

Conseil scolaire

Centre-Est



Three-Year Capital Plan 2022 – 2025

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Section 1 – Introduction and Objectives

A. About the CSCE

The Conseil scolaire Centre-Est (“CSCE”) is a publicly funded school district established in 1994. It provides French-language education guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms* (“*Charter*”), and French-language Catholic education protected by the intersection of section 23 of the *Charter* and section 17 of the *Alberta Act*. The CSCE has the shared obligation with the Province to provide an educational experience in its schools that is substantively equivalent to the educational experience offered in neighbouring English-language schools.

The CSCE offers a homogeneous French-language education to over 700 students in schools in St. Paul, Bonnyville, Cold Lake, Plamondon and Lac La Biche. The establishment of schools in these historically Francophone communities has been crucial in beginning to rebuild and restore the French language and culture in the CSCE’s region, thereby contributing to remedial purpose of section 23 of the *Charter*. However, the CSCE knows that parts of its region remain unserved as students eligible to enrol in French-language programming do not have reasonable access to a CSCE school. The CSCE’s catchment areas cover large territories and unreasonable travel times often discourage parents and students from exercising their constitutional rights. This Three-Year Capital Plan submission begins to address this disparity (see notably priority nos. 4-6).

The homogeneous French-language education program provided by the CSCE is entirely distinct and different from French-immersion programming offered by English-language school districts. The CSCE’s programming is intended for students whose parents are part of the Francophone minority and who are eligible to attend a CSCE school. French is taught as a first language and meant to help students develop their French language identity and culture.¹ In contrast, French immersion, offered by English-language school districts, is intended for the majority language population (often families where no parent is Francophone or has a French heritage) and where French is taught as a second (or third, or fourth, etc.) language.

Given its linguistic and cultural objectives, a CSCE school functions as a community centre and hub for the Francophone community used to facilitate and promote the transmission of language and culture.² As such, it is vital for the CSCE to have control over its facilities in order to ensure they are used to further the purposes of section 23 of the *Charter*, namely of

¹ *Solski (Tutor of) v Quebec (Attorney General)*, 2005 SCC 14 at para 50.

² *Mahé v Alberta*, [1990] 1 SCR 342 at p 363.

promoting the French language and culture “by ensuring that [it] flourishes, as far as possible, [...] where it is not spoken by the majority of the population”³ and of “redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced.”⁴ The Court reiterated that “[s]hared facilities cannot fully play these roles, as they make it more difficult to achieve the objectives of s. 23.”⁵

Additionally, early childhood programming is crucial to the development of children’s French-language skills, even before they begin formal schooling. Childcare programming within a CSCE community school introduces and familiarizes children and their families with the CSCE community and often leads to children enrolling in the CSCE’s program once they reach school-age. Early childhood programming and childcare are vital to respecting the spirit of section 23 of *Charter*, which is to preserve and promote the development of French-language communities where French is spoken by a minority.

B. Section 23 rights

Section 23 of the *Charter* grants the right, where numbers warrant, to an educational experience in French educational facilities that is substantively equivalent to that provided in majority language school facilities.

In June 2020, the Supreme Court of Canada rendered a landmark decision, clarifying many aspects of section 23. The decision:

- (a) sets out a framework providing French-language boards with a straightforward approach for determining where in the province there is an entitlement to a French-language school;
- (b) clarifies that, regardless of their size, all French-language schools must be substantively equivalent to neighbouring English-language schools; and
- (c) provides parameters for the timeliness requirement for meeting the obligations imposed by section 23.

The Supreme Court of Canada’s intention in providing clear guidance is to ensure that French-language schools can be provided without resorting to litigation:

Our decision in this case must not be limited to making schools available to the appellants as if the case were one of a kind, as it is also necessary to ensure that future claimants are not forced

³ *Mahé v Alberta*, [1990] 1 SCR 342 at 362.

⁴ *Arsenault-Cameron v Prince Edward Island*, [2000] 1 SCR 3 at para 27.

⁵ *CSFCB, Fédération des parents, et al v BC*, SCC at para 74.

to undertake interminable judicial proceedings in order to have their rights protected, recognized and enforced.⁶

i. Determining entitlement: “numbers warrant”

The sliding scale determines the level of services to which an official language minority is entitled.

The first step in situating a number of students on the sliding scale is to determine how many students will eventually avail themselves of the contemplated service. This number lies between the known demand and the total number of students eligible to attend a CSCE school.⁷

The second step is to determine whether the proposed program is appropriate from the standpoint of pedagogy and cost for the number of students in question.⁸ The Supreme Court of Canada clarified the existence of a majority language school of similar size is the best indicator to determine the appropriateness of a program.⁹ For example, a homogeneous school, that is, a separate facility under the control of the official language minority, is warranted where such a school is available to a comparable number of majority language students anywhere in the province (setting aside exceptional circumstances).¹⁰ In the context of section 23, “comparable” does not mean “identical” and flexibility is required to give effect to its remedial purpose.¹¹

A breach of section 23 arises where the level of service offered does not match the level of service warranted by the numbers. In such a case, the CSCE and the Province must act without delay to remedy the breach.

ii. Substantive equivalence

CSCE students have a constitutional right to an educational experience that is substantively equivalent to the educational experience offered in majority language schools in the same catchment area.¹² This applies irrespective of where a community falls on the sliding scale.¹³

⁶ *Conseil scolaire francophone de la Colombie-Britannique, Fédération des parents francophones de la Colombie-Britannique, et al v British Columbia (Education)*, 2020 SCC 13 at para 20 [CSFCB, *Fédération des parents, et al v BC*, SCC]

⁷ CSFCB, *Fédération des parents, et al v BC*, SCC at para 58, 60.

⁸ CSFCB, *Fédération des parents, et al v BC*, SCC at para 61.

⁹ CSFCB, *Fédération des parents, et al v BC*, SCC at para 63.

¹⁰ CSFCB, *Fédération des parents, et al v BC*, SCC at paras 57, 67-69.

¹¹ CSFCB, *Fédération des parents, et al v BC*, SCC at para 73.

¹² *Association des parents de l'école Rose-des-vents and Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2015 SCC 21 at para 33 [APÉ *Rose-des-Vents and CSFC-B*].

¹³ CSFCB, *Fédération des parents, et al v BC*, SCC at para 240.

In determining whether the educational experience is equivalent, it is necessary to take a contextual and holistic approach, considering physical facilities, including their appearances (aesthetic qualities), as well as other factors that may contribute to the quality of the education such as extracurricular activities, and travel times.¹⁴ The comparative exercise should be done with the neighbouring majority language schools that represent a realistic alternative for rights holders.¹⁵ When assessing substantive equivalence, it is necessary to consider the educational choices available from the perspective parents who have the right to enrol their children in minority language schools.¹⁶ To assist in this analysis, the FCSFA and Alberta Education jointly developed factors to consider when assessing the infrastructure needs of French-language regional authorities (submitted to Alberta Education in March 2019). The applicable factors were considered by the CSCE in the preparation of this capital plan submission. Where the CSCE determined that substantively equivalent education is not being offered to its students, it identifies Alberta Education’s “Legal” factor as a key project driver.

The CSCE has seen immediate enrolment growth following the construction of new schools, which is a testament to the impact appropriate, well-functioning and attractive facilities have for French-language education. Likewise, the CSCE has seen its enrolment diminish when neighbouring English-language schools have been upgraded, while the CSCE’s school remains substandard. This situation constitutes a breach of section 23 of the *Charter*.

iii. *Timeliness requirement*

Where a lack of equivalency discourages parents from enrolling their children in a French-language school, the Province and the CSCE have an obligation to remedy the breach without delay.¹⁷ Indeed, minority language communities are particularly vulnerable to government delay or inaction because for every school year that governments do not meet their obligations under section 23, there is an increased likelihood of assimilation which carries the risk that numbers might cease to “warrant”.¹⁸

The Province may not delay meeting its constitutional obligation, even in an adverse economic situation.¹⁹ Section 23 “places positive obligations on governments to mobilize resources and enact legislation for the development of major institutional structures” and contains an “affirmative promise” that requires “timely compliance.”²⁰ The Province must

¹⁴ *APÉ Rose-des-Vents and CSFC-B* at paras 38-39.

¹⁵ *APÉ Rose-des-Vents and CSFC-B* at para 37.

¹⁶ *APÉ Rose-des-Vents and CSFC-B* at paras 34-35.

¹⁷ *APÉ Rose-des-Vents and CSFC-B* at para 35; *Doucet-Boudreau v Nova Scotia (Education)*, 2003 SCC 62 at para 39 [*Doucet-Boudreau*].

