



Conseil scolaire  
Centre-Est

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Three-Year Capital Plan 2024 – 2027

Submission Date: March 31, 2023

*Revised - September 2023*

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## Section 1 – Introduction and Objectives

### I. ABOUT THE CSCE

- [1] 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, 1905*. 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.
- [2] 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).
- [3] 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.<sup>1</sup> 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.
- [4] Given its linguistic and cultural objectives, a CSCE school functions as a community centre and hub for the Francophone community used to facilitate

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

and promote the transmission of language and culture.<sup>2</sup> 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”<sup>3</sup> 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.”<sup>4</sup> 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.”<sup>5</sup>

[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.

## II. SECTION 23 RIGHTS

[6] 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.

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

- i. 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;
- ii. clarifies that, regardless of their size, all French-language schools must be substantively equivalent to neighbouring English-language schools; and

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

<sup>3</sup> *Mahé v Alberta*, [1990] 1 SCR 342 at 362.

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

<sup>5</sup> *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 74 [*CSFCB, Fédération des parents, et al v BC*, SCC].

- iii. provides parameters for the timeliness requirement for meeting the obligations imposed by section 23.

[8] 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 to undertake interminable judicial proceedings in order to have their rights protected, recognized and enforced.<sup>6</sup>

*i. Determining entitlement: “numbers warrant”*

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

[10] 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.<sup>7</sup>

[11] 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.<sup>8</sup> 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.<sup>9</sup> 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).<sup>10</sup> In the context of section 23, “comparable” does not mean “identical” and flexibility is required to give effect to its remedial purpose.<sup>11</sup>

[12] A preliminary analysis of enrolment in Alberta schools shows that there are many English-language schools with fewer than 50 students (in ECS-12 schools or parts thereof). Additionally, there are many more colony schools that are managed by English-language school districts with fewer than 50 students. The existence of these schools creates a presumption that the CSCE’s

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<sup>6</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 20.

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

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

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

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

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

small schools of comparative size are pedagogically viable.<sup>12</sup> Additionally, through the provision of the Rural Small Schools grant<sup>13</sup>, Alberta Education recognizes that small schools are a vital component of the education landscape in the Province and ensure that small communities' needs are met.

[13] 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

[14] 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.<sup>14</sup> This applies irrespective of where a community falls on the sliding scale.<sup>15</sup>

[15] 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 travel times and extracurricular activities.<sup>16</sup> The comparative exercise should be done with the neighbouring majority language schools that represent a realistic alternative for rights holders.<sup>17</sup> 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.<sup>18</sup> 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.

[16] The CSCE has seen immediate enrolment growth following the construction of new schools, which is a testament to the impact of appropriate,

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<sup>12</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 69.

<sup>13</sup> Alberta Education, [Funding Manual for School Authorities 2022-2023 School Year](#) at 35.

<sup>14</sup> *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*].

<sup>15</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 240.

<sup>16</sup> *APÉ Rose-des-Vents and CSFC-B* at paras 38-39.

<sup>17</sup> *APÉ Rose-des-Vents and CSFC-B* at para 37.

<sup>18</sup> *APÉ Rose-des-Vents and CSFC-B* at paras 34-35.

well-functioning and attractive facilities on 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

[17] 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.<sup>19</sup> 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”.<sup>20</sup>

[18] The Province may not delay meeting its constitutional obligation, even in an adverse economic situation.<sup>21</sup> 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.”<sup>22</sup> The Province must comply with the timeliness requirement articulated by the Supreme Court of Canada,<sup>23</sup> 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.<sup>24</sup>

[19] 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:

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<sup>19</sup> *APÉ Rose-des-Vents and CSFC-B* at para 35; *Doucet-Boudreau v Nova Scotia (Education)*, 2003 SCC 62 at para 39 [*Doucet-Boudreau*].

<sup>20</sup> *Doucet-Boudreau* at para 29.

<sup>21</sup> *Conseil des écoles séparées catholiques romaines de Dufferin and Peel v Ontario (Minister of Education and Training)* (1996), 30 OR (3d) 681 (Ont Div Ct) at para 8; *CSFCB and Fédération des parents* at para 153.

<sup>22</sup> *Doucet-Boudreau* at para 29.

<sup>23</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at paras 141-142.

<sup>24</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at paras 141-142.

[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.<sup>25</sup> (emphasis added)

[20]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."<sup>26</sup>

[21] 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.

[22] Two of the CSCE's capital projects, École Beauséjour and the new proposed elementary school in Athabasca, have been brought to Alberta Education's attention through the capital planning process for more than 10 years. This situation is particularly egregious.

### III. PUBLICLY AVAILABLE CENSUS DATA TO DETERMINE POTENTIAL DEMAND IN FRENCH-LANGUAGE SCHOOLS

[23]There are three categories of rights-holders under s. 23 of the Charter:

- i. individuals who have French as a mother tongue (para 23(1)(a));
- ii. individuals who received their primary instruction in French in Canada (para 23(1)(b)); and
- iii. individuals who have a child who has received or is receiving instruction in French (subs. 23(2)).

<sup>25</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 56.

<sup>26</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 142.



[24] Statistics Canada only started gathering information with respect to all three of these categories in the 2021 Census. Prior to the 2021 Census, Statistics Canada only gathered information regarding the first category of eligible parents: parents who have French as a mother tongue (para. 23(1)(a) of the Charter). Statistics Canada did not gather any information regarding the other two categories.

[25] The CSCE has used publicly available 2021 Census data to provide a clearer but incomplete estimate of the minimum number of students eligible to receive French-language education in the CSCE's schools.

