



Access to French First-Language Education in British Columbia

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To the

Standing Senate Committee on Official Languages

As Part of its Study on the Challenges Associated with  
Access to French-Language Schools and French Immersion Programs in British Columbia

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# 1 Introduction

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## 1.1 Purpose

[1] The purpose of this brief is to inform the Standing Senate Committee on Official Languages (“the Committee”) about the realities and challenges regarding French first-language education in British Columbia (“BC”), particularly those of the Conseil scolaire francophone de la Colombie-Britannique (“the Board”), as part of the Committee’s study on the challenges associated with access to French-language schools and French immersion programs in the province.

[2] This brief is in three parts. The first provides an overview of BC’s francophone community and the establishment of the Board. The second presents the Board initiatives funded by the federal government. The third presents initiatives that the Board would like to implement with federal funding but for various reasons is not currently able to do so.

## 1.2 Overview of BC’s francophone community

### 1.2.1. *My personal experience with BC’s francophone community*

[3] I am originally from Tingwick, a village in Quebec’s Eastern Townships. I moved to Prince George, BC, after I graduated from university and worked briefly for a company. My plans were to travel and improve my English, but that is where I met my wife, an anglophone from northern BC, and I moved to Prince George.

[4] We have two children, Jacob and Xiana. Because we lived in Prince George when my two children were young and my wife is an anglophone, it was difficult to pass on the French language to them. Before Jacob began attending French-language daycare, he never spoke to me in French. Fortunately, our two children have been able to access excellent French first-language education from daycare to secondary.

[5] The primary school in Prince George was homogenous, meaning that the school belonged entirely to the francophone school board and only French was taught, obviously except for English second-language classes. We moved to Richmond when I became the Assistant Secretary-Treasurer of the Board just before Jacob began secondary school, which allowed him to transfer from a homogenous primary school to BC’s only homogenous secondary school, École secondaire Jules-Verne.

[6] Jacob has now graduated from secondary school and just started first year at the University of Ottawa, in a French-language program, and he is also a House of Commons page. Thanks to his education in Board schools, he is now fluently bilingual and a full-fledged member of the francophone minority community. Xiana is still in secondary school and is also bilingual.

### 1.2.2. *The Board and BC’s francophone community*

[7] The Board has had management and control of French first-language K–12 education in BC since 1995. The following timeline presents BC’s francophone community’s long journey to have their children educated in schools managed *by* the community *for* the community. Despite the tremendous strides made by BC’s francophone community in terms of K-12 education, the Board is still at the launch stage, and persistent challenges and problems prevent the

community from providing their students with the same quality of education received by majority students. These challenges are outlined in detail below.

[8] The following is a brief timeline of BC French first-language education milestones starting in the 1970s:

- 1977** The BC government announces the creation of a French-language education program to start the following year, nearly 100 years after the public school system was established.
- 1979** The “Programme-cadre de français” (“PCDF”) is established; 232 students are enrolled in nine programs under the jurisdiction of English-language school boards.
- 1982** The Charter is adopted: under section 23, official-language minorities are entitled to have their children educated in their mother tongue where numbers warrant.
- 1983** BC’s first homogenous francophone public school, École Anne-Hébert, opens in Vancouver.
- 1985** On a suggestion by the Minister of Defence, the PCDF in Victoria and the program already delivered on the military base in Victoria are combined to create the province’s second homogenous francophone public school, and the largest with 207 students, École Victor-Brodeur.
- 1989** For the first time, the provincial *School Act* includes a clause defining the rights of francophone parents under section 23 of the Charter.
- 1990** In *Mahé v. Alberta*,<sup>1</sup> the Supreme Court of Canada acknowledges that linguistic minorities have a “right to management and control” over education and French first-language schools where numbers warrant; this decision results in the creation of minority school boards across the country, although getting this decision implemented in BC will require parents to launch another court challenge.
- 1995** The province introduces regulations establishing the Francophone Education Authority (“the FEA”). The powers of the FEA are limited and not those of a full-fledged school board. For instance, the FEA is not empowered to acquire sites or schools.
- 1996** August 19 – Decision by Justice Vickers of the Supreme Court of British Columbia in a court challenge reactivated in 1994, a victory for parents.<sup>2</sup>
- 1997** The *School Act* is amended to give the Board the power to acquire and sell its own schools.
- 1997** March 19 – the Canada–British Columbia special agreement on the implementation of francophone school management is signed by the BC Ministry of Education and

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<sup>1</sup> [1990] 1 S.C.R. 342.