¹⁸ *Doucet-Boudreau* at para 29.

¹⁹ *Conseil des écoles séparées catholiques romaines de Dufferin and Peel v Ontario (Minister of Education and Training)*(1996), 30 OR (3d) 681 (Ont SC) at para 8; *CSFCB and Fédération des parents* at para 153.

²⁰ *Doucet-Boudreau* at para 29.

comply with the timeliness requirement articulated by the Supreme Court of Canada,²¹ meaning that communities must receive the education to which they are entitled within ten years of that entitlement being communicated to Alberta Education. It is up to the CSCE to indicate to the Province the order in which facilities for French-language education need to be secured, replaced or expanded. However, prioritization cannot be used to unduly delay the implementation of section 23.²²

Section 23 will be breached in all instances where there is an unmet s. 23 entitlement (in terms of the level or quality of services provided). While the Supreme Court of Canada did not stipulate an exact timeline for remedying such s. 23 infringements in a “timely fashion”, it is evident from its decision that anything beyond ten years does not meet the timeliness requirement:

[I]t is clear that, because of the lower courts’ interpretation of *Mahé* and the interminable judicial proceedings that must be initiated in order to assert language rights, the exercise of those rights is too often delayed, if not diminished. The case at bar is a clear example of this. More than ten years has elapsed between the date of filing of the proceedings and this Court’s judgment. As the intervener Canadian Association for Progress in Justice points out, “[t]en years of litigation to determine entitlement is simply not viable” (citation omitted). Nearly two generations of elementary school students have thus been denied their language rights, and this has contributed to the erosion of British Columbia’s French-speaking community.²³ (emphasis added)

The Supreme Court of Canada also stressed that:

Section 23 rights are particularly vulnerable to foot-dragging by public authorities because of the “numbers warrant” requirement in that section. The force of assimilation is such that the number of children of rights holders could fall irreversibly below the number needed to warrant the provision of services in a linguistic minority community while the authorities delay fulfilling their constitutional obligations (*Doucet-Boudreau*, at para. 29). As this Court recently noted, “there is a critical need both for vigilant implementation of s. 23 rights, and for timely compliance in remedying violations.”²⁴

Alberta Education and the CSCE must work together to ensure that no section 23 need goes unmet for longer than ten years. Of course, the case-by-case timeliness assessment required by the Supreme Court of Canada will often call for more urgent action consistent with the CSCE’s identified priorities.

²¹ *CSFCB, Fédération des parents, et al v BC*, SCC at paras 141-142.

²² *CSFCB, Fédération des parents, et al v BC*, SCC at paras 141-142.

²³ *CSFCB, Fédération des parents, et al v BC*, SCC at para 56.

²⁴ *CSFCB, Fédération des parents, et al v BC*, SCC at para 142.

C. Objectives of the Three-year Capital Plan:

- Provide facilities that allow for the provision of the provincial curriculum as required by the *Education Act*;
- Provide the facilities necessary to give effect to the rights of separate school electors stemming from section 17 of the *Alberta Act*;
- Provide facilities from which to offer an educational experience that is substantively equivalent to that offered by majority language school districts by providing facilities that are functional, attractive, and that do not discourage parents from exercising their constitutional rights;
- Take into account the remedial purpose of section 23 of the *Canadian Charter of Rights and Freedoms* by promoting the development of French language communities and changing the status quo;
- Ensure that the section 23 right to management and control is respected;
- Ensure that the CSCE has ownership or sufficient control over assets to meet its students needs; and
- Ensure that the Three-Year Capital Plan is consistent and supports the CSCE's long term capital planning.

Section 2 – Summary of Priorities

Location	School Name	Project Type	Key Drivers	No. of years in Capital Plan	Priority	Project Start D	
						2022/2023	2023/2024
Plamondon	École Beauséjour (ECS to 12)	Modernization	<ul style="list-style-type: none"> • Legal (lack of substantive equivalency with neighbouring English-language schools) • Health and Safety • Building Condition • Functionality and programming • Community renewal 	13	1	✓	
Lac La Biche	École Sainte-Catherine (ECS to 6)	Site Acquisition, Minor Modernization, and New School	<ul style="list-style-type: none"> • Legal (numbers warrant the establishment of a permanent, stable, homogeneous French-language school, controlled by the CSCE) • Functionality and programming 	7	2		✓
Cold Lake	École Voyageur (ECS to 12)	Addition	<ul style="list-style-type: none"> • Enrolment pressure • Functionality and programming • Community renewal 	2	3		✓
Athabasca	New Community School (ECS to 6)	New School	<ul style="list-style-type: none"> • Legal (numbers warrant the establishment of a school, accessibility, travel times) • Functionality and programming • Community renewal 	15	4		
Redwater	New Community School (ECS to 6)	New School	<ul style="list-style-type: none"> • Legal (numbers warrant the establishment of a school, accessibility, travel times) • Functionality and programming • Community renewal 	1	5		
Elk Point	New Community School (ECS to 6)	New School	<ul style="list-style-type: none"> • Legal (numbers warrant the establishment of a school, accessibility, travel times) • Functionality and programming • Community renewal 	1	6		

Section 3 – Priority 1

École Beauséjour, Plamondon: Modernization of an existing school

A. Project request summary:

Since at least 2008/09, the CSCE has been requesting to modernize the existing École Beauséjour school facility. École Beauséjour offers ECS to grade 12 Catholic French-first language programming.

The existing facility is not functional for students and teachers and does not allow the CSCE to meet its programming needs. Health and safety concerns due to undersized classrooms and outdated systems are prevalent. The facility does not meet current building code and is not accessible. Minor and mostly cosmetic improvements over the years have done little to mask the poor condition and functionality of the facility. At the secondary level, the CSCE cannot offer specialized programming and has difficulty retaining students. Students and parents are discouraged from enrolling at École Beauséjour because of the poor quality of infrastructure as compared to neighbouring English-language schools.

The CSCE cannot offer an ECS to grade 12 educational experience that is substantively equivalent to that offered by comparator English-language schools in its catchment area. The CSCE requests a modernization of the existing facility to offer its students and the French-language community in and around Plamondon a facility that meets their needs and from which the CSCE can offer an education that is substantively equivalent to that offered in comparator English-language schools.

B. Key project drivers:

- Legal (lack of substantive equivalence with neighbouring English-language schools)
- Building Condition
- Functionality and Programming
- Community Renewal
- Health and Safety

C. Project scope:

Replace existing portable structures and links (1014 m²) with a permanent masonry structure. Modernize 591.60 m² of existing space.

D. Project rationale:

École Beauséjour was first constructed with a four-room temporary portable structure in 1992 to which a second four-room temporary portable structure with a hallway was added in 1997. Given the enrollment pressure and the necessity to provide facilities able to offer the provincial curriculum, an addition, in the form of a permanent masonry and steel structure, including a gymnasium, was constructed in 2002. **Appendix “1”** to this submission shows the general floor plan and indicates the 1992, 1997 and 2002 sections.

The 1992 and 1997 portable structures require replacement and the space within the 2002 addition requires immediate modernization.

- i. *Modernization of space to ensure an education that is substantively equivalent to the education offered in comparator English-language schools*

École Beauséjour lack functionality for its ECS to grade 12 educational and extra-curricular programming as well as for community services and cultural programming. The condition of the facility and its aesthetics qualities are lacking. Long travel times for CSCE students (especially at the secondary level) to attend a facility from which the CSCE cannot offer substantively equivalent programming deter parents from exercising their constitutional right to a French-language education. A Planning Assessment Report prepared by Group 2 in 2018 is attached as **Appendix “2”**. Page 5 of the Report shows the École Beauséjour site layout.

Examples of the lack of substantive equivalence include:

- a) The building condition is poor and there is movement between the portables and the permanent structure due to the different types of foundations, which create ongoing maintenance issues.
- b) The layout of the facility is not functional and does not allow the CSCE to meet its programming needs. Many rooms have been converted from their original purpose to accommodate other programming needs. Many of the purpose-built spaces that exist in neighbouring schools do not exist at École Beauséjour. For instance, École Beauséjour does not have a purpose-built music room. At École Beauséjour, students used a regular classroom for music class that was not soundproofed but this space had to be converted to general classroom use. Regular classroom space is not functional for specific programming such as music, art, science or photography because it is too small to cannot accommodate the equipment (desks, storage, specialized instruments, etc.) required to offer such programming.
- c) There is a lack of flexible school space, limiting teaching opportunities. Indeed, even though École Beauséjour may not exceed the utilization rate as calculated by Alberta Education (31% in 2020/2021), all of the classrooms are required and the school will not be able to accommodate much growth. The utilization rate, as

calculated by Alberta Education, does not adequately or realistically reflect the way the facility is being used, largely because teachers cannot always teach multiple grade levels in one classroom at one time. Often, a separate classroom is required for instruction of a specific subject matter to a particular grade level. However, CSCE class sizes are often small and do not occupy a classroom at “full” capacity, according to Alberta Education’s calculation.

