



# Career Colleges Ontario

## Issues Briefing Book

*"From Many, One Passion - Helping Students"*

Small  
Class  
Sizes



Quality  
Education

4

5

0

0

Programs  
of  
Study

Over 145  
Years of  
Experience



Student  
Success



8:1  
Student-  
Instructor  
Ratio

[www.careercollegesontario.ca](http://www.careercollegesontario.ca)

## The Association

Career Colleges Ontario (CCO) is a not-for-profit association that was established in 1973 to advocate on behalf of private career colleges in the province.

The association's purpose is to help governments, key decision makers and the public understand the critical role its members and their students play in supporting Ontario's post-secondary education system and improving the province's economic well-being.

CCO currently has a membership of over 240 career college campuses, which represents just under 50% of all of Ontario's career college campuses.

CCO members contribute to Ontario's economy by providing highly qualified graduates in hundreds of essential, skilled fields such as Applied Arts, Business, Healthcare, Human Services, Information Technology, Services and Trades.

CCO has been able to distinguish itself as an association by offering a Financial Aid Office that operates in conjunction with the Ministry of Advanced Education and Skills Development's Student Financial Assistance Branch.

In addition, the association provides a student transcript storage service that is approved by the MAESD for career colleges to use.

## The Sector

The career college sector in Ontario consists of approximately 92,000 students. Annually, it produces more than 70,000 graduates at a minimal cost to taxpayers, because the sector receives no direct operating funds from the government.

Students who attend career colleges are usually older, more likely to be female and new-immigrants. Typically, they are looking for flexible, hands-on training that will facilitate their entrance into the job market.

By choosing to study at career colleges, those 70,000 graduates save taxpayers more than \$1 billion per annum. At the same time, the career college sector generates more than \$94 million in business and payroll taxes. The sector is efficient, productive, flexible, innovative and accountable. It is able to shape and expand its programming to quickly adjust to market forces, thereby complementing the educational offerings of the other members of the post-secondary education system.

Students of career colleges, like all post-secondary students, must be assured of continued access to high-quality programs of excellence, to credit transfers and post-secondary mobility, credential recognition, equal access to funding opportunities, flexibility in learning modalities, and meaningful performance measurements.

CCO believes that in order to ensure that Ontario has a globally competitive post-secondary education system, the government must take a leadership role in fostering equity, collaboration, respect and recognition among all four pillars of post-secondary education – career colleges, community colleges, universities and the apprenticeship programs.

To achieve this goal, systemic barriers that have restricted the access and mobility of career college students to financial and program support must be abolished.

This Issues Briefing Book outlines the core issues, which CCO believes are inequitable and acting as impediments to the proper advancement and success of career college students in Ontario.

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## Issues

### Fiscal Inequities

#### 1. Tuition Cap on Second Career Programs at Career Colleges

##### *Background*

The Ontario Government's Second Career program places an arbitrary \$10,000 cap on the amount of tuition that it will fund for an unemployed adult to attend a career college program of study, whereas in many cases, the same student could receive full funding for tuition in excess of \$10,000 when attending a publicly funded institution.

The imposition of this arbitrary cap has significantly reduced the options and freedom of choice for Second Career students to attend the most appropriate post-secondary institution.

In future, this policy will continue to restrict a student's right to choose the best educational option, and will serve as a barrier to more fully utilizing the resources of the career college sector as a way to address increased student demand and provincial deficit reduction-related financial considerations.

##### ***Recommendation:***

**Any tuition cap policy associated with funding programs must be applied equally, regardless of a student's choice of educational institution (and allow for cost of living indexing on an annual basis).**

#### 2. Canada Student Loan/Grant Program

##### *Background*

The Canada Student Loan program has had a loan program for students who wish to study their program on a part-time basis.

Students attending Ontario's career colleges were eligible for funding under this program until July 31, 2010, when Ontario introduced its own part-time loan program, which includes the Canada Part-Time Student Loan and associated grants.

However, when Ontario introduced its program, it excluded students of career colleges, notwithstanding their programs meet the criteria of the Canada Part-Time Student Loan and associated grants program. The program eligibility criteria are and have been that the program must be approved as a full-time degree, diploma or certificate program, and delivered by a designated institution. The program must be a minimum of 12 weeks, in a 15 week period.

##### ***Recommendation:***

**Career college students should be allowed to apply for Canada Student Loan assistance or alternatively Ontario's part-time loan assistance as they were previously eligible.**

#### 3. HST

##### *Background*

Under HST, career colleges are deemed to be providers of an exempt service with no access input tax credits. Publicly funded educational institutions can claim 87% of input tax credits. This policy artificially inflates the level of tuition for career college students and places a larger burden on the various student financial assistance

programs.

***Recommendation:***

**The government should revise its policy with respect to HST to make educational services 0% rated, rather than exempt under HST, or allow career colleges to claim input tax credits, thereby removing the competitive disadvantage that Ontario's career college sector experiences and reflecting fair and equitable treatment.**

## Inequitable Student Access

### 1. Apprenticeship

#### *Background*

In September, 2009, Bill 183 – An Act to revise and modernize law related to apprenticeship training and trades qualifications and to establish the Ontario College of Trades – was introduced.

At that time, the Ontario Association of Career Colleges, now Career Colleges Ontario (CCO), made a submission to the Standing Committee on Justice, recommending that representation of the diverse education/training deliverer community be included in the proposed Board of Governors, the Divisional Boards and the Trade Boards.

CCO specifically recommended that both CCO and Colleges Ontario be included on the above boards to provide education/training representation.

When the Ontario College of Trades and Apprenticeship Act, 2009 was enacted, provision was made for representation on the Board of Governors of the colleges of applied arts and technology sector. No provision was made for representation of the career college sector.

A recent review of the Service Ontario listing of career college programs reveals that approximately 177 career colleges offer a total of more than 960 programs in trades and pre-apprenticeship training across 51 Ontario communities.

Notwithstanding the thousands of trade graduates that career colleges educate, career colleges have been excluded from the Ontario College of Trades, and graduates of their pre-apprenticeship programs have not been given automatic credit towards apprenticeship programs.

Moreover, there has been only limited approval of career colleges as Training Delivery Agents for apprenticeship training.

#### ***Recommendation:***

**The government should exhibit increased recognition of the career college sector in regard to apprenticeship and pre-apprenticeship training by including it in the province’s apprenticeship model, creating a framework to facilitate automatic credit recognition of “pre-apprenticeship training” done by career colleges and adding career college representation to the Board of Governors of the Ontario College of Trades.**

### 2. Delivery Accredited Professional Training

#### *Background*

Career colleges in Ontario are specifically excluded from delivery of certain professional training programs. For example, career colleges may not offer training as Registered Practical Nurses (RPN), despite the fact that all other provinces allow career colleges to train RPNs. As a result, there is a high demand in Ontario for RPNs trained in other provinces.

#### ***Recommendation:***

**The Ontario College of Nurses, the Ministry of Advanced Education and Skills Development and the Ministry of Health, should approve the training of RPNs by career colleges in the province of Ontario.**

### 3. Distance Education OSAP Funding

## *Background*

Ontario students can receive Ontario Student Assistance Program (OSAP) assistance to take distance education courses at educational institutions located outside Ontario, but those same students may be unable to access OSAP funding to attend Ontario-based institutions that offer distance education.

In October 2014, the career college sector was advised by the Director of the Student Financial Assistance Branch of the MAESD that it had decided to defer a decision on whether to extend eligibility for approval of distance education programs offered by private institutions for OSAP purposes, and the conditions for approval of such programs, until two full years of Key Performance Indicators (KPI), for the career college sector have been collected and reviewed by the MAESD.

### ***Recommendation:***

**Ontario students should have the same financial access to distance education offered by the province's career colleges as they do to career colleges in other jurisdictions and should not be required to wait until 2017.**

## 4. Ontario Qualifications Framework

### *Background*

The Ontario Qualifications Framework (OQF) was developed by MAESD to provide a complete framework covering all post-secondary credentials, including career colleges.

The OQF was intended to provide a tool to compare learning expectations of different types of qualifications and thereby provide all postsecondary institutions a measure against which they could create policies on credit transfer and credential recognition.

CCO had limited participation in the initial design of the OQF. The ministry's emphasis began to shift to credit transfer between community colleges and universities, before work on career college credentials was completed. This resulted in universities and community colleges being able to proceed with credit transfers between public institutions, while career colleges were excluded because their credentials had not been addressed in the OQF. Appendix 2

The exclusion of career colleges from the OQF impedes academic mobility for graduates across and between programs offered by different public and private institutions. In some cases the credentials of graduates from programs, which are equivalent to those provided by community colleges, are not accepted forcing students to repeat the same training.

The absence of career colleges in the OQF also prevents employers from understanding and recognizing the learning outcomes of graduates of career colleges and recognizing the equivalency of career college programs to those offered at community colleges. Many employers, including the Federal Government, have hiring practices in place that disadvantage graduates from career college programs of study by insisting that applicants hold a two-year community college diploma.

### ***Recommendation:***

**Ontario's post-secondary institutions should have high quality, outcome-based credentials through the full implementation of the Ontario Qualifications Framework (OQF) that embraces the concept that any institution that can provide a program, that meets the stated outcomes, should be allowed to offer the same credential and that the credential would be recognized within the education and employer communities.**



**Career colleges should be included in the OQF to support the government’s vision of a comprehensive, transparent credit transfer system that improves student mobility and allows them to move between postsecondary institutions or programs without repeating prior, relevant learning.**

## 5. International Student Program and Post-Graduate Work Permits

### *Background*

In January 2013, Citizenship and Immigration Canada announced changes to the International Student Program, which would restrict the issuance of study permits to international students.