<sup>2</sup> *L’Association des parents francophones de la Colombie-Britannique et al v. British Columbia* (1996), 27 BCLR (3d) 83 (SC).

the Department of Canadian Heritage. This agreement is conditional on BC implementing Justice Vickers' ruling without appealing the trial decision.

- 1998** March 27 – Following the second court challenge brought by parents, the BC Cabinet amends the regulations governing the Board, giving it province-wide jurisdiction as of July 1, 1999.
- 1998** November 23 – BC Supreme Court Justice Vickers rules on the second court challenge launched in December 1997. Regulations are brought in to establish a mediation process to resolve disagreements between the Board and anglophone school boards during negotiations on service agreements (space leases, school transportation, loaned staff, etc.).<sup>3</sup>
- 2010** The Association des parents de l'école Rose-des-vents ("APÉ RdV") sues the Board and the Province.
- 2010** With the Fédération des parents francophones and a parents' group as plaintiffs, the Board launches a court challenge to force the provincial government to honour its constitutional duties and provide it with the resources to fulfill its obligations.
- 2015** April 24 – The Supreme Court of Canada hands down a unanimous decision in *APÉ RdV and Conseil*, setting criteria for determining substantive equivalence.<sup>4</sup>
- 2015/16** Over 5,500 students are enrolled in Board schools.<sup>5</sup> The Board operates 37 schools,<sup>6</sup> of which 16 are in Board-leased facilities.
- 2016** February 29 – BC Supreme Court Justice Russell reserves her decision on the 2010 court challenge. The proceedings last 238 days of hearings, and 1,601 exhibits are submitted.

[9] Since the Board's establishment in November 1995, enrolments have almost tripled. The Board has been BC's fastest-growing school board in recent years, in terms of both percentage growth and the number of new students enrolled per year. If the Board were able to obtain the infrastructure that the community needs and is entitled to, its enrolments should more than triple over the next 20 years.

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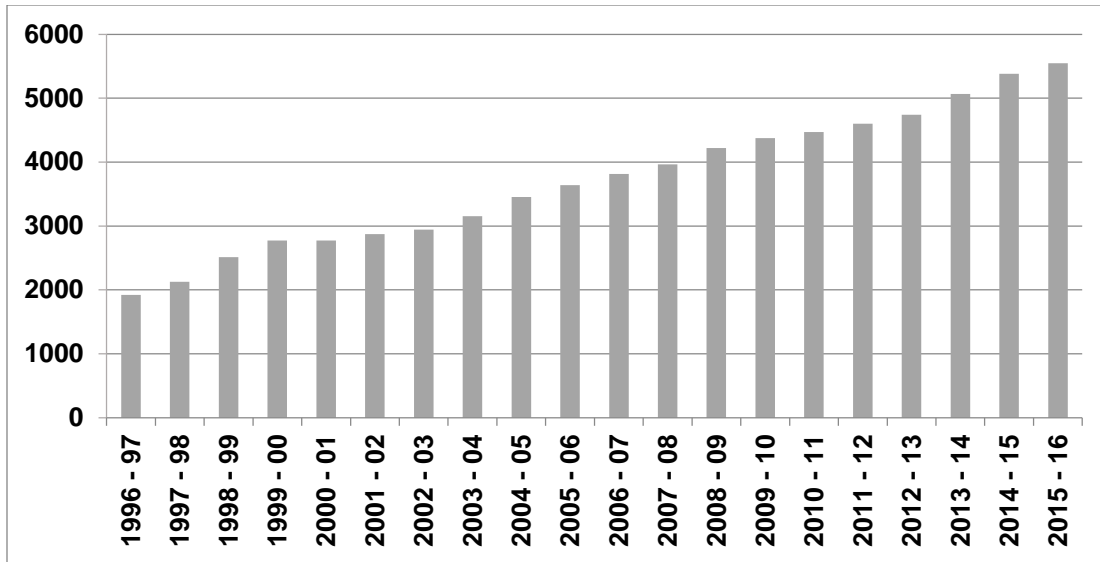
<sup>3</sup> *L'Association des parents francophones de la Colombie-Britannique et al v. British Columbia* (1998), 61 BCLR (3d) 165 (SC).

<sup>4</sup> *Association des parents de l'école Rose-des-vents and Conseil scolaire francophone de la Colombie-Britannique v. British Columbia (Education)*, 2015 SCC 21.