- d) The CTS classroom at École Beauséjour is in an old detached portable in which the ventilation system does not meet provincial standards. Appropriate and safe CTS labs are required to offer a comparable, equivalent education.
- e) École Beauséjour used to have a physical fitness room adjacent to the gymnasium, but due to space requirements, it has been converted to a classroom.
- f) The aesthetic qualities of École Beauséjour, both from the exterior and the interior, are significantly inferior in comparison to the aesthetic qualities in the English-language schools at the high school level.
- g) The temporary nature of the 1992 and 1997 portables gives the appearance of a temporary school and requires constant replacement and maintenance. The 1992 and 1997 portables were built on a wood frame foundation with crawl space access. These temporary structures, as the name implies, were not conceived as permanent classroom space solutions. Despite efforts to maintain these structures, the physical building type – wood frame with drywall and wood floors – cannot withstand the heavy student use. Indeed, the indoor drywall requires constant repair. The physical structure is also deteriorating due to the passing of time and the elements. Significant investment to maintain the wood foundation was required in the summer of 2013 by installing a membrane around both structures to slow foundation degradation. Evidence of roof leaks is present in many areas, especially where the temporary structures link with the 2002 addition.
- h) École Beauséjour is encroaching on and impeding the use of dedicated community space because of the lack of functional educational space required to meet its ECS to grade 12 programming needs.

The only English-language school in Plamondon is École Plamondon, an ECS to grade 12 school that offers French-immersion. English-language Schools in the surrounding areas, including in Lac La Biche (for grades 6 to 12) and in Athabasca and its surrounding regions (for ECS to grade 12), are also comparator schools for purposes of evaluating equivalency. Indeed, the students in grades 6 to 12 living in or very near to Lac La Biche who could be enrolled in a French-language school will have the choice of enrolling in an English-language school in Lac La Biche or travelling to Plamondon to attend École Beauséjour. Parents living between Plamondon and Athabasca (72 kilometers separates the two communities) face the same choice. At the elementary level, long travel times discourage enrolment at École Beauséjour. At the secondary level, parents can either travel to a new, state-of-the-art community school in Athabasca or to a substandard facility in

Plamondon. Many parents choose the former and forego their right to French-language education for their children.

École Beauséjour is not as attractive, as functional and does not have the same specialized classrooms as its English-language competitors, most notably at the secondary level. As an example, J.A. Williams High School, a very attractive new secondary school that opened its doors in 2014 in Lac La Biche, has a dedicated art room, a cafeteria/lounge area, a dedicated music room, an auditorium, and a fitness room. The replacement secondary Edwin Parr Composite Community School in Athabasca, opened in 2018, offers state-of-the-art education in specialized classrooms, in a modern, permanent, and attractive facility.

ii. Census data

The CSCE obtained custom-ordered 2016 Census data from Statistics Canada to try to estimate the number of students eligible to attend École Beauséjour. Attached as **Appendix “3”** are the approximate École Beauséjour elementary and secondary catchment areas used to obtain 2016 Census data.

Analyzing the student potential using Census data is critical because the CSCE’s current enrolment, and any projections based thereon, at École Beauséjour have been inhibited by the lack of a substantively equivalent facility.

The Supreme Court of Canada has confirmed that the relevant number to consider in determining enrolment potential, which will assist, for example, in determining the capacity of a new school building, is the number of students who will eventually avail themselves of the CSCE’s programming. That number lies somewhere between the known demand (current enrolment) and the total number of children who have at least one parent with rights under section 23 of the *Charter*.²⁵

The CSCE can provide an estimated range of the total number of children of eligible parents in the École Beauséjour catchment area based on incomplete Census data. As the Census does not gather data with respect to two out of three of the categories of parents eligible to send their children to a school of the CSCE pursuant to section 23 of the *Charter*, the CSCE uses two other Census data points: (1) children who speak French regularly at home and (2) children who have knowledge of French, to provide an estimated range. **Appendix “4”** provides an explanation as to how these categories assist the CSCE in determining the number of children with at least one parent who has rights under section 23 of the *Charter*.

²⁵ *CSFCB, Fédération des parents, et al v BC*, SCC at paras 58-60.

The estimated range based on:

- (a) The number of children who have at least one parent counted as having French as a mother tongue (and who therefore has rights under section 23(1)(a) of the *Charter*),
- (b) The number of children who speak French at least regularly at home and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue), and
- (c) The number of students who have knowledge of French and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue).

The estimated range is between: (1) the sum of the number of children who have at least one parent counted as having French as a mother tongue (section 23(1)(a) of the *Charter*), plus the number of children who speak French regularly at home, which represents the low end of the range; and (2) the sum of the number of children who have at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*), plus the number of children who have knowledge of French, which represents the upper end of the range.

This data is not perfect. However, it is the best data that is currently available. In addition to providing the number of children who have at least one parent with rights under section 23 of the *Charter* counted by the Census, it permits the CSCE and the Province to estimate the numbers of children who have at least one parent with rights under section 23 of the *Charter* who are missed by the Census, and the number of children of those categories of eligible parents that the Census does not try to count.

The following table presents the 2016 Census data²⁶ custom-ordered by the CSCE for the École Beauséjour catchment area:

		Age of Children		
		0-4	5-11	12-17
Children of parents counted as having rights under section 23 of the <i>Charter</i>				
1	Children with at least one parent counted as having rights under s. 23(1)(a) of the <i>Charter</i> (meaning a parent identified as having French as a first language learned and still understood)	53	59	68
2	Children with at least one parent counted as having rights under s. 23(1)(b) of the <i>Charter</i> (meaning a parent identified as having received his or her primary school instruction in Canada in French)	Data not yet collected by Statistics Canada		
3	Children with at least one parent counted as having rights under s. 23(2) of the <i>Charter</i> (meaning a parent who has identified that any one of his or her children has received or is receiving primary or secondary instruction in French in Canada, and who therefore has the right to have all his or her children receive primary or secondary school instruction in French)	Data not yet collected by Statistics Canada		
Children of parents who have not been counted as having rights under s. 23(1)(a) of the <i>Charter</i>, but who speak or have knowledge of French				
4	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who speak French only or French and another language at least regularly at home	5	60	20
5	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who have knowledge of French only or of English and French	5	160	145

Using the methodology described above, in 2016, the minimum number of children living in the École Beauséjour catchment area with at least one parent with rights under section 23 of the *Charter* was **between 207²⁷ and 432²⁸ children aged 5 to 17** (i.e. between

²⁶ It is important to note that Statistics Canada uses a process of “random rounding”, which protects the confidentiality of data and prevents the possibility of associating statistical data with identifiable individuals, by rounding the actual totals either up or down. This allows Statistics Canada to ensure strong protections against disclosure when it provides tabulations of Census data, without adding any significant distortion to the data.

²⁷ The **sum of 207** was determined by **adding 127 (59 children aged 5 to 11 and 68 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 80 (60 children aged 5 to 11 and 20 children aged 12 to 17 who speak French at least regularly at home).**

²⁸ The **sum of 432** was determined by **adding 127 (59 children aged 5 to 11 and 68 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 305 (160 children aged 5 to 11 and 145 children aged 12 to 17 who have knowledge of French).**

kindergarten and grade 12, excluding children eligible for Pre-K instruction).

iii. Historic, current, and projected enrolment at École Beauséjour

Despite the potential of students in 2016 being *at least* between 207 and 432 students, the actual enrolment in 2016 was 145 students (excluding 7 students in Pre-K, who are not included in the Census data student potential calculation). The low participation of eligible students in a historically Francophone community is due to the lack of substantively equivalent facilities.

