Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EECD/007/2019)

On January 30, 2019, the Department of Education and Early Childhood Development received your request for access to the following records/information:

"Any briefing notes prepared for the minister related to the provincial Francophone School Board since December 14, 2015."

A decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development (the department) to provide access to some of the requested information and the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 27: Cabinet Confidences

27. (1) In this section, "cabinet record" means

(h) a record created during the process of developing or preparing a submission for the Cabinet; and

(2) The head of a public body shall refuse to disclose to an applicant

(a) a cabinet record;

Section 30: Legal Advice

30. (1) The head of a public body may refuse to disclose to an applicant information

(a) that is subject to solicitor and client privilege or litigation privilege of a public body; or

(b) that would disclose legal opinions provided to a public body by a law officer of the Crown.
Section 35: Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

(g) information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body;

Section 40: Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that we are unable to provide you with Cabinet records. Therefore, access to the following pages has been removed in its entirety: 4-8. In addition, pages 7 and 8 have also been removed as they are Legal advice.

You may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8
Telephone: (709) 729-6309; Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.
If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-7180 or by e-mail at garynoftall@gov.nl.ca.

Sincerely,

[Signature]

Gary Noftall
ATIPP Coordinator

Attachment
Information Note
Department of Education and Early Childhood Development

Title: Conseil Scolaire Francophone Provincial (CSFP)

Issue: To inform the Minister of the current status of the CSFP.

Background and Current Status:

- The Conseil Scolaire Francophone Provincial was established to provide educational services and programs to French First Language students in the K-12 education system in Newfoundland and Labrador.

- The CSFP currently has five schools under its jurisdiction:
  - Ecole de Grands Vents, (EGV) St. John’s
  - Notre-Dame–du-Cap, Cape St. Georges
  - Ecole Ste. Anne, Mainland
  - Ecole Boreal, Happy Valley-Goose Bay
  - Centre Educatif ENVOL, Labrador City

- There are 349 students enrolled in French First Language Schools in the province for 2015-2016.


- The CSFP is accountable to a Board of Trustees that is composed of representatives who have been elected from individual school councils. The Board has 10 trustee positions; three of the 10 trustee positions are vacant. The vacancies include two positions in Port au Port and one in Labrador east. The current chair of the CSFP is Ali Chaisson.

- Trustees are replaced by a process outlined in Section 96 of the Act and a replacement trustee must come from within the school council in which the vacancy is declared.

- The current Directeur General at the CSFP is Mr. Peter Smith. Mr. Smith assumed the role (interim) of Director on October 14th after the departure of Mr. Claude Giroux.

- The CSFP receives funding from EECD including funds from the federal provincial agreement (OLE) to support French as a first language in Newfoundland and Labrador. The former Director of the CSFP requested an increase in OLE funding for the next 4 years to just over $2 million annually. CSFP currently receives $843 215 from the OLE agreement.

- In January 2015 personnel from EECD and CSFP met to review the OLE agreement and discuss concerns expressed by the school board to EECD executive (not receiving as much funding as they wish, having projects turned down etc.). An opportunity was provided to clarify the provisions of the agreement and to discuss the requirements for successful submission.
- The rights of French First Language people, including access to education, are protected under Section 23 of the Canadian Charter of Rights and Freedoms.

- French community advocacy groups, including Federation des francophones de terre neuve et Labrador (FFTNL) and Federation des parents francophones de terre neuve et labrador (FPTNL) has been advocating for increased supports and funding for french first language education but has been highly critical of the CSFP over the past year.

- The CSFP currently has close to 85,000 ft² of school building space, representing approximately one percent (0.8%) of the total provincial K-12 infrastructure (10.3 million ft²).

- There have been capacity issues at EGV in recent years which have necessitated the installation of three modular classrooms as an interim solution until a long-term solution can be implemented.
  - Since 2011/12 the CSFP have requested an extension to EGV however the request for the extension was dropped during the 15/16 budget process in favour of a new K-12 school in the west end of St. John’s and a reconfiguration of EGV to a K-6. The request for the new school has been a priority since the 2014-15 budget process.
  - On December 7, 2015 the Board submitted its capital plan, which includes a new K-12 in the southwest region of greater St. John’s and the repurposing of Ecole des Grands-Vents to a K-6. The board also requested one additional modular classroom at EGV for the 2016-17 school year (both requests listed as priority #1).

- While the new school has not been funded to date, “long-term school infrastructure for the Conseil Scolaire Francophone” is included in the multi-year school infrastructure plan.

