the CSF on how the CSF's \$52.7 M envelope will be allocated over a three-year period in the Ministry's Capital Plan.



In summary, the CSF's Board would like to reiterate three key points:

1. The CSF's Capital Funding Envelope needs to be significantly increased in order to achieve the priorities set out by Justice Russell and the CSF's current operational priorities to provide French-first language education.
2. The CSF expects the Ministry to be flexible in consideration of new or emerging priorities, identified and approved by the CSF's Board, in the implementation of the 2020/21 Five-Year Capital Plan.
3. In order to facilitate greater flexibility and collaboration in the implementation of the CSF's 2020/21 Capital Plan, the CSF's Board requests that the Ministry consult the CSF regarding the allocation of the \$52.7 funding envelope in each year of the Ministry's three-year capital plan before the Ministry's budget is finalized.

The CSF would be pleased to meet with you to discuss the matters set out in this correspondence.

Sincerely,

Marie-Pierre Lavoie  
Chair

cc: Sylvain Allison, Secretary Treasurer

Attachment: CSF 2019/20 Five-Year Capital Plan Submission