

THE MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES



PRIVATE CAREER COLLEGES ACT, 2005 TRAINING MANUAL

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Introduction

On September 18 2006, the new *Private Career Colleges Act, 2005* (PCCA) was proclaimed. The primary goals of the new Act are to protect students, improve quality and strengthen the accountability of all institutions that make up the PCC sector.

The Act outlines new requirements for registration, program approvals, fee collection, tuition fee refunds, student contracts, financial security, instructional staff, advertising and compliance measures. Currently there are two regulations made under the Act, a General Regulation (O. Reg.415/06) and a Training Completion Assurance Fund Regulation (O. Reg.414/06). Copies of the new Act and regulations are available from Ontario e-Laws www.e-laws.gov.on.ca.

Implementation of the Act requires currently registered PCCs to make changes to their operations in order to become compliant with the new Act. Some organizations that previously were exempt will now have to register as PCCs and become compliant with the new Act and regulations. This Manual has been developed to support the training provided by the Private Institutions Branch of the Ministry of Training, Colleges and Universities (the Ministry) to the PCC sector. It contains descriptions of the changes and new requirements, and the necessary information for the PCC to use in order to take steps to ensure compliance with the new Act and regulations. The Appendices contain job-aids to assist PCCs in meeting the requirements. All presently registered PCCs should review the entire manual, as well as the Act and regulations, in order to assure themselves that they are in compliance with the requirements of the new Act. Further, for organizations that must now register or are renewing a registration, a review of this document will provide the information necessary to begin the process of successfully registering or renewing registration.

The *Private Career Colleges Act, 2005* covers four main areas:

1. Registration and Student Protection
2. Quality and Accountability
3. Training Completion Assurance Fund
4. Compliance

This manual has been organized in a similar manner in order to provide a comprehensive guide to the new Act's requirements and obligations of organizations that provide vocational programs.

This manual is provided for your information and convenience only. It is not a legal document. For further information and the exact wording please refer to the Private Career Colleges Act, 2005 and regulations.

Module 1: Registration and Student Protection

1.1 Overview of Changes

All organizations that offer vocational programs must be registered under the new Act. The purpose of registration is to ensure that there is an acceptable level of student protection, quality and accountability in the PCC sector in order to protect the quality of learning for all students.

The new Act enhances registration processes and establishes new minimum standards for all PCCs, while requiring a broader range of organizations and programs to be registered or approved by the Superintendent of Private Career Colleges. The new Act requires all institutions that provide instruction in the skills and knowledge required in order to get a job in a particular vocation to be registered under the Act and their programs to be approved. Exemptions from registration are allowed for certain institutions and certain programs do not require approval.

PCCs are required to provide evidence that they are in compliance with the following student protection provisions at the time of registration or renewal of registration:

- Liability insurance
- Student contracts
- Fee collection
- Refund policy
- Transcripts
- Student complaint procedure
- Trust accounts
- Advertising requirements
- International students

1.2 New Registration System

Prescreening and Exemptions

Reference:

PCCA – Section 1

O. Reg. 415/06 - Sections 2, 7- 9

PCCA Fact Sheet #1 – Exemptions Under the Act

Private Career College Pre-Screening Form

It is the responsibility of all institutions, agencies, organizations or entities involved in vocational education to ensure their compliance with the Act. All institutions that provide instruction in the skills and knowledge required in order to get a job in a particular vocation must be registered under the Act and their programs must be approved.

Not all institutions and vocational programs require registration or approval. If organizations have any questions about institutional or program exemptions they should consult their program consultant and/or submit a fully completed Private Career College Pre-Screening Form. In completing this form, organizations are asked to provide the Private Institutions Branch (PIB)

with comprehensive information regarding the programs offered by the organization. The Branch will then provide the organization with the necessary directions on which programs require the approval of the Superintendent, which programs are exempt or if the entire institution is exempt. A copy of the Private Career College Pre-Screening Form is available on the ServiceOntario website at www.serviceontario.ca. Appendix A of this document has directions on how to access the Private Career College forms feature of ServiceOntario. Refer to the PCCA Fact Sheet # 1: Exemptions Under the Act for more information on exemptions.

Registration and Renewal of Registration

Guidelines

Reference:

PCCA – Part IV

O. Reg. 415/06 – Section 3

Application for Registration and Guidelines

Instructions on how to register a PCC and a new campus of an existing PCC are provided in the guidelines issued by the Private Institutions Branch. The guidelines are posted on the ServiceOntario website along with the forms. The regulations provide the detailed requirements for registration while the guidelines outline the procedures that an applicant must follow in order to register a PCC. The guidelines should be used by all applicants to assist with the accurate completion of the forms. The Private Institutions Branch will not consider an application for registration until all of the required information has been received. Incomplete applications will be returned and will be treated as new applications if they are resubmitted.

In order to register, a PCC must submit an Application for Registration to Operate a Private Career College. This form is available from the ServiceOntario website. Payment of all fees associated with a registration must accompany the application for registration. Appendix B provides details on these fees.

The Act sets out a number of criteria that applicants must satisfy in order to be registered to operate a private career college or to have a registration renewed.

If an institution, agency or entity is not registered, it is not allowed to:

- Operate as a PCC
- Say it is a PCC
- Make use the term “private career college” or any derivation or abbreviation of the term in advertising
- Advertise a PCC
- Advertise the delivery of a vocational program
- Offer or provide a vocational program for a fee
- Charge or collect a fee for a vocational program
- Solicit students to enrol in a vocational program
- Grant a credential that is set out in the credentials framework
- Pursue a court action to enforce a student contract

Public Interest Criteria

Reference:

O. Reg. 415/06 – Section 4

When making a decision regarding the registration of an institution, the Superintendent is required to consider the public interest. The following criteria will be considered:

- Is there sufficient and complete information to properly assess the quality of the proposed vocational program?
- Does the employment of graduates in an occupation or regulated profession that is the subject of the proposed vocational program normally require a university degree?
- Do the proposed programs jeopardize public health and/or safety?

If the Superintendent determines that it is not in the public interest to register an institution, the institution would not be allowed to operate in Ontario.

Other Criteria that Applicants Must Meet

Reference:

PCCA – Section 14

In order to register a PCC, the Superintendent must also be satisfied that:

- The applicant will operate in compliance with the Act and regulations
- The proposed vocational programs will meet the requirements of the Act and regulations
- The applicant can be expected to be financially responsible in operating the PCC

- The past conduct of the applicant provides grounds for the belief that the PCC will operate in accordance with the law and with integrity and honesty
- The applicant is not carrying on activities that are or would be in contravention of the Act or regulations

Insurance

Reference:

O. Reg. 415/06 – Section 5

As a function of good business practice, many private career colleges purchase liability insurance. The new Act formalizes this process by making it a requirement that all registered private career colleges purchase adequate liability insurance prior to being registered. Insurance coverage must be sufficient to compensate a PCC for any damages to its buildings or equipment, and protect the college and its officers, employees, agents and any volunteers in the event that students make a claim with respect to accidents that occur or personal injuries that are suffered while attending the PCC. This would include accidents that occur off-campus if attendance at such places is required as part of a vocational program.

The amount of coverage required will vary. Your insurance company will be in the best position to tell you what coverage is right for your business. The PCC's insurer must submit an attestation letter that the PCC has purchased commercial general liability insurance to cover all their campuses and the terms of the insurance comply with the requirements listed above. This letter must be included with the application for registration.

Registered PCCs have until November 18, 2006 to ensure they have adequate insurance in place.

Renewal of Registration

Reference:

O. Reg. 415/06 – Sections 3 and 49
Renewal of Registration Guidelines

Each registered private career college is required to renew its registration annually. Under the former Regulation 939, registration expired every December 31. Under the new Act, renewal of registration will be staggered. The Superintendent has provided new renewal dates to all registered PCCs for the 2007 renewal cycle.

Renewal of Registration - Timing

- Applications for renewal are to be submitted within 180 days following a PCC's fiscal year-end
- After 180 days, late applications for renewal will be accepted for a further 60 days
- A PCC must pay a late fee equivalent to 50% of the total cost of renewal for a late application for renewal
- If an application for renewal is not received within 240 days from a PCC's fiscal year-end (180 days + 60 days), the registration will expire

Similar to the old Act, the new Act allows a registration to continue pending consideration of an application for renewal that is received before the registration's expiry date. A notice that renewal of registration is required will be sent to all PCCs informing them of the information they are required to submit to the ministry. Appendix B should be consulted for information on the fees associated with renewal of registration.

Registration Information for Career Colleges (RICC)

The RICC application system contains checklists and guided screens to enable registered PCCs to update registration information and to provide new information. In order to use the RICC system, PCC users must meet the following criteria:

- Must have received notification that renewal of registration is required
- Must have previously been registered with MTCU
- Must have a valid PCC ID and password
- Must have a valid email address

The RICC application can be accessed via a Web browser. It supports most current browsers including Internet Explorer, Mozilla Firefox, Netscape Navigator, Opera and Safari. RICC is designed to be quick, easy and intuitive for users. If you can use the Internet, you can use RICC. On-line help is available for each screen of the application.

Registering New Campuses

Reference:

Act – Section 14 (3)

Application for Registration of a Campus of a Private Career College and Guidelines

Registering a New Campus

An Application for Registration of a Campus of a Private Career College can be found on the ServiceOntario website. The following information is required:

- Completed Application for the Registration of a Campus of a Private Career College
- An up-to-date corporation profile report, if required
- A Master Business Licence, if not a corporation
- An original pro forma financial statement
- Evidence of additional financial security to cover the new location
- Evidence of fire inspection at the location specified in the application
- Evidence of health inspection (if required)
- Evidence of adequate liability insurance
- A floor plan of the new facility
- Verification that transcripts meet the requirements of the PCCA and O. Reg. 415/06
- A copy of the student complaint procedure and dismissal policy for the new campus
- A two-page Application for Program Approval for each vocational program to be offered at the new campus, accompanied by the relevant appendices (less information is required than for the initial approval of each program)
- All fees required by the Minister

PCCs with multiple locations will no longer be required to register each campus as a separate PCC. Starting with its first renewal of registration under the new Act, multi-campus PCCs will be considered a single PCC. If a PCC wishes to open a new campus, it should submit an Application for Registration of a Campus of a Private Career College. Each campus must be registered and operated under the same ownership. **A franchise is not a campus and must be registered as a new PCC.**

Guidelines for registering new campuses of existing PCCs are available with the forms on the ServiceOntario website.

1.3 Student Contracts

Reference:

O. Reg. 415/06 – Sections 20-23

Ministry sample Enrolment Contract

Student contracts used for enrolling students in a vocational program must include the terms specified in the regulation. These terms are mandatory and excluding them from student contracts will mean that a PCC is in non-compliance and may be subject to penalties. Contracts that do not contain all of the required terms can also be voided at the student's discretion. The PCC would then be required to provide a full refund of fees paid by the student. The Ministry has provided PCCs with the sample contract that can be adapted for their use.

If you are offering non-vocational programs (i.e., programs that do not require approval under the Act), you must use a different contract. PCCs may not include references to the *Private Career Colleges Act, 2005* and regulations, including reference to the PCC's registered status under the Act, the Statement of Student Rights and Responsibilities issued by the Superintendent or the Consent to Disclose Personal Information as outlined in the regulation.

PCCs are required to retain copies of student contracts for at least three years after the student leaves the PCC.