The following table presents historic, current, and projected enrolment at École Beauséjour:

	ECS	1	2	3	4	5	6	7	8	9	10	11	12	Total
2004/ 2005	15	11	14	11	4	14	7	13	9	7	10	8	7	130
2005/ 2006	8	14	11	13	10	4	14	7	12	10	6	11	8	128
2006/ 2007	19	9	14	15	16	14	9	17	7	12	9	6	11	158
2007/ 2008	16	15	9	16	15	15	13	8	16	10	12	8	6	159
2008/ 2009	19	13	15	10	16	16	16	13	7	17	9	12	8	171
2009/ 2010	24	8	14	16	10	16	16	18	13	6	16	8	12	177
2010/ 2011	31	15	9	14	16	10	17	14	19	13	6	16	8	188
2011/ 2012	26	15	14	9	13	16	10	17	14	16	11	5	14	180
2012/ 2013	33	15	15	16	9	12	16	8	18	13	12	11	5	183
2013/ 2014	31	16	14	14	14	9	13	14	8	17	13	10	10	183
2014/ 2015	15	14	8	14	13	12	10	12	14	9	17	8	10	156
2015/ 2016	11	9	15	7	15	10	12	11	10	14	9	13	8	144
2016/ 2017	19	6	10	16	7	14	11	12	11	11	14	7	14	152
2017/ 2018	22	12	5	10	15	6	7	11	11	9	10	3	3	124
2018/ 2019	20	7	10	4	10	14	6	6	9	8	5	6	8	113
2019/ 2020	14	15	6	12	5	10	12	7	6	8	10	6	11	122
2020/ 2021	13	6	12	5	11	5	9	12	7	7	8	10	6	111
2021/ 2022	16	8	6	12	5	10	5	9	12	7	6	8	10	114
2022/ 2023	20	10	8	6	12	5	10	5	9	12	6	6	8	117
2023/ 2024	25	15	10	8	6	12	5	10	5	9	10	6	6	127
2024/	26	20	15	10	8	6	12	5	10	5	7	10	6	140

2025														
2025/ 2026	27	21	20	15	10	8	6	12	5	10	4	6	10	154

Except for the incoming ECS cohort, the CSCE’s projected enrolment is based on a cohort-retention model. This projection method is conservative as it assumes no new students will join a cohort as it progresses through the school. However, historically, students have joined cohorts following kindergarten. This projection method is also conservative because it assumes a 20% attrition rate as students transition between grades 9 and 10. If the CSCE were able to offer substantively equivalent secondary programming there would be less attrition at the secondary level. The new English-language secondary school facilities in Lac La Biche and Athabasca make it more difficult to retain students at École Beauséjour, as they offer a richer educational experience than can be offered by the CSCE. This situation must urgently be addressed.

With respect to the incoming ECS cohort, the projections assume that the CSCE’s request for modernization is approved in 2022, leading to an increase in ECS enrolment in the coming years as families begin to imagine an education for their children that is substantively equivalent to that offered to English-language students. This assumption is once again conservative as the increase in enrolment will likely be greater and across multiple grade levels (not only ECS).

Although the population in the École Beauséjour catchment area is relatively stable and growth is projected to be slow, Plamondon and its neighbouring communities are historically French settlements who have been subject to decades of assimilation. Section 23’s remedial purpose requires investment in the area to revitalize the community, restore and develop the French language culture.

iv. Impacted schools analysis

The closest CSCE elementary program, École Sainte-Catherine, is located in Lac La Biche, approximately 30 kilometers from École Beauséjour. École Sainte-Catherine is a relatively new program (opened in 2014) and offers ECS to grade 6 programming in the 2020/2021. Its catchment area (ECS to grade 6) is distinct from the École Beauséjour’s elementary catchment area. When it opened, it did not affect elementary enrolment at École Beauséjour. Similarly, a modernization at École Beauséjour will not impact enrolment at École Sainte-Catherine (where the CSCE is also urgently seeking a permanent home through modernization or a new school (see CSCE priority no 2)).

v. Partnership opportunities

There is an opportunity for potential partnerships in the community if the École Beauséjour facility is modernized. The community portion of the facility needs to be upgraded and

expanded to adequately serve the French-language community. Members of the community are also interested in offering childcare spaces and early childhood programming, which is very much desired as introducing children to the French language and culture at a young age is crucial to the vitality and development of the community. Enhanced community space will benefit students of all ages as it will increase their exposure to the French language and culture, which aligns with the CSCE's mandate and obligations under section 23 of the *Charter*. A modernized school community facility will serve as the hub for French-language events in the region and promote the development (renewal) of the French-language community.

With respect to project funding, there is the potential to seek federal funding to supplement the cost of the project, specifically related to community/culture and childcare spaces. The government of Canada supports the development of official-language minority communities across Canada by projects related to the development of the official language minority (i.e. through the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction* and the *Canada-Alberta Agreement for Minority-language Education and Second-language Instruction*).

vi. *Modernization budget estimate*

Item	Cost	Description
Building Construction and Site Development:	\$7,350,000	Amount of funding to be used for the physical construction of the school facility
Consultant Fees:	\$643,125	Amount of funding for prime and sub-consultants that provide the design of the facility
Project Expenses:	\$147,000	Amount of funding provided to pay for normal project expenses and services associated with a school building projects
Furniture & Equipment:	588,000	Amount of funding provided for the basic furniture and equipment for approved projects
Career Technology Studies (CTS) Equipment:	\$200,000	Amount of funding provided for expansion or modernization projects being conducted in facilities in which the project provides or upgrades a CTS area(s)
Other:	\$200,000	Amount of funding provided for items not covered by the above components
Sub-total:	\$9,128,125	Sub-total of funding for all items above
Non-Refundable GST:	\$146,050	Amount of funding provided for non-refundable GST is calculated at 1.6% of the sub-total above
Total Project Cost:		
	\$9,274,175	Sum of the funding for all items above

In 2020/2021, the CSCE received over \$1 million for École Beauséjour from the Capital Maintenance and Renewal Stimulus fund to make repairs to the roof, main entrance, and interior lighting system. The Capital Maintenance and Renewal Stimulus proposal is attached at **Appendix “5”**.

The VFA Requirement Summary Report is attached as **Appendix “6”**. It is estimated that \$5,680,232 would need to be invested in École Beauséjour to make necessary repairs if the facility is not modernized, notably as many of its components are approaching the end of their life cycle. Such an investment is not desirable as it would not improve the functionality of the space to allow the CSCE to provide substantively equivalent education.

Section 4 – Priority 2

École Sainte-Catherine, Lac La Biche – Acquisition of School Site and Modernization or Acquisition of School site and New School

A. Project request summary:

The CSCE has been requesting a new school in Lac La Biche since its 2006/2007 capital plan submission. In 2014, the CSCE began operating École Sainte-Catherine (ECS to 2) in the former Central Elementary School, which it shares with an English-language childcare program. The facility belongs to Northern Lights Public School Division (“NLPSD”), who has declared it surplus to its needs.

Since 2014, the CSCE has been trying to secure a permanent home for its students. In Lac La Biche, the numbers warrant a purpose-built, homogeneous facility controlled by the CSCE from which it can offer substantively equivalent education. The CSCE has expressed interest in acquiring the former Central Elementary School site and facility and modernizing or replacing the facility to meet its needs.

However, in 2020, the Province requested (for a second time) that the CSCE work with NLPSD and Lakeland Roman Catholic Separate School Division (“LRCSSD”) to find a solution that meets the infrastructure needs of all three districts in Lac La Biche. The CSCE participated in the process, but a solution has not yet been identified. The respect of section 23 *Charter* rights in Lac La Biche cannot be dependent on or subject to resolving infrastructure problems for the majority.

The CSCE must offer substantively equivalent French-language education in Lac La Biche without delay.

B. Key project drivers:

- Legal (numbers warrant the establishment of a permanent, stable, homogeneous French-language school, controlled by the CSCE)
- Functionality and Programming

C. Project scope:

(A) Acquisition of the former Central Elementary School site and facility (declared surplus by Northern Lights School District)

(B) Minor modernization of the existing facility to allow the CSCE to meet its current needs (\$327,500); and

(C) Construction of new (replacement) school on the site (\$11,948,642)

D. Project rationale:

Despite the many challenges posed by uncertainty of school location and class readiness, in 2014, the CSCE successfully began operating an ECS to grade 2 program in Lac La Biche with 17 students. Today, the program has grown to accommodate 41 students and offers ECS to grade 6 programming.

Given its linguistic and cultural objectives, a CSCE school functions as a community centre and hub for the Francophone community used to facilitate and promote the transmission of language and culture.²⁹ As such, it is vital for the CSCE to have control over its facilities in order to ensure they are used to further the purposes of section 23 of the *Charter*, namely of promoting the French language and culture “by ensuring that [it] flourishes, as far as possible, [...] where it is not spoken by the majority of the population”³⁰ and of “redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced.”³¹ The Court reiterated that “[s]hared facilities cannot fully play these roles, as they make it more difficult to achieve the objectives of s. 23.”³²

At present, there is no solution that would allow the CSCE to achieve the objectives of section 23.