[26] Despite this considerable improvement with the 2021 Census, even that Census continues to underestimate the first category of eligible parents, namely individuals who have French as a mother tongue. This is so because the Census form itself suggests that persons must give a single answer to the mother tongue question. This leads many persons with more than one mother tongue to give only a single answer. More specifically, this leads many persons who have French and English as mother tongues, and who live in highly English-dominant environments to answer only "English" to the mother tongue question. Moreover, in exogamous couples, where only one parent has French as a mother tongue, English generally becomes the couples' dominant language. This leads to two results: (1) persons with French as one of their mother tongues indicating only "English" because it is their dominant language; and (2) the spouses of persons for whom French is a mother tongue indicating only "English" for those persons because that is the language in which they always, mostly or regularly communicate with them. Those are some of the reasons why the 2021 Census continues to undercount s. 23 rights-holders.

[27] Additionally, the publicly available data does not allow to count precisely and accurately the children of s. 23 rights-holders eligible to attend CSCE schools, as the areas captured by 2021 Census do not cover the complete catchment area of CSCE schools. This means that the CSCE has to rely upon data from Census areas that are typically smaller than the catchment areas for the relevant schools or proposed schools, which means that this data undercounts the number of children eligible for admission to the CSCE's schools.

[28] Moreover, this data does not count other categories of children who may be eligible for admission to the CSCE's schools, on a case by case basis, despite not having a parent who is a s. 23 rights-holder, such as young children who regularly speak French at home. Nevertheless, the incomplete and partial data

that is publicly available demonstrates that eligible parents are entitled to the capital projects requested in this Capital Plan Submission.

[29]Based on publicly available Census data that does not tabulate all eligible students, as explained above, it is clear that the CSCE is in need of the capital projects requested in this Capital Plan Submission. Statistics Canada determined that there is a minimum of **1,665** children eligible for instruction in French between the ages of 5 and 17 living in the Census Division that makes up the a significant portion, although not all, of the CSCE's territory.<sup>27</sup> Recall that in the 2022-2023 school year, only 746 students are registered in the CSCE's schools, from prekindergarten to grade 12.

#### IV. 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, 1905*;
- 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.

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<sup>27</sup> Census Division No. 12 is largely contained and represents a significant portion, but not all, of the CSCE's territory. The data is available at this hyperlink:

[https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1\\_2.3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00034812&SearchText=Division%20No.%2012](https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1_2.3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00034812&SearchText=Division%20No.%2012). A map of Census Division No. 12 is available at this hyperlink:

<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0003/2021A00034812.pdf>.

## Section 2 – Summary of Priorities

Location	School Name	Project Type	Key Drivers	No. of years in Capital Plan	Priority	Project Start Date	
						2024/2025	2025/2026
Plamondon	École Beauséjour (ECS to 12)	Modernization or Replacement School	<ul style="list-style-type: none"> <li>• Legal (lack of substantive equivalency with neighbouring English-language schools)</li> <li>• Efficiency Solutions</li> <li>• Health and Safety</li> <li>• Building Condition</li> <li>• Functionality and programming</li> <li>• Community renewal</li> </ul>	15	1	✓	
Lac La Biche	École Sainte-Catherine (ECS to 6)	Acquisition of School Site and immediate necessary work (e.g., replace the roof), and Replacement School	<ul style="list-style-type: none"> <li>• Legal (numbers warrant the establishment of a permanent, stable, homogeneous French-language school, controlled by the CSCE)</li> <li>• Building Condition</li> <li>• Community Renewal</li> <li>• Efficiency Solutions</li> <li>• Functionality and programming</li> <li>• Health and Safety</li> </ul>	9	2	✓	
Cold Lake	École Voyageur (ECS to 12)	Addition	<ul style="list-style-type: none"> <li>• Enrolment pressure</li> <li>• Functionality and programming</li> <li>• Community renewal</li> </ul>	4	3		✓
Athabasca	New Community School (ECS to 6)	New School	<ul style="list-style-type: none"> <li>• Legal (numbers warrant the establishment of a school, accessibility, travel times)</li> <li>• Functionality and programming</li> <li>• Community renewal</li> </ul>	17 <sup>28</sup>	4		
Elk Point	New Community School (ECS to 6)	New School	<ul style="list-style-type: none"> <li>• Legal (numbers warrant the establishment of a school, accessibility, travel times)</li> <li>• Functionality and programming</li> <li>• Community renewal</li> </ul>	3	5		

<sup>28</sup> The CSCE has identified a need for a new Community School in Athabasca for 17 years, and has consistently identified such a need since at least 2014.

## Section 3 – Priority 1

### École Beauséjour, Plamondon (ECS-12): Modernization *or* replacement of an existing school

#### I. PROJECT REQUEST SUMMARY:

- A. PROJECT REQUEST:** Modernization of existing facility, or replacement homogenous Catholic community school (ECS-12)
- B. KEY PROJECT DRIVERS:**
- Legal (violation of s. 23 of the *Charter* and s. 17 of the *Alberta Act, 1905*)
  - Health and Safety
  - Building Condition
  - Functionality and Programming
  - Community Renewal
- C. PROJECT SCOPE:** Either replace existing portable structures and links (1014 m<sup>2</sup>) with a permanent masonry structure, and modernize 591.60 m<sup>2</sup> of existing space, or replace the entire facility.
- D. NO. OF YEARS LISTED IN THE CAPITAL PLAN:** 15
- E. PROJECT PRIORITY:** 1

## II. PROJECT RATIONALE:

- [30] Eligible parents in the catchment area of École Beauséjour are constitutionally entitled to a modernized facility, or its replacement. The school is currently operating above its functional capacity. Further, parts of the facility are made from temporary portable structures that were never meant to be permanent, and after over 30 years of use, they are in dire need of replacement with a new, permanent structure. In addition, students face unreasonably long travel times due to the size of the catchment area, which further deters eligible students from attending the school.
- [31] 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.
- [32] 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 and French immersion schools.
- [33] 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 (or replacement) 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.