1.4 Fee Collection

Reference:

O. Reg. 415/06 – Sections 43-44

Submitting List of Fees

A list of all fees that are to be charged to students while attending your PCC must be submitted to the Superintendent at the time of application for program approval. This includes all fees in relation to the vocational program and any other fee for any other service you may be providing to students or potential students. Some fees in relation to a vocational program may be paid to a third party (e.g., books or examination fees). A PCC should identify when this is the case in their application for program approval. The fee will be published on the ServiceOntario website but any fees not paid directly to the PCC should not be included in the student contract.

PCCs with programs that were approved prior to the proclamation of the PCCA were not required to submit all fees with their applications for program approval. These institutions are now required to submit all fees they are charging that are not currently listed on the ServiceOntario website to the Superintendent. The fees will be reviewed and PCCs will be notified of the Superintendent's decision regarding the applicability of the new refund policy. New applications for program approval must include a list of all fees charged to students who enrol in the program.

Compulsory and Optional Fees

As part of the program approval process, the Superintendent will determine what compulsory and optional fees apply to the vocational program and are therefore subject to the refund policy as outlined in the regulation. These amounts, except optional fees, will subsequently be published on the ServiceOntario website. Private career colleges are prohibited from charging a compulsory fee that is more than the published amount or an optional fee that is more than the amount disclosed to the Superintendent. PCCs are required to provide a full refund to students of any undisclosed fee that has been paid by students for the vocational program or a full refund of the difference between the amount published or disclosed and what has been paid by the student.

OSAP Fee Collection Guidelines

If you are approved for the purposes of student assistance, you must also comply with OSAP guidelines for fee collection.

International Student Fees

A new category of “International Student Fees” has been established. Any fees that are specific to international students will be included here. The specific requirements and protections for international students are outlined in the International Student section.

Collecting Fees Before Contract is Signed

PCCs may collect 20% of the total fees for the vocational program, to a maximum of \$500, for application processing, admissions testing or applicant assessment before entering into a contract with a student for the provision of a vocational program.

Each private career college may establish its own payment policies under the new Act and must include the payment schedule in the student contract.

1.5 Fee Refunds

Reference:

O. Reg. 415/06 – Sections 24-33

PCCA Fact Sheet #2 – Fee Collection & Refunds

Refund of Fees

Generally, a PCC is required to provide a student with a refund of fees paid for a vocational program minus an amount that is equal to 20% of the total fees for the program or \$500, **whichever is less**, minus the fees paid for the portion of the program that has been delivered by the college. If the fees owed to the college include charges for other purposes, such as school-financed loans or a non-vocational program, the PCC cannot deduct monies owed from the refund for the fees paid for the vocational program.

In calculating a refund, a PCC may retain the cost of essential books and equipment that the student does not return to the PCC unopened or in the same condition as they received them within 10 days of withdrawing from or being expelled from a program.

Individual PCCs are expected to use their existing collection processes (except for the method of deductions referenced above) or the courts to recover money owing for a breach of contract for non-vocational program items.

Private career colleges must have refund policies that include the terms in sections 25-33 of O. Reg.415/06. These sections are summarized below.

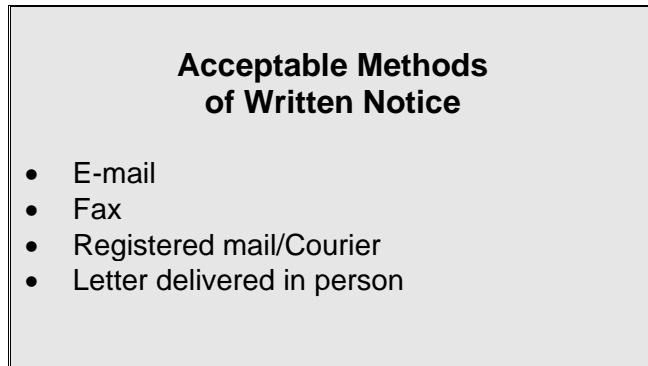
Full Refunds

Full Refund at Student's Request (requires the student to provide the PCC with a written demand for a refund)

- If the contract is rescinded within two days from the day the student signs the contract
- A PCC is still in operation but decides to discontinue the program before the student can complete the program
- A PCC collects fees for a vocational program from a student before the PCC is registered
- A PCC collects fees for a vocational program from a student before the program has been approved
- A PCC collects more than 20% of the total fees for a vocational program to a maximum of \$500 for allowable application processing, admissions testing or applicant assessment from a student before the student enters into a contract or collects fees that are not allowable before the student enters into a contract
- If a student is expelled from a program in a manner that contravenes the PCC's approved expulsion policy
- A total of more than 10% of the program is taught by instructors who do not meet the standards prescribed in the regulation

- If a person connected with the PCC makes false or misleading statements that constitute a fundamental breach of contract
- If the contract does not contain the components required under the regulation

In addition, if a PCC collects a fee for a vocational program that has not been disclosed to the Superintendent or collects a fee that is more than what has been disclosed to the Superintendent, the student is entitled to a full refund of the undisclosed fee or a refund of the difference between the disclosed fee and the collected fee.



Partial Refunds Before a Program Begins

Partial Refunds when student does not commence the program (triggered whenever one of the following occurs: student provides the PCC with a written demand for a refund; student does not meet the admission requirements for the program before it commences; PCC cancels the contract)

A student withdrawing from a program before it begins, including students who have not met the admission requirements, would be entitled to receive a full refund of fees paid for the program minus 20% of the total fees for the program to a maximum of \$500.

If a student does not attend a program during the first 14 days, the PCC can give the student written notice that it is cancelling the contract. The student is entitled to a full refund of fees paid less 20% of the total fees for the program (to a maximum of \$500).

Partial Refunds After a Program Begins

Partial Refunds when students withdraw or are expelled after the program commences

For programs that are shorter than 12 months, the period for calculating the refund is the total length of the program. For programs that are 12 months or longer, each program would be divided into twelve-month periods. For the twelve-month period that the student is currently enrolled in, students are entitled to a refund of fees paid for the program for that period, except that a PCC is allowed to retain 20% of the total fees for the program or \$500, **whichever is less**, plus the fees paid for the portion of the program that has been delivered. If the student

withdraws or is expelled after six months have passed, the PCC is not obligated to provide any refund for that period. However, the student would be entitled to a full refund of fees paid for any subsequent 12-month period or shorter period if the total length of the program is less than 24 months.

In the case of distance education programs, students would be entitled to a refund until they have been evaluated on 50% of the total number of segments of the program that require an evaluation. No refund is payable if the student is evaluated on more than 50% of the total number of segments.

For programs that operate on a fixed number of hours that extend over an indeterminate duration, students would be entitled to a partial refund if they withdraw before half of the total number of hours are delivered. **Only programs specifically approved by the Superintendent as noncontinuous programs can use this method to calculate refunds.** No refund is payable if more than half of the total number of hours are delivered.

Refunds have to be paid within 30 days after a student gives notice that he/she is withdrawing from the program or receives notice that they are being expelled. If a PCC cancels the contract, the PCC is required to provide a refund to the student within 45 days of the start of the program.

Refunds for international students are subject to additional requirements outlined in Section 1.11.

Examples of Refunds

Programs that are shorter than 12 months

Refund = fees paid for program - (total cost of program x 20%, to a maximum of \$500) - fees earned by college for part of program that has been delivered

Example

A student has paid in full for a 6-month program that costs \$6,000 but withdraws at the end of the 2nd month.

Refund to student = \$6,000 – \$500 – \$2,000 = \$3,500

A student who withdraws at the beginning of the 4th month is entitled to no refund.

Programs that are 12 months or longer

Refund = fees paid for current 12-month period - (total cost of program x 20%, to a max. of \$500) - fees earned by college for part of program that has been delivered in current 12-month period + fees paid for any subsequent periods

Examples

(1) A student has paid in full for an 18-month program that costs \$18,000 and withdraws at the end of the 2nd month. The cost for the 1st period is \$12,000 and the cost for the 2nd period is \$6,000.

Refund to student = \$12,000 – \$500 – \$2,000 + \$6,000 = \$15,500

(2) A student who withdraws at the beginning of the 7th month is entitled to no refund for the first 12-month period but is entitled to a full refund for the second period.

Refund to student = \$6,000

(3) A student who withdraws at the end of the 14th month has his or her refund calculated for the last six months only.

Refund to student = \$6,000 – \$500 – \$2,000 = \$3,500

(4) A student who withdraws at the beginning of the 16th month is entitled to no refund.

1.6 Transcripts

Reference:

O. Reg. 415/06 – Sections 34-35

Private career colleges are required to ensure that students have access to their transcripts for a minimum of 25 years after students leave the college. Appendix C provides a checklist of transcript requirements and a list of mandatory items that must be included in a PCC student transcript.

Information to be included in a student's transcript must be kept at the campus that the student is attending or at an off-campus facility approved by the Superintendent. Each PCC must transfer transcripts to an off-campus facility within 90 days after students leave the college. Every PCC must also obtain a third party to maintain and issue transcripts in the event that the PCC ceases operation or if a PCC chooses to use this service while it is still in operation. PCCs can use the same or different third parties for maintaining and issuing transcripts. Upon request by a student, the PCC must retrieve the transcript information from the off-campus facility and provide it directly to the student.

Transcripts are considered official when they have been issued and certified by a PCC representative and are marked with the official seal of the organization, if it has one, or when a third party has issued the transcript and certifies that this is a true and accurate copy.

The off-campus facility and third party arrangements do not have to be in place until September 18, 2007.

1.7 Student Complaint Procedure

Reference:

O. Reg. 415/06 – Section 36

All PCCs are required to have a formal written student complaint procedure that conforms to the requirements set out in O. Reg. 415/06 **by January 1, 2007**. Students must be provided with a copy of the procedure when they enter into a contract with a PCC. PCCs and students would continue to have access to the Ministry's complaint process if they do not achieve a satisfactory resolution through the PCC's student complaint procedure. However, the internal PCC procedure would have to be completed before a student complaint could be filed with the Ministry and the student would have to submit a copy of the complaint record to the Superintendent.

Appendix D is a checklist that PCCs may use to ensure their student complaint procedure complies with the regulation.

Any changes to the complaint procedure have to be reported to and approved by the Superintendent before the changes take effect.

Private career colleges must maintain records of all complaints at the campus where the complaint originated for at least three years and provide students with a copy of the complaint record. The records must include a copy of the complaint, any submission filed with respect to the complaint and the decision made on the complaint.

1.8 Expulsion Policy

Reference:

O. Reg. 415/06 – Section 20

PCCs must have a policy that clearly spells out the grounds on which students will be expelled by **January 1, 2007**. Students must be provided with a copy of the policy when they enter into a contract with a PCC and any expulsion that happens on or after January 1, 2007 must be carried out according to the policy. PCCs are required to inform the Superintendent of any changes to the expulsion policy before the changes take effect. If a complaint about an expulsion is received by the Ministry, the PCC must demonstrate that it has followed its expulsion policy.

1.9 Student File Requirements

Reference:

O. Reg. 415/06 – Section 45

Student files must be maintained and available to Ministry officials upon request.