<sup>5</sup> Conseil scolaire francophone de la Colombie-Britannique, online: <<https://www.csf.bc.ca>>.

<sup>6</sup> Conseil scolaire francophone de la Colombie-Britannique, "Écoles," online: <<https://www.csf.bc.ca/ecoless>>.

**Graphic 1 Board Enrolments, 1996–97 to 2015–16**



[10] The Board is pleased to see that the Senate Committee is interested in BC's francophone community, which is rapidly growing as francophones move to BC from the other provinces and around the world.

[11] For more information about the Board, see its latest annual report for the 2014–15 school year under **Tab 1** and the English version under **Tab 2**. **Tabs 3 to 6** contain maps showing the catchment areas for the Board's schools in Victoria, Vancouver, Whistler and Pemberton.

## **2 Federal funding has allowed the Board to build several community spaces in its French-language schools and deliver innovative educational programs**

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[12] The Board is delighted to receive federal support to build community spaces and funding to cover the additional costs of minority-language education. This funding has been immensely useful to BC's francophone community since the Board was created in 1995.

### **2.1 Community spaces built in BC with the help of federal infrastructure funding**

[13] In March 2002, the BC Ministry of Education and the Department of Canadian Heritage signed the *Canada – British Columbia Auxiliary Agreement on Capital Projects*.

[14] This auxiliary agreement provided \$15 million between 2001–02 and 2007–08 to build community spaces in Board schools, spaces that would never have been funded otherwise under the provincial building code standards for schools.

[15] Under this auxiliary agreement:

- a. The Board built space for the daycare, a theatre and a multipurpose room for phys. ed. and a stage in the gymnasium of École Gabrielle-Roy in Surrey (K-12). These spaces would not have been possible without the federal government's \$2 million investment (**see the annotated floorplan under Tab 7 to identify spaces that received federal funding**).

In 2016, École Gabrielle-Roy, which opened in 2003, is now over capacity with five portables to provide more space. As a result, the Board is looking for at least one new school so it can split the school's current catchment area.

- b. The Board built space for pre-K, a community centre, a theatre hall, and a bigger library and gym than provided under provincial standards at École André-Piolat (K-12) in North Vancouver. These spaces would not have been possible without the federal government's \$1.5 million investment (**see the annotated floorplan under Tab 8 to identify spaces that received federal funding**).

In 2016, École André-Piolat, which opened in 2004, is now over capacity. As a result, the Board is looking for at least two new schools so it can split the school's current catchment area into three.

- c. The Board built a theatre, expanded the library, and built a larger library and gym than provided under provincial standards at École secondaire Jules-Verne (7-12) in Vancouver. These spaces would not have been possible without the federal government's \$4.5 million investment (**see the annotated floorplan under Tab 9 to identify spaces that received federal funding**).

In 2016, École secondaire Jules-Verne, which opened in 2008, is now over capacity. The Board is looking for another secondary school in Vancouver so it can split the school's current catchment area into two.

- d. The Board built an arts centre, daycare space, pre-K and before and after-school care at École Victor-Brodeur (K-12) in Victoria. These spaces would not have been possible without the federal government's \$3 million investment (**see the annotated floorplan under Tab 10 to identify spaces that received federal funding**).

In 2016, the school, which opened in 2007, is now well over capacity, and the Board is leasing two other school buildings in Victoria to ease overcrowding. The Board is looking for at least two schools in Victoria so it can split the school's current catchment area.

[16] Under the 2002 auxiliary agreement, the Board has received federal funding for two construction projects in Campbell River and Port Coquitlam.

- a. For Campbell River, the Board received \$1.2 million in 2009 from Canadian Heritage to renovate the gymnasium of the former English-language school and add space for a daycare and pre-K classroom. Without this funding, the new primary school would not be able to properly serve the needs of Campbell River's

francophone community (**see the annotated floorplan under Tab 11 to identify spaces that received federal funding**).

In 2016, École Mer-et-Montagne (K-8) in Campbell River, which opened in 2011, is now over capacity and already has two portables. The Board has asked the Ministry of Education for funding to expand the school so it can be converted to a K-12 school with a larger capacity.

- b. For Port Coquitlam, the Board received \$3.6 million in 2016 from Canadian Heritage to build pre-K classroom spaces and a community centre with a kitchen, as well as expand certain public spaces inside the building (**see the annotated floorplan under Tab 12 to identify spaces that received federal funding**).