## III. SCHOOL AND SITE PROFILE

### A. SITE PROFILE

- [34] **LOCATION:** 9725, 99 Street, Plamondon, AB T0A 2T0
- [35] **SITE ACQUISITION:** The École Beauséjour site is a non-reserve site belonging to the CSCE.

## B. INFRASTRUCTURE PROFILE

[36] 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.

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

## C. MODERNIZATION PROJECT SCOPE

[38] École Beauséjour’s facility must be modernized (or replaced) to ensure an education that is substantively equivalent to the education offered in comparator English-language schools.

[39] École Beauséjour lacks 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.

[40] 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. 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 and 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 (53% in 2022/2023), 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 and French immersion 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 regular 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.

[41] Many parents choose to forego their right to French-language education for their children.

[42] The only English-language school in Plamondon is École Plamondon, an ECS to grade 12 school that offers French-immersion.

[43] English-language schools in the surrounding areas, including in Lac La Biche (for grades 7 to 12) and in Athabasca and its surrounding regions (for ECS to grade 12), are also comparator schools for purposes of evaluating equivalency.

[44] 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.

[45] Long travel times also discourage enrolment at École Beauséjour.

#### IV. ENROLMENT PROFILE

##### A. POTENTIEL ENROLMENT

[46] As held by the Supreme Court, the relevant number to consider when determining enrolment potential is the number of students who will eventually avail themselves of the CSCE's programming. This number lies somewhere between the known demand and the total number of children who have at least one parent with a right under s. 23 of the *Charter*.<sup>29</sup>

[47] There are three categories of rights holders under s. 23 of the *Charter*:

- i. individuals who have French as a mother tongue (para 23(1)(a));
- ii. individuals who received their primary instruction in French in Canada (para 23(1)(b)); and
- iii. individuals who have a child who has received or is receiving instruction in French (subs. 23(2)).

[48] Statistics Canada only started gathering information with respect to all three of these categories in the 2021 Census. Prior to the 2021 Census, Statistics Canada only gathered information regarding the first category of eligible parents: parents who have French as a mother tongue (para. 23(1)(a) of the

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<sup>29</sup> *CSFCB* at paras 58–60.



*Charter*). Statistics Canada did not gather any information regarding the other two categories. However, as explained above in Section 1, subsection III of this Capital Plan Submission, Statistics Canada continues to undercount this category by suggesting that respondents may only select one mother tongue.

[49]The CSCE has used publicly available 2021 Census data from Census areas that are contained within the Catchment Area. This means that the Census data in Table 1 below undercounts the number of eligible students since it does not provide data for the entirety of the Catchment Area. Moreover, this data does not count other categories of children who may be eligible for admission to the CSCE’s schools, on a case by case basis, despite not having a parent who is a s. 23 rights-holder, such as young children who regularly speak French at home.

<b>Table 1: 2021 Census data regarding minimum number of eligible school-age children living in the listed Census area contained within the Catchment Area</b>		
<b>Census area</b>	<b>Statistics Canada’s map of area covered by data</b>	<b>Eligible children (5-17)</b>
<a href="#">Lac La Biche County</a> <sup>30</sup>	<a href="#">Map</a> <sup>31</sup>	205
<a href="#">Athabasca County</a> <sup>32</sup>	<a href="#">Map</a> <sup>33</sup>	80
<a href="#">Athabasca (Town)</a> <sup>34</sup>	<a href="#">Map</a> <sup>35</sup>	20

<sup>30</sup> The data is available at this hyperlink:  
[https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1\\_2\\_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054812037&SearchText=Lac%20la%20Biche%20County](https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1_2_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054812037&SearchText=Lac%20la%20Biche%20County)

<sup>31</sup> A map of the area captured by this data is available at this hyperlink:  
<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0005/2021A00054812037.pdf>

<sup>32</sup> The data is available at this hyperlink:  
[https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1\\_2\\_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054813044&SearchText=Athabasca%20County](https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1_2_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054813044&SearchText=Athabasca%20County)

<sup>33</sup> A map of the area captured by this data is available at this hyperlink:  
<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0005/2021A00054813044.pdf>

<sup>34</sup> The data is available at this hyperlink :  
[https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1\\_2\\_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054813048&SearchText=Athabasca](https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1_2_3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054813048&SearchText=Athabasca)

<sup>35</sup> A map of the area captured by this data is available at this hyperlink:  
<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0005/2021A00054813048.pdf>

[50] 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.

## B. IMPACTED SCHOOLS

[51] The Approximate Catchment Area for École Beauséjour’s secondary program includes École Sainte-Catherine (ECS-6) in Lac La Biche (see Project Priority no. 2 of this Capital Plan Submission) and overlaps with the Proposed Catchment Area for the new community ECS-6 school in Athabasca (see Project Priority no. 4 of this Capital Plan Submission and the proposed catchment area for the Athabasca community ECS-6 school project at Appendix “3”).

[52] It is unlikely that École Sainte-Catherine in Lac La Biche or the proposed new community ECS-6 school in Athabasca will have a negative impact on elementary enrolment numbers at École Beauséjour.

[53] 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 since the 2018/2019 school year. Its catchment area (ECS to grade 6) is distinct from École Beauséjour’s elementary catchment area. École Sainte-Catherine’s opening did not affect elementary enrolment at École Beauséjour. École Beauséjour’s modernization or replacement will increase 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)). Parents in Lac La Biche will be further encouraged to register their children in École Sainte-Catherine’s elementary program, because those

<sup>36</sup> The data is available at this hyperlink:

<https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1.2.3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054813046&SearchText=Boyle>.

<sup>37</sup> A map of the area captured by this data is available at this hyperlink:

<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0005/2021A00054813046.pdf>.

parents will be attracted by the prospect of secondary instruction in French in Plamondon that is substantively equivalent.