**Under the PCCA, student files must contain
the following student information and documents:**

- Full name
- Sex
- Date of birth
- Residential address and permanent address
- Residential and permanent phone numbers and cell phone number, if applicable
- Email address, if applicable
- Results of any academic evaluations by the PCC
- Copy of a contract signed by the student and PCC
- Verification that student has met admission requirements
- If the student has withdrawn or been expelled from the program, copies of the withdrawal or expulsion letter, refund calculation and refund cheque
- Copies of receipts issued to students for the payment of fees

**If your institution is approved for student assistance purposes,
you must also comply with any additional requirements for student files
related to that approval.**

1.10 Statement of Students' Rights and Responsibilities

Reference:

PCCA – Sections 32 and 54

O. Reg. 415/06 – Section 20

Statement of Students' Rights and Responsibilities issued by the Superintendent

The Superintendent of Private Career Colleges has issued a Statement of Students' Rights and Responsibilities that must be provided to every student at the time of entering into a written contract with a student. A copy can be obtained on the Ministry website at www.edu.gov.on.ca/eng/general/private.html.

Students have a right to:

- A Written Contract
- Proper fee collection practice
- Have their goods and services sold by the PCC only in limited circumstances
- Fee Refunds as indicated in the fee refund policy
- Access to Transcripts for 25 years
- Receive a copy of their credentials within 60 days
- A Student Complaint Procedure
- Special protections if they are international students
- Insurance coverage while they are in class or at an off-site placement
- Qualified Instructors
- Timely evaluation of progress

PCC students have the following responsibilities:

- Provide PCCs with written notice of important decisions and events (e.g., withdrawal from a program or filing a complaint) and keep copies of written communication with PCCs
- Sign a written contract for the delivery of a vocational program
- Keep all receipts issued by a PCC
- Meet the admission requirements for a program before the program begins
- Return any goods received under a contract in the same state they were in when they were supplied by the PCC within 10 days of withdrawing in order to get a refund for them
- Request a full refund within a reasonable amount of time of finding out about a PCC's violation of the Act
- Successfully complete the program and fulfill all contract obligations in order to receive a credential from the PCC
- Go through the PCC's student complaint procedure before filing a complaint with the Ministry
- Immediately inform the appropriate official at the college if injured while attending a PCC

1.11 International Students

Who is an “international student?”

Section 1 of O. Reg.415/06

"international student" means a student at a private career college who applied for or received a temporary resident visa as a member of the student class under the Immigration and Refugee Protection Act (Canada); ("étudiant étranger")

“prospective international student” means a person who is required to apply for and receive a temporary resident visa as a member of the student class under the Immigration and Refugee Protection Act (Canada) in order to enrol at a private career college. (“étudiant étranger éventuel”)

Fee Collection for International Students

Reference:

O. Reg. 415/06 – Section 44

PCCA Fact Sheet #5: International Students

In general, the same fee collection rules apply to international students as apply to domestic students. However, some additional, special rules also apply to international students. PCCs may only collect up to 25% of the total fees for a vocational program from an international student before the student starts the program.

Private career colleges may charge “international student fees” for a vocational program (i.e., fees that are only charged to international students) provided these are disclosed to the Superintendent at the time of program approval and they are the same as the fees posted on the ServiceOntario website under the International Student category. You must submit an Application for Approval of Program Changes if you intend to charge new international student fees.

Trust Account

Reference:

O. Reg. 415/06 – Section 6

Protection of international students will be improved by requiring certain PCCs that enrol international students to establish a trust account to hold any fees they collect before an international student begins a program. A trust account must be established to hold fees paid by international students and will be mandatory if:

- A PCC applying for renewal of registration had more than 50% percent international students in the previous year
- The Superintendent determines that a PCC applying for registration is likely to have more than 50% international students in its first year of operation
- At any time, a PCC has been advised by the Superintendent that he/she has reasonable grounds to believe that international students at the PCC would be at risk of not receiving required refunds. The Superintendent will consider the following in determining whether reasonable grounds exist:
 - Whether the PCC has failed to comply with the refund policy in relation to international students in the past
 - The financial viability of the PCC
 - The number and nature of complaints made by international students about the operation and practices of the PCC or the operation and practices of the applicant prior to registration as a PCC

Trust accounts established according to this provision will be designated as the “*Private Career Colleges Act Trust Account*” and the Superintendent may impose terms to be included in a trust account agreement between a PCC and a financial institution.

PCCs are not permitted to withdraw funds from the trust account unless:

- The student commences the program
- A refund is required

The Superintendent may order the trust account to be frozen. A PCC or a person who claims an interest in the trust account may apply to the Superior Court of Justice if the person has a dispute about the order. The Superintendent may also apply to the Superior Court of Justice for directions or for an order with respect to the disposition of the funds in a trust account.

Fee Refunds for International Students

Reference:

O. Reg. 415/06 – Section 32

The general rules for refunds in Section 1.5 also apply to international students. As with domestic students, international students can cancel a contract or withdraw from a program for any reason and any written notice of cancellation or withdrawal delivered to the PCC is

acceptable. In addition, if a PCC receives notice that an international student has been denied a study visa before 50% of a program has been delivered, these students are entitled to a full refund of fees paid minus 20% of the total fees for the program to a maximum of \$500. All refunds to international students must be paid in Canadian dollars.

1.12 Advertising Guidelines

Reference:

O. Reg. 415/06 – Sections 15-18

“Advertisement” means any advertisement in any language, written or oral, distributed or transmitted by any means, including publication, radio, television or internet. New PCCs must submit copies of proposed advertising with the application for registration. Currently registered PCCs are no longer required to have advertising pre-approved but all new contracts for advertising must comply with the new regulation. Advertising contracts entered into before the new Act came into force can be fulfilled but must be in compliance with the old Act. Appendix E contains a checklist that can be used to ensure that all advertising complies with these regulatory requirements.

1.13 Summary of Changes: Registration and Student Protection

- The Act requires registration for all institutions, agencies or entities that provide one or more vocational programs to students for a fee according to individual contracts with the students
- Some formerly exempt institutions must register as PCCs, including non-profits, religious institutions offering non-religious programs and flight training schools. These institutions will continue to be exempt until September 18, 2007
- There are additional registration requirements under the new Act that set standards with which currently registered PCCs must comply:
 - Liability insurance
 - Student contracts
 - Fee Collection
 - Refund policy
 - Transcripts
 - Student complaint procedure
 - Trust accounts
 - Advertising requirements
 - International students
- When making decisions regarding registration of institutions the Superintendent is required to consider the public interest

Compliance Dates

Item	Compliance Date	
	Currently Registered PCC	New PCC
Registration	N/A	At registration
Registration – previously exempt institutions	N/A	By September 1, 2007
Renewal of registration	New dates as specified by the Ministry	N/A
Fees	September 18, 2006	At registration
Student Contracts	September 18, 2006	At registration
Fee Refunds	For any Contract signed after September 18, 2006	At registration
Transcripts – Content	September 18, 2006	At registration
Transcripts – Offsite storage and 3 rd Party Requirement	September 18, 2007	September 18, 2007
Student Complaint Procedure and Expulsion Policy	By January 1, 2007	At registration
Liability Insurance	November 18, 2006	At registration
Training Completion Plan	At renewal of registration	At registration
Statement of Student Rights and Responsibilities	September 18, 2006	At registration
International Student Fee Collection	October 18, 2006	At registration
Trust Accounts	When informed by the Superintendent	When informed by the Superintendent
Advertising Guidelines	All new advertising contracts must comply	At registration

1.14 Commonly Asked Questions

1. Why should I register?

The Superintendent of Private Career Colleges, under the authority of the *Private Career Colleges Act, 2005* (PCCA), registers institutions that provide instruction in the skills and knowledge required in order to get a job in a particular vocation. Before these programs can be delivered, the institution must be registered and the program approved.

Registration under the Act will tell students, employers and the public that the training offered by the PCC sector has met the student protection, quality and accountability requirements of the Act.

If an institution is not registered, it is not allowed to:

- Say it is a PCC or operate as one
- Make use of the term “private career college” or any derivation or abbreviation of the term in advertising

- Advertise or otherwise solicit students to enrol in a vocational program
- Charge or collect a fee for a vocational program
- Provide a vocational program for a fee
- Grant a credential that is set out in the credentials framework
- Enforce, through the courts, a student contract

2. How do I know if I have to register or have a program approved?

It is the responsibility of any organization involved in vocational education to ensure their compliance with the Act. An explanation of who is required to be registered and what programs require approval can be found in PCCA Fact Sheet # 1 – Exemptions Under the Act. If you still have questions you should speak to your program consultant or complete a Private Career College Pre-Screening Form. A copy of the form can be found on Service Ontario website at <http://www.serviceontario.ca>. You should also review the PCCA and the regulations made under the Act. The legislation can be found at www.e-laws.gov.on.ca.

3. What criteria will the Superintendent use to determine what constitutes “vocational training?”

Generally, vocational training provides instruction in the skills and knowledge required in order to get a job in each occupational category included in the National Occupational Classification (NOC), which can be found on the Government of Canada’s Human Resources and Skills Development website at <http://www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml>.

O. Reg. 415/06 also excludes some NOC classifications from the definition of vocational training. For more information, refer to PCCA Fact Sheet #1 – Exemptions Under the Act.

4. What will happen to me if I do not register or get a vocational program approved?

Until an institution has been registered and its programs approved, it is a violation of the *Private Career Colleges Act, 2005* to deliver or advertise the delivery of vocational programs. An institution cannot enrol or collect tuition from students until the registration and program approval process is complete. Failure to comply with these rules may be used as grounds to refuse your application for registration or renewal of registration. It is also an offence under the Act and may lead to the prosecution of the operator of the private career college.

Students are entitled to a full refund if a private career college collects any fees for a vocational program before the college is registered under the *Private Career Colleges Act, 2005* or before the program is approved by the Superintendent of Private Career Colleges.

5. How long does it take to be registered after I have submitted the application?

The registration process is a rigorous exercise and it normally takes about six months to complete the necessary requirements to become a registered private career college in Ontario. Applications for Registration are not processed unless fully completed documentation has been provided.

6. What will the Superintendent consider when judging whether it is in the public interest to grant registration?

Public interest is only one among several criteria that the Superintendent must consider in reviewing an application for registration or renewal of registration. The ability of the applicant to operate the institution in a financially responsible manner, in accordance with the Act and regulations, and, based on the applicant's past conduct, with integrity and in accordance with the law are also important criteria. Again, an applicant should review the Act and the regulations made under the Act for all the criteria that the Superintendent must apply.

The Superintendent must be satisfied that it is in the public interest to register or renew the registration of an institution. The following criteria will be considered in determining whether it is in the public interest to register an institution:

- Whether the quality of the applicant's vocational programs can be adequately assessed;
- Whether employment in an occupation or practice in a regulated profession that is the subject of the applicant's vocational program normally requires a degree-level credential (e.g., it would not be in the public interest to allow a PCC to deliver a nursing diploma nurses in Ontario require a degree in order to practice)
- Whether the vocational program the institution proposes to offer would jeopardize public health or safety

7. Since non-profit institutions are not in the business of making money, why are you making them bear all the additional costs of registration?

Non-profit organizations were exempt from regulation under the former Act, even though they may offer the same courses as those offered on a for-profit basis and some are approved for student loan purposes. This created inequities for students attending those programs and also allowed some unscrupulous operators to use this as a "loophole" to avoid registration.

The Act contains a number of features to keep costs down for non-profits (e.g., excluding programs that charge students less than \$1,000 from program approval). Also, there are special provisions for registered charities (e.g., reduced financial security requirements).

8. If the federal government regulates flight training, why is it necessary for these programs to be included under the PCCA, 2005?

Students in flight training programs pay thousands of dollars in tuition fees. Even though the federal government regulates the content of these programs, students have had no financial protection if the PCC they are attending closes before they complete their training. These programs are no different than a paramedic program, for example, whose content must be approved by the Ministry of Health and Long Term Care but is still required to be approved by MTCU.