- i. Securing a permanent, homogeneous community school from which the CSCE can offer an education that is substantively equivalent to that offered in comparator English-language schools.*

The CSCE faced important challenges in establishing École Sainte-Catherine in Lac La Biche, the primary one being finding access to an appropriate space. Considering the conditions parents faced in August 2014, the last-minute approval to form partnership with NLPSD, the insecurity of tenure over the years and being in shared space, the CSCE’s program has grown significantly.

The CSCE must secure a permanent, homogeneous facility for its students from which it can offer an education that is substantively equivalent to that offered by comparator English-language schools in its catchment area.

²⁹ *Mahé v Alberta*, [1990] 1 SCR 342 at p 363.

³⁰ *Mahé v Alberta*, [1990] 1 SCR 342 at 362.

³¹ *Arsenault-Cameron v Prince Edward Island*, [2000] 1 SCR 3 at para 27.

³² *CSFCB, Fédération des parents, et al v BC*, SCC at para 74.

The current situation does not allow the CSCE to provide substantively equivalent programming for the following reasons:

- a) The CSCE's occupation of the former Central Elementary school remains temporary. It cannot modernize or undertake significant renovations to improve the facility to make it functional for its programming needs (e.g. converting unused space into a library, modernizing additional classrooms, retrofitting the stage to serve as a dual purpose music room, transforming and upgrading washrooms, modernizing the administrative area).
- b) The instability of tenure and the uncertainty as to the school's future discourages enrolment.
- c) The former Central Elementary school is shared with Little Sprouts daycare, a English-language childcare program. It is critical for the CSCE to house its program in a homogeneous space that it controls to meet its linguistic and cultural objectives and respect its obligations under section 23 of the *Charter*. As noted above, shared facilities do not allow the CSCE to meet these objectives.
- d) The condition of the facility is poor. The original 1952 section was demolished in 1986, but various "additions" (built in 1958, 1959, 1988 and 1990) remain. Part of the school is closed off and used for storage. However, this part of the school must remain "unlocked" to provide an alternate emergency access route. The space is not supervised and creates health and safety concerns for students. The facility does not comply with building code and is not barrier-free.
- e) The facility is not functional and its layout creates safety concerns (e.g the entrance and hallway are not visible from the office that is awkwardly located in the facility). The facility does not meet the needs of 21st century learning (e.g. no specialized classrooms or spaces, no gathering or multi-purpose space, etc.)
- f) The aesthetic quality of the facility, both interior and exterior, is poor.

A Planning Assessment report prepared by Group 2 in 2018, attached as **Appendix "8"**, identifies further concerns with the facility.

In February 2020, Alberta Education asked that the CSCE, NLPSD and LRCSSD work together "in the interest of efficiency and cost effectiveness [...] to develop a joint proposal that would ensure the long-term success of all Lac La Biche students." Alberta Education specified that:

[T]he resulting proposal must not include the construction of three new standalone school facilities, but it must provide for:

- the leveraging of existing facilities where suitable and cost effective;
- school capacities appropriate for their respective student populations; and
- the identification of appropriate site(s) for any new construction.

The request does not consider the need to ensure that École Sainte Catherine is located in a homogeneous space or that section 23 rights are respected. Nevertheless, the parties undertook to develop a joint proposal. As of the submission of this capital plan (April 1, 2021), a solution has not yet been identified.

The CSCE needs a permanent, homogenous facility in Lac La Biche. Given that no acceptable solution has been identified by the NLPSD and LRCSSD, the CSCE's capital request is for the following:

- (A) Acquisition of the former Central Elementary School site:
 - a. Ministerial discretion may be exercised pursuant to section 192(3) of the *Education Act* to transfer the facility to the CSCE: “Where a board provides notice to the Minister under subsection (2), the Minister may, in writing, direct the board to dispose of that property subject to the terms and conditions that the Minister prescribes”.
 - b. The transfer of school property from NLPSD to the CSCE will create immediate efficiencies and make positive use of scarce infrastructure resources. NLPSD will benefit from the proceeds of the transfer, which it can use to supplement its own capital project request.
- (B) Minor modernization of the former Central Elementary School facility to immediately improve the quality of education provided by the CSCE in the existing facility.
 - a. The modernization projects identified above (and detailed in **Appendix “7”**) are immediately necessary to make the facility more appropriate for CSCE programming.
- (C) New School
 - a. A comprehensive modernization or school replacement will be required as the immediate upgrades (see **Appendix “7”**) will not be sufficient to ensure that the CSCE can provide substantively equivalent programming to that offered to English-language students.

Respecting section 23 obligations in Lac La Biche is urgent. The vitality, renewal and development of the French language community in Lac La Biche cannot be subject to or delayed by the need to solve the infrastructure needs of the majority.

ii. Census data

Unfortunately, the custom-ordered 2016 Census data obtained by the CSCE from Statistics Canada to try to estimate (even conservatively) the number of eligible children living in École Sainte-Catherine's catchment area is not a reliable indicator of the number of students who “will eventually avail themselves” of the CSCE's program. There are currently more students enrolled at École Sainte-Catherine than identified by the Census in

the École Sainte-Catherine catchment area. This challenge is not uncommon in rural communities where the gaps in the Census data become apparent (i.e. that data for two out of three categories of parents with rights under section 23 of the *Charter* is not gathered and even data that is gathered is an undercount – see **Appendix “4”** for a more detailed explanation of these challenges).

The CSCE is hopeful that once Statistics Canada gathers data regarding all categories of parents eligible to send their children to a school of the CSCE (starting in 2021), the data will be more reliable and helpful in determining the enrolment potential in Lac La Biche.

iii. Historic, current, and projected enrolment at École Sainte-Catherine

The following table presents historic, current, and projected enrolment at École Sainte-Catherine:

	ECS	1	2	3	4	5	6	Total
2014/ 2015	5	4	8	n/a	n/a	n/a	n/a	17
2015/ 2016	11	5	1	6	n/a	n/a	n/a	23
2016/ 2017	15	1	3	1	4	n/a	n/a	24
2017/ 2018	13	7	1	2	0	2	n/a	25
2018/ 2019	17	3	6	1	1	0	0	30
2019/ 2020	19	9	3	4	0	0	0	35
2020/ 2021	12	9	9	3	6	2	0	41
2021/ 2022	16	5	9	9	3	5	1	48
2022/ 2023	17	7	5	9	9	2	3	52
2023/ 2024	20	10	7	5	9	7	1	60
2024/ 2025	23	12	10	7	5	7	4	69
2025/ 2026	25	14	12	10	7	4	4	76

Except for the incoming ECS cohort, the CSCE’s projected enrolment is based on a cohort-retention model. This projection method is conservative as it assumes no new students will join a cohort as it progresses through the school. However, in Lac La Biche, students are likely to join a cohort as they become aware of the program and as it becomes more established in the community. This is especially true for students in grades 1, 2, or 3.

This projection method is also conservative because it assumes a 20% attrition rate as students transition between grades 4 and 5 and a further 40% attrition rate as they transition between grades 5 and 6. This attrition takes into account that the program is new, with small class sizes in grades 5 and 6. Once the CSCE program becomes more established and once it can offer substantively equivalent programming, attrition will lessen.