[54] As École Sainte-Catherine progresses, secondary enrolment at École Beauséjour will increase. Currently, all grade 6 students enrolled at Sainte-Catherine for the 2022-2023 school year are expected to enrol at École Beauséjour in grade 7, despite the substandard facility at École Beauséjour, a testament to the enthusiasm of French-first language secondary education in the area.

[55] As for the proposed community ECS-6 school in Athabasca, it is located 72 km away from Plamondon. Unsurprisingly, there are currently no students from Athabasca who travel to Plamondon to receive French-language instruction at École Beauséjour.

[56] The low participation of eligible students in the historically Francophone communities of Plamondon and Lac La Biche is due to the lack of substantively equivalent facilities; in the case of the historically francophone community of Athabasca, no French-first language education is offered.

### C. PROJECTED ENROLMENT

[57] The following table presents historic, current, and projected enrolment at École Beauséjour<sup>38</sup>:

	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

<sup>38</sup> The ECS numbers represent the total of students enrolled in pre-kindergarten (3 years old), pre-kindergarten (4 years old) and kindergarten, as space is needed in the CSCE's facilities to host these students. The decrease in student numbers between the ECS column and the grade 1 column is therefore not indicative of the retention rate of kindergarten to grade 1 at the school.

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	11	5	6	14	6	11	7	8	14	7	7	10	10	116
2022/ 2023	13	4	7	5	13	7	12	5	8	13	5	6	10	108
2023/ 2024	15	8	4	7	5	13	6	15	5	8	10	5	6	107
2024/ 2025	17	9	8	4	7	5	10	8	15	5	6	10	5	110
2025/ 2026	18	10	9	8	4	7	4	14	8	15	4	6	10	117
2026/ 2027	19	11	10	9	8	4	6	9	14	8	12	4	6	119
2027/ 2028	20	12	11	10	9	8	3	7	9	14	6	12	4	125
2028/ 2029	25	12	12	11	10	9	7	6	7	9	11	6	12	137
2029/ 2030	27	15	12	12	11	10	8	10	6	7	7	11	6	142
2030/ 2031	28	16	15	12	12	11	8	11	10	6	6	7	11	154
2031/ 2032	30	17	16	15	12	12	9	12	11	10	5	6	7	162
2032/ 2033	31	18	17	16	15	12	10	13	12	11	8	5	6	175
2033/ 2034	33	19	18	17	16	15	10	14	13	12	9	8	5	190

[58] Except for the incoming ECS cohort, the CSCE’s projected enrolment is based on a cohort-retention model.

[59] Crucially, this projection is based on the assumption that Alberta finally approves this requested project and that the new facility is built. The CSCE has used a cohort-based approach to estimate the growth in enrolment at its existing schools and the impact of its requested projects. The projections are largely based on the following assumptions:

- i. **Assumption 1:** The CSCE’s cohort retention model assumes that no new students will join an existing cohort as it progresses through the school.

- ii. **Assumption 2:** The size of incoming cohorts will partly depend on the quality of the school's facility.
- iii. **Assumption 3:** Cohorts will see a degree of attrition towards the end of the elementary level and as they transition from grade 9 to 10.
- iv. **Assumption 4:** The CSCE assumes that 80% of the graduating students from École Sainte-Catherine in Lac La Biche (see Priority no. 2 below) will enrol in grade 7 at École Beauséjour to continue their secondary education in French.

[60] The CSCE expects that in time, the attrition rate will decrease as its homogeneous secondary program matures. Based on the poor condition of the current facility, the CSCE assumes that the current École Beauséjour facility is modernized or rebuilt, cohorts will reduce by 20% during the transition from grade 5 to grade 6. However, once the new facility opens, the CSCE assumes that cohorts will reduce by only 15% during the transition from grade 5 to grade 6. This projection method is conservative as it assumes no new students will join a cohort as it progresses through the school.

[61] This projection assumes that 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.

[62] With respect to the incoming ECS cohort, the projections assume that the CSCE's request for modernization is approved in 2024, 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).

[63] 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 communities that 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.

## v. ESTIMATED PROJECT BUDGET

## A. PARTNERSHIP OPPORTUNITIES

[64] 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. The CSCE and 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 legislative mandate and obligations under section 23 of the *Charter*. It will also increase enrolment. A modernized or replaced 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.

[65] 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*).

## B. MODERNIZATION BUDGET ESTIMATE

[66]The CSCE is expecting the project in Plamondon to cost at least the following:

Item	At least (\$)	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
<b>Sub-total:</b>	<b>\$9,128,125</b>	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
<b>Total Project Cost:</b>	<b>\$9,274,175</b>	Sum of the funding for all items above

[67]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 “4”.

[68]The VFA Requirement Summary Report is attached as Appendix “5”. It is estimated that at least \$5,680,232 would need to be invested in École Beauséjour to make necessary repairs if the facility is not modernized or replaced, notably as many of its components are approaching the end of their life cycle. Such an approach 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 (ECS-6) – Acquisition of School Site and immediate necessary work (e.g., replace the roof), and Replacement School

#### i. PROJECT REQUEST SUMMARY:

**A. PROJECT REQUEST:** Acquisition of School Site and immediate necessary work (e.g., replace the roof), and replacement school for a homogenous Catholic community school (ECS-6)

**B. KEY PROJECT DRIVERS:**

- Legal (violation of s. 23 of the *Charter* and s. 17 of the *Alberta Act, 1905*)
- Building Condition
- Community Renewal
- Efficiency Solutions
- Functionality and Programming
- Health and Safety

**C. PROJECT SCOPE:**

- i. Acquisition of the former Central Elementary School site and facility (declared surplus by Northern Lights School District) and immediate necessary work to use the facility (at least \$700,000); and
- ii. Construction of replacement school on the current site (\$11,948,642)

**D. NO. OF YEARS LISTED IN THE CAPITAL PLAN:** 9

**E. PROJECT PRIORITY:** 2

#### ii. PROJECT RATIONALE

[69]The CSCE has been requesting a new school in Lac La Biche since its 2006/2007 capital plan submission. 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.