9. Will school board programs be exempt? What about training agencies spun off by school boards like the Centre for Education and Training in Mississauga?

Unless these programs are offered directly by a school board, as defined under the *Education Act*, there is no blanket exemption for these types of trainers. Vocational programs offered by them will be assessed on a case by case basis to determine whether they require the approval under the Act.

10. Will Apprenticeship Training Delivery Agents be exempt from registration?

Training Delivery Agents will be exempt only for the programs they are delivering under their Training Delivery Agreement with the Ministry of Training Colleges and Universities. If an institution is delivering apprenticeship training and they are not a Training Delivery Agent, they must be registered and have the program approved.

11. How will professional development programs be treated?

Professional development programs (i.e., programs intended for individuals who already have experience in a related vocation and are offered for the purpose of upgrading or updating qualifications) do not require approval. Programs that prepare students for a job they are not currently qualified for will be more likely be considered vocational and require program approval. For more information refer to Fact Sheet #1 – Exemptions Under the Act.

12. What will the Superintendent consider when asked to approve new technology programs or programs in new occupations that are not specifically listed in the National Occupational Classifications (NOC) lists?

The NOC is not intended to list the title of every vocation. It establishes general categories and defines the attributes of vocations falling within those categories. The ministry will consider the NOC's descriptions of job duties and skill requirements, as well as evidence of labour market demand, to determine whether or not a new occupation is vocational. If a program were so unique as to not fit into a NOC description, the Superintendent has the option of amending the regulation to specifically include the program or to exempt it as non vocational.

13. Why are vendor or manufacturer specific certification courses now required to be approved?

Many vendor and product specific training programs have a clear labour market demand and are quite long and costly (e.g., Microsoft Certified Database Administrator, Cisco Certified Network Associate). Because these programs are vocational and require a substantial investment of time and money by students, they should be entitled to the same protections as students in other vocational programs. Single skill courses such as Cisco Firewall Specialist do not require approval under the PCCA.

14. Do I have to use the sample student enrolment contract?

No. The sample contract was developed to show all the required terms that must be included in a contract signed with students for a vocational program on or after September 18, 2006. You could adopt the sample contract, attach an addendum to your existing contract or develop a new contract on your own. If you are attaching an addendum to an

existing contract, all references to the old Act, including the old refund policy, must be deleted.

You can customize the sample contract by adding additional terms to the contract and move around the order of the terms to fit your college's needs as long as the contract that you use for enrolling students in a vocational program contains all the required terms as specified under section 20 of O. Reg. 415/06.

15. Can I refer to my registered status as a PCC in a contract for non-vocational training?

No. You can only refer to your registered status in contracts for vocational training and must use the wording that is prescribed in O. Reg. 415/06, Section 20.

16. What fees should be included in the contract for a vocational program?

The contract should only indicate the fees in relation to the vocational program that will be paid by students directly to the PCC. For example, if students will not pay the PCC directly for books and professional exam, you should not include those fees in the contract.

17. Does a payment schedule have to be included in the original contract that a student signs or can it be added later?

For programs approved for student loan purposes, the payment schedule may be completed at the time of the receipt of the Canada-Ontario Integrated Student Loans Certificate of Loan/Grant Approval and Eligibility. It must be attached to the original student enrolment contract.

For all other programs, the schedule of payments must be included in the original student enrolment contract.

18. Can I charge any non-refundable fees for a vocational program?

No. Although PCCs are allowed to retain 20% of the total fees for a program up to a maximum of \$500, this amount is not automatically deemed non-refundable. In circumstances that are prescribed under section 25 of O. Reg. 415/06, students have the right to ask for a full refund of fees paid to a PCC in relation to a vocational program. In addition, if a student cancels a contract within the two day cooling off period after receiving a copy of the contract, he or she is entitled to a full refund of fees paid.

19. If a student cancels a contract within the two day cooling off period, am I required provide a full refund?

Yes, if a student cancels a contract within two days after receiving a signed copy of the contract, he or she is entitled to a full refund of fees paid, including any fees paid to the college for processing an application or conducting admission tests or assessments.

In calculating the refund, PCCs may retain the cost of essential books and equipment that the PCC provided to the student, if the student does not return them to the PCC in the same condition as they received them.

20. Am I required to keep all original files or can I just keep electronic version of the files?

For student transcript information and advertisements, you can either keep hard copies or electronic copies of the files. For any other types of files (e.g., student files) you must still keep the original hard copies.

21. How much of a refund is a student entitled to when they leave a program? Do international students have a separate refund policy?

The refund policy strikes a balance between protecting students and being fair to PCCs. Students are entitled to a full refund if they withdraw from a program within two days of signing their enrolment contract. After this two day period, a student who withdraws from the program before it begins is entitled to receive a full refund of fees paid minus 20% of the total fees for the program (to a maximum of \$500).

If the student withdraws from a program after the program begins, the student may be entitled to a refund of fees paid for the program, depending on how much of the program has been delivered by a private career college. In most cases, the college is allowed to retain 20% of the total fees for the program or \$500, **whichever is less**, plus the fees paid with respect to the portion of the program that has been delivered by the college.

International students will have the same refund rights as domestic students. To further protect international students, PCCs will not be able to collect more than 25% of fees before an international student begins a vocational program. If the Ministry receives complaints from international students or if more than 50% of a PCC's students are international students, it may also require a PCC to hold monies collected from international students in a trust fund.

For more information on refunds, refer to PCCA Fact Sheet #2 - Fee Collection & Refunds.

22. I recruit a lot of students from overseas. Are there any special rules I need to know about?

Yes. The *Private Career Colleges Act, 2005* contains some special rules for international students. A private career college may only collect up to 25% of the total cost of the program from international students before the program begins. The remaining fees owing to the private career college may be collected once the program begins. If a private career college receives notice that an international student did not get a student visa on or before half of the program has elapsed, the student is entitled to a full refund of all fees paid, minus 20% of the cost of the program, up to a maximum of \$500.

Some PCCs will be required to set up a trust account in order to hold international student fees. A trust account will be required as a condition of registration if international students comprise more than 50% of students enrolled in all of an institution's vocational programs. A private career college may also be required to set up a trust account if the Superintendent has reasonable grounds to believe that the college has international students who may be at risk of not receiving a fee refund. For example, if the Superintendent has received multiple complaints from international students that an institution has been collecting more than 25% of the total cost of the program up-front or about the institution's general conduct or practices, the institution may be required to establish a trust account.

23. Is the 50% enrolment by international students determined on a per program basis or is it the total of all students enrolled in all vocational programs at a PCC?

PCCs will be required to establish a trust account to hold fees paid in advance by international students if more than 50% of all students enrolled in all vocational programs at the PCC are international students.

24. What type of student complaints procedure must I have at my PCC?

The requirement that a formal complaints procedure be in place at each PCC is a way of giving students and PCCs an opportunity to resolve issues without the Ministry intervening. This should avoid Ministry involvement in minor matters or areas where the PCC and the student should be able to reach a resolution. The required components of the student complaint procedure are specified in Section 36 of O. Reg. 415/06. So long as their complaint procedure meets these requirements, PCCs have the flexibility to develop a process that makes sense for their institution. If students and PCCs are unable to settle a complaint after it has been addressed through the PCC's student complaint procedure, students can bring the issue to the Superintendent.

25. Are there any rules about the facilities I need to have in order to operate a PCC?

In general, all facilities should be adequate to accommodate the number of students who will be enrolled in a program. All facilities are required, as a condition of registration, to pass a fire inspection conducted by the local fire department. In addition, if a facility is going to have a cafeteria on the premises, it must pass a health inspection conducted by the local public health unit.

For some types of programs, there may also be some additional facility requirements as part of the program approval process. A program specific, third party inspection may be conducted in these cases. This requirement often applies to programs that prepare students for employment in a regulated occupation, such as dental hygiene, or for programs where there is a risk of exposure to blood and bodily fluid or where food will be consumed, served or sold to others.

26. Now that there is no pre-approval of advertising, does that mean that a PCC can say anything it wants in its advertising?

While pre-approval of all advertising is no longer required for registered PCCs, PCCs are still required to follow the advertising rules set out in sections 15-18 of O. Reg. 415/06. PCCs will be monitored to insure that their advertising complies with the regulation and must keep copies of all advertising on record for one year. New PCCs will be required to submit proposed advertising with their applications for registration so that the Ministry can ensure that they understand the advertising rules.

Module 2: Quality and Accountability

2.1 Overview of Changes

Program quality and accountability are key goals of the new framework. The most significant changes in this area will be the development of a credentials framework and program standards for the PCC sector. The credentials framework will improve consistency in the sector and provide a better understanding of the value of PCC programs to students and employers. Program standards will help to ensure that PCC students get the skills and knowledge they need to obtain employment. The legislation also provides the Superintendent with the ability to establish key performance indicators for all PCCs. The Ministry will continue to work with PCCs in developing these components.

Policy Directives

The Superintendent has the authority to issue policy directives that will set out:

- The credentials that PCCs may grant to students who successfully complete programs
- Standards that programs would have to meet in order to be approved
- Performance indicators that PCCs would have to collect and make public

Policy directives are currently under development and, when they are published, will be binding on PCCs.

2.2 Program Approval

Vocational Programs

Reference:

O. Reg. 415/06 – Sections 7-9

PCCA Fact Sheet #1 – Exemptions Under the Act

Prescreening Form

New Terminology

We have changed the terminology under the new *Private Career Colleges Act, 2005* so that **institutions are “registered” and programs are “approved.”** This is intended to provide more clarity in circumstances where a private career college may offer both vocational and non-vocational programs.

National Occupational Classification (NOC)

A “vocation” is defined as each occupation included in the *National Occupational Classification* (NOC) published by Human Resources and Skills Development Canada.

Programs offering training in the *National Occupational Classification* (NOC) Codes listed in the table below do not require approval under the *Private Career Colleges Act, 2005* and regulations.

NOC Code Number	Occupations	Example of Job Title
3123	Other Professional Occupations in Health Diagnosing and Treating	Podiatrist, Chiropracist, Naturopath, Foot Specialist
3232*	Midwives and Practitioners of Natural Healing	Herbalist, Reflexologist
5232	Other Performers	Model, Acrobat, Impersonators
Minor Group 525	Athletes; Coaches; Sports Officials and Referees; and Program Leaders in Recreation and Sports	Figure Skater, Football Player, Yoga Instructor
6484	Other Personal Service Occupations	Astrologer, Fortune Teller, Feng Shui Practitioner

***NOTE:** *This exemption does not apply to Shiatsu Massage programs. Shiatsu Massage programs are required to be approved.*

Non-Profit and Religious Institutions

Effective September 18, 2007 non-profit organizations delivering vocational programs will be required to be registered and have their programs approved under the *Private Career Colleges Act, 2005*. This would include religious institutions if they are delivering non-religious vocational programs (e.g., lay counselling).

Additional Vocational Programs

O. Reg. 415/06 clarifies that **police foundations and fire fighter pre-service programs** are required to be approved, even though both firefighters and police must undertake special training after they are hired.

Some **vendor and manufacturer specific vocational programs** will now require program approval. If there is a labour market demand for the skills and knowledge being offered, in most cases the program will need to be approved (e.g., Microsoft Certified Database Administrator (MCDA), Cisco Certified Network Associate (CCNA)).

Flight training programs will now be required to be approved.

Training related to **casino occupations** (e.g., dealers) which were previously exempt now require approval.

Programs related to **heavy equipment operation** (e.g., bulldozer, backhoe or cement mixer driver) can be approved as separate programs or bundled and approved as a heavy equipment operator program.