In 2016, École des Pionniers (K-12) in Port Coquitlam, is now over capacity and has three portables. The new school, currently under construction, will be over capacity as soon as it opens, given the sheer size of its catchment area. The Board is looking for at least four new schools in order to split this catchment area.

## 2.2 Innovative educational programs established by the Board with federal funding to cover the additional costs of providing minority-language education

[17] Bilateral agreements between the Department of Canadian Heritage and the BC Ministry of Education to provide the Board with federal funding (“the Agreement”) for the last two periods (2009–2013 and 2013–2018) have allowed the Board to support a wide variety of innovative educational programs to foster the development of BC’s francophone community.

[18] For example, federal funding has allowed the Board to

- a. provide full-time Kindergarten until the BC government commits to funding a similar program for all students in the province
- b. provide the International Baccalaureate program in secondary school, which has improved the Board’s secondary school student retention rate
- c. offer a range of secondary courses through École virtuelle, a virtual school that enables Board students to take online courses in French during the school year, another initiative that has helped the Board’s secondary student retention rate
- d. run a pilot project to begin bringing 4-year-olds into Board schools, starting with four schools
- e. offer new vocational and trades training in the Board’s secondary schools, which has improved the Board’s secondary school student retention rate
- f. use online learning technologies by expanding its program to get all Grade 4-12 students using laptops
- g. incorporate French-language culture into daily activities as a way to develop the students’ cultural identity



[19] The Board appreciates the funding for these projects, although it still needs project funding. The Board requires more funding to expand the scope of these programs.

### **3 Despite the success of federally funded projects, the Agreement does not fully address the needs of BC's francophone community**

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[20] The Board is very grateful for the federal funding received to date, and it needs this funding not only to continue innovating in the area of second-language instruction, but also to provide its students with good-quality infrastructure.

[21] However, while the Agreement was a significant development for BC's francophone community in the 1990s, it does not adequately address the community's needs or the legal duties of the Department of Canadian Heritage or the BC Ministry of Education.

[22] Although the Board was "consulted" by the Ministry of Education on the development of the Ministry's action plan, the Board did not approve it and believes that certain federally funded programs should be covered by the Province, thereby freeing up federal funding to implement new, innovative educational programs.

[23] The Agreement allows the BC Ministry of Education to set primary and secondary educational priorities and designate programs and initiatives to be paid for with federal funds.

[24] The solution is simple: the Board should become a party to the upcoming bilateral agreement. This is the solution promoted by the Board in conjunction with the demand by the Fédération nationale des conseils scolaires francophones ("FNCSF") for an additional tripartite protocol with the FNCSF also as a party.

[25] The Board also believes that spending on minority-language primary and secondary education that does not meet the threshold for a province/territory to fulfill its obligations under section 23 of the Charter is not and should not be considered "additional." These are "essential" expenditures that should not be funded with federal funding under the Agreement.

[26] The Board believes that the use of federal funding to pay for "essential" educational expenditures is a violation of the Agreement. For example,

- a. federal funding should not be provided to implement francization and literacy programs, which are fundamental programs for section 23 of the Charter and must necessarily be paid for by the Province; and
- b. federal funding should not be provided to implement numeracy programs, which the Ministry of Education covers for majority students and therefore, under section 23 of the Charter, should also be funded for the minority.

## **4 New programs that the Board would like to implement with federal funding**

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[27] In order to implement Part VII of the *Official Languages Act* and section 23 of the Charter, the Board requires more funding. If the Agreement were properly implemented by the Ministry of Education and only those expenditures that are truly “additional” were funded by the Agreement, funding would be immediately available to provide new programs.

[28] The following are some examples of programs that the Board would like to provide.

### **4.1 Create a start-up fund for new French-language schools**

[29] Since 2007, the year I began working for the Board, I have overseen the development of two new programs in Fernie and Revelstoke, which has meant being involved in the parent consultation process to demonstrate a sufficient number of potential eligible students willing to enrol in a new program, and then identify space to deliver a new program, staff this new school and make sure that the school year begins without any problems.

[30] There are many costs involved in starting up a program, and the Ministry of Education does not cover all of them, claiming that numbers do not warrant a new school.

[31] In the case of the school in Burnaby, the numbers definitely warrant a new primary school – and they have for at least a decade – and many parents are interested in enrolling their children, but the Board is unable to find a site to open a new program. The Board does not have the Ministry of Education’s support to start up this new program.