The objective of the changes was to enhance the access of bona fide international students to Canadian postsecondary education. In June 2014, notwithstanding existing comprehensive regulatory approval for career colleges of both domestic and international students, Ontario introduced an international student program designation framework (ISP) for all education institutions, including career colleges.

Subsequent to its introduction, some Canadian Immigration and Citizenship (CIC) officers advised international students that they had to pay, in advance, 100% of their tuition, in order to obtain a study permit.

Career colleges are statutorily barred from accepting more than 25% of a student’s tuition, and thus are excluded from recruiting those students who have been advised by immigration officials that they must pay 100% of their tuition.

Career college international students are also not eligible for post-graduation work permits, which are available to students at publicly funded institutions.

### ***Recommendation:***

**The Private Career Colleges Act should be amended to remove the 25% student tuition payment prohibition with respect to international students.**

**Career college international students should be approved for post-graduate work permits.**

## 6. Imagine Education in Canada Brand

### *Background*

The Imagine Education in Canada Brand was created to enable governments, educational institutions and various other participants in the education field, to address international students using a consistent voice.

The initiative is the product of a joint effort by Foreign Affairs and International Trade Canada (DFAIT), and the provinces and territories through the Council of Ministers of Education, Canada (CMEC).

Career colleges are not currently eligible to use the brand. The province of Ontario has recommended to the joint federal/provincial/territorial working group that the program be extended to career colleges.

### ***Recommendation:***

**The Imagine Education in Canada brand should be extended to include Ontario’s career colleges that are ISP designated.**

## 7. Key Performance Indicators

### *Background*

In 2013, the Private Career Colleges Branch (“PCCB”) of the Ministry of Advanced Education and Skills Development (“the Ministry”) launched a three-phase implementation plan for Key Performance Indicators (“KPI”).

The first two phases starting in July 2013 and July 2014, respectively, included only career colleges approved to accept students funded by the Ontario Student Assistance Program (“OSAP”).

Beginning in July 2015, all career colleges were required to participate in the KPI initiative.

The mandatory KPIs to be published for career colleges are:

- Graduation Rate
- Graduate Employment Rate
- Graduate Employment Rate in the Field of Study
- Graduate Satisfaction Rate
- Employer Satisfaction Rate

Several issues have emerged since the institution of the KPI initiative, which threaten the value of the program and may mislead students about the KPI performance of career colleges. These include:

- i. Inequity for career colleges applying for OSAP designation;
- ii. Entry to Practice Exams and their impact on employment rates;
- iii. Impact of data collection and reporting due to small sample sizes;
- iv. Inclusion of training completion students in KPI results;
- v. Publication of different KPI criteria for publicly assisted colleges and career colleges;
- vi. Conflict in provincial OSAP and KPI policies for disabled students; and
- vii. The absence of a comprehensive disclaimer with respect to the 2013 KPI results.

#### i. Inequity for career colleges applying for OSAP designation

In 2013, the Ministry began consultations on changes to criteria for obtaining OSAP designation for career colleges seeking re-approval of designation and those seeking designation for the first time.

The Ministry initially proposed to raise the KPI threshold for OSAP approval to 100% of the average of the graduation and graduate employment rates for publicly assisted colleges for both new applicants and career colleges seeking the re-approval of OSAP designation.

Career Colleges Ontario (“CCO”) participated in the consultations and advocated for career colleges in Ontario to be held to a threshold rate of 80% of the average graduation and graduate employment rates of publicly assisted colleges. This would result in a closer alignment with the actual range of publicly assisted college KPIs – both for new applicants and for those career colleges seeking re-approval of OSAP designation.

When the Ministry announced its criteria for re-approvals, it adopted the rate of 80% of the average graduation and graduate employment rates of publicly assisted colleges.

However, new OSAP applicants would have to meet the rate of 80% of the average graduation rate of publicly assisted colleges and the rate of 100% of the average graduate employment rate of publicly assisted colleges.

The Ministry has not provided any explanation as to why new OSAP applicants must reach a higher threshold than currently designated OSAP career colleges seeking re-approval.

Many career colleges are being denied OSAP designation because they cannot meet the new OSAP KPI threshold, thereby hurting students even though they can meet the KPI threshold applicable to currently designated OSAP career colleges.

***Recommendation:***

**Applicants for new OSAP designation should have to meet the same criteria as those career college applicants seeking re-approval of 80% of the average graduate and graduate employment rates for publicly assisted colleges.**

ii. Entry to practice exams and their impact on employment rates

Graduate employment rates are being artificially reduced due to delays in graduate availability for work because of the timing of entry to practice exams.

In some cases, students may not be eligible to work if they have not completed entry to practice exams. Some licensing bodies insist that students delay taking their entrance to practice exams until they have had sufficient time to prepare.

***Recommendation:***

**A code should be incorporated into the survey that identifies those students who need to complete an entry to practice exam so that the survey week would be moved ahead for those students.**

iii. Impact of data collection and reporting due to small sample sizes.

Small class sizes, which are particular to career colleges, and low contact rates with graduates may skew KPI results.

The small class size particular to career colleges means that a single student's KPI results may dramatically affect a career college's overall KPI results.

This situation is further exacerbated because of the low contact rates in the graduate surveys.

The overall provincial contact rate with graduates in the survey is approximately 60%. This rate implies that for some career colleges the contact rate may be as low as 40%. The low contact rate, combined with small numbers of graduates, means that the addition or absence of one student can significantly alter the career college's KPI result.

***Recommendation:***

**The raw survey numbers should be published so that potential students can assess the significance of the published percentages.**

iv. Inclusion of training completion students in KPIs for Training Completion Providers

During the recent training completion for students of Everest College, the Superintendent of Private Career Colleges advised the career colleges that the KPI results of those students for whom they provided a training completion were to be included in their KPI reports.

While the inclusion of student KPIs for a closed school may or may not diminish the KPI performance results for the training completion provider, they could certainly have a negative impact on graduate satisfaction rates.

***Recommendation:***

**The KPI for training completion students should not be included in a training completion provider's KPI.**

v. Publication of different KPI criteria for publicly assisted colleges and career colleges.

The mandatory KPI to be published for career colleges differ from those being published for publicly assisted colleges.

The difference in published KPI results makes it very difficult to have a proper comparator, which would allow students to assess the efficacy of programs offered by career colleges and publicly assisted colleges.

Publicly assisted and career colleges both have to publish:

- Graduation rate
- Graduate employment rate
- Graduate Satisfaction rate
- Employer Satisfaction rate

Career colleges must also publish graduate employment rate "in field of study". Publicly assisted colleges collect this information but are not required to publish it.

Publicly assisted colleges must publish student satisfaction rates and career colleges must publish only graduate satisfaction rates.

***Recommendation:***

**The same KPI publication criteria should be applied to career colleges as those for publicly assisted colleges so that students may properly assess the program success of career colleges and publicly assisted colleges.**

vi. Conflict in provincial OSAP and KPI policies for disabled students

OSAP regulations allow for a student with a disability to take 40% of a course load, in some cases creating a 250% course duration. KPI allows a 200% course duration, which potentially skews KPI results.

***Recommendation:***

**The KPI survey should recognize the OSAP requirements of 250% course duration for disabled students, and a code should be included in the survey that would flag that a disabled person should be allowed up to 250% of program length to graduate.**

vii. Absence of Comprehensive Disclaimer for 2013 KPI results

The issues raised above, as well as concerns with respect to the survey company Forum Research's inadequate and untimely feedback and quality of assistance with regards to uploading data, dictate the need for a strong Notice to Reader for the 2013 results.

The KPI Sector Advisory Group has recommended the following comprehensive disclaimer:

Notice to Reader

Please note that the data collected and reported in this report represents the first year in collecting such data and that it does not represent the entire sector. The purpose of collecting the data is to assist in establishing measurable benchmarks and progression over time. This report is not intended to be used solely in making assumptions, comments or forecasts on the sector or its current participants. We do believe that over time this report will become a useful tool in establishing benchmarks and measuring sector and campus specific progress.

Colleges Ontario uses the following disclaimer, which qualifies the use of KPIs as a comparator and acknowledges the variations within the public college sector:

College-to-college comparisons (ranking) could produce misleading results because of college size, local employment conditions, program mix and graduate demographics. The data from each college should be considered on its own.

The Ministry has advised that the following disclaimer will be posted on its web site:

These reports are a summary of results from the ministry's pilot year for calculating and publishing PCC KPIs. The ministry is using lessons learned from this first KPI collection to strengthen the KPI reporting methodology. KPI data will help the sector establish measureable benchmarks for its respective vocational programs.

Notwithstanding repeated requests to address the absence of any qualifying language about the profile of the PCC sector that the release of the KPI 2013 results might represent, it would appear that the Ministry does not intend to publish a Notice to Reader that acknowledges that the results should not be used to "make assumptions, comments or forecasts about the sector".

Moreover, it does not recognize the variations within the career college sector as has been done with the public college sector.

***Recommendation:***

***The ministry should meet with CCO to discuss a stronger Notice to Reader for the release of the 2013 KPI results that qualifies the reliance on the 2013 KPI results for making assumptions or forecasts about the PCC sector.***

## 8. CCO Review Training Completion Process

### *Purpose*

To review the recent Everest Training Completion process to identify problems that occurred during its administration by the Ministry of Advanced Education and Skills Development ("MAESD") and recommend opportunities to improve the process for students, MAESD and career colleges.

### *Background*

1. On February 19, 2015, the Superintendent of Private Career Colleges (the Superintendent) issued a notice of immediate suspension of Everest College's registration under the Private Career Colleges Act, 2005 effective 9:07 a.m. and a notice of proposal to revoke the registration of Everest College. The revocation was completed on March 15, 2015.
2. At the time of the notice of immediate suspension, approximately 2,697 Everest College students were not allowed access to Everest College or their programs. MAESD officials were on site at all 14 Everest campuses on

the day of the suspension and spoke with the students that were on campus at the time. The MAESD officials provided these students with TCAF forms to complete.

