

B.C. parents win Supreme Court fight for better French-language school in Vancouver

BY TRACY SHERLOCK, VANCOUVER SUN APRIL 24, 2015



The Supreme Court of Canada has upheld a B.C. Supreme Court judge's ruling that French students in Vancouver do not have access to the same educational services that their English counterparts have. École Rose-des-vents in Vancouver.

Photograph by: Jenelle Schneider, PNG

A Supreme Court of Canada ruling on Friday will have repercussions across the country and adds weight to another lawsuit asking for 21 new French schools in B.C.

The court has upheld a B.C. Supreme Court judge's ruling that French students in Vancouver do not have access to the equivalent educational services as their English counterparts. The case centres around L'école Rose-des-Vents, a small French school in Vancouver near Oak St. and 41st Ave., where in 2010, parents challenged the government to provide equivalent education for students whose first language is French, as is required under the Canadian constitution. The Supreme Court agreed.

The Conseil scolaire francophone de la Colombie-Britannique (CSF), the board for French schools in the province, has a similar case in B.C. Supreme Court that says at least 21 schools, including RDV, and a board office should be provided for French students. The greatest demand is in Metro Vancouver, the Fraser Valley, Victoria, the Okanagan and Sea-to-Sky school districts. That case is broader in scope and also looks specifically at capital spending and operational funding for an equivalent education for francophone students, and should wrap up this summer.

The estimated pricetag for 21 new schools and a board office is more than \$300 million.

Provincial Minister of Education Peter Fassbender said the B.C. government will work with CSF to meet the needs of francophone students.

"We are currently reviewing the details of the decision and the implications, as well as the next steps moving forward," Fassbender said in an emailed statement.

In the judgment, L'école Rose-des-Vents is described as overcrowded, with classrooms that are too small and sometimes have no windows. It says the library is very small, the washrooms are inadequate and there is no flexible space in the building. The school's capacity is 199 students and enrolment this year is 352 students.

"(The crowding) is said to have contributed to the spread of lice among students," the judgment states.

Dominique Robeyns, a parent and Parent Advisory Council president at the school, said one of her daughters was injured when skipping because the playground is so crowded and the students are "packed like sardines" into classrooms that include five portables and a bubble gymnasium.

Many of the students live in Kitsilano and the University of B.C. area and are bused to the school, which sometimes takes 45 minutes each way, Robeyns said. By contrast, most students attending English-language schools in the area live within one kilometre of their schools.

"I'm so happy," Robeyns said. "It's not just for us, this judgment. It's going to affect all the French people in communities across the country."

The Canadian Charter of Rights and Freedoms guarantees that people whose first language is French, or who have received their schooling in French, have the right to have their children educated in either English or French. This case was filed on behalf of all people living west of Main Street in Vancouver, because RDV is the only French school in that area.

In Vancouver, general student enrolment is falling and there has been talk of the possibility of closing schools. But schools on the city's west side are mostly full, according to numbers provided by the Vancouver School Board. RDV was previously a VSB English school, but when the CSF bought it in 2001 it was being rented to a private school.

The only parcel of land on the city's west side that is appropriate and available is part of the Jericho lands, says David Eby, New Democratic Party MLA for Vancouver-Point Grey. The Jericho lands are a 21-hectare parcel of land slated for residential development that the federal government recently sold to Canada Lands Company and the three Coast Salish nations for \$307.2 million.

Robeyns said the Jericho land would be ideal for a second French school because of the number of French families in Kitsilano and UBC.

"We need two schools," Robeyns said. "Rose-des-Vents has to move out of that site and we need a school that is in a strategic position so the busing time is reduced."

Friday's court ruling only states that the facilities at RDV are not equivalent to those offered to English students. It doesn't address a specific remedy or responsibility.

But Mark Power, a lawyer for the CSF, said the parents are hoping that the judgment alone will be enough to prompt the government to act. If it doesn't, they have two choices — to either go back to the trial judge to ask for a specific remedy, or to hope that the second case, which includes a request for two schools for the west side of Vancouver, is successful.

"In our perspective, if the government creates a school board, they can't hide behind it. It's still the government. We want land, and there is provincial land. The government has to buy land and then give money for the school building," Robeyns said. "We've been showing that we mean business. They have to do something and they cannot hide anymore."

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with file from Canadian Press

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