[32] BC’s French-language schools are a perfect illustration of the saying “build it and they will come.” For example, the primary school in Nelson opened in 2006 with 8 Kindergarten and Grade 1 pupils, and now 10 years later there are 82 pupils in K-8. The numbers necessarily warrant a new school, but this was not initially acknowledged by the Ministry of Education. The primary school building in Nelson is in very poor condition and is a very poorly situated for Nelson’s francophone community. The Board included Nelson’s community in its court action against the Province, and it is waiting for a new school to be built.

### **4.2 Create a federal fund for innovative educational programs**

[33] The education continuum from early childhood to post-secondary needs to be enhanced. Due to a lack of funding, BC has very few French-language daycare and preschool spaces. I experienced this with my own children in Prince George; my friends are currently going through the same in Richmond and Greater Vancouver. To provide greater access to daycare in French, more funding is needed. As well, the Board wants to continue its pre-K pilot and extend it to all Board schools. To be able to do this, the Board must continue receiving federal funding.

[34] As well, there is a shortage of specialized curricula and courses in Board secondary schools, particularly in arts, athletics and technical programs. Unfortunately, many students interested in these programs at the secondary level have no other choice but to attend English-language schools. A federal fund to make a very large number of specialized elective courses available to secondary school students would go a long way to help retain students and would also constitute an actual “additional” education expenditure for BC’s francophone community.

[35] Lastly, the Board is currently the only school board in the province that does not offer an adult education program. Francophone adults in BC who wish to finish secondary school are disadvantaged by this situation. They have no choice but to attend the English-language system. Obviously financial support from the federal government would allow the Board to address this gap.

### **4.3 Create a federal fund to improve school transportation**

[36] In most of the communities where the Board has a school, students have to travel considerably longer distances to get to a French-language school than to their (English-language) neighbourhood school. For example, Vancouver has only two French-language primary schools, while the English school board, which covers the same area, has over 50 primary schools (see the area maps under **Tab 4**). The vast majority of Vancouver students can walk to their neighbourhood school. This means that the travel time for most Vancouver students attending a French-language school is much longer than for majority students. To compensate for this situation and encourage eligible parents to enrol their children with the Board, the Board must provide an appropriate transportation system and keep the time spent on buses each morning and evening to a minimum.

[37] Research in education shows that travel time to school is the main variable that parents consider when deciding on a school. Long travel times for students with the Board, time that in many cases is unreasonable, means that French-language schools in BC are at a major disadvantage compared to English-language schools, including immersion schools.

[38] Transportation makes up one of the largest budget items for the Board. Even then, the Board's transportation system is not currently adequate, since budget constraints do not allow the Board to provide enough bus routes to make travel times reasonable.

### **4.4 Create a French-language school building fund**

[39] The Board launched court action against the Province in 2010 to have more than 20 new schools built in 15 communities across BC. If and when the Board wins, it will build several schools and need funding to build community spaces in these new schools.

[40] If the Province still refuses to fund the construction of schools where numbers warrant, a French-language school building fund will be needed to ensure the vitality and sustainability of French-language education in BC.

### **4.5 Create a federal fund for French-language or bilingual post-secondary programs in BC**

[41] In BC there are currently very few options to study in French or bilingual post-secondary programs. Simon Fraser University's Office of Francophone and Francophile Affairs now offers post-secondary programs in French with the French Cohort Program in public administration and community services, as well as teacher training in French,<sup>7</sup> although program availability across the province remains limited.

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<sup>7</sup> Simon Fraser University, "Office of Francophone and Francophile Affairs," online: <<http://www.sfu.ca/baff-offa/en.html>>.

[42] When secondary school students are planning to attend post-secondary programs, the lack of programs in French is discouraging, and many students opt to leave the French first-language program because they do not see French as being part of their future education. This results in a high attrition rate in secondary school. Although the Board is the province's fastest growing school board, it is still difficult to retain students until the end of secondary school. BC needs the federal government to take concrete steps to enhance the continuum from early childhood to post-secondary school locally.

[43] This was a topic of conversation at home last year because Jacob was in Grade 12, and we decided that it would be in his best interest to move to Ottawa so he could continue his education in French. This is still a hot topic at home because Xiana is also nearing high school graduation. Michel Tardif and Johanne Asselin also have to deal with these kinds of questions daily from parents in their respective schools, particularly since they are on the management teams of two secondary schools in Comox and Victoria.