3. On February 20, 2015, Everest College filed for bankruptcy. Everest College's gross annual revenue was greater than \$25 million, and it was thus exempt from paying premiums to the Training Completion Assurance Fund (TCAF) but was required to post security in the amount of \$3 million. Monies in the TCAF fund generated by other career colleges' premiums were not subject to students' claims other than the \$3 million security Everest College posted. This security was forfeited upon bankruptcy to the TCAF fund.

4. Everest College students were confused and frightened about the academic and financial impact of the immediate suspension of Everest College and its subsequent filing for bankruptcy. Many went to nearby career colleges to determine if they could help them and if they could enroll. Many students were understandably distraught, some breaking down in tears.

5. On February 20, 2015, the Superintendent wrote to career colleges dissuading them from "conducting campaigns targeted to enroll affected Everest College students" and stating that such behavior "may be inadvertently impacting these students' eligibility for funding from the Training Completion Assurance Fund."

6. The letter did not provide any specifics as to what career colleges could and should say to the distraught students and effectively precluded career colleges from helping the Everest College students. It also did not provide any details with respect to the TCAF process, its requirements or timelines that might have assisted career colleges in helping the ministry manage the affected students' expectations.

7. Later, CCO wrote to the Superintendent and questioned what was meant by "conducting campaigns", and specifically if this included meeting with students or advertising. The letter referred to the fact that some inspectors were telling CCO's members not to talk to or meet with Everest College students.

8. The Superintendent later confirmed that career colleges could meet with students and advertise, but contracting outside of the TCAF process remained an issue for which key messages were being developed.

9. At that point CCO recognized that there was a serious knowledge gap insofar as the career college sector's knowledge and understanding of the TCAF process and their role in it was concerned. CCO proposed regular meeting updates with the ministry so that it could advise its members and also proposed the development of FAQs to assist career colleges in advising the displaced Everest College students.

10. Regular TCAF update calls were held throughout the TCAF process, but the FAQs, which CCO had hoped to develop in conjunction with the ministry, were ultimately just attributed to CCO.

11. On March 11, 2015, Minister Moridi announced that the government of Ontario would be providing an additional \$7.6 million to the \$3 million of the forfeited Everest College security to assist with the training completion for a total of \$10.6 million. A notice to Everest College students about their TCAF options was sent on March 11, 2015.

12. The Everest College training completion process required the following:

- i. identification of students who qualified for assistance;
- ii. identification of institutions that offered similar programs in similar geographical location;
- iii. distribution of Requests for Proposals to those identified institutions to determine which institutions were interested and had the capacity to provide training completions;
- iv. determination of which students wanted training completions versus the receipt of partial refunds;
- v. determination of which institutions were to be presented to students as option on the basis of undisclosed criteria;

- vi. presentation of options to students;
- vii. receipt of students' choices for training completion providers;
- viii. provision of information about students' choices to chosen institution with student data and request for a PLAR report;
- ix. review and approval of PLAR;
- x. notification to student and institution of approval to start the training completion;
- xi. development of the contract between TCAF and the institution; and
- xii. involvement of OSAP at some point, where appropriate.

13. During its regular calls with the ministry CCO repeatedly asked for the criteria that were being used to determine which career colleges were being selected to provide training completions, however it was never given specific criteria about how the ministry determined which career colleges were suitable for training completions for particular students.

14. CCO understands that limited information was shared with career colleges as to why they were or were not selected as training completion providers. Throughout the training completion process, inspectors and ministry officials gave inconsistent advice. In some cases, career colleges were told their campuses were beyond the "geographical area" even though no definite geographical criterion was given. In others, students were being told they would have to travel for miles to complete their training completion—even though a closer location with the same program was available—because it did not fit the ministry's criteria, which was not disclosed. In other situations, students who had been travelling long distances to attend Everest College were forced to attend training completion providers in the same areas even though there were alternatives closer to where they were living.

15. The Request for Training Completion Proposals referenced in item iii above made reference "to demonstrating high levels of social responsibility in utilizing the TCAF monies prudently and effectively" but did not specifically ask proponents to discount their fees. Throughout the TCAF process, numerous career colleges offered to significantly discount their fees and in some cases enrolled students for free.

16. All of the career colleges that were selected were registered career colleges that the ministry had already approved for operation, so it is unclear what the other requirements were or should have been beyond offering a similar program. Moreover, all career colleges are required to enter into training completion partner agreements to obtain program approval. Their existence apparently had no bearing on which career colleges were selected as training completion providers, which raises the question of their utility.

17. On March 18, 2015, the Superintendent wrote to career colleges outlining the Training Completion Process, including the requirement that a Prior Learning Assessment (PLAR) would have to be conducted for all students attending a career college for training completion, and that the ministry would review it, which would thereafter confirm that the student could begin training at the training completion provider.

18. The Superintendent's letter also advised that students who received OSAP funding while at Everest College and completed their training at institutions providing training completions within the current 2014-2015 loan year would have any defaults attributed to Everest College. But, defaults for those students who required a new OSAP application for the 2015-2016 year would be attributed to the institutions providing training completions.

19. The letter also advised that the Key Performance Indicators (KPI) would be attributed to the training completion career college.

20. Several career colleges believed that once they had been selected as a training completion provider by the ministry they were "approved" and could proceed to conduct the PLAR and admit the student.

21. On April 10, 2015, the Superintendent wrote to “Approved Training Completion Providers” and expressed her concern that some career colleges were reaching out to students to conduct PLARs before the students had notified the ministry of their preferred training completion provider and the ministry had identified those students to the training completion provider. Only then could the training completion provider conduct the PLAR, which the ministry would then have to review and approve.

22. The Superintendent’s letter also enclosed Appendix A, which laid out the PLAR Steps which confirmed that a student could not start with a training completion provider until the ministry had reviewed the PLAR and confirmed that the student could begin training. The ministry would then work with the training completion provider to develop an agreement with the career college, including the total cost for all training completions being done by the training completion provider.

23. On April 17, 2015, CCO wrote to the Superintendent, concerned about some of the behaviours the Superintendent had referenced in her April 10, 2015 letter and suggested that the language around “Approved Training Completion Providers” should be clarified.

24. CCO has been advised that throughout the TCAF process the TCAF board of directors was not consulted about the process or asked to give any suggestions with respect to the suitability of a particular career college as a training completion provider.

25. On June 17, 2015, the ministry briefed CCO’s PCC Act Modernization Advisory Committee about, among other things, the training completion process. In a portion of its documentation entitled ‘Lessons Learned During the Closure’, it raised several concerns about how career colleges conducted themselves during the training completion process.

26. Several of these raised concerns for CCO and its members, including the following statements:

3. Some private career colleges actively undermined the TCAF process

- Several PCCs worked outside the TCAF process to try to recruit students and publicly criticize the ministry’s processes, including some of the largest and more mature PCCs.
- Few PCCs submitted particularly competitive bids, and many attempted to avoid taking on accountability for students’ outcomes.

4. The Ministry was seen as solely responsible for the closure

- TCAF was intended to ensure that the PCC sector absorbed the financial cost of closures and public scrutiny associated with school closures.
- In this case, the ministry absorbed the majority of the financial costs and scrutiny.

27. In July, 2015, the ministry advised that it would be reviewing the segregated class of career colleges and the TCAF and intended to consult with the career college sector with respect to its approach.

### *The Legislation*

The administration of the TCAF is governed by Ontario Regulation 414/06 of the Private Career Colleges Act, 2005.



Pursuant to those regulations, money that the Superintendent received as the result of realizing upon any security provided by a private career college that has been declared to be forfeited under section 34 is considered part of the fund. 11. (2)(4)

Private career colleges that have revenues equal to or greater than \$25 million are not obliged to contribute to the TCAF but must post a security in the amount of \$3 million. 31.(1)

The TCAF has an Advisory Board, the majority of whose members are to be representatives of private career colleges. 3. (3)

The Advisory Board is supposed to, among other things:

Make recommendations to the Superintendent with respect to the measures to be taken in the event of a particular private career college ceasing to operate. 9. (3)

Make recommendations to the Superintendent on the suitability of any person, private career college or organization that may be approved under section 40 to provide training completion to the former students of a private career college that ceases to operate. 9. (4)

Develop and submit to the Superintendent recommended strategies to promote public awareness of the Fund. 9. (5)

***Recommendation:***

**The Ministry should:**

- 1. Recognize that the priority of the training completion process must be to get affected students back into their training as soon as possible. This goal must inform and direct all parts of the training completion process;**
- 2. Recognize that career colleges are committed to helping students in the event of a closure and want to work with the ministry in helping students and career colleges manage a training completion process;**
- 3. In the event of a suspension or possible revocation, the announcement to the affected career college and its students should be triaged by advising owners, administrators, instructors and students in stages so that owners, administrators and instructors can assist students in understanding what is happening and help ministry officials manage student expectations. In the event of a voluntary closure, the presence of other career college sector representatives or TCAF board members when the announcement is made to students would also help;**
- 4. Recognize that TCAF is an industry fund paid for by career colleges, and follow its regulatory requirements of taking advice from the TCAF Advisory Board. This will be especially important in the event that there is no longer a segregated class of career colleges;**
- 5. Develop, in conjunction with the TCAF board and sector review, a communication plan that lays out the specific steps for career colleges to follow in the event of a closure/training completion and ensures that adequate ministry response systems are in place to respond to student inquiries. A set of FAQs for career colleges should form part of any communication plan and should be posted on the ministry web site;**
- 6. Develop, in conjunction with the TCAF board, a critical path that is focused on getting students back into their training completion expeditiously and acknowledges that all registered career colleges have**

had their programs and operations approved by the ministry. The critical path should also address the need to provide payment more quickly to training completion providers;

**7. Retain individuals with career college expertise—Training Completion SWAT Team—during a training completion to assist the ministry staff and the sector to manage and understand the training completion process from a career college’s perspective;**

**8. Reconsider its decision to attribute OSAP defaults for a new 2015-2016 loan to the training completion provider and continue to attribute it to Everest College. In future, all OSAP defaults should be attributed to the suspended career college and not to the training completion provider, regardless of the timing of OSAP loans;**

**9. Exclude the KPI results for Everest College students from the results for training completion providers. The attribution of Everest College student KPI results to training completion providers may negatively impact the training completion providers’ KPI results and, in the case of new OSAP applicants, prejudice their opportunity to obtain OSAP. In future, KPI results of suspended career college students should not be attributed to the training completion providers but remain with the suspended career college; and**

**10. Establish a working group composed of sector and ministry representatives to develop a set of recommendations to address the above.**

#### 9. Intern Exemption for Career Colleges Student Interns under Ontario’s Employment Standards Act

##### *Background*

Educational programs offered to students within Ontario’s postsecondary sector often include an internship. Internships are not intended to be paid for by employers as they are part of a student’s curriculum.