[70]École Sainte-Catherine (ECS to 2) is housed in the former Central Elementary School facility, which it shares with an English-language childcare program. The facility belongs to Northern Lights Public School Division (“NLPSD”), which has declared it surplus to its needs.

[71]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.<sup>39</sup> As such, it is vital for the CSCE to have control over its facilities, including in Lac La Biche, 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”<sup>40</sup> 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.”<sup>41</sup> Courts are clear that “[s]hared facilities cannot fully play these roles, as they make it more difficult to achieve the objectives of s. 23.”<sup>42</sup>

### III. SCHOOL AND SITE PROFILE

#### A. SITE PROFILE

[72] **LOCATION:** 10309 102 Ave Lac La Biche, Alberta, T0A 2C0

[73] **SITE ACQUISITION:** The École Sainte-Catherine site is a non-reserve site belonging to the NLPSD and leased to the CSCE. NLPSD has declared the site surplus to its needs. As Alberta Education knows, the NLPSD has expressed a willingness to transfer ownership of the site to the CSCE and the CSCE has indicated it wants the site.

#### B. INFRASTRUCTURE PROFILE

- i. *Acquisition of the former Central Elementary School site and facility from the NLPSD to secure a permanent home for École Sainte-Catherine*

[74]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 its interest in acquiring the

<sup>39</sup> *Mahé v Alberta*, [1990] 1 SCR 342 at p 363.

<sup>40</sup> *Mahé v Alberta*, [1990] 1 SCR 342 at 362.

<sup>41</sup> *Arsenault-Cameron v Prince Edward Island*, [2000] 1 SCR 3 at para 27.

<sup>42</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at para 74.

former Central Elementary School site and facility from the NLPSD and modernizing or replacing the facility to meet its needs.

- [75] The instability of tenure and the uncertainty as to the school’s future discourages enrolment.
- [76] 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.
- [77] 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 with an open mind. NLPSD contracted FWBA Architects to try and help the three school authorities consider developing a masterplan for the community by proposing how existing facilities could be used efficiently, as well as identifying what new space is required to provide all students of Lac La Biche with the facilities required to support their education. Unfortunately, none of the proposals in the resulting October 2021 draft Lac La Biche Solution Report would have allowed the CSCE to offer substantively equivalent education to that offered to majority-language students, as required by the *Charter*, notably in a homogeneous facility. The CSCE thus withdrew from the joint process in 2022, as 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 letter of withdrawal from the joint process is found at Appendix “6”.
- [78] In October 2022, NLPSD requested permission from the Minister of Education to dispose of the former Central Elementary School site and facility. In February 2023, the NLPSD wrote a letter to commence the process of transferring ownership of the property to the CSCE (see Appendix “7”). The CSCE has confirmed its interest in assuming ownership of the site (see Appendix “8”).
- [79] 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”.
- [80] 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.

ii. *Immediate necessary work to use the current facility*

[81] The temporary nature of the current arrangement in the leased facility does not allow the CSCE to offer a substantively equivalent education to that offered by comparator English-language schools in École Sainte-Catherine’s catchment area. Lack of ownership prevents the CSCE from making the current facility more 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). In order to make the current facility functional for its immediate needs, pending a replacement school, is estimated to be at least \$394,564, as outlined below.

<b>Item</b>	<b>At least (\$)</b>	<b>Description</b>
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
<b>Sub-total:</b>	<b>\$388,350</b>	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
<b>Total Project Cost:</b>	<b>\$394,564</b>	Sum of the funding for all items above

[82] Additionally, the facility of the former Central Elementary School is in urgent need of repairs that the CSCE plans to undertake as soon as the property has been transferred from the NLPSD, provided that the ongoing discussions between the NLPSD and the CSCE are fruitful. These repairs will not make the facility equivalent; they will simply allow the CSCE to continue to make some use of the current facility. These repairs are not captured by the estimate at least \$394,564 for the work identified above.

[83] First, the roof is in dire need of replacement. Currently, buckets and garbage cans need to be placed inside the school due to leaks.

[84] Second, the CSCE needs to install and update security features to bring the facility to the same standards as other CSCE schools. Security cameras need to be installed inside and outside the school. The CSCE has also needed to install a button-operated door-opener, which continues to have issues and will need to be verified by a certified installer to ensure the safety and security of the building. These security features will also help reduce insurance premiums.

[85] Third, repairs are needed to the cement outside, in front of the school. The outdoor cement surface shows cracks and has created an uneven walking surface for staff, parents and students, especially in Winter. The deterioration of the cement outdoor stairs, which are continuously chipping and cracking, are also posing a safety concern for the school community. In order to mitigate the risk of accidents and injuries, the cement work outside, including the stairs, needs to be completely replaced.

[86] The CSCE will need to hire consultants to evaluate the cost of each of urgent repairs needed, namely the roof, the security features and the cement work outside, in order to provide an accurate budget estimate. The CSCE anticipates that this work will cost at least \$300,000.

iii. *Replacement facility for École Sainte-Catherine on the acquired site from which the CSCE can offer an education that is substantively equivalent to that offered in comparator English-language and French immersion schools*

[87] The immediate repairs to the existing school facility will not allow the CSCE to offer a substantively equivalent education to its students.

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

- a) 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. 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.
- b) 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 21<sup>st</sup> century learning (e.g. no specialized classrooms or spaces, no gathering or multi-purpose space, etc.)
- c) The aesthetic quality of the facility, both interior and exterior, is poor.