With respect to the incoming ECS cohort, the projections assume that the CSCE's request for a facility from which it can improve the quality of education provided is approved in 2023, leading to an increase in ECS enrolment in the coming years as families begin to imagine an education for their children that is more equivalent to that offered to English-language students. This assumption is once again conservative as the increase in enrolment will likely be greater and across multiple grade levels (not only ECS).

iv. *Impacted schools analysis*

The closest CSCE elementary program, École Beauséjour, is located in Plamondon, approximately 30 kilometers from École Sainte-Catherine. Its catchment area is distinct from the École Sainte-Catherine. A permanent home for École Sainte-Catherine will not affect elementary enrolment at École Beauséjour.

v. *Partnership opportunities*

There is the potential to seek federal funding to supplement the cost of the project, specifically related to community/culture and childcare spaces. The government of Canada supports the development of official-language minority communities across Canada by projects related to the development of the official language minority (i.e. through the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction* and the *Canada-Alberta Agreement for Minority-language Education and Second-language Instruction*).

vi. *Minor modernization budget estimate*

Item	Cost	Description
Building Construction and Site Development:	\$327,500	Amount of funding to be used for the physical construction of the school facility
Consultant Fees:	\$41,200	Amount of funding for prime and sub-consultants that provide the design of the facility
Project Expenses:	\$6,550	Amount of funding provided to pay for normal project expenses and services associated with a school building projects
Furniture & Equipment:	\$13,100	Amount of funding provided for the basic furniture and equipment for approved projects
Career Technology Studies (CTS) Equipment:	\$0	Amount of funding provided for expansion or modernization projects being conducted in facilities in which the project provides or upgrades a CTS area(s)
Other:	\$0	Amount of funding provided for items not covered by the above components
Sub-total:	\$388,350	Sub-total of funding for all items above
Non-Refundable GST:	\$6,214	Amount of funding provided for non-refundable GST is calculated at 1.6% of the sub-total above
Total Project Cost:	\$394,564	Sum of the funding for all items above

vii. *Site acquisition and new community school budget estimate*

Item	Cost	Description
Building Construction and Site Development:	\$10,020,000	Amount of funding to be used for the physical construction of the school facility
Consultant Fees:	\$738,474	Amount of funding for prime and sub-consultants that provide the design of the facility
Project Expenses:	\$200,400	Amount of funding provided to pay for normal project expenses and services associated with a school building projects
Furniture & Equipment:	\$801,600	Amount of funding provided for the basic furniture and equipment for approved projects
Career Technology Studies (CTS) Equipment:	\$0	Amount of funding provided for expansion or modernization projects being conducted in facilities in which the project provides or upgrades a CTS area(s)
Other:	\$0	Amount of funding provided for items not covered by the above components
Sub-total:	\$11,760,474	Sub-total of funding for all items above
Non-Refundable GST:	\$188,168	Amount of funding provided for non-refundable GST is calculated at 1.6% of the sub-total above
Total Project Cost:	\$11,948,642	Sum of the funding for all items above

Section 5 – Priority 3

École Voyageur, Cold Lake: Addition to Existing Facility

A. Project request summary:

Enrolment at École Voyageur has increased by over 50 % in the last five years. The CSCE anticipates that enrolment will continue to increase in the years to come. École Voyageur is not able to accommodate its ECS to grade 12 programming needs in the current facility.

Additional space is required to relieve the existing enrolment pressure and to accommodate future growth. The CSCE requests the construction a permanent addition.

B. Key project drivers:

- Enrolment pressure
- Functionality and Programming
- Community Renewal

C. Project scope:

Construction of permanent addition at École Voyageur to relieve enrolment pressure and accommodate future growth.

D. Project rationale:

École Voyageur has been operating in a homogeneous, purpose-built facility since 2005. It offers ECS to grade 12 instruction. Since operating in a new facility, enrolment has grown by 78 %, with 50% of the growth occurring over the last five years. The recent growth is not surprising, as the program has developed and matured over the last 16 years. It may take up to 13 years for a program to become fully established in a community (i.e. the time it takes for one full cohort to complete its schooling in the new facility).

- i. Construction of permanent addition to relieve enrolment pressure and meet the needs of students at École Voyageur*

The CSCE is not able to accommodate its programming needs in the current facility. Every classroom at École Voyageur is being used and there is no room for growth. The École Voyageur facility was built to accommodate one classroom per grade level. At present, the CSCE requires two classrooms per grade level from at least kindergarten to grade 4.

The CSCE has had to modify many spaces within the facility to try to accommodate the increased enrolment. For example, the teacher's lounge was transformed into a classroom. Elementary-aged students must be housed in the secondary wing, which raises a number of

challenges for the younger students who feel intimidated by the older students. Likewise, the older students do not appreciate the presence of elementary-aged students in their part of the school, making them feel as if they are still in elementary school, and creating challenges for retention at the secondary level. There is a lack of flexible space, limiting teaching opportunities. There is a lack of multipurpose rooms and one-on-one teaching spaces, making the coordination of spaces to meet individual students' needs a challenge.

A detached modular classroom was installed on the site in 2018 to try to alleviate some of the enrolment pressure. However, this is not sufficient to solve the current overcrowding and the need to accommodate future growth.

Alberta Education calculates the utilization rate of École Voyageur at 55% (in the 2020/21 school year). The CSCE disagrees with this assessment as the capacity utilization rate calculated by Alberta Education is misleading because it does not reflect the actual space requirement and space use at École Voyageur.

The CSCE requires the construction of a permanent addition to the elementary wing of École Voyageur. There is ample space on the school site for such an addition.

ii. Census data

The CSCE obtained custom-ordered 2016 Census data from Statistics Canada to try to estimate the number of students eligible to attend École Voyageur. Attached as **Appendix “8”** is the approximate École Voyageur catchment area used to obtain 2016 Census data.

Analyzing the student potential using Census data is critical to establish the enrolment potential in the area.

The Supreme Court of Canada has confirmed that the relevant number to consider in determining enrolment potential is the number of students who will eventually avail themselves of the CSCE's programming. That number lies somewhere between the known demand and the total number of children who have at least one parent with rights under section 23 of the *Charter*.³³

The CSCE can provide an estimated range of the total number of children of eligible parents in the École Voyageur catchment area based on incomplete Census data. As the Census does not gather data with respect to two out of three of the categories of parents eligible to send their children to a school of the CSCE pursuant to section 23 of the *Charter*, the CSCE uses two other Census data points: (1) children who speak French regularly at home and (2) children who have knowledge of French, to provide an estimated range. **Appendix “4”** provides an explanation as to how these categories assist the CSCE

³³ *CSFCB, Fédération des parents, et al v BC*, SCC at paras 58-60.

in determining the number of children with at least one parent who has rights under section 23 of the *Charter*.

The estimated range based on:

- (a) The number of children who have at least one parent counted as having French as a mother tongue (and who therefore has rights under section 23(1)(a) of the *Charter*),
- (b) The number of children who speak French at least regularly at home and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue), and
- (c) The number of students who have knowledge of French and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue).

The estimated range is between: (1) the sum of the number of children who have at least one parent counted as having French as a mother tongue (section 23(1)(a) of the *Charter*), plus the number of children who speak French regularly at home, which represents the low end of the range; and (2) the sum of the number of children who have at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*), plus the number of children who have knowledge of French, which represents the upper end of the range.

This data is not perfect. However, it is the best data that is currently available. In addition to providing the number of children who have at least one parent with rights under section 23 of the *Charter* counted by the Census, it permits the CSCE and the Province to estimate the numbers of children who have at least one parent with rights under section 23 of the *Charter* who are missed by the Census, and the number of children of those categories of eligible parents that the Census does not try to count.

The following table presents the 2016 Census data³⁴ custom-ordered by the CSCE for the proposed Athabasca catchment area:

		Age of Children		
		0-4	5-11	12-17
Children of parents counted as having rights under section 23 of the <i>Charter</i>				
1	Children with at least one parent counted as having rights under s. 23(1)(a) of the <i>Charter</i> (meaning a parent identified as having French as a first language learned and still understood)	195	205	108
2	Children with at least one parent counted as having rights under s. 23(1)(b) of the <i>Charter</i> (meaning a parent identified as having received his or her primary school instruction in Canada in French)	Data not yet collected by Statistics Canada		
3	Children with at least one parent counted as having rights under s. 23(2) of the <i>Charter</i> (meaning a parent who has identified that any one of his or her children has received or is receiving primary or secondary instruction in French in Canada, and who therefore has the right to have all his or her children receive primary or secondary school instruction in French)	Data not yet collected by Statistics Canada		
Children of parents who have not been counted as having rights under s. 23(1)(a) of the <i>Charter</i>, but who speak or have knowledge of French				
4	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who speak French only or French and another language at least regularly at home	10	90	30
5	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who have knowledge of French only or of English and French	15	270	120

Using the methodology described above, in 2016, the minimum number of children living in the École Voyageur catchment area with at least one parent with rights under section 23 of the *Charter* was **between 433³⁵ and 703³⁶ children aged 5 to 17** (i.e. between kindergarten and grade 12, excluding children eligible for Pre-K instruction).

³⁴ It is important to note that Statistics Canada uses a process of “random rounding”, which protects the confidentiality of data and prevents the possibility of associating statistical data with identifiable individuals, by rounding the actual totals either up or down. This allows Statistics Canada to ensure strong protections against disclosure when it provides tabulations of Census data, without adding any significant distortion to the data.