Ontario’s Employment Standards Act includes a person who is receiving training in its definition of an employee, unless the following criteria are met:

1. The training is similar to that which is given in a vocational school.
2. The training is for the benefit of the individual.
3. The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained.
4. The individual does not displace employees of the person providing the training.
5. The individual is not accorded a right to become an employee of the person providing the training.
6. The individual is advised that he or she will receive no remuneration for the time that he or she spends in training.

Student interns of colleges of applied arts and technology or a university are specifically exempted from this provision and, therefore, employers do not need to meet these six criteria before it is determined that they are not required to pay wages.

Student interns of career colleges, notwithstanding the provision of internships in their Ministry of Advanced Education and Skills Development approved programs, are not specifically exempted.

As a result, employers who want to work with career college student interns must meet these six criteria before it can be determined that a career college student intern is not an employee. If the employer fails to meet these six criteria, it will have to treat the career college student intern as an employee and pay wages.

The absence of the same exemption being available to career college student interns as that which is available to public college or university student interns, acts as a disincentive to employers hiring career college student interns, even though they are in programs approved by the Ministry of Advanced Education and Skills Development.

***Recommendation:***

**Ontario's Employment Standard Act should be amended to include career college student interns within the category of persons specifically exempted from the requirement of meeting the six conditions in order to not be defined as an employee.**

**This would result in student interns of career colleges being treated the same as student interns of public colleges and universities, and thus not requiring employers to pay wages.**

## The Act

### *Background*

The Private Career Colleges Act (“the Act”) should deliver the greatest benefit to Ontario’s post-secondary students by concentrating on the quality of educational outcomes rather than focusing on institutional operations.

Institutional operations should be improved by reducing red tape, improving administration and facilitating more self-regulation.

The following recommendations relate to amendments to the Act that reflect these principles.

#### 1. The Name of the Act

##### *Background*

Career colleges are an integral component in the quality continuum of the province’s post-secondary education system (PSE).

If Ontario is to keep pace globally, we must develop strategic policies and legislation that support the career college sector’s potential to contribute to the province’s social and economic well-being.

To that end, it is important that any definition of a career college should remain broad enough to allow the sector to continually innovate and evolve to meet the needs of students and employers.

All pillars of PSE are working towards and contributing to the same end.

It is, therefore, appropriate to de-emphasize the public/private sector gaps and begin to embrace a vision of the Ontario post-secondary education system that is cohesive, comprehensive and fluid.

##### ***Recommendation:***

**The Private Career Colleges Act 2005 be renamed the Career Colleges Act.**

**Throughout the Act and Regulations, the word private should be removed from all references to “private Career Colleges.”**

***Recommendation I.1 – Appendix 3***

***Recommendation I.2 – Appendix 3***

#### 2. Definition Vocational Training Institution

##### *Background*

The current definition of a private career college does not distinguish between institutions that are legally registered and those that are not.

This results in public confusion with respect to the behaviours of institutions that are not legally registered with those that are.

***Recommendation:***

**The legislation should be amended to clearly distinguish those institutions, which are offering vocational programs without having been approved by the Superintendent.**

***Recommendation I.3 – Appendix 3***

### 3. Definition Types and Duration of Vocational Training

***Background***

The current definition of vocational training limits the types and duration of vocational training that should be available to career college students.

Career colleges need the flexibility to provide part-time vocational programs, continuing education and individual vocational courses to meet learners' needs.

Because the definition of vocational training does not recognize career college students enrolled in one course, they are also precluded from protection under the Training Completion Assurance Fund (TCAF).

Career college students are also denied the flexibility to take courses for an approved program in a non-continuous fashion.

***Recommendation:***

**The definition of vocational programs should be expanded to recognize and enhance the flexibility of career college education and to afford protection to career college students regardless of the duration, type and sequence of vocational training.**

***Recommendation I.7 – Appendix 3***

***Recommendation V.5 – Appendix 3***

### 4. Administration and Financial Matters

#### Training Completion Assurance Fund (TCAF)

***Background***

Any revisions to the current Act must reflect the principle of greatest benefit to and protection for students, not only in the quality of the programs, but also the financial protection of their investment in education.

Much of the activity of the Private Career College branch of the Ministry of Advanced Education and Skills Development (MAESD), is spent on time-consuming management and administration relating to TCAF. The financial protection to students afforded by this fund should enable the Superintendent to step back from his/her involvement in the business side of the sector to focus on the real purview of MAESD, which is the assurance of quality learning outcomes.

***Recommendation:***

**The board of TCAF should transition from one, which is advisory, to one, which is governing. The proposed governing TCAF board would make decisions with respect to:**

**i) the administration of the Fund, including the amount of premiums, surcharges and levies to be paid into the Fund by career colleges and the frequency of the payments;**

- ii) governing situations where a career college ceases to provide a vocational program and, in particular, the provision and administration of training completion and the payment of training completion costs and refunds under Part VI in such situations;
- iii) the measures to be taken in the event a particular career college ceases to operate;
- iv) the suitability of any person, career college or organization that may be approved under Section 40 to provide training completion to the former students of a Career College that ceases to operate;
- v) developing strategies to promote public awareness of the Fund;
- vi) engage persons to provide professional, technical or other assistance to the TCAF Governing Board under section 19; and
- vii) recommendations to the Superintendent prior to the suspension, revocation or refusal of renewal of a career college.

*Recommendation II.6 – Appendix 3*

## Refunds Career Colleges

### *Background*

Pursuant to the Act, TCAF has a target of 3% of total sector vocational revenue based on previous actuarial recommendations.

There is, however, no cap on the fund allowing it to grow beyond the mandated target and no legislative provision that allows for refunds beyond the fund target.

### *Recommendation:*

**At the end of one of the fund's fiscal years, if the value of the fund is greater than 110% of an actuarially-determined target value percentage of the total gross revenues from vocational programs of all career colleges in Ontario for the fund's previous fiscal year, the TCAF Governing Board should, during the fund's next fiscal year, give notice of and issue a premium refund to all career colleges still in operation, based on the proportion of the total that they contributed to TCAF since the inception of the fund.**

*Recommendation II.10 – Appendix 3*

## Financial Security

Better screening of the financial viability of new entrants to the career college sector and stronger deterrents to prevent non-compliance by existing career colleges can achieve a significant reduction in potential risk across the entire sector.

### *Recommendation:*

**The minimum financial security posted by new applicants, career colleges that have been in operation for less than 5 years, and by career colleges experiencing compliance difficulties, should be increased to \$50,000.00.**

## Requirement Audited Statements

### *Background*

The current requirement for all career colleges to provide audited statements, regardless of size, is financially onerous for smaller career colleges. Moreover, reliance on audited statements for smaller career colleges may not be any more reliable than review statements that would be less onerous.

### ***Recommendation:***

**Audited financial statements should be required only from those institutions whose total annual revenue from its vocational programs exceeds \$5 million in the province of Ontario.**

**Career colleges with total revenue from its vocational programs that is less than \$5 million must submit an audited prepaid unearned revenue schedule.**

***Recommendation 11.9 – Appendix 3***

## Security for Charities

### *Background*

Career colleges, which are also charities, pay premiums to TCAF but are exempted under the Act from posting a financial security under TCAF, which is a requirement for all other career colleges.

Therefore, when a career college, which is also a charity closes, the cost of training completions/refunds is 100% borne by the premiums paid by the career colleges.

For all other career college closures, the cost of training completions/refunds are first paid from the financial security that has been posted and any remaining costs are covered by the TCAF premiums paid by all career colleges.

### ***Recommendation:***

**The financial security exemption for charities should be removed.**

***Recommendation II.11 – Appendix 3***

## 5. Quality Assurance for New Entrants to Career College Sector

### *Background*

All career colleges must meet the threshold of Ministry Training, Colleges and Universities (MAESD) standards in order to be registered.

CCO believes that the registration of new career colleges should remain the responsibility of MAESD, and more should be done to ensure quality in the sector by providing more training and guidance for new registrants at the beginning of the process.

This would be achieved by providing mandatory legislative and regulatory compliance workshops for all new institutions. The workshops would help to ensure that new registrants are familiar with provincial standards and regulations, that they have developed the policies, processes and forms needed prior to registration, and that they understand their responsibilities and ongoing reporting requirements.