- EECO received various pieces of correspondence from the CSFP in fiscal 2015-16 stressing the high priority they are placing on the new school project and demanding that government approve same given Section 23 of the Canadian Charter of Rights and Freedoms.

- The CSFP feel that Ecole de Grands Vents has inferior program facilities in comparison to the English schools in the area and this is the reason enrolments at the school drop off significantly into the junior and senior high grades.

- The board’s capital plan also includes:
  - Centre Educatif l’Envol, Labrador City/Wabush - A renovation, demolition of existing activity room, construction of a new gymnasium and addition of community space for early childhood learning programs.
  - Ecole Notre-Dame-du-Cap, Cape St. George’s – New K-8 replacement school with space for early childhood learning. Requests notes that it would accept a transfer of Our Lady of the Cape Elementary if no longer needed by the NL English School District.
  - École Sainte-Anne, Mainland – Addition of community space for early childhood learning programs.
  - Note: all three above requests listed as priority #2.
Analysis:
- The CSFP has identified a number of priorities to the Department including:
  o Providing pre-K-12 programming to French First Language individuals
  o New school construction and other major capital upgrades.
  o General infrastructure and operational needs.

Action Being Taken:
- EECD recognizes the role of advocacy groups (FFTNL and FPTNL) and continues to encourage them to work collaboratively with CSFP, the legally prescribed body of governance for French First Language education, to address their concerns.
- EECD continues to work with the Chair of the Board of Trustees and the Directeur General (Acting) on the ongoing issues of the CSFP.

Prepared/approved by: S. Antle / H. Butt / G. Lake / D. Hatcher / I. Clarke / E. Walsh / J. Vivian-Walsh

December 14, 2015

BN/15/353
Department of Education and Early Childhood Development
Infrastructure Projects – CSFP
November 4, 2016

Summary:
- The Francophone school district’s (CSFP) 2017-18 capital plan submission includes a number of project requests, including, as its top priorities, a new school in the west end of St. John’s and use of the former Holy Cross Junior High in the interim.

- The CSFP considers a new school in St. John’s a high priority and insists that government approve same given Section 23 of the Canadian Charter of Rights and Freedoms, which cover the rights of French First Language people, including access to education.

Key Messages:
- Government acknowledges the CSFP’s capital project requests, which will be considered as part of the 2017-18 budget process.

- The former Holy Cross Junior High was recently vacated by the NL English School District (NLESD) but is owned by the Roman Catholic Episcopal Corporation (RCEC).

- The CSFP has written the department to indicate interest in the temporary use of Holy Cross to address programming and capacity concerns in the greater St. John’s area.

- The department has requested a meeting with the RCEC to discuss CSFP use of the building.
Summary:

- The Francophone school district’s (CSFP) 2017-18 capital plan submission includes a number of project requests, including, as its top priorities, a new school in the west end of St. John’s and use of the former Holy Cross Junior High in the interim.

- The CSFP considers a new school in St. John’s a high priority and insists that government approve same given Section 23 of the Canadian Charter of Rights and Freedoms, which cover the rights of French First Language people, including access to education.

Key Messages:

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- The former Holy Cross Junior High was recently vacated by the NL English School District (NLES) but is owned by the Roman Catholic Episcopal Corporation (RCEC).

- The CSFP has written the department to indicate interest in the temporary use of Holy Cross to address programming and capacity concerns in the greater St. John’s area.

- The department is currently in discussion with the RCEC and school districts regarding CSFP use of the building.
Meeting Note
Department of Education and Early Childhood Development
CSFP - New Francophone School
January 28, 2019, 1:30 PM
Executive Boardroom

Attendees:
- Brian Lee – Chair – Conseil Scolaire Francophone Provincial (CSFP)
- Kim Christianson – CEO/Director of Education – CSFP
- [Name redacted] – CSFP Consultant – Power Law

Purpose of Meeting:
- CSFP has requested a meeting with the Minister to discuss the proposed new francophone school/community centre for the greater St. John’s Metro area.

Background:
- The CSFP currently has six schools under its jurisdiction:

<table>
<thead>
<tr>
<th>School</th>
<th>2018-19 Enrolment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecole de Grands Vents (EGV), St. John’s</td>
<td>156</td>
</tr>
<tr>
<td>Ecole Rocher du Nord (former Holy Cross Elementary), St. John’s</td>
<td>32</td>
</tr>
<tr>
<td>Ecole Notre-Dame-du-Cap, Cape St. Georges</td>
<td>42</td>
</tr>
<tr>
<td>Ecole Ste. Anne, Mainland</td>
<td>62</td>
</tr>
<tr>
<td>Ecole Boreal, Happy Valley-Goose Bay</td>
<td>32</td>
</tr>
<tr>
<td>Centre Educatif ENVOL, Labrador City</td>
<td>24</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>348</strong></td>
</tr>
</tbody>
</table>

- There are currently 188 students enrolled at both schools in St. John’s for 2018-19.