Programs for most **commercial class driver licences** require approval, including class “A” licence preparation and programs for school bus and dump truck drivers.

Under the previous Act, some programs were exempt as **professional development** if they required any qualification other than a high school diploma as a pre-requisite for entry into the program (e.g., “post diploma” programs”). Under the *Private Career Colleges Act, 2005*, these programs will no longer be exempt simply because they require some post-secondary education as a pre-requisite.

PCCs have until September 18, 2007 to have these programs approved. After that date, PCCs will not be allowed to offer these programs unless they have been approved. You should discuss any questions you have about these types of programs with your program consultant or submit a Pre-Screening Form.

Programs less than \$1000 or 40 hours

Programs that cost less than \$1000 or are less than 40 hours in duration do not require approval under the Private Career Colleges Act, 2005. If at any time you consider offering a combination of subjects and/or programs to potential students that would result in a vocational program that is greater than 40 hours in length and costs \$1000 or more, you are required to seek approval for the new vocational program.

It should be noted that the Superintendent has the authority to issue policy directives that set program standards for a vocational program. The program standard may specify that a program must be a minimum period that is greater than 40 hours. If that is the case, a program cannot be exempt under this section. For example, the program standard for truck driver training may specify that there must be 80 hours of training. All truck driver training programs would have to be a minimum of 80 hours long and therefore could not be exempt under this section.

Credentials Framework and Program Standards

Reference:

PCCA – Section 53

Future Policy Directives

The Ministry will establish a credentials framework for PCC programs that will define the criteria a program must meet in order for it to lead to a given credential. The framework will distinguish

between different levels of credentials offered by PCCs (e.g., between a PCC diploma and a PCC certificate). This will allow greater clarity for students, employers and the general public in determining exactly what a given credential means. The PCC sector will be consulted with on how best to implement the credentials framework and the process will be outlined in a policy directive.

Programs will also be assessed against program-specific standards. Program standards will be developed in consultation with PCCs, employers, professional associations and other interested parties. The standards will identify the basic program outcomes and competencies that students must achieve in a program. They will be designed to reflect the skills and knowledge necessary to be employed in the vocation. A PCC program's compliance with standards will be assessed by third party program assessors who will provide an opinion on the program to the Superintendent. If the program does not meet the standard, the Superintendent will not approve it. Further details regarding program standards will be provided in a policy directive.

Student Credentials

Reference:

O. Reg. 415/06 – Section 46

Students are entitled to receive the credential approved by the Superintendent within 60 days of successfully completing a vocational program and fulfilling the terms of a contract with a PCC. In the future, credentials awarded at the successful completion of a vocational program will be required to conform with the credentials framework.

Program Approval Process

Reference:

O. Reg. 415/06 – Section 10-12

Application for Program Approval and Guidelines

All vocational programs provided by PCCs must be submitted to the Superintendent for approval prior to the enrolment of students in the program. Guidelines for completing the Application for Program Approval are posted on the ServiceOntario website. The Application for Program Approval must be accompanied by a number of appendices that require additional information about the program. PCCs that are already registered must complete some parts of the Application for Program Approval through RICC. Directions are provided for this process in the RICC User Guide.

PCCs should note that some changes have been made to the information that must be submitted as part of the program approval process. PCCs are no longer required to provide employer assessments of the program. However, PCCs will now need to draw a clearer link between the intended outcomes of the program and the job profile for the vocation when applying for program approval.

Program approval will now be granted for a period specified by the Superintendent, to a maximum of five years or until it is suspended or revoked. All PCC programs will eventually have to be assessed against the Ministry's new credentials framework and program standards. At that time, they will be approved for a maximum of five years. The details regarding the transition from the current system to the new approach to program approval will be worked out in consultation with the sector and will be provided in a policy directive that will be issued by the Superintendent.

Program Re-approval

Program approvals that were granted before the new Act came into force will remain in effect until PCCs are advised by the Superintendent that they must submit the program for re-approval under the new policy directives. PCCs will be given a reasonable period of time to submit an application for re-approval. The program will remain approved until that time had elapsed. If a PCC fails to apply for re-approval within the time specified, the approval will be revoked.

A Guideline will be developed by the Ministry to explain the new program approval requirements. The Superintendent may also require additional information for specific programs. Program approval forms are available on the ServiceOntario website.

PCCs approved for student assistance purposes must meet additional requirements for program approval as set out in the OSAP Guidelines

Third Party Program Assessors

Reference:

O. Reg. 415/06 – Section 11

PCC Fact Sheet # 6 – Third Party Assessor

Third party program assessments (formerly known as the Program Design Specialist's Assessment) of proposed vocational programs are required for all new programs and are conducted at the PCC's expense. The third party program assessor must be approved by the Superintendent. The assessment of the program must be sent directly to the Superintendent by the assessor and must include a copy of the description of the program that has been initialled by the assessor.

The Ministry is currently working on improvements to the third party program assessment process. New information will be provided to PCCs in a policy directive. Until that time, the current approval process will remain in place.

Requirements for Third Party Program Assessors

- Have a degree in adult education and have at least five years of professional experience.

OR

- Have a diploma or certificate in adult education or training from a program which, if taken full-time, would be at least an academic year in length (approximately 450 contact hours) **and** have five years professional experience; or hold a professional trainer certification where such certification is awarded based on training experience and the successful completion of a certification examination – for example, Certified Training and Development Professional certification awarded by the Ontario Society of Training and Development.

OR

- The assessor has been employed for at least 10 years in a position where the assessor's major and primary responsibility is adult program development and design – for example, corporate training consultant agency.

AND

- The assessor must have an arm's length relationship with the PCC.

Some programs require third party assessments by specific individuals or organizations. PCCs should contact the Private Institutions Branch to find out if the program they are proposing requires a specified assessor. Also see the PCCA Fact Sheet # 6 – Third Party Assessor for information on the requirements for assessors.

Student Admission Requirements

Reference:

O. Reg. 415/06 – Section 19

It is a condition of registration that students enrolled in a PCC program are required to meet or exceed the admission requirements set in regulation before they begin a program. A PCC cannot establish an admission requirement that is less than following, unless it is approved to do so by the Superintendent:

- An Ontario Secondary School Diploma or equivalent, **or**
- Students are 18 years of age or older and pass a qualifying test that has been approved by the Superintendent, **or**
- Meet other academic qualifications or minimum age requirements established as a condition of the Superintendent's approval of the program, **and**
- Have met all additional admission requirements established by the PCC for the program

PCCs can admit students who do not meet the admission requirements of a program on a provisional basis. However, students are entitled to a full refund of fees paid for a program, minus 20% of the total fees for the program or \$500, **whichever is less**, if they do not meet the program's admission requirements when the program begins.

Instructor Qualifications

Reference:

O. Reg. 415/06 – Section 41 and 42

PCCs are required to keep instructors' personal information on file and available for inspection. A completed Instructor Qualification Form, along with all the required documentation, must be kept on site for each instructor and must be available at any time when requested by an official of the Ministry.

Completed Instructor Qualification Forms are used as proof that instructors employed by PCCs have the required minimum qualifications:

- Hold a Bachelor degree from a Canadian university or an equivalent degree, or
- Are a graduate of a College of Applied Arts and Technology or equivalent, or
- Are a graduate of a registered PCC or equivalent, or
- Hold a Certificate of Qualification under the *Trades Qualifications and Apprenticeship Act* or the *Apprenticeship Certification Act* or equivalent, **and**
- Have 24 months occupational experience in the vocation to be taught

Or

- Have 36 months of teaching experience in the vocation for which instruction is given, **and**
- 24 months occupational experience in the vocation to be taught

Or

- Have 48 months of occupational experience in the vocation for which instruction is given

And

- If the vocation is governed by a regulatory body that specifies the qualifications required of instructors, the instructors at PCCs would also have to have those qualifications.

The Superintendent may also approve other instructors whom she/he deems to be proficient in the subject and/or vocation to be taught.

New! Regardless of their educational qualifications, instructors are now required to have the same amount of work experience (24 months). In addition, apprenticeship qualifications have been included as acceptable educational qualifications for instructors. Instructors employed on September 17, 2006 who were qualified to teach under the old Act continue to be qualified to teach under the new Act.

Substitute Instructors

In exceptional circumstances, PCCs may employ substitute instructors that do not meet the requirements as long as the total amount of the program taught by all unqualified instructors does not exceed 10%.

Students may choose to void their contract for the delivery of a vocational program if more than 10% of the program is taught by unqualified instructors. If they do so, they are entitled to a full refund for the total cost of the program.

Evaluation of Students

Reference:

O. Reg. 415/06 – Section 12

Students are entitled to receive the results of an evaluation of their progress in a vocational program before 50% of each 12 month period has elapsed or prior to 50% of the program being delivered in the case of program approved by the Superintendent as non-continuous (i.e., programs that may have breaks in the delivery due to weather conditions, for example). This rule is intended to give students a sound basis on which to make a decision about whether or not they should continue in a program before they lose their entitlement to a refund.

2.3 Program Changes

Reference:

O. Reg. 415/06 – Section 13

Application for Approval of a Program Change

PCC are required to obtain approval from the Superintendent before making a substantial change to an approved vocational program. Substantial changes are defined in O. Reg. 415/06 as the following:

- A change in the curriculum for the program that would result in a change in the degree of knowledge or specialization with respect to the vocation
- A change in the duration of the program
- A change in the mode of delivering the program
- The introduction or deletion of a practicum
- A change in admission requirements
- A change in the requirements for successful completion of the program and for promotion within the program
- A change in the private career college's policies and procedures for granting advanced standing
- A reduction or loss of equipment, facilities and learning resources
- A change in the title of the program
- Any other change that would adversely affect the private career college's ability to comply with the conditions of the Superintendent's approval

These changes must be submitted to the Superintendent for approval. Some changes may be made through RICC. An Application for Approval of Program Changes must include:

- A description of the proposed change
- The rationale for the change – why the change(s) is needed before a program is required to be re-approved (usually every 5 years) and an explanation of how the change will affect the outcomes of the program
- The Superintendent may also require additional information, including another evaluation of the program by a third party program assessor

2.4 Key Performance Indicators

Reference:

PCCA – Section 53

Future Policy Directive

Under the new PCCA, all registered PCCs will be required to collect and submit data on key performance indicators to the Ministry. The Private Institutions Branch is presently conducting research into key performance indicators (KPIs) and will be consulting with the PCC sector. A future policy directive will detail the KPIs that PCCs will be required to collect and provide to the Ministry.

2.5 Operation of a College

Reference:

PCCA – Part VI

O. Reg. 415/06 – Part VIII

Keeping the Ministry Informed

Substantial Changes to Approved Programs

You are prohibited from making a substantial change to an approved vocational program without the Superintendent's approval.

Change in Student Complaint Procedure

You must report and get the prior approval of the Superintendent of Private Career Colleges **before** making changes to your student complaint procedure.

Change in Ownership

You are required to give the Superintendent notice of any change in the ownership of the college at least **30 days before** the change occurs. This includes substantial transfers of assets of the college, transfer of shares in a corporation that would impact the makeup of the corporation's board of directors, or a change in partners within a partnership. If you are operating as a corporation, you must also notify the Superintendent in writing **within 5 days** after a change in the corporation's officers or directors. If this applies to you, fill out the Notification of Change Form available on the ServiceOntario website and submit it to the ministry.