***Recommendation:***

**Mandatory legislative and regulatory workshops should be provided to new career colleges by MAESD or Career Colleges Ontario.**

***Recommendation IV.11 – Appendix 3***

## 6. Improving Efficiency through Differentiation

### *Background*

There are nearly 600 career colleges in Ontario, all at varying levels of size and stage of maturity.

Not only is it unfair to paint them with the same brush, it is administratively unsustainable.

Career colleges that have reached a stage in their development whereby past performance, processes, records of compliance, accountability, delivery of learning outcomes and/or accreditation reflect an established standard of quality, should be afforded greater autonomy.

***Recommendation:***

**A new category of “accredited” career colleges should be created for institutions that have met rigid and stringent Ministry criteria for standards of excellence including:**

**i) the institution has been a Registered Ontario Career College for the past 5 consecutive years and its past performance, processes, records of compliance, accountability, delivery of learning outcomes have consistently proven to be of high quality; or**

**ii) is institutionally accredited by an agency that is sanctioned by the province of Ontario at either,**

**(i) all campus locations; or,**

**(ii) a minimum of 50% of its campus locations, and the remaining campus locations are all currently in the process of undergoing accreditation.**

***Recommendation IV.10 – Appendix 3***

## 7. Approval of Vocational Programs

### *Background*

Program approval delays are slowing down the pace of innovation and the speed at which career colleges are able to respond to market forces through skills training.

There are several factors which contribute to an unacceptably slow program approval process including:

i) the absence of common program standards and learning outcomes for career colleges that are consistent with community colleges, universities and apprenticeship programs;

ii) the lack of differentiation between career colleges reflecting institutional performance achievement;

iii) insufficient use of third party service providers that could facilitate program approval, especially if approval is tied to specific program standards and performance objectives;

iv) restrictions on ability to make program changes to existing programs; and



V) limited period of program approval.

*Recommendations:*

**Learning Outcomes**

Ontario's post-secondary institutions should have high-quality, outcome-based credentials through the full implementation of the Ontario Qualifications Framework (OQF) that embraces the concept that any institution that can provide a program, that meets the stated outcomes, should be allowed to offer the same credential and that the credential would be recognized within the education and employer communities.

**Differentiation**

The new category of "accredited career colleges" should be differentiated with respect to the program approval process by being eligible to:

- i) receive expedited Program Approval by the Superintendent or his/her designate through a third party service provider;
- ii) approve their own programs provided that the institutional approval process has been sanctioned by the Superintendent or his/her designate through a third party service provider;
- iii) offer any or all of its approved programs at multiple branch campuses that are covered by its institutional registration.

*Recommendation IV.10 – Appendix 3*

**Designation Third Party Service Provider for Program Approval**

The Superintendent should be permitted to designate a third party service provider, to approve specified vocational programs, subject to such conditions as the Superintendent or its designate may specify.

*Recommendations – IV.13, V.2, V.3 – Appendix 3*

**Greater Scope for Program Change**

Approval for a change to program should only be required when the change is greater than 20%.

*Recommendation – V.4 – Appendix 3*

**Longer Approval Period**

The approval period for a vocational program should be increased from 5 years to 10 years.

*Recommendation – V.6 – Appendix 3*

**8. Ministry Service Standards**

*Background*

Diminished resources are creating a gap between the level of quality assurance guaranteed by the Act, and the MAESD's capacity to effectively and efficiently administer the career college sector.

Limited resources may also contribute to a reduction in the ability of Ministry staff to work with career colleges to enhance compliance before enforcement is required.

***Recommendation:***

**The Act should require the Superintendent to meet a minimum standard of service comparable to those used in other provincial ministries.**

**The Ministry should enhance its ability to educate and work with career colleges before enforcement is required.**

**9. Qualifications for Teaching Staff**

***Background***

The Act stipulates currently specific criteria for career college instructors that includes their educational attainment and related work experience. It does not, however, allow an Ontario career college to hire instructors who may not meet the specific criteria but do have significant experience teaching the same program at a public institution, a career college in another province, or in the military.

***Recommendation:***

**The educational requirements for teachers at career colleges should be expanded to include instructors who have relevant instructional experience at any of the following:**

- i) a Canadian Community College;**
- ii) a Canadian University;**
- iii) a registered Canadian Career College;**
- iv) the Canadian Military;**

**or is approved by the Superintendent for the purposes of providing instruction at the college. O. Reg.**

**Recommendation VI.5 – Appendix 3**

## Appendix 1 – Issues Resolved

### Ontario Tuition Grant

#### *Background*

In 2012 the government introduced the 30% Ontario Tuition Grant to help make post-secondary education more affordable. However, the government excluded career college students from eligibility for the new grant.

#### *Recommendation:*

**The Ontario Tuition Grant should be accessible to all qualified students, regardless of the institution they choose to attend. It is fundamental that students have an unrestricted right to make the best choice.**

#### *Action:*

**The Ontario Tuition Grant has now been extended to career college students, effective January 20, 2014.**

### Distance Education

#### *Background*

Career colleges are currently prohibited from providing their programs of study in distance education delivery mode, while publicly funded institutions have no such restriction.

#### *Recommendation:*

**The government should move quickly to introduce a framework for the provision of career college programs of study using a distance education methodology, and allow distance education students to access OSAP assistance for such programs.**

#### *Action:*

**As of November 2012, the Superintendent released Policy Directive 9 on Distance Education Programs and, career colleges were permitted to apply for approval to offer programs with a distance education component.**

# Appendix 2 – Ontario Qualification Framework

ONTARIO QUALIFICATIONS FRAMEWORK									
A. QUALIFICATION DESCRIPTIONS									
Qualification	Code	Level	Area of Study	Qualification Description	Qualification Description	Qualification Description	Qualification Description	Qualification Description	Qualification Description
1.1.1.1	1.1.1.1	1	1	1	1	1	1	1	1
1.1.1.2	1.1.1.2	2	2	2	2	2	2	2	2
1.1.1.3	1.1.1.3	3	3	3	3	3	3	3	3
1.1.1.4	1.1.1.4	4	4	4	4	4	4	4	4
1.1.1.5	1.1.1.5	5	5	5	5	5	5	5	5
1.1.1.6	1.1.1.6	6	6	6	6	6	6	6	6
1.1.1.7	1.1.1.7	7	7	7	7	7	7	7	7
1.1.1.8	1.1.1.8	8	8	8	8	8	8	8	8
1.1.1.9	1.1.1.9	9	9	9	9	9	9	9	9
1.1.1.10	1.1.1.10	10	10	10	10	10	10	10	10
1.1.1.11	1.1.1.11	11	11	11	11	11	11	11	11
1.1.1.12	1.1.1.12	12	12	12	12	12	12	12	12
1.1.1.13	1.1.1.13	13	13	13	13	13	13	13	13
1.1.1.14	1.1.1.14	14	14	14	14	14	14	14	14
1.1.1.15	1.1.1.15	15	15	15	15	15	15	15	15

The Ontario Qualifications Framework is a dynamic system that evolves over time.

## Appendix 3 – Specific Proposed Revisions to the Private Career Act

### ACT Part I: Interpretation

Act Name

#### **Recommendation 1.1 (Schedule L; 414/06; 415/06)**

The Private Career Colleges Act 2005 be renamed the Career Colleges Act.

#### **Recommendation 1.2 (Schedule L; 414/06; 415/06)**

Throughout the Act and Regulations, the word private is removed from all references to “private career colleges.”

### Definitions

#### **Recommendation 1.3 (Schedule L, 1(1)) (f)**

Proposed Addition: “Unregistered Vocational Training Institution” means an entity that is offering vocational programs without having been approved for registration as a career college by the Superintendent.

#### **Recommendation I.4 (Schedule L, 1(1)) (g)**

Proposed Addition: Throughout the legislation, all reference to ‘days’ indicates ‘calendar days.’

#### **Recommendation I.5 (Schedule L, 1(1)) (j)**

Proposed Addition: Throughout the legislation, all references to the “Registry” shall refer to the Province of Ontario online listing of registered career colleges and approved vocational programs offered by those career colleges.

#### **Recommendation I.6 (Schedule L, 1(1)) (h)**

Proposed Addition: All Registered career colleges shall be designated by the Superintendent as either “accredited” Sched. L, 14(5), or “regular.”

#### **Recommendation I.7 (Schedule L, 1(1)) (i)**

Current: “Vocational program” means instruction in the skills and knowledge required in order to obtain employment in a prescribed vocation. (“programme de formation professionnelle”) 2005, c. 28, Sched. L, s. 1 (1); 2009, c. 33, Sched. 25, s. 5 (1).

Proposed Additions: To introduce TCAF protection for a student enrolled in only one vocational course.

a) Full-time Vocational Program (FTVP) is a vocational program offered by a Career College comprising a minimum of

20 hours per week of class time with continuous delivery.

b) Part-time Vocational Program (PTVP) is a vocational program offered by a career college comprising fewer than 20 hours per week of class time with continuous delivery.

c) Continuing Education refers to sequential enrolment in individual vocational courses that are part of an approved vocational program and that may or may not lead to a credential.

d) A Vocational Course is a single module of a vocational program

## Act Part II: Administration and Financial Matters

Training Completion Assurance Fund (TCAF)

### **Recommendation II.1 (Schedule L, 3(1)) – Training Completion Assurance Fund**

That the current wording, “A fund to be known as the Training Completion Assurance Fund in English and Fonds d’assurance pour l’achèvement de la formation in French shall be established in accordance with the regulations. 2005, c. 28, Sched. L, s. 3 (1)”, be either removed or revised to reflect that the TCAF fund is established.