³⁵ The **sum of 428** was determined by **adding 313 (205 children aged 5 to 11 and 108 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 120 (90 children aged 5 to 11 and 30 children aged 12 to 17 who speak French at least regularly at home).**

³⁶ The **sum of 703** was determined by **adding 313 (205 children aged 5 to 11 and 108 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 390 (270 children aged 5 to 11 and 120 children aged 12 to 17 who have knowledge of French).**

iii. *Historic, current and projected enrolment at École Voyageur*

The following table presents the historic (5-year period), current and projected enrolment at École Voyageur:

	ECS	1	2	3	4	5	6	7	8	9	10	11	12	Total
2015/ 2016	45	26	21	17	15	12	11	7	7	8	4	3	4	180
2016/ 2017	57	25	26	22	21	17	12	8	8	3	5	3	3	210
2017/ 2018	65	33	23	21	21	22	18	11	8	7	3	3	0	235
2018/ 2019	60	25	28	23	20	21	15	13	10	8	3	1	3	230
2019/ 2020	52	32	31	29	26	21	24	13	15	7	7	2	5	264
2020/ 2021	57	21	29	29	27	21	21	21	13	15	8	7	3	272
2021/ 2022	56	23	21	29	29	27	21	21	21	13	12	6	7	286
2022/ 2023	60	21	23	21	29	29	27	21	21	21	10	10	6	299
2023/ 2024	62	30	21	23	21	29	29	27	21	21	17	8	10	319
2024/ 2025	65	32	30	21	23	21	29	29	27	21	17	13	8	356
2025/ 2026	70	33	32	30	21	23	21	29	29	27	17	13	13	358

Except for the incoming ECS cohort, the CSCE's projected enrolment is based on a cohort-retention model. This projection method is conservative as it assumes no new students will join a cohort as it progresses through the school. However, in Cold lake, it is common for students to join a cohort, at any grade level, given the frequent mobility of families that live and work at the Canadian Forces Base.

This projection method is also conservative because it assumes a 20% attrition rate as students transition between grades 9 and 10, and a further 20% attrition rate as they transition between grades 10 and 11. This attrition is based on historic enrolment. However, fewer students would leave École Voyageur at the secondary level if its dedicated secondary space was not being overtaken by elementary programming.

With respect to the incoming ECS cohort, the projections assume that the CSCE's request for a permanent addition is approved in 2023, leading to an increase in ECS enrolment in the coming years as new families witness the growth and success of the school. This assumption is once again conservative as the increase in enrolment will likely be greater and across multiple grade levels (not only ECS).

Finally, the 2016 Census data, which is an undercount, also indicates that student potential in Cold Lake (between 433 and 703 students from kindergarten to grade 12) is much greater than the number of students currently enrolled (248 students – which excludes the 24 students in Pre-K).

The population of Cold Lake has been steadily growing for decades. It is anticipated that this growth will continue in the coming years.

iv. *Impacted schools analysis*

The closest CSCE elementary and secondary program, École des Beaux-lacs, is located in Bonnyville, approximately 47 kilometers from École Voyageur. The construction of a permanent addition at École Voyageur will not affect enrolment at École des Beaux-lacs as their catchment areas are distinct.

v. *Partnership opportunities*

There is an opportunity for potential partnerships in the community. Parents, supported by the Fédération des parents francophones de l'Alberta, have approached the CSCE to request space for childcare programming (i.e. daycare) at École Voyageur. Although there is no space for such programming at the moment, any expansion would need to consider the childcare needs of the community, as there is no French-language childcare in Cold Lake. From the CSCE's perspective, French-language childcare located within École Voyageur is very much desired as introducing children to the French language and culture at a young age is crucial to the vitality and development of the community and aligns with the CSCE's mandate and section 23 objectives. An addition to École Voyageur will promote the development of the French-language community.

With respect to project funding, there is the potential to seek federal funding to supplement the cost of the project, specifically related to community/culture and childcare spaces. The government of Canada supports the development of official-language minority communities across Canada by projects related to the development of the official language minority (i.e. through the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction* and the *Canada-Alberta Agreement for Minority-language Education and Second-language Instruction*).

vi. *Addition budget estimate*

A budget for the proposed addition is to be determined.

Section 6 – Priority 4

New Community School, Athabasca - New School

A. Project request summary:

Since at least 2014, the CSCE has identified a need for a new Community School in Athabasca. The CSCE knows that the numbers warrant the establishment of a homogeneous school to serve Athabasca and its surrounding communities. The CSCE and the Province have an obligation to provide French-language programming in Athabasca without further delay.

The CSCE requests funding (in year three of this capital plan) to secure a site and facility from which it can offer substantively equivalent French-language education. The CSCE intends to begin offering French-language ECS to grade 1 or 2 programming, expanding to grade 6 (at least) in subsequent years. Eventually, the CSCE may offer a French-language secondary program in Athabasca.

B. Key project drivers:

- Legal (numbers warrant the establishment of a school, accessibility, travel times)
- Functionality and programming
- Community renewal

C. Project scope:

Identify a location in Athabasca from which to offer substantively equivalent French-language programming to serve children in Athabasca and surrounding communities.

D. Project rationale:

There is no French-language program in Athabasca. The closest French-language school is École Beauséjour in Plamondon, approximately 72 kilometers from Athabasca. The distance between Athabasca and Plamondon makes travel times unreasonable and discourages eligible parents from exercising their section 23 *Charter* rights. This situation must be remedied as soon as possible.

There is a long history of French settlement in the Athabasca region. Today, there is a significant Francophone population in Athabasca and its surrounding communities. In fact, Athabasca University offers programming in French other than language classes (e.g. Bachelor of Arts taught in French). However, without access to French-language ECS to

grade 12 programming, the vitality of the community has suffered over decades, leading to assimilation and cultural erosion with each passing year. Establishing a French-language community school in Athabasca is necessary to respect the obligations imposed by section 23 of the *Charter*. Section 23 has three purposes: preventive, remedial and unifying. It is intended to prevent the erosion of official language communities, to redress past injustices and promote the development of those communities. Its purpose is unifying in that it accommodates mobility by enabling citizens to move anywhere without fearing that they will have to abandon their language and culture.³⁷ A French-language community school in Athabasca will renew the vitality of the French-language community, reverse assimilatory tendencies, and promote the development of the French-language and culture.

i. Census data

The CSCE obtained custom-ordered 2016 Census data from Statistics Canada to try to estimate the number of students eligible to attend French-language programming in Athabasca. Attached as **Appendix “9”** is the approximate elementary catchment area for a new French-language program in Athabasca used to obtain 2016 Census data.

Analyzing the student potential using Census data is critical to establish the enrolment potential for the CSCE’s new program.

The Supreme Court of Canada has confirmed that the relevant number to consider in determining enrolment potential is the number of students who will eventually avail themselves of the CSCE’s programming. That number lies somewhere between the known demand and the total number of children who have at least one parent with rights under section 23 of the *Charter*.³⁸

The CSCE can provide an estimated range of the total number of children of eligible parents in the proposed Athabasca catchment area based on incomplete Census data. As the Census does not gather data with respect to two out of three of the categories of parents eligible to send their children to a school of the CSCE pursuant to section 23 of the *Charter*, the CSCE uses two other Census data points: (1) children who speak French regularly at home and (2) children who have knowledge of French, to provide an estimated range. **Appendix “4”** provides an explanation as to how these categories assist the CSCE in determining the number of children with at least one parent who has rights under section 23 of the *Charter*.

³⁷ *CSFCB, Fédération des parents, et al v BC*, SCC at para 15.

³⁸ *CSFCB, Fédération des parents, et al v BC*, SCC at paras 58-60.

The estimated range based on:

- (d) The number of children who have at least one parent counted as having French as a mother tongue (and who therefore has rights under section 23(1)(a) of the *Charter*),
- (e) The number of children who speak French at least regularly at home and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue), and
- (f) The number of students who have knowledge of French and who do not have a parent counted as having rights under section 23(1)(a) of the *Charter* (i.e. who has French as a mother tongue).

The estimated range is between: (1) the sum of the number of children who have at least one parent counted as having French as a mother tongue (section 23(1)(a) of the *Charter*), plus the number of children who speak French regularly at home, which represents the low end of the range; and (2) the sum of the number of children who have at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*), plus the number of children who have knowledge of French, which represents the upper end of the range.

This data is not perfect. However, it is the best data that is currently available. In addition to providing the number of children who have at least one parent with rights under section 23 of the *Charter* counted by the Census, it permits the CSCE and the Province to estimate the numbers of children who have at least one parent with rights under section 23 of the *Charter* who are missed by the Census, and the number of children of those categories of eligible parents that the Census does not try to count.