Other Changes

If you intend to discontinue a program after it has started and has students enrolled in it, you must give the Superintendent at least 14 days notice before the program is discontinued. You must also provide confirmation of the training completion plan or fee refund arrangements made with students. Contact your Program Consultant immediately if you are considering this option for your approved vocational program.

Note!

The ministry must have a working e-mail address in order to be able to send correspondence to your private career college.

You must give the Superintendent **30 days** written notice of a proposed change in the address of the college's head office or any of its campuses. If you intend on making changes in the address for service, the operating or legal name you must notify the Superintendent at least **10 days in advance** of the change.

You are required to notify the Superintendent in writing of any change in the person responsible for the administration of the college or in the e-mail address, phone number and fax number for the college's head office and for any of its campuses **within 5 days** of the change occurring.

You are also required to notify the Superintendent **within 5 days** of making changes to your Training Completion Plan.

In all cases, fill out the Notification of Change Form available on the ServiceOntario website and submit it to the ministry.

Record-keeping Requirements

The following table outlines the record-keeping requirements for all private career colleges.

Record	Record Keeping Location	Record Keeping Period
Each Student File <ul style="list-style-type: none"> - full name, sex, date of birth, residential address while enrolled, permanent address, phone numbers at the residential and permanent address, any cell phone number or e-mail address - a record of the results of any academic evaluations - a copy of the signed contract - a copy of evidence verifying that the student has met the admission requirements - copies of the withdrawal or expulsion letter, any refund calculation and any refund cheque issued, if applicable - a copy of all receipts of fee payments issued 	Campus	3 years from the date the student left the private career college
Student Transcripts	Campus or approved off-site facility	Before the student leaves the private career college, keep the transcript at your campus or an off-site facility. If the transcript is kept at an off-site facility, the private career college is still required to retrieve it at the student's request.
	Approved off-site facility (after September 18, 2007)	Within 90 Days from the date the student left the private career college
Student Complaint Procedure	Campus (after January 1, 2007)	Always keep an up-to-date copy
Expulsion Policy	Campus (after January 1, 2007)	Always keep an up-to-date copy

Advertisements - text of the advertisement - the period during which the advertisement was published or broadcasted - translation of text, if applicable - signed testimonial, endorsement or opinion, if applicable - signed statement from a regulatory body or professional/occupational association/organization, if applicable - signed statement from a government representative, if applicable - signed statement from an officer or director of a post-secondary educational institution, if applicable	Campus or approved head office	1 year from the last date of publication or broadcast
Insurance Policy - insurance related to the private career college - insurance related to programs, if applicable	Campus	Always keep an up-to-date copy
Trust Account Administration, if applicable	Such record keeping requirements as may be imposed by the Superintendent as a condition of registration	
Program Descriptions	Campus or approved head office	6 years from the date of program approval
Registration Certificate	Campus	Always display the current certificate where it can be seen by students and the public
Copy of legislation and regulations	Campus	Always keep an up-to-date copy available to students if requested during normal business hours
Instructor Qualification Forms	Campus	Always keep an up-to-date copy for all instructors currently employed
Training Completion Plan for Each Program	Campus	Always keep an up-to-date copy

2.6 Summary of Changes: Quality and Accountability

PCCs are required to have all vocational programs approved under the Act. Program approval is required when a PCC applies for registration and all additional new programs and substantial changes to approved programs must be submitted to the Superintendent for approval.

Many of the requirements for program approval are consistent with the old Act. Major changes are the removal of the requirement to provide employer assessments and assessments are now required by third party program assessors instead of program design specialists. Credentials awarded to students upon successful completion of a program will be subject to a standardized credentials framework and program quality will be improved with the introduction of program specific standards. Development of the credentials framework and a process for establishing program standards is in progress.

Compliance Dates

Item	Compliance Date	
	Currently Registered PCC	New PCC
Student Admission Requirements	September 18, 2006	At registration
Previously exempt programs required to be approved	By September 18, 2007	At registration
Credentials Framework	When it is developed – with a reasonable amount of time given for compliance	When it is developed
Program Standards	As they are developed – with a reasonable amount of time given for compliance	As they are developed
Third Party Program Assessors	September 18, 2006 for new programs; as re-approval is required for currently approved programs	At registration
Instructor Qualifications	Existing approved instructors are grand parented, September 18, 2006 for new instructors	At registration
Approval of Substantial Program Changes	September 18, 2006	At registration

2.7 Commonly Asked Questions

1. How will I know if a program I plan to offer requires approval by the Superintendent?

Please refer to PCCA Fact Sheet #1 – Exemptions Under the Act. This fact sheet provides general guidelines regarding which programs do or do not require the approval of the Superintendent to be offered in Ontario.

If there is any doubt as to whether a program needs to be approved, you should speak to your program consultant or submit a completed Registration Pre-Screening Form to the Superintendent.

2. How will the credentials framework work? How will it be developed?

The credential framework will be developed in consultation with PCCs, employers and other stakeholders. The framework will define what criteria a program must meet in order for it to lead to a given credential. The framework will distinguish between different levels of credentials offered by PCCs (e.g., between a PCC diploma and a PCC certificate). This will allow greater clarity for students, employers and the general public in determining exactly what a given credential means. All existing and new programs will eventually be required to be assessed against the framework. A timetable for that assessment will be determined in consultation with the sector.

3. I have always offered diploma programs. Does the credentials framework mean that I can no longer give a diploma for these programs?

The credentials framework will define the criteria a program must meet in order for it to lead to a given credential. In order to provide a diploma, a program will have to meet the established criteria for a "PCC Diploma."

4. How will program standards be developed and how will they impact the program approval process?

Program standards will be developed in consultation with PCCs, employers, professional associations and other stakeholders. The standards will identify the program outcomes and competencies that students must achieve in a program. They will be designed to reflect the skills and knowledge necessary to be employed in the vocation. A PCC program's compliance with standards will be assessed by third party program assessors who will provide an opinion on the program to the Superintendent. If the program does not meet the standard, the Superintendent will not approve it. Further details will be provided in a policy directive that will be issued in 2007.

5. Some PCCs offer unique, cutting edge programs. Won't program standards be inflexible and limit innovation?

PCC program standards will be outcome focused (i.e., outline the skills and knowledge that a student is expected to have when they complete a program). PCCs will continue to have flexibility with respect to curricula and methods of instruction, so long as they produce the required outcomes.

6. Who should I use as a third party program assessor for my program?

Some programs require specialized assessors and all assessors must be approved by the Ministry. Please contact your program consultant to find out the appropriate assessor(s) for your program. As part of the development of the credentials framework and program standards, the Ministry will be establishing a roster of approved assessors and will distribute this information to PCCs.

7. What happens if an existing program doesn't meet a new program standard?

There will be a transition period during which the Ministry will work with PCCs to ensure that their programs meet the approved standards. All programs will have to meet the appropriate standard in order to continue to be approved.

8. Will PCCs have to get existing programs re-approved or will they be grandparented?

All PCC programs will eventually have to be assessed against the Ministry's new credentials framework and program standards. The details regarding the transition from the current system to the new approach to program approval will be worked out in consultation with the sector and will be provided in policy directives that will be issued by the Superintendent in 2007. It will likely take a number of years for all programs to be re-assessed.

9. Do I need to submit a full application for program approval if I have purchased a program from another registered PCC?

Yes, all proposed new programs require a complete application for approval. If you have purchased a program from another registered PCC, you must also submit a letter from the PCC selling the program authorizing you to deliver the program.

10. How do I make a change to one of my programs?

The Superintendent must approve all substantial changes to approved programs. Substantial changes are defined in section 13 of O. Reg. 415/06. Proposed changes must be submitted to the Superintendent for approval. Some changes may be made through RICC. Detailed information is contained in Section 2.3 of the Private Career Colleges Act Training Manual.

11. What qualifying tests have been approved by the Superintendent for mature students?

The ministry will be doing a re-evaluation of the policy on mature student tests. In the interim, the following tests are among the acceptable tests:

- CAT (Canadian Achievement Test)
- CAAT (Canadian Adult Achievement Test)
- CAST (Canadian Achievement Survey Tests for Adults)
- Wonderlic

Other tests may also be approved. PCCs should check with their program consultant to ensure that the test they intend to use is acceptable. PCCs can continue to use the test they specified when their program was approved, unless they are informed by their consultant that they need to make a change.

12. I currently deliver programs that do not meet the requirements for an evaluation prior to mid-term. When do I have to change how I do the testing?

All students who signed a contract for the delivery of a vocational program on or after September 18, 2006 are entitled to receive the results of an evaluation of their progress in the program before 50% of each 12 month period or prior to 50% of the program being delivered, in the case of non-continuous programs.

13. Why are Key Performance Indicators KPIs being extended to all PCCs?

Requiring all PCCs to collect and report on KPIs will provide students with additional information to help them make decisions about what program or PCC they should attend as well as providing information that will help PCCs improve their programs. Until now, this information has only been available for OSAP eligible PCCs.

14. What KPIs are being considered for the PCC sector?

Details concerning what performance indicators will be used will be provided in a policy directive to be issued by the Superintendent in 2007. There is some interest in using indicators similar to those currently in place for public colleges and OSAP eligible PCCs (e.g., graduation rates or graduate employment rates). We also recognize that any system needs to accommodate the broad diversity of programs being delivered by PCCs. There will be significant stakeholder consultation before any decisions are made about KPIs.

15. Will PCCs have to meet certain KPI targets? What will happen if PCC programs don't meet the targets?

The Superintendent has the authority to establish targets for KPIs. If they are established, meeting the targets would be required in order for a program approval to be renewed. It is expected that refusal to renew approval would only occur after a PCC failed to demonstrate improvements to the program. Details with respect to KPIs will be set out in a policy directive that will be issued in 2007 after consultation with PCCs.

Module 3: Training Completion Assurance Fund

3.1 Overview of Changes

The Training Completion Assurance Fund (TCAF) is a new provision of the Act. TCAF replaces the old financial security requirements with a combination of an insurance fund and new, reduced financial security. The PCC sector has called for the establishment of a fund to replace the increasingly ineffective bonding regime. Development of the TCAF took place through a consultative approach between the Ministry, the Ontario Association of Career Colleges, other PCCs and the expert actuarial services of the Mercer Oliver Wyman consulting firm.

TCAF is administered by the Superintendent with the assistance of a TCAF Board appointed by the Minister of Training, Colleges and Universities.

The major components of the TCAF framework are the establishment of:

- An Advisory Board made up primarily of PCC sector representatives
- A fund target level and an approach for setting premiums and levies to fund TCAF
- Financial security requirements for TCAF members
- TCAF's administrative arrangements, including how students make claims and how training completions will be conducted

TCAF will provide protection to students through the provision of training completions or refunds to students affected by a PCC closure. TCAF is mandatory for all registered PCCs. TCAF will go through two major phases before the fund reaches maturity:

Build-up Period: September 18, 2006 – December 31, 2008

During this period, you will continue to be required to maintain a financial security under Regulation 939. There will be no change in how your security is calculated. This will also be a claims-free period. During this time, private career colleges will pay premiums but claims will be paid out of financial securities, not out of TCAF. This allows TCAF to build over a period of time and have adequate resources on hand to respond to student claims once the fund is operational. Premiums will be equivalent to .875% of revenue from vocational programs.

TCAF Goes Live: January 1, 2009 and on

On January 1, 2009 TCAF "goes live" and becomes responsible for student claims. Students will be eligible to make claims for training completions, costs associated with attending a training completion and refunds. At this time, a risk-adjusted approach to calculating premiums will come into effect.