### **Recommendation II.2 (Schedule L, 3(2)) – Purpose of Fund**

Current: The purpose of the Fund is to ensure that in the event a private career college ceases to provide a vocational program in which students are enrolled, the students (a) will be given the opportunity to complete the vocational program as provided by another private career college or by another institution, agency or entity; or

(b) will receive a refund of that portion of the fees they paid in relation to the program for which they did not receive any instruction or other benefit. 2005, c. 28, Sched. L, s3(2)

Proposed: The purpose of the Fund is to ensure that in the event a Registered Career College ceases to operate and discontinues the provision of registered vocational programs in which students are enrolled, the students (a) will be given the opportunity to complete the vocational program as provided by another private Career College or by another institution, agency or entity; or

(b) will receive a refund of that portion of the fees they paid in relation to the program for which they did not receive any instruction or other benefit. 2005, c. 28, Sched. L, s3(2)

### **Recommendation II.3 (414/06 Part II (2)) – Establishment of Board**

Current: For the purposes of section 4 of the Act, an advisory board is hereby established to be known in English as the Training Completion Assurance Fund Advisory Board and in French as Conseil consultatif du Fonds d’assurance pour l’achèvement de la formation. O. Reg. 414/06, s2.

Proposed: For the purposes of section 4 of the Act, a Governing Board is hereby established to be known in English as the Training Completion Assurance Fund Governing Board and in French as Conseil d’administration du Fonds d’assurance pour l’achèvement de la formation O Reg 414/06, s.2.

### **Recommendation II.4 (414-06 Part II, 3) – Composition of Board**

Current: 3. (1) The Board shall be composed of,

(a) the Superintendent, who is a member by virtue of his or her office; and

(b) five to nine members who shall be appointed by the Minister. O. Reg. 414/06, s. 3 (1).

Proposed: 3. (1) The TCAF Governing Board shall comprise:

- (a) One Government representative appointed by the Superintendent;
- (b) Seven members who shall be appointed by the Minister. O. Reg. 414/06, s. 3
  - (i) Five career colleges that are CCO member institutions;
  - (ii) Two career colleges that are non-CCO member institutions;
- (c) Two non-sector representatives (ideally from the legal and financial sectors); and,
- (d) Executive Director of Career Colleges Ontario (CCO) or his/her designate.

### **Recommendation II.5 (Schedule L 18(2)) – Registration**

Current: Subject to section 19, the Superintendent may refuse to renew a registration or may suspend or revoke a registration.

Proposed: The Superintendent shall in all instances where there is a potential impact on the TCAF Fund, consult with the TCAF Governing Board prior to refusing to renew or to suspend or revoke a registration.

### **Recommendation II.6 (414/06, 9) Board Functions**

Proposed: 9. The TCAF Governing Board shall perform the following functions:

1. Make decisions with respect to the administration of the Fund, including the amount of premiums, surcharges and levies to be paid into the Fund by career colleges and the frequency of the payments.
2. Make decisions governing situations where a career college ceases to provide a vocational program and, in particular, the provision and administration of training completion and the payment of training completion costs and refunds under Part VI in such situations.
3. Make decisions with respect to the measures to be taken in the event a particular career college ceases to operate.
4. Make decisions on the suitability of any person, career college or organization that may be approved under section 40 to provide training completion to the former students of a career college that ceases to operate.
5. Develop strategies to promote public awareness of the Fund.
6. Engage persons to provide professional, technical or other assistance to the TCAF Governing Board under section 19.
7. Make recommendations to the Superintendent prior to the suspension, revocation or refusal of renewal of a career college.

### **Recommendation II.7 (TCAF 414/06, 17(1)) Administration of the Fund**

Current: 17(1) The Superintendent is responsible for the administration and management of the Fund. O. Reg. 414/06, s 17 (1)

Proposed: The TCAF Governing Board is responsible for the administration and management of the Fund. O.Reg.414/06,s 17(1)

### **Recommendation II.8 (TCAF 414/06 18(3)) Payments Out of Fund**

Proposed Addition: 6. To pay the amount of individual premium refunds to individual career colleges as per Section 26, Subsection (6).

### **Recommendation II.9 (TCAF 414/06, 21(3)) – Premiums and Levies, Collection of Information**

Proposed Additions:

(3) The Superintendent shall request the submission of audited financial statements from a career college as required in subsection (2) only if the career college has total annual revenue from its vocational programs exceeding \$5 million in the province of Ontario.

(4) A career college with total annual revenue from its vocational programs that is less than \$5 million in the province of Ontario must submit an audited prepaid unearned revenue schedule.

(5) Career colleges that submit audited financial statements are not required to submit audited prepaid unearned revenue schedules.

**Recommendation II.10 (TCAF 414/06, 26(6-8)) – Premiums and Levies, Subsequent Annual Premiums**

Proposed Additions:

(6) Despite subsection (2), if, at the end of one of the Fund's fiscal years, the value of the Fund is greater than 110% of an actuarially-determined target value percentage of the total gross revenues from vocational programs of all career colleges in Ontario for the Fund's previous fiscal year, the TCAF Governing Board shall, during the Fund's next fiscal year, give notice of and issue a premium refund to all career colleges still in operation, based on the proportion of the total that they contributed to TCAF since the inception of the fund. Career colleges no longer in operation would not be eligible to receive any surplus premium refund. In the event of a surplus, annual TCAF fees for that year are paid as usual. Segregated career colleges would qualify for a surplus refund if they had contributed into the fund at any point since its inception. No career college shall receive more in total premium refunds than the total amount they have contributed.

(7) The TCAF Governing Board shall calculate the premium refund owing as per subsection (6) according to the formula  $A*B/C$ , where:

A is the amount by which the fund exceeds the target value based on an actuarially-determined percentage of total vocational program revenue;

B is the total amount of TCAF premiums paid by a career college eligible for a refund under subsection (6) above since January 1, 2007 and prior to December 31 of the most recent TCAF year-end; and

C is the total amount of premiums paid to TCAF by all career colleges eligible for a premium refund under subsection (6) between January 1, 2007 and December 31 of the most recent TCAF year end.

(8) The TCAF Governing Board shall make all premium refund payments within 60 days of December 31 of the year in which the fund had exceeded 110% of the actuarially-determined target value percentage of total vocational program revenue.

**Recommendation II.11 (TCAF 414/06, 32(7)) Security, Amount of Security**

Current: 32(7) An applicant for registration, or for renewal of a registration, under section 14 of the Act is not required to provide security under this section if the applicant is a registered charity as defined in subsection 248 (1) of the Income Tax Act (Canada) and has a charity registration number issued by the Canada Revenue Agency. O. Reg. 414/06, s. 32 (7).

Proposed: That this be deleted from the Act.

**Recommendation II.12 (TCAF 414/06, 33(1-3 and 6)) Security, Amount of Security**

Current Minimum Amount: \$10,000

Proposed Minimum Amount: \$50,000

33(1) Subject to subsections (4), (6) and (7), the amount of the security shall be,



(a) in the case of a new applicant for registration or for renewal of registration for the two consecutive years following initial registration under the Act, the greater of,

(i) \$50,000, and

(ii) the amount determined under subsection (2);

(b) in the case of a registrant at the time this Act comes into force, for renewal of registration, the greater of,

(i) \$10,000, and

(ii) the amount determined under subsection (3);

33(2) For the purposes of clause (1)(a), the amount shall be equal to the greater of

(i) \$50,000; or

(ii) 10 per cent of the career college's gross annual revenue from fees that will be paid by students in respect of vocational programs during the career college's first 12 months of operation, as indicated in the applicant's pro forma financial statements.

33(3) For the purposes of sub-clause (1)(b)(i), the amount shall be equal to the greater of

(i) \$10,000; or

(ii) 25 per cent of the career college's highest monthly prepaid unearned revenue account balance from fees paid by students in respect of vocational programs during the college's last fiscal year that ended before the application for renewal is made, as set out in the college's financial statements for that fiscal year.

### **Recommendation II.13 (TCAF 414/06, 33(6)) Security, Amount of Security**

Current: The Superintendent may, (a) subject to subsection (4), increase the amount of the security to be provided by an applicant under this section if the applicant opens a campus or offers a vocational program at a campus that did not previously offer the program, or in any other circumstance in which the Superintendent is satisfied that the increased amount is necessary to provide appropriate protection for the students of a career college; or,

(b) decrease the amount of the security to be provided by an applicant under this section if the Superintendent is satisfied that the decreased amount will provide appropriate protection for the students of the career college. O. Reg. 414/06, s. 33(6)

Proposed: The Superintendent or his/her designate shall,

(a) subject to subsection (4), determine any increase or decrease in security solely on the basis of a prescribed formula determined by actuarial review, that is consistently applied to all career colleges;

(b) provide a career college with 60 days advance written notice of any change to the prescribed formula as determined by actuarial review;

(c) Post the prescribed formula on the Ministry website.

Any new financial security to be posted by a career college for TCAF purposes as a result of revisions to the prescribed formula will take effect at the time of re-registration.

### **Recommendation II.14 (415/06; 25 (3)) Full Refunds**

Current: (3) A refund is not payable under paragraphs 1 to 6 of subsection (1) unless the student gives the private career college a written demand for the refund. O. Reg. 415/06, s. 25 (3).

Proposed: (3) A refund is not payable under paragraphs 1 to 6 of subsection (1) unless the student gives the career college a written demand for the refund within 30 days of the student's last date of attendance at the institution. O.Reg. 415/06, s.25(3)

**Recommendation II.15 (415/06; 27 (4)(5)) - Partial refunds: withdrawals and expulsions after program commenced**

Current: (4) If the student withdraws or is expelled from a vocational program within the first half of a period referred to in subsection (3), the amount of the refund that the private career college shall pay the student shall be equal to the full amount of the fees paid in respect of the program less,

(a) an amount that is equal to the lesser of 20 per cent of the full amount of the fees in respect of the program and \$500; and

(b) the portion of the fees in respect of the portion of the period that had elapsed at the time of the withdrawal or expulsion. O. Reg. 415/06, s. 27 (4).