The following table presents the 2016 Census data³⁹ custom-ordered by the CSCE for the proposed Athabasca catchment area:

		Age of Children		
		0-4	5-11	12-17
Children of parents counted as having rights under section 23 of the Charter				
1	Children with at least one parent counted as having rights under s. 23(1)(a) of the <i>Charter</i> (meaning a parent identified as having French as a first language learned and still understood)	35	40	20
2	Children with at least one parent counted as having rights under s. 23(1)(b) of the <i>Charter</i> (meaning a parent identified as having received his or her primary school instruction in Canada in French)	Data not yet collected by Statistics Canada		
3	Children with at least one parent counted as having rights under s. 23(2) of the <i>Charter</i> (meaning a parent who has identified that any one of his or her children has received or is receiving primary or secondary instruction in French in Canada, and who therefore has the right to have all his or her children receive primary or secondary school instruction in French)	Data not yet collected by Statistics Canada		
Children of parents who have not been counted as having rights under s. 23(1)(a) of the Charter, but who speak or have knowledge of French				
4	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who speak French only or French and another language at least regularly at home	0	50	5
5	Children of parents who were not counted as having rights under s. 23(1)(a) of the <i>Charter</i> (i.e. counted as having French as a mother tongue), but who have knowledge of French only or of English and French	0	190	145

Using the methodology described above, in 2016, the minimum number of children living in the Athabasca catchment area with at least one parent with rights under section 23 of the *Charter* was **between 115⁴⁰ and 395⁴¹ children aged 5 to 17** (i.e. between kindergarten and grade 12, excluding children eligible for Pre-K instruction).

³⁹ It is important to note that Statistics Canada uses a process of “random rounding”, which protects the confidentiality of data and prevents the possibility of associating statistical data with identifiable individuals, by rounding the actual totals either up or down. This allows Statistics Canada to ensure strong protections against disclosure when it provides tabulations of Census data, without adding any significant distortion to the data.

⁴⁰ The **sum of 115** was determined by **adding 60 (40 children aged 5 to 11 and 20 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 55 (50 children aged 5 to 11 and 5 children aged 12 to 17 who speak French at least regularly at home).**

⁴¹ The **sum of 395** was determined by **adding 60 (40 children aged 5 to 11 and 20 children aged 12 to 17 with at least one parent counted as having French as a mother tongue (s. 23(1)(a) of the *Charter*)) and 335 (190 children aged 5 to 11 and 145 children aged 12 to 17 who have knowledge of French).**

ii. *Partnership opportunities*

With respect to funding for a new French-language program in Athabasca, there is the potential to seek federal funding to supplement the cost of the project, specifically related to community/culture and childcare spaces. The government of Canada supports the development of official-language minority communities across Canada by projects related to the development of the official language minority (i.e. through the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction* and the *Canada-Alberta Agreement for Minority-language Education and Second-language Instruction*).

The CSCE will determine if other partnership opportunities are available, for example, with Athabasca University or other French-language or cultural organisations.

iii. *New Community school budget estimate*

The budget for this priority will vary depending on the availability of a facility from which the CSCE can offer substantively equivalent education.

Item	Cost	Description
Building Construction and Site Development:	\$1,500,000	Amount of funding to be used for the physical construction of the school facility
Consultant Fees:	\$126,450	Amount of funding for prime and sub-consultants that provide the design of the facility
Project Expenses:	\$30,000	Amount of funding provided to pay for normal project expenses and services associated with a school building projects
Furniture & Equipment:	\$120,000	Amount of funding provided for the basic furniture and equipment for approved projects
Career Technology Studies (CTS) Equipment:	\$0	Amount of funding provided for expansion or modernization projects being conducted in facilities in which the project provides or upgrades a CTS area(s)
Other:	\$50,000	Amount of funding provided for items not covered by the above components
Sub-total:	\$15,468,480	Sub-total of funding for all items above
Non-Refundable GST:	\$247,495	Amount of funding provided for non-refundable GST is calculated at 1.6% of the sub-total above
Total Project Cost:	\$1,855,673	Sum of the funding for all items above

Section 7 – Priority 5

New Community School, Redwater – New School

A. Project request summary:

The CSCE has identified a need for a new Community School in Redwater. The CSCE is studying the viability of its proposed new program in Redwater and will provide Alberta Education with additional information (enrolment potential, budget, etc.) once available.

Subject to further information regarding viability, the CSCE requests funding (in year three of this capital plan) to secure a site and facility from which it can offer substantively equivalent French-language education. The CSCE intends to begin offering French-language ECS to grade 1 or 2 programming, expanding to grade 6 (at least) in subsequent years.

B. Key project drivers:

- Legal (numbers warrant the establishment of a school, accessibility, travel times)
- Functionality and programming
- Community renewal

C. Project scope:

Identify a location in Redwater from which to offer substantively equivalent French-language programming to serve children in Redwater and surrounding communities.

D. Project rationale:

There is no French-language program in Redwater. The closest French-language school is École La Citadelle in Legal, approximately 40 kilometers from Redwater, operated by the Conseil scolaire Centre-Nord (“CSCN”).

Historically, French-speakers settled in the area in the early 1900s. Unfortunately, as Redwater and surrounding communities do not have reasonable access to French-language education, the vitality of the community has suffered over decades, leading to its progressive erosion and assimilation. Establishing a French-language community school in Redwater is necessary to respect the obligations imposed by section 23 of the *Charter*. Section 23 has three purposes: preventive, remedial and unifying. It is intended to prevent the erosion of official language communities, to redress past injustices and promote the

development of those communities. Its purpose is unifying in that it accommodates mobility by enabling citizens to move anywhere without fearing that they will have to abandon their language and culture.⁴² A French-language community school in Redwater will renew the vitality of the French-language community, reverse assimilatory tendencies, and promote the development of the French-language and culture.

The CSCE's proposed school would serve children in Redwater and surrounding communities.

A new community school in Redwater will not impact any of the CSCE's existing schools nor will it impact the CSCN's school in Legal, which is not reasonably accessible for students and parents (especially at the elementary level) living in Redwater and in surrounding communities north and east thereof.

The CSCE is undertaking a site search to identify a location for its future school. Additional information (regarding enrolment potential, budget, etc.) will be provided to Alberta Education once it is available.

⁴² *CSFCB, Fédération des parents, et al v BC*, SCC at para 15.

Section 8 – Priority 6

New Community School, Elk Point – New School

A. Project request summary:

The CSCE has identified a need for a new Community School in Elk Point. The CSCE is studying the viability of its proposed new program in Elk Point and will provide Alberta Education with additional information (enrolment potential, budget, etc.) once available.

Subject to further information regarding viability, the CSCE requests funding (in year three of this capital plan) to secure a site and facility from which it can offer substantively equivalent French-language education. The CSCE intends to begin offering French-language ECS to grade 1 or 2 programming, expanding to grade 6 (at least) in subsequent years.

B. Key project drivers:

- Legal (numbers warrant the establishment of a school, accessibility, travel times)
- Functionality and Programming
- Community Renewal

C. Project scope:

Identify a location in Elk Point from which to offer substantively equivalent French-language programming to serve children in Elk Point and surrounding communities.

D. Project rationale:

There is no French-language program in Elk Point. The closest French-language school is École du Sommet in St-Paul, approximately 35 kilometers from Elk Point.

Located on the North Saskatchewan River, Elk Point is historically significant as part of the fur trade route. French fur traders and eventually settlers were prominent in the area.

Unfortunately, over decades the French language and culture in and around Elk Point has diminished. Without reasonable access to French-language education, the vitality of the community has suffered over decades, leading to its progressive erosion and assimilation. Establishing a French-language community school in Elk Point is necessary to respect the obligations imposed by section 23 of the *Charter*. Section 23 has three purposes: preventive, remedial and unifying. It is intended to prevent the erosion of official language communities, to redress past injustices and promote the development of those communities. Its purpose is unifying in that it accommodates mobility by enabling citizens to move

anywhere without fearing that they will have to abandon their language and culture.⁴³ A French-language community school in Elk Point will renew the vitality of the French-language community, reverse assimilatory tendencies, and promote the development of the French-language and culture.

The CSCE's proposed school would serve children in Elk Point and surrounding communities.

A new community school in Elk Point will not impact the CSCE's school in St-Paul, which is not reasonably accessible for students and parents (especially at the elementary level) living in Elk Point and in surrounding communities south and east thereof.

The CSCE is undertaking a site search to identify a location for its future school. Additional information (regarding enrolment potential, budget, etc.) will be provided to Alberta Education once it is available.

⁴³ *CSFCB, Fédération des parents, et al v BC*, SCC at para 15.