Ultimately, how much a PCC pays in premiums and its level of financial security will be based on how much risk it poses to the fund. PCCs that have good credit ratings and do not collect high levels of fees up-front will have lower TCAF costs. In this way, PCCs have been given significant control over their own costs. TCAF premiums are, for most institutions, lower than in other jurisdictions with a training completion fund. If a private career college is paying more than this, it is because of the institution's high risk behaviour.

The financial viability of each PCC will be assessed at the time of registration and renewal of registration. Premiums are calculated so that, after 4 years of collecting premiums, the fund will have on deposit a total of 3% of the total gross revenues from vocational programs of all PCCs in Ontario that are required to pay into TCAF. If there are significant early claims on the fund, it may take longer than 4 years to reach the 3% target.

To protect the ability of the fund to pay claims, a number of risk mitigation tools are in place:

- All PCCs pay initial founding premiums of .875% of annual revenues from vocational programs over a two year period to build up the fund
- The maximum total claim per closure is \$3M. In addition, payments from the fund for a single closure cannot exceed 75% of the fund's value
- Use of a closed PCC's financial security decreases the amount that TCAF must pay
- PCCs with revenues over \$25 million are in a separate category for TCAF purposes. These "segregated risk" PCCs are required to post a \$3 million security that will be used in the event of closure. This segregation protects TCAF from large unaffordable claims should a very large PCC close
- The Superintendent can establish extraordinary levies if the fund is inadequate to meet claims. To minimize the impact on PCCs, these levies cannot exceed .875% of revenues from vocational programs
- Student claims can be pro-rated, if the fund is still inadequate to meet claims

3.2 Advisory Board

Reference:

O. Reg. 414/06 – Part II

A TCAF Advisory Board will provide assistance and advice to the Superintendent on the administration of the Fund. Five to nine Board members are to be appointed by the Minister of Training, Colleges and Universities, including a Chair and Vice-Chair. Board members include representatives of private career colleges, students, citizens of Ontario and an actuary. A majority of members will be drawn from the PCC sector. Information will soon be available on how you can express interest in serving on the Board.

The Minister will specify how long each member will be appointed for. Board members do not receive remuneration for their services but will be reimbursed for reasonable expenses.

The Board provides advice and makes recommendations to the Superintendent regarding:

- The amount of premiums, surcharges, levies, frequency of payments and the criteria to be used in determining the financial viability of a private career college

- The development of guidelines for the provision and administration of training completions and the payment of training completion costs and refunds
- The measures to be taken in the event of a specific PCC closure
- The suitability of any person, private career college or organization that may be approved to provide training completion
- Strategies to promote public awareness of the Fund
- The engagement of experts and specialists to provide professional, technical or other assistance to the Board

The Board and the Superintendent will also submit a joint annual report to the Minister

3.3 Financial Security

Reference:

O. Reg. 939 – sections 9 (2.2) – 9 (2.9)

O. Reg. 414/06 – sections 32-35

Financial security requirements of PCCs under the old Regulation 939 remain in place until TCAF assumes liability for claims on January 1, 2009. However, effective immediately, PCCs can begin using letters of credit as allowable securities, in addition to surety bonds and certain types of collateral security. PCCs can switch to collateral security or a letter of credit and have their old security released immediately – there will be no discovery period during which the old security must be maintained. In addition, securities calculated under Regulation 939 will be released of liability as of January 1, 2009 – the securities will not be held for the 6 month discovery period, allowing PCCs to free up their collateral.

Effective January 1, 2009, PCCs will be required to post a financial security in the amount of 25% of the highest monthly unearned revenue account balance collected by a PCC in a given year or \$10,000, whichever is greater. PCCs with annual revenues of \$25 million or greater must provide financial securities in the amount of \$3 million (the maximum claim amount). Registered charities are exempt from the financial security requirement.

PCCs with Revenues that Exceed \$25 Million

These PCCs are not required to pay premiums but they are required to have \$3 million security in place in lieu of premiums. In the event of a closure, any resulting claims are funded solely from the PCC's security. Once a PCC has reached the \$25 million threshold once, only a decrease in annual revenues to below \$20 million will lead to that PCC leaving this 'segregated risk' category. PCCs with revenues that exceed \$25 million must have the \$3 million security in place by January 1, 2009.

3.4 Premiums, Surcharges and Levies

Reference:

O. Reg. 414/06 – sections 13-16 and 22-31

There are three categories of TCAF premiums: founding, initial annual and annual. All PCCs (with the exception of those PCCs with more than \$25 million in annual revenue) must pay annual premiums as a requirement of registration and re-registration. There are 2 types of surcharges: founding and premium.

Founding Premiums

Paid only by PCCs registered at time of proclamation

Founding premiums are paid for the period of January 1, 2007 to December 31, 2008 by currently registered PCCs. The founding premium is equal to .875% of the college's annual gross revenue from vocational programs.

Implementation of TCAF Founding Premiums for Registered PCCs

Registered PCCs will receive notice of when their first TCAF premium is due in the fall of 2006. The first premium will cover the period between January 1, 2007 and the PCC's first renewal of registration under the PCCA 2005. Subsequent premiums will be paid for one year periods and are due annually at the time of registration renewal.

Founding Premium Example

A PCC with \$1M in revenues from vocational programs has a fiscal year end of December 31. The PCC will be required to submit its registration materials for the first time under the new Act by the end of June, 2007 and will be registered under the new Act for September 1, 2007. This PCC's first premium will be for the period between January 1, 2007 and August 31, 2007:

1. Determine PCC's revenues = \$1M
2. Apply Premium rate = .875%
3. Calculate full-year premium = \$8,750
4. Pro-rate premium for 8 months = **\$5,835**

Initial Annual Premiums

Paid only by PCCs that register for the first time after proclamation

Initial annual premiums are paid by PCCs registered for the first time after September 18, 2006 in their first two years of registration and are consistent with the founding premiums. The initial annual premium at the time of the initial registration is equal to .875% of the college's projected annual gross revenue from vocational programs. This amount is paid for 24 months following the initial date of registration approval. A PCC paying an initial annual premium does not pay any additional founding or premium surcharge since the surcharge is already built into the premium.

Annual Premiums

Paid by all PCCs after 2 years of paying founding or initial annual premiums

Annual premiums take effect after a PCC has paid 2 years worth of either founding premiums (PCCs registered on September 18, 2006) or initial annual premium (new PCCs). Annual premiums are paid based on the risk presented to TCAF by the PCC. The premium is calculated in the following manner:

Amount A		Amount B
.75%, 1% or 1.25%, depending on whether PCC has above-average, average or below-average credit risk score as assessed by a credit rating agency	X	The PCC's highest monthly unearned revenue account balance (calculated by adding the balance of previous months' collection of unearned revenue to unearned revenue collected each month)
OR 1.25% if a report from a credit rating agency is unavailable		

Under this format, individual PCCs may limit their TCAF premiums by being a good credit risk and limiting the amount of unearned fees that are collected. The minimum premium is \$500.

Founding Surcharges

Paid only from the third year of the fund's existence until the fund target is reached

After the two year transition period and until TCAF reaches its fund target of 3% of gross sector revenues, PCCs will be required to pay a founding surcharge on top of its founding premium. This approach ensures that TCAF receives additional monies when it is below its target and that PCCs receive a premium discount when the target has been reached. Founding surcharges are calculated by multiplying the annual premium (described above) by six. When the surcharge is in place, a private career college that poses an average risk to TCAF will pay about .875% of total revenues.

Founding Surcharge Example

A PCC has a highest monthly unearned revenue account balance of \$50K. The founding surcharge is still in effect. To determine the PCC's premium:

1. Determine PCC's credit rating. This PCC has an average rating, so the premium rate = 1%
2. Determine PCC's highest monthly unearned revenue = \$50K
3. Calculate base premium = 1% X \$50K = \$500
4. Determine if surcharge applies. In this case, the surcharge = 6
5. Calculate surcharge (base premium X surcharge) = \$3,000
6. Determine total premium (base premium + surcharge) = **\$3,500**

Premium Surcharges

Paid only if fund drops below target

Once TCAF has reached its fund target, it may fall below the target due to payment of claims. If this occurs, it will be necessary to re-establish a premium surcharge to replenish the fund. Premium surcharges are calculated by multiplying the annual premium by a set amount. The amount of this multiple will depend on how far below the target the fund has fallen.

Fund Value	Surcharge
at least 2.25 per cent but less than 3 per cent of sector revenues	3
at least 1.5 per cent but less than 2.25 per cent of sector revenues	4
at least 0.75 per cent but less than 1.5 per cent of sector revenues	5
less than 0.75 per cent of sector revenues	6

Levies

Paid only if fund needs to be replenished immediately

The Superintendent, in consultation with the Advisory Board, can establish extraordinary levies if the fund is inadequate to meet claims. These levies would be charged in-year, independent from other TCAF premiums or surcharges due for that year. To minimize the impact on PCCs, these levies cannot exceed .875% of revenues from vocational programs

3.5 Audit & Financial Viability Test

Reference:

O. Reg. 414/06 – section 21

As part of registration and renewal of registration, PCCs will be required to provide the Superintendent with financial information that will be used to determine premium and financial security requirements. Audit requirements for TCAF are being established to ensure that TCAF has accurate data. Not all PCCs will be required to submit an audit; a risk management framework is under development. For most PCCs, financial information prepared by a Chartered Accountant or a Certified General Accountant will be adequate.

Mercer Oliver Wyman has recommended that financial viability of PCCs should be reviewed through a 3 level review. The three recommended levels are:

- Level 1: Basic Financial Review
- Level 2: Follow-up Review
- Level 3: Comprehensive Review

The PCC sector will be involved in the development of the audit and financial viability frameworks. The result will be an integrated OSAP/PCCA framework. Once the details of this framework have been completed, PCCs will be advised on how the criteria will be applied and which PCCs will be subject to which level of review. TCAF will use arm's length financial experts to complete any level two and three reviews. A Request for Proposals process will be used by TCAF to identify potential resources for these reviews.

3.6 Training Completion and Claims

Reference:

O. Reg. 414/06 – sections 37-50

Training Completion

All private career colleges must develop contingency plans in the event that they are unable to complete their contracts to provide vocational programs to students. Circumstances may arise involving bankruptcy, legal issues, fire, and natural phenomenon that prevent private career colleges from providing vocational programs to completion. A plan that outlines what measures the PCC will take to ensure that vocational programs are provided through to completion regardless of circumstances must be developed and submitted at the time of registration or renewal of registration (e.g., identification of a nearby PCC that has agreed to complete the student's training).

If events occur that would affect the information referred to in a PCC's training completion plan, the private career college must make any changes necessary to update the plan. The Superintendent must be provided with written notice of any changes to an approved training completion plan, including a description of the changes, within five days of the changes occurring.

After a PCC closes with students being affected, the Superintendent will make best efforts to follow the PCC's training completion plan and/or make alternative arrangements for training completion providers. In some closures, it may not be possible to organize a training completion.

The Superintendent will pay the costs of the training completion provider, as outlined in an agreement with the provider.

Training Completion Plan

A training completion plan must be in a form acceptable to the Superintendent and have the following provisions in order to be approved:

- Identify one or more persons, private career colleges or organizations that the private career college believes are capable of providing training completion to its students
- A statement explaining how this training will allow the students to complete their training in the vocation and a comparison of the vocational program that was discontinued and the vocational program or training that could be provided by the person, private career college or organization referred to above

Claims

TCAF will not begin to pay out claims until it assumes liability January 1, 2009. This allows for the fund to be built up enough to decrease the possibility that early claims could exhaust the fund's resources.