(5) If the student withdraws or is expelled from a vocational program during the second half of a period referred to in subsection (3), the private career college is not required to pay the student any refund in respect of that period. O. Reg.

415/06, s. 27 (5).

Proposed Addition:

(7) Notwithstanding subsections 4 and 5 of Section 27, in the case where the total tuition fees collected by the career college from the student is less than the amount that the career college has earned based on the calculation in those subsections, the career college shall be permitted to collect the excess amount from the student.

**Recommendation II.16 (415/06; 36 (1)(a)) – Student Complaint Procedure**

Current: 36. (1) The student complaint procedure required under section 31 of the Act shall include, (a) a requirement that a complaint be made in writing;

Proposed: 36. (1) The student complaint procedure required under section 31 of the Act shall include, (a) a requirement that a complaint be made in writing within 30 days of the student’s last date of attendance at the institution;

ACT Part IV: Registration

Ministry Criteria for Standards of Excellence

**Recommendation IV.1 (Regulations 5(2)) – Conditions of Registration: Insurance**

Current: Every person who operates a private career college shall ensure that the college is insured and that the insurance coverage is sufficient to,

Proposed: Every person who operates a career college shall ensure that the college is insured and that the general liability insurance coverage is valued at a minimum of \$2 million and is sufficient to,

**Recommendation IV.2 (Regulations 10(1)) – Application for Approval (Regulations 10(2); Schedule L (25(1)) - Credentials**

Current: 10 (1): In addition to any information that may be required by the Superintendent under subsection 23 (2) of the Act or section 43, an application for approval of a vocational program shall include the following information:

3. Two copies, in blank, of the credential that the college proposes to issue to students who successfully complete the program.

Copies of the credential need not be provided in cases where there is no change to the career colleges credential.

Proposed: For the purpose of the approval of a new, first-time program, or in the case where a credential changes, two copies, in blank, of the credential that the college proposes to issue to students who successfully complete the program.

Current: 25. (1) Upon approving the provision of a specified vocational program by a private career college, the Superintendent shall also approve the credential that the college may grant a student who successfully completes the program, in accordance with the policy directives issued by the Superintendent.

Proposed: 25(1) Upon approving the provision of a specified vocational program by a career college, the Superintendent or his/her designate through a third party service provider shall also approve the credential of the program, which will be valid until either i) the career college makes any change to the credential; or, b) a policy directive is issued to formally change the prescribed content.

### **Recommendation IV.3 (Regulations 19(8)) – Admission Requirements**

Proposed Addition: (8) Despite subsection (2), a student who has met all admission requirements except the submission of required medical reports or police reports before the program commences, may be enrolled and may commence the program, as long as the student agrees to submit the required medical reports within 30 days of the commencement of the program.

### **Recommendation IV.4 (Schedule L 14.(1)) – Registration and (Regulations (3)(1)) – Registration, Content of Application**

Current: 14(1) The Superintendent shall register an applicant to operate a private career college and shall renew an applicant’s registration if the Superintendent is satisfied that,

Proposed Addition: For all new registrants, that they have successfully completed a Superintendent-approved Training Workshop on legislative and regulatory compliance requirements.

Current: 3(1) In addition to the information that may be required by the Superintendent under section 13 of the Act, a person applying for registration with respect to a career college shall include the following information in the application:

Proposed Addition: 18) Evidence that the applicant has successfully completed the Superintendent-approved Training Workshop on legislative and regulatory compliance requirements.

### **Recommendation IV.5 (Schedule L: 14(1)) – Registration**

Current: 14(1) The Superintendent shall register an applicant to operate a private career college and shall renew an applicant’s registration if the Superintendent is satisfied that,

Proposed Addition:

(e) the past conduct of the applicant or, if the applicant is a corporation, of its officers and directors, provides grounds for the belief that the career college will be operated in accordance with the law and with integrity and honesty; and

(i) The Superintendent shall render a decision to operate a new career college within 90 days of receipt of a complete application;

(ii) The Superintendent shall render a decision on renewal of registration of a career college within 45 days of receipt of a complete application.

Failure to provide notification within the prescribed time period will result in the application fee being refunded, regardless of the outcome of the application.

#### **Recommendation IV.6 (Schedule L 14(2)) – Criteria for Public Interest**

Current: 14(2) In determining whether it is in the public interest to register a person or renew a registration under subsection (1), the Superintendent shall consider the prescribed criteria. 2005,c.28, Sched. L, s14 (2).

Proposed: In determining whether it is in the public interest to register a person or renew a registration under subsection (1), the Superintendent shall consider the prescribed criteria, and at the time of registration or renewal of registration, shall refer to and identify whether the career college is ‘Regular’ or ‘Accredited.’

#### **Recommendation IV.7 (Schedule L 14(3)) – Several Locations**

Current: 14(3) If an applicant intends to provide a vocational program at more than one location, the Superintendent may register the applicant to operate one career college at the several locations. 2005, c. 28, Sched. L, s. 14 (3).

##### Proposed Addition:

- (i) The Superintendent shall register any new campus locations of said career college in the same category as the pre-existing campuses (‘Regular’ or ‘Accredited’)
- (ii) The Superintendent shall render a decision within 90 days of receipt of such applications.

#### **Recommendation IV.8 (Regulations 34(1)(5)) – Student Transcripts**

Current: A private career college shall inform the Superintendent of any of the following changes at least five days prior to the change.

Proposed Addition: And the Superintendent shall issue an acknowledgement to the career college in writing, confirming receipt of such notice within five days of receiving the notice from the career college.

#### **Recommendation IV.9 (Schedule L 14(4)) – Certificate of Registration**

Current: 14(4) Upon registering a person to operate a private career college, the Superintendent shall issue a certificate of registration to the person. 2005, c. 28, Sched. L, s. 14 (4).

Proposed: Upon registering or renewing a person’s registration to operate a career college, the Superintendent shall

- (i) issue a signed certificate of registration to the person within 10 days, including information denoting whether the career college is regular or accredited;
- (ii) post confirmation of the registration and/or renewal on the Registry within 10 days, which shall serve as proof of the career college’s registration.

### **Recommendation IV.10 (Schedule L 14(5)(6)) – Registration**

Proposed Addition: New Heading “Accredited Career Colleges”

(5) In accordance with the prescribed Regulations, the Superintendent shall designate a career college to be Accredited if it:

- a) has been a Registered Ontario Career College for the past 5 consecutive years;
- b) is institutionally accredited by an agency that is sanctioned by the Province of Ontario at either,
  - (i) all campus locations; or,
  - (ii) a minimum of 50% of its campus locations, and the remaining campus locations are all currently in the process of undergoing accreditation;

(6) Accredited career colleges shall be eligible to:

- (a) Receive expedited Program Approval by the Superintendent or his/her designate through a third party service provider;
- (b) Approve their own programs provided that the institutional approval process has been sanctioned by the Superintendent or his/her designate through a third party service provider;
- (c) Offer any or all of its approved programs at multiple branch campuses that are covered by its institutional registration;
- (d) Be automatically included on the Ministry’s list of designated institutions for International Students.

### **Recommendation IV.11 (Regulations 415/06 (3. (1)) – Registration**

Proposed Addition: All applicants for registration as career colleges must undergo a Superintendent-approved Training Workshop on legislative and regulatory compliance requirements. The training would be at the applicants’ expense.

### **Recommendation IV.12 (Regulations 415/06 (3. (6)(7)) Registration - Content of Application**

Current: (6) If a private career college fails to apply for renewal of its registration within the time period referred to in subsection (5), the college shall pay, in addition to the renewal fee payable under subsection (7), a penalty in an amount that is 50 per cent of the renewal fee unless the Superintendent is satisfied that there were reasonable grounds for the failure to apply in time.

(7) An application for registration or for renewal of registration shall be accompanied by the fees required by the Minister under section 7 of the Ministry of Training, Colleges and Universities Act.

Proposed: (6) If a career college fails to apply for renewal of its registration within the time period referred to in subsection (5), the college shall pay, in addition to the renewal fee payable under subsection (7), by electronic or credit card payment, a penalty in an amount that is 50 per cent of the renewal fee unless the Superintendent is satisfied that there were reasonable grounds for the failure to apply in time.

(7) An application for registration or for renewal of registration shall be accompanied by the fees required by the Minister under section 7 of the Ministry of Training, Colleges and Universities Act, payable by electronic or credit card payment.

### **Recommendation IV.13 (Schedule L 23) Approval required to provide vocational programs**

Current: 23(1) It is a condition of every registration that the private career college only provide those vocational programs for which it has received the approval of the Superintendent under this section. 2005, c. 28, Sched. L, s. 23 (1).

Proposed: It is a condition of every registration that the career college only provide those vocational programs or any combination of courses within those programs for which it has either:

- (i) Received the approval of the Superintendent or his/her designate through a third party service provider under this section. 2005, c. 28, Sched. L, s. 23 (1); or
- (ii) Is registered as an Accredited Career College.

#### ACT Part V: Approval

#### **Recommendation V.1 (Schedule L 8(1)) - Prohibitions:**

Current: 8(1) No person shall offer or provide a vocational program for a fee unless the person is registered and the provision of the vocational program has been approved by the Superintendent. 2005, c. 28, Sched. L, s. 8 (1).

Proposed: No person shall offer or provide a vocational program for a fee unless the person is registered and the provision of the vocational program has been approved by the Superintendent or his/her designate through a third party service provider. 2005, c. 28, Sched. L, s. 8 (1).