[89] A Planning Assessment report prepared by Group 2 in 2018, attached as Appendix “9”, identifies further concerns with the facility.

[90] A school replacement will be required as the immediate upgrades will not be sufficient to ensure that the CSCE can provide substantively equivalent programming to that offered to English-language students.

[91] 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.

#### IV. ENROLMENT PROFILE

##### A. POTENTIAL ENROLMENT

[92] As held by the Supreme Court, the relevant number to consider when determining enrolment potential is the number of students who will eventually avail themselves of the CSCE’s programming. This number lies somewhere between the known demand and the total number of children who have at least one parent with a right under s. 23 of the *Charter*.<sup>43</sup>

[93] Statistics Canada only started gathering information with respect to all three categories of rights holders in the 2021 Census. Prior to the 2021 Census,

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<sup>43</sup> *CSFCB* at paras 58–60.

Statistics Canada only gathered information regarding the first category of eligible parents: parents who have French as a mother tongue (para. 23(1)(a) of the *Charter*). Statistics Canada did not gather any information regarding the other two categories. However, as explained above in Section 1, subsection III of this Capital Plan Submission, Statistics Canada continues to undercount this category by suggesting that respondents may only select one mother tongue.

[94] The CSCE has consulted publicly available Census 2021 data for Lac La Biche and the surrounding area. This publicly available data is unreliable given the CSCE’s local knowledge of the community. This publicly available data may be unreliable in part because of random rounding. The publicly available data also excludes a number of children who use French regularly in the home or who have a knowledge of French. As a result, the CSCE will try to order custom data for this community.

## B. IMPACTED SCHOOLS

[95] The closest CSCE elementary program, École Beauséjour, is located in Plamondon, approximately 30 kilometers from École Sainte-Catherine. École Beauséjour’s elementary catchment area is distinct from École Sainte-Catherine’s catchment area. When École Sainte-Catherine opened in 2014, it did not affect elementary enrolment at École Beauséjour. Similarly, a permanent, substantively equivalent facility for École Sainte-Catherine will have a positive impact on enrolment at École Beauséjour, where it will increase secondary enrolment, especially when it is itself in a substantively equivalent ECS-12 facility (recall that the CSCE is also urgently seeking a modernization (see CSCE priority no 1)).

## C. PROJECTED ENROLMENT

[96] The following table presents historic, current, and projected enrolment at École Sainte-Catherine:<sup>44</sup>

	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

<sup>44</sup> The ECS numbers represent the total of students enrolled in pre-kindergarten (3 years old), pre-kindergarten (4 years old) and kindergarten, as space is needed in the CSCE’s facilities to host these students. The decrease in student numbers between the ECS column and the grade 1 column is therefore not indicative of the retention rate of kindergarten to grade 1 at the school.

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	28
2019/ 2020	19	9	3	4	0	0	0	35
2020/ 2021	12	9	9	3	6	2	0	41
2021/ 2022	14	2	5	8	3	5	1	38
2022/ 2023	14	5	2	8	5	3	4	41
2023/ 2024	14	5	5	2	8	5	2	41
2024/ 2025	15	5	5	5	2	8	4	44
2025/ 2026	15	5	5	5	5	2	6	43
2026/ 2027	16	5	5	5	5	5	2	43
2027/ 2028	16	5	5	5	5	5	4	45
2028/ 2029	17	5	5	5	5	5	4	46
2029/ 2030	18	6	5	5	5	5	4	48
2030/ 2031	18	6	6	5	5	5	4	49
2031/ 2032	19	6	6	6	5	5	4	51
2032/ 2033	20	6	6	6	6	5	4	53
2033/ 2034	20	6	6	6	6	6	4	54
2034/ 2035	21	7	6	6	6	6	5	57

[97] Except for the incoming ECS cohort, the CSCE's projected enrolment is based on a cohort-retention model.

[98] Crucially, this projection is based on the assumption that Alberta finally approves this requested project and that the new facility is built. The CSCE has used a cohort-based approach to estimate the growth in enrolment at its existing schools and the impact of its requested projects. The projections are largely based on the following assumptions:

- i. **Assumption 1:** The CSCE's cohort retention model assumes that no new students will join an existing cohort as it progresses through the school.

ii. **Assumption 2:** The size of incoming cohorts will partly depend on the quality of the school's facility.

iii. **Assumption 3:** Cohorts will see a degree of attrition towards the end of the elementary level.

[99] The CSCE expects that in time, the attrition rate will decrease as its homogeneous elementary program matures. Based on the poor condition of the current facility, the CSCE assumes that until a new facility is built for École Sainte-Catherine, cohorts will reduce by 20% during the transition from grade 5 to grade 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. Once the new facility opens, the CSCE assumes that cohorts will reduce by only 15% during the transition from grade 5 to grade 6. This projection method is conservative as it assumes no new students will join a cohort as it progresses through the school.

[100] This projection assumes that if the CSCE were able to offer substantively equivalent programming there would be less attrition. Meanwhile, Alberta Education has approved design funding for the NLPSD's replacement school project in Lac La Biche on March 1, 2023.<sup>45</sup> New English-language elementary school facilities in Lac La Biche make it more difficult to enrol and retain students at École Sainte-Catherine, as they offer a richer educational experience than can be offered by the CSCE. This situation must urgently be addressed.

[101] With respect to the incoming ECS cohort, the projections assume that the CSCE's request for a replacement school is approved in 2024, 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 across multiple grade levels (not only ECS).

[102] Lac La Biche is a historically French communities that have been subject to decades of assimilation. Section 23's remedial purpose requires investment in the community to revitalize the community, restore and develop the French language culture.

## V. ESTIMATED PROJECT BUDGET

<sup>45</sup> Alberta Education, [Budget 2023 School Projects](#) at page 2.