- EGV was constructed in 2004 and designed to accommodate 150 K-12 students as well as a francophone community centre. It serves the francophone student population for the greater St. John’s area, including Mount Pearl, Portugal Cove – St. Philip’s, Conception Bay South, Pouch Cove, and Torbay. Enrolment has increased from 35 students in 2004-05 to 179 students in 2016-17 (prior to the opening of Ecole Rocher du Nord).

- The capacity issues at EGV in recent years have necessitated the installation of a number of modular classrooms as an interim measure pending the implementation of a long-term solution. There is no additional space to install additional modulars.

- In July 2017, CSFP entered into an MOU with the Roman Catholic Episcopal Corporation (RCEC) to operate the former Holy Cross Elementary as a 7-12 school for a period of 5 years (expires June 2022). ECV was reconfigured to K-6.

- Budget 2018 provided $400,000 in funding (Phase 1) to commence planning for a new school. In consultation with CSFP, TW released an RFP in December 2018 to engage a consultant for this purpose.

- CSFP has conducted their own site selection process and reviewed several potential site locations located in the west end of St. John’s and Mount Pearl. The Board approved Galway as their preferred site for the location of the new school. A press release was issued by the Board on December 6, 2018 announcing the proposed site location.
• CSFP has engaged their own consultant to prepare a Feasibility Study for the new school. It was officially submitted to TW and EECD on December 11, 2018.

• CSFP is requesting a school to accommodate 510 K-12 students plus community centre for francophones.  

• The estimate provided by CSFP’s consultant is approximately $350,000.  

Agenda item #1 (CSFP Presentation)
• CSFP will provide an overview of their recently completed Feasibility Study to support request for new school.

Analysis
• EECD received various pieces of correspondence from CSFP in the past several years stressing the high priority they are placing on the new school project and requesting that government approve same given Section 23 of the Canadian Charter of Rights and Freedoms.

• CSFP is of the opinion that EGV has inferior program facilities in comparison to the English schools in the area and this is the reason enrolments at the school drops off significantly into the junior and senior high grades. For example, the K-6 class enrolments are healthy but the current total junior high population (7-9) is 28 and the total high school population is four.

• CSFP contends that enrolment will significantly increase if there was a suitable facility in the area.

• There are currently only 188 students enrolled at both schools in St. John’s. Accurate enrolment projections are difficult to obtain as there is little data available specific to francophone citizens and families.

• The MOU expires in June 2022. Effectively, there are only three school years remaining under the current agreement. CSFP will require a permanent solution to this problem.

• Site acquisition costs for the Galway site location is $350,000. This is based on TW has advised that this is consistent with other recent land acquisitions in Paradise. Additionally, the availability of large parcels of land is scarce.

• EECD has submitted an Expression of Interest to Heritage Canada regarding potential funding for the new facility. Heritage Canada has indicated a willingness to work with EECD once it has further detailed planning on the new school/community centre.

• Heritage Canada will not fund capital costs for a new school. It will only fund a portion of the building that is for community use or shared space. EECD estimates that it would only be eligible for $500,000 - $1 million.
Potential Speaking Points

- EECD recognizes the role of CSFP and respect the rights for French First Language education in this province.

- EECD is aware that a long-term solution needs to be found to address the over-crowding at EGV and to address the temporary solution that former Holy Cross Elementary provides.

- Funding approval for a new school is subject to government’s four-stage infrastructure approval process.

- CSFP will need to clearly demonstrate and substantiate the need for a new school that is proposed to accommodate 510 students from K-12. There are currently 188 students in St. John’s schools and 348 for the entire province.

- CSFP may need to consider a smaller school that will provide core facilities such as gymnasium, labs, cafeteria etc., but with option to expand if the student population grows.

- Government will work with Heritage Canada to support CSFP’s funding request to support the new school’s shared community space.

Proposed Actions

- No commitments can be made to CSFP as funding for new school is subject to budgetary process.

- EECD will continue to regularly meet with CSFP and TW throughout the planning process.

- EECD officials to attend meeting with Heritage Canada and CSFP in February 2019 to discuss potential funding partnership for the community space component of the new facility.

Prepared/Approved by: B. Evans/B. Gardiner
Ministerial Approval: Received from Hon. Hawkins

January 24, 2019