Proposed Addition: The Superintendent or his/her designate through a third party service provider shall offer a voluntary 'program pre-screening' service to identify to new programs as vocation or non-vocational, and shall respond to these requests within 15 days of receipt.

#### **Recommendation V.2 (Schedule L 23(4)) - Conditions**

Current: 23(4) The Superintendent may approve the provision of a specified vocational program by a private career college subject to such conditions as the Superintendent may specify and may, as a condition of the approval, specify performance indicators for the vocational program and standards and performance objectives that the vocational program must meet in addition to the performance indicators, standards and performance objectives set out in the Superintendent's policy directives. 2005, c. 28, Sched. L, s. 23 (4).

Proposed: The Superintendent or his/her designate through a third party service provider may approve the provision of a specified vocational program by a career college subject to such conditions as the Superintendent or his/her designate through a third party service provider may specify and may, as a condition of the approval, specify performance indicators for the vocational program and standards and performance objectives that the vocational program must meet in addition to the performance indicators, standards and performance objectives set out in the Superintendent's policy directives. 2005, c. 28, Sched. L, s. 23 (4).

Proposed Addition: a) The Superintendent or his/her designate through a third party service provider, shall render a decision on applications and notify the applicants within 30 days of receipt to provide new vocational programs;

b) The Superintendent or his/her designate through a third party service provider, shall notify the applicant within 30 days of receipt of the application if further information is required;

c) Failure to provide notification within the prescribed time period will result in the application fee being refunded, regardless of the outcome of the application process.

### **Recommendation V.3 (Schedule L 23) – Conditions**

#### Proposed Addition:

- (8) A career college may follow one of two paths for program approval. A career college that is ‘Accredited’ may apply to the Superintendent or his/her designate through a third party service provider, to have its program approval process authorized. All other career colleges (Regular) will follow proposed legislation Sched. L, s. 23 (4);
- (9) A career college with a Superintendent-authorized program approval process will be exempt from Subsections (1) to (7), and will not be required to submit individual vocational programs to the Superintendent for approval;
- (10) A career college that has a Superintendent-authorized approved program approval process, as defined in 23(8) shall be required to submit its vocational programs to the Superintendent for inclusion on the Registry prior to offering the program to students;
- (11) The Superintendent shall add all vocational programs per Subsection (10) to the Registry within 5 days of their submission;
- (12) The Superintendent shall notify the career college of the inclusion of vocational programs on the Registry as set out in Subsection (11) within five days;
- (13) A career college shall be permitted to offer a vocational program in its entirety or in part, immediately after receiving confirmation that the program has been added to the Registry;
- (14) An Accredited Career College (Sched. L 14(5)(6) with an authorized program approval process as defined in 23(8), shall be permitted to offer any or all of its programs that are posted on the Registry, in their entirety or in part, at any or all of the branch campuses that are covered by its institutional registration;
- (15) A career college may apply to the Superintendent or his/her designate through a third party service provider for approval to offer any or all of its programs in their entirety or in part, which are included on the Registry at any or all of the branch campuses that are covered by its institutional registration;

### **Recommendation V.4 (Act 23(6)) – Changes to Vocational Programs**

Current: (6) A private career college shall not make a substantial change to a vocational program that it has been approved to provide without the further approval of the Superintendent. 2005, c. 28, Sched. L, s. 23 (6).

Proposed Addition: A substantial change is defined as greater than 20%, and requires a new program approval application.

### **Recommendation V.5 (New) See also I.6 (Definitions)**

#### Proposed Addition:

- a) Career colleges may offer any individual course that is part of an approved program.
- b) Career colleges must report tuition revenue derived from students enrolled in a single course of an approved vocational program as vocational revenue;
- c) Any student who is enrolled in a minimum of one vocational course is protected by the TCAF Fund.
- d) Any course or combination of courses taken by a student within the previous 12-month period that exceeds \$1,000 or 40 hours is deemed to be vocational in nature; and, in the event that the student enrolls in a subsequent vocational course, then career colleges must enter into a vocational contract with the student, informing him/her of his/her rights and responsibilities and disclosing all future courses needed to complete the credential;
- e) Continuing Education courses may only be offered for an approved vocational program;

f) Continuing Education programs must be completed within a time period not to exceed 3 times the length required for the Full-time Vocational Program equivalent and may be completed in less time.

#### **Recommendation V.6 (New) 415-06 – Condition of Duration and Approval**

Current: (2) For the purposes of subsection 23(5) of the Act, the period during which an approval of a vocational program granted by the Superintendent is valid is a period of five years or such lesser period as may be specified by the Superintendent in the approval. O. Reg. 415/06, s.12 (2).

Proposed: (2) For the purposes of subsection 23(5) of the Act, the period during which an approval of a vocational program granted by the Superintendent is valid is a period of ten years or such lesser period as may be specified by the Superintendent in the approval. O. Reg. 415/06, s. 12 (2).

#### **Part VI: Operation of Career Colleges**

#### **Recommendation VI.1 (Regulations 43(3)) – Itemized List of Fees**

Current: 43. (1) Upon application for approval of a vocational program, a private career college shall provide the Superintendent with an itemized list of all fees that will be charged by the college to a prospective student or a student who enrolls in the program, including tuition fees, cost of books, and any administrative charges and other compulsory or optional fees, whether or not such fees are charged in relation to the vocational program. O. Reg. 415/06, s 43 (1); O. Reg. 377/08,s C

Proposed Addition: (3) Optional fees for the purpose of Subsections (1) and (2) include, but are not limited to:

- i) A fee charged to a student to cover the service charge incurred by the career college as a result of an NSF payment by the student;
- ii) A fee charged to a student for writing a second certification exam;
- iii) a fee for completing a Prior Learning Assessment for students seeking advanced standing;
- iv) Graduation event fees;
- v) A fee for providing a second copy of a credential document;
- vi) A fee for providing a second copy of a transcript; vii) A fee for providing a second copy of a T2202A;
- viii) A fee for retaking a failed course;
- ix) A fee for re-writing an exam;
- x) A fee for printing and photocopying;
- xi) Fees for optional events;
- xii) Fees for parking.

#### **Recommendation VI.2 (Schedule L34 (1,2); Regulations 34(2)(b)) – Same**

Proposed Addition: And the Superintendent shall issue an acknowledgement to the registrant in writing confirming receipt of such notice within five days of receiving the notice from the registrant.

#### **Recommendation VI.3 (Schedule L34 (1,2); Regulations 47(2)) – Notice re: Change of Ownership**

Proposed Addition: And the Superintendent shall issue an acknowledgement in writing to the career college confirming receipt of such notice within five days of receiving the notice from the career college.



#### **Recommendation VI.4 (Regulations 48(1,2,3)) – Notice of Other Changes**

Proposed Addition: And the Superintendent shall issue an acknowledgement in writing to the career college confirming receipt of such notice within five days of receiving the notice from the career college.

#### **Recommendation VI.5 (Regulations 40(3)) – Qualifications of Instructional Staff**

Current: Despite subsection (1), a private career college may employ a person who does not meet the requirements subsection (1) as an instructor in a vocational program if the person is approved by the Superintendent for the purposes of providing instruction at the college. O. Reg. 415/06, s. 41 (3).

Proposed: Despite subsection (1), a career college may employ a person who does not meet the requirements of subsection (1) as an instructor in a vocational program if the person has a minimum of 3 years relevant instructional experience at any of the following:

- i) a Canadian Community College;
- ii) a Canadian University;
- iii) a registered Canadian Career College;
- iv) the Canadian Military; or is approved by the Superintendent for the purposes of providing instruction at the college. O. Reg. 415/06, s. 41 (3).

#### **ACT Part VII: Enforcement**

CCO has concerns regarding some points under the current enforcement legislation and we would like to have the opportunity to address these during further discussions with the Ministry.

## ACT Part VIII: General

### **Recommendation VIII.1 (Section L53(5)) – Policy Directives, Consultation**

Current: 53(5) A policy directive issued under this section is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 2005, c. 28, Sched. L, s. 53 (5); 2006, c. 21, Sched. F, s. 141 (3).

Proposed Addition: New Heading “Consultation”; and,

- (6) The Superintendent shall in all cases only issue a policy directive that falls within the scope of his/her prescribed authority;
- (7) Fact Sheets do not have the force of law, and Policy Directives shall not refer to Fact Sheets;
- (8) The Superintendent shall consult with the Career Colleges Ontario (CCO) and share with them the final drafts of Policy Directives in advance of them being posted;
- (10) MAESD shall have a dedicated location on its website for the posting of all Policy Directives;
- (9) Policy Directives do not become effective until they are posted on the MAESD Website; and must be posted for public viewing at least 6 months prior to becoming effective unless:
  - 1. The policy directive introduces a new standard related to public health or public safety.
  - 2. The policy directive revoking the approval relates to a vocational program that is regulated by a third party and,
    - i) the third party changes the entry requirements necessary to practice the vocation, and,
    - ii) the changes are such that unless the career college adopts the requirements prescribed by the third party, graduates from the program would not meet the entry requirements to practice the vocation. 2010, c. 12, s. 21.
- (10) All new and revised Policy Directives and Fact Sheets shall be sent to every operating, registered career college, and to CCO;
- (11) If a Policy Directive is issued in its final form and a revision is required, the revised Policy Directive must undergo the same level of consultation and display as the original.

### **Recommendation VIII.2 (Regulations 17(1) 4) – Advertisements**

Current: If the advertisement contains a testimonial, endorsement or representation of opinion, a separate text of the testimonial, endorsement or representation of opinion signed by the person making it.

Proposed: If the advertisement contains a testimonial, endorsement or representation of opinion, a separate text of the testimonial, endorsement or representation of opinion signed by the person making it, except in the case where the individuals have themselves appeared in the delivery of the testimonial or endorsement.



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