## A. PARTNERSHIP OPPORTUNITIES

[103] There is an opportunity for potential partnerships in the community if the École Sainte-Catherine facility is replaced. The CSCE and 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 legislative mandate and obligations under section 23 of the *Charter*. It will also increase enrolment. A replacement school facility will serve as the hub for French-language events in the region and promote the development (renewal) of the French-language community.

[104] 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*).

**B. SITE ACQUISITION AND NEW COMMUNITY SCHOOL BUDGET ESTIMATE**

<b>Item</b>	<b>At least (\$)</b>	<b>Description</b>
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
<b>Sub-total:</b>	<b>\$11,760,474</b>	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
<b>Total Project Cost:</b>	<b>\$11,948,642</b>	Sum of the funding for all items above

## Section 5 – Priority 3

### École Voyageur, Cold Lake (ECS-12): Addition to Existing Facility

#### I. PROJECT REQUEST SUMMARY:

- A. PROJECT REQUEST:** Addition to existing facility (ECS-12)
- B. KEY PROJECT DRIVERS:**
- Legal (violation of s. 23 of the *Charter* and s. 17 of the *Alberta Act, 1905*)
  - 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. NO. OF YEARS LISTED IN THE CAPITAL PLAN:** 4
- E. PROJECT PRIORITY:** 3

#### II. PROJECT RATIONALE

[105] École Voyageur has been operating in a homogeneous, purpose-built facility since 2005. It offers ECS to grade 12 instruction. 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.

[106] Additional space is required to relieve the existing enrolment pressure and to accommodate future growth. In particular, the Canadian Armed Forces Base in Cold Lake is expected to generate rapid and unpredictable growth in the community, especially due to major federal investments announced since 2020.<sup>46</sup> Accommodating the mobility of parents who have rights under section 23 of the *Charter* is aligned with the unifying purpose of section 23, as it

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<sup>46</sup> See for e.g.:

<https://www.canada.ca/en/department-national-defence/news/2020/08/government-awards-design-contract-for-future-fighter-infrastructure-in-cold-lake.html>.

enables citizens to move anywhere without fearing that they will have to abandon their language and culture.<sup>47</sup> This is especially important in communities with a Canadian Armed Forces Base like Cold Lake. The CSCE requests the construction a permanent addition. In the interim, the CSCE has requested another modular classroom for the 2023-2024 year to try and temporarily relieve some pressure.

[107] 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).

[108] A budget for the proposed addition is to be determined.

### III. SCHOOL AND SITE PROFILE

#### A. SITE PROFILE

[109] **LOCATION:** 4719, 69 Avenue Cold Lake, Alberta, T9M 2E6

[110] **SITE ACQUISITION:** The École Voyageur site is a non-reserve site belonging to the CSCE.

#### B. INFRASTRUCTURE PROFILE

[111] Construction of permanent addition is necessary to relieve enrolment pressure and accommodate future growth at École Voyageur.

[112] The CSCE is not able to accommodate its programming needs nor future growth in the current facility. Every classroom at École Voyageur is used. The École Voyageur facility was built to accommodate one classroom per grade level. The CSCE requires at least two classrooms per grade level.

[113] 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

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<sup>47</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at para 15.

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.

[114] 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 does not help with future growth.

[115] Alberta Education calculates the utilization rate of École Voyageur at 55% (in the 2020/21 school year). As Alberta Education knows well, 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.

[116] The CSCE requires the construction of a permanent addition to École Voyageur, at least to the elementary wing as a first step. There is ample space on the school site for such an addition.

## IV. ENROLMENT PROFILE

### A. POTENTIAL ENROLMENT

[117] As held by the Supreme Court, the relevant number to consider when determining enrolment potential is the number of students who will eventually avail themselves of the CSCE's programming. This number lies somewhere between the known demand and the total number of children who have at least one parent with a right under s. 23 of the *Charter*.<sup>48</sup>

[118] There are three categories of rights holders under s. 23 of the *Charter*:

- i. individuals who have French as a mother tongue (para 23(1)(a));
- ii. individuals who received their primary instruction in French in Canada (para 23(1)(b)); and
- iii. individuals who have a child who has received or is receiving instruction in French (subs. 23(2)).

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<sup>48</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at paras 58–60.

[119] Statistics Canada only started gathering information with respect to all three of these categories in the 2021 Census. Prior to the 2021 Census, Statistics Canada only gathered information regarding the first category of eligible parents: parents who have French as a mother tongue (para. 23(1)(a) of the *Charter*). Statistics Canada did not gather any information regarding the other two categories. However, as explained above in Section 1, subsection III of this Capital Plan Submission, Statistics Canada continues to undercount this category by suggesting that respondents may only select one mother tongue.

[120] The CSCE has used publicly available 2021 Census data from Census areas that are contained within the Catchment Area. This means that the Census data in Table 2 below undercounts the number of eligible students since it does not provide data for the entirety of the Catchment Area. Moreover, this data does not count other categories of children who may be eligible for admission to the CSCE’s schools, on a case by case basis, despite not having a parent who is a s. 23 rights-holder, such as young children who regularly speak French at home.

<b>Table 2: 2021 Census data regarding minimum number of eligible school-age children living in the listed Census area contained within the Catchment Area</b>		
<b>Census area</b>	<b>Statistics Canada’s map of area covered by data</b>	<b>Eligible children (5-17)</b>
<a href="#">Cold Lake (City)</a> <sup>49</sup>	<a href="#">Map</a> <sup>50</sup>	395
<b>Minimum number:</b>		<b>395</b>

## B. IMPACTED SCHOOLS

[121] 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 and very large.

<sup>49</sup> The data is available at this hyperlink:

<https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&GENDERlist=1.2.3&STATISTIClist=1&HEADERlist=0&DGUIDlist=2021A00054812002&SearchText=Cold%20Lake>.

<sup>50</sup> A map of the area captured by this data is available at this hyperlink:

<https://www12.statcan.gc.ca/census-recensement/2021/geo/maps-cartes/static-statique/pdf/A0005/2021A00054812002.pdf>.

## C. PROJECTED ENROLMENT

[122] The following table presents the historic (7-year period), current and projected enrolment at École Voyageur:<sup>51</sup>

	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	54	29	17	26	26	23	14	18	18	8	13	7	8	261
2022/ 2023	57	18	28	21	23	24	18	12	16	18	8	11	7	261
2023/ 2024	56	26	18	28	21	23	19	18	12	13	14	8	11	267
2024/ 2025	58	26	26	18	28	21	18	19	18	10	10	14	8	275
2025/ 2026	60	27	26	26	18	28	17	18	19	14	8	10	14	286
2026/ 2027	62	28	27	26	26	18	22	17	18	15	12	8	10	289
2027/ 2028	64	29	28	27	26	26	14	22	17	15	12	12	8	299
2028/ 2029	68	29	29	28	27	26	21	14	22	17	12	12	12	317
2029/ 2030	71	31	29	29	28	27	21	21	14	22	13	12	12	331
2030/ 2031	74	33	31	29	29	28	21	21	21	14	18	13	12	344
2031/ 2032	77	34	33	31	29	29	22	21	21	21	12	18	13	361
2032/ 2033	79	35	34	33	31	29	23	22	21	21	17	12	18	376
2033/ 2034	82	37	35	34	33	31	24	23	22	21	16	17	12	387

<sup>51</sup> The ECS numbers represent the total of students enrolled in pre-kindergarten (3 years old), pre-kindergarten (4 years old) and kindergarten, as space is needed in our facilities to host these students. The decrease in student numbers between the ECS column and the grade 1 column is therefore not indicative of the retention rate of kindergarten to grade 1 at the school.

[123] Except for the incoming ECS cohort, the CSCE's projected enrolment is based on a cohort-retention model.

[124] Crucially, this projection is based on the assumption that Alberta finally approves this requested project and that an addition is built. The CSCE has used a cohort-based approach to estimate the growth in enrolment at its existing schools and the impact of its requested projects. The projections are largely based on the following assumptions:

- i. **Assumption 1:** The CSCE's cohort retention model assumes that no new students will join an existing cohort as it progresses through the school.
- ii. **Assumption 2:** The size of incoming cohorts will partly depend on the quality of the school's facility, which partly depends on its size.
- iii. **Assumption 3:** Cohorts will see a degree of attrition towards the end of the elementary level and as they transition from grade 9 to 10.

[125] 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 Armed Forces Base.

[126] This projection method is also conservative because it assumes a 20% attrition rate as students transition between grades 5 and 6, and a further 20% attrition rate as they transition between grades 9 and 10. 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.

[127] With respect to the incoming ECS cohort, the projections assume that the CSCE's request for a permanent addition is approved in 2024, 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).

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



## V. PARTNERSHIP OPPORTUNITIES

[129] 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. It will also increase enrolment. An addition to École Voyageur will promote the development of the French-language community.

[130] 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*).

## Section 6 – Priority 4

### New Community School, Athabasca - New School (ECS-6)

#### I. PROJECT REQUEST SUMMARY:

**A. PROJECT REQUEST:** New school (ECS-6)

**B. KEY PROJECT DRIVERS:**

- Legal (violation of s. 23 of the *Charter* and s. 17 of the *Alberta Act, 1905*)
- 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. NO. OF YEARS LISTED IN THE CAPITAL PLAN:** The CSCE has identified a need for a new Community School in Athabasca for 17 years, and has consistently identified such a need since at least 2014.

**E. PROJECT PRIORITY:** 4

#### II. PROJECT RATIONALE

[131] 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.

[132] 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 will offer a French-language secondary program in Athabasca.

[133] 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.

[134] There is a long history of French 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.<sup>52</sup> 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.

[135] 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.

[136] The closest French-language school is École Beauséjour in Plamondon, approximately 72 kilometers from Athabasca. École Beauséjour's current elementary catchment area includes Athabasca. There are currently no students who travel from Athabasca to Plamondon to attend École Beauséjour, as the distance between Athabasca and Plamondon makes travel times unreasonable and discourages eligible parents from exercising their section 23 *Charter* rights. École Beauséjour will not have an impact on the enrolment of students in a new community ECS-6 school in Athabasca. Similarly, a new community ECS-6 school in Athabasca will not have an impact on École Beauséjour's enrolment.

[137] 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 CSCE is also interested in offering childcare spaces and early childhood

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<sup>52</sup> CSFCB, *Fédération des parents, et al v BC*, SCC at para 15.

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 legislative mandate and obligations under section 23 of the *Charter*. It will also increase enrolment. A new school facility will serve as the hub for French-language events in the region and promote the development (renewal) of the French-language community. 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*).

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

## Section 8 – Priority 5

### New Community School, Elk Point – New School (ECS-5)

#### I. PROJECT REQUEST SUMMARY:

**A. PROJECT REQUEST:** New school (ECS-5)

**B. KEY PROJECT DRIVERS:**

- Legal (violation of s. 23 of the *Charter* and s. 17 of the *Alberta Act, 1905*)
- 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. NO. OF YEARS LISTED IN THE CAPITAL PLAN:** 3

**E. PROJECT PRIORITY:** 6

#### II. PROJECT RATIONALE

[139] 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.

[140] 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.

[141] 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.

[142] 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.<sup>53</sup> 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.

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

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

[145] 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.

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<sup>53</sup> *CSFCB, Fédération des parents, et al v BC*, SCC at para 15.