Where training completions are available, students will have the option of taking a training completion or receiving a refund. In the case of training completion, TCAF pays the training completion costs, including the reasonable expenses the student will incur related to traveling to a different location or arranging for new dependent care. Students will be required to pay any monies still owed to the closed PCC.

Refunds will take the form of either:

- A refund of the unearned fees that were collected by the college (where a reasonable TC is available to the student, but the student prefers a refund) or
- A refund of all fees paid by the student to the PCC (where no reasonable TC is available to the student)

A student has a maximum of six months from the date the Superintendent declares the PCC's security forfeit to make a claim for training completion or a refund. In exceptional circumstances, TCAF may limit a payment of refunds (pro-rate) in order to protect the Fund's financial viability.

3.7 Summary of Changes

The TCAF requirements of the Act and regulation result in the following changes and new requirements:

- PCCs can now provide letters of credit as financial securities
- PCCs registered on September 18, 2006 will pay founding premiums (.875% of revenue) , the first payment is due early in 2007
- After the first two years, PCCs registered on September 18, 2007 will pay a risk adjusted premiums in the third and fourth TCAF financial year
- Newly registering PCCs will pay initial premiums (.875% of revenue) for the first two years of registration
- After the first two years, new PCCs will pay risk adjusted annual premiums plus in subsequent years of registration they will also be subject to a premium surcharge until the fund reaches its target
- PCCs with revenues greater than \$25 million are exempt from paying TCAF premiums but must post a \$3 million security by January 1, 2009
- TCAF will have a fund threshold of 3% or greater of revenue from vocational programs of all PCCs; once this target is reached all premium surcharges are removed
- The Superintendent may impose a levy if it is necessary to re-build the fund immediately
- Financial securities continue to be calculated under Regulation 939 until January 1, 2009.

Compliance Dates

Item	Compliance Date	
	Currently Registered PCC	New PCC
TCAF Financial Security (i.e., amount no longer calculated under Regulation 939)	January 1, 2009	Registration or January 1, 2009, whichever is later
TCAF Founding Premiums	Early, 2007	N/A
TCAF Founding Surcharge	TCAF third fiscal year	As required
Initial Annual Premium	N/A	Registration
TCAF Financial Viability Review	All PCCs undergo a review by January 1, 2009	All PCCs undergo a review by January 1, 2009
TCAF assumes of liability for payments	January 1, 2009	January 1, 2009
'Segregated risk' PCCs post \$3M security	January 1, 2009	January 1, 2009

3.8 Commonly Asked Questions

1. What role will the TCAF Advisory Board have? How will members be selected?

The Advisory Board will make recommendations to the Superintendent on issues such as organizing training completions, TCAF premium levels and the criteria for reviewing the financial viability of PCCs. Members will be appointed by the Minister and a majority of the Board will be representatives from the PCC sector.

2. How do I join the TCAF Advisory Board?

The Minister is responsible for making appointments to the Board. We are currently working with the sector to develop a process for bringing the names of interested individuals forward for consideration. You will be advised of that process shortly.

3. Why should it be mandatory for all PCCs to participate in TCAF?

Consultation with students and prior experiences in dealing with PCC closures show that the best option for students when a PCC closes is to complete their training at another facility. We heard from the PCC sector that TCAF, not the current bonding system, is the best method to organize and finance training completions. Mandatory participation ensures that students get the same protection no matter which PCC they chose to go to; the entire sector has a stake in making sure students complete their training and that there is a broad enough membership base to make the fund financially viable.

4. How will financial viability be assessed? What role will TCAF have?

Each PCC must pass a financial test as a condition of being registered. The financial viability assessment will look at a number of risk factors that may affect a PCC's ability to stay in business. These factors will be identified in consultation with the sector.

5. Will I have to pay more to be part of TCAF?

A PCC's costs for TCAF will vary depending on their size and business practices. To begin, premiums will be .875% of gross revenue from vocational programs (instead of 1% premiums found in other Canadian provinces). Premiums will automatically be decreased by about 85% once the fund has reached its target amount. It is estimated that over 60% of PCCs will pay a TCAF premium of \$1,500 or less and that about one third will pay the minimum premium of \$500. After January 1, 2009 you will no longer be required to provide a financial security under Regulation 939. About 70% of private career colleges will post the minimum security of \$10,000 and over 85% are projected to have a financial security of \$25,000 or less.

6. How will TCAF premiums be calculated? When will I have to start paying premiums?

PCCs will be required to pay their first TCAF premium in the first quarter of 2007. PCCs will receive a notice advising them of what their premiums are and when they are due.

From January 1, 2007 to December 31, 2008, all PCCs will pay a premium of .875% of total revenues collected from vocational programs in the previous fiscal year. After that, premiums will be risk adjusted to reflect a PCC's credit information and collection of pre-paid tuition from students. This will ensure that PCCs with higher risk pay higher premiums and institutions have an incentive to change risky behaviours. Most PCCs will pay a premium equivalent to less than 1% of their total tuition revenue. If a PCC is paying more than this, it is because they pose a higher risk to the fund.

7. The Act provides for PCCs to pay different premiums into TCAF. How can PCCs qualify for a lower premium?

In general, PCCs who do not collect a significant amount of tuition up front (unearned fees) and who have good credit scores will qualify for a lower premium and financial security requirement.

8. What happens to existing bonds?

There will be a two year transition period where the existing financial security requirements will remain in place. This is to provide student protection while the TCAF fund is being built up. As of January 1, 2009, you will no longer be required to provide a financial security under Regulation 939. These securities will be cancelled and, in order to prevent 'double bonding', TCAF will assume all liability in connection with the period covered by these securities. This should allow your surety company to release any collateral they hold in respect of the old security. After that, PCCs will be required to provide security in accordance with sections 32 and 33 of O. Reg. 414/06.

PCCs may now choose to provide a letter of credit as security instead of a surety bond or collateral security. PCCs converting to letters of credit will be able to inform their surety

company that the letter of credit covers any risk associated with your old bond: there should be no need for the surety to retain your collateral.

9. Why are you going to continue to require that PCCs put up financial security in addition to paying premiums into a TCAF?

Maintaining a financial security requirement for all PCCs was recommended by the actuary for 2 key reasons:

1. **Reducing costs** Requiring PCCs to post financial security protects TCAF by providing an additional source of funds that TCAF can draw on to organize training completions or provide refunds.
2. **Encouraging responsible behaviour** Requiring each PCC to post financial security creates a financial disincentive against a PCC closing without taking care of students.

After January 1, 2009 you will no longer be required to provide a financial security under Regulation 939. About 70% of private career colleges will post the minimum security of \$10,000 prescribed under section 33 of O. Reg. 414/06 and over 85% are projected to have a financial security of \$25,000 or less.

10. How do I obtain financial security?

Under the new *Private Career Colleges Act, 2005*, there are three types of acceptable financial security: a personal bond backed by collateral security; a letter of credit from a financial institution; or a surety bond.

Bonds issued or guaranteed by Canada or by any Canadian province can be used for **collateral security** purposes in support of a personal bond. You need to contact the government's safekeeping agent - NatCan Trust Company - to arrange for a collateral deposit. NatCan can be reached at (416) 869-6503.

A **letter of credit** following the standard wording required by the Ministry can be obtained from a financial institution such as your bank.

Surety bonds are issued by surety companies. You will need to contact a surety company or an insurance broker to find out more information about rates and other details. You may wish to visit the Surety Association of Canada's website at www.surety-canada.com for more information.

Please note that providers of all types of financial security may charge fees or demand that you meet certain requirements as a condition of issuing a security. These fees and requirements are your responsibility.

Copies of new standard wording for all types of financial security are available for download from the Service Ontario website at www.serviceontario.ca.

Module 4: Compliance

4.1 Overview of Changes

Education and the development of best practices in cooperation with the PCC sector will be the primary focus of compliance measures under the Act. New and currently registered PCCs will be given a reasonable amount of time to become familiar with the requirements of the new Act and regulations. Guidelines, Fact Sheets, FAQ's and a revamped Ministry website will provide accessible and user friendly tools for PCCs to ensure their understanding and compliance with the new Act and regulations

Registration ensures that the standards set by the Act and regulations are met by institutions that deliver vocational programs when they receive the designation of "private career college." Inspections ensure that the terms and conditions approved by the Superintendent at the initial registration and compliance with the Act and regulations are maintained. The Act provides the Ministry with a continuum of compliance tools that begins with education and escalates to revocation of registration and prosecution. The goal is to target chronic and serious violators and create a level playing field for the whole sector.

4.2 Compliance Strategy

The compliance strategy under the new Act consists of a progressive series of steps that escalate according to the seriousness of the infraction, the PCC's history of infractions and the response of the PCC to prior notices of non-compliance.

The first step that will be taken by the Superintendent to bring PCCs into compliance with the new Act and regulations is education. Education will include organized training sessions, facts sheets that provide information about the new Act and regulations in plain language and guidance provided by program consultants. Printed information and training will answer some of the most frequently asked questions, such as fee refund calculation, international student protection, exemptions, etc. The Ministry will also work with the OACC to develop best practices. Education is followed by a series of compliance steps that the Superintendent may take, depending on the issue.

For repeat or serious infractions, the Superintendent may choose to use suspension or revocation of registration or even prosecution. While employing these escalating steps, the Superintendent always has the flexibility to apply a more serious response first, depending on the seriousness of an infraction.

Compliance Tools

- Education and training on the requirements of the Act and regulations
- Working with PCCs to bring them into voluntary compliance
- Expanded authority to deal with institutions covered by the Act that are operating as a PCC without being registered
- Extended powers of inspection that also apply to institutions that are not registered
- Superintendent's orders and the ability to apply for court injunctions
- Future administrative monetary penalties (AMPs) for prescribed contraventions of the Act or regulations (offences and penalty levels will be specified in a new regulation)
- Economic disincentives (e.g., full refunds to students for some violations)
- Upon conviction, increased fines up to, \$25,000 for individuals and \$100,000 for corporations
- Suspension or revocation of registration
- Publication of information about PCCs that are found not to be in compliance

Publication is another new tool under the Act that aims to deter non-compliance. The Superintendent may post notices at the PCC campuses or on the Ministry website of infractions and non-compliance regarding:

- Superintendent's decisions on refusal to renew a registration or any suspension or revocation of a registration
- Issuance of AMPs where the review period has expired
- Decisions made by the Minister on reviews of AMPs
- Superintendent's orders (at the Superintendent's discretion)
- Prosecution under the Provincial Offences Act

Economic disincentives (e.g., full refunds to students for some violations) are also intended to discourage non-compliance.

4.3 Meeting with Students And Inspections

Reference:

Act – Section 37 and 38

The Superintendent or his/her designate may hold meetings with PCC students to advise them of any issues affecting the PCC and their rights under the Act. Such meetings could be held at any location specified by the Superintendent, including at a PCC.

In the past, the Ministry conducted annual general inspections and periodic field visits at PCCs to verify compliance with the *Private Career Colleges Act*. Under the new Act, the Ministry is

focusing resources where they count the most by implementing a risk-based approach to inspections. This means that some PCCs will be subject to fewer inspections and some will be subject to more. The new Act also extends inspection powers to institutions that are operating illegally.

The Superintendent or his/her designate has the authority to make inquiries and conduct examinations of registered PCCs or other organizations that are required to register for the purposes of ensuring compliance with the terms and conditions of registration and the requirements of the Act and regulations. PCCs are required by the Act to produce information and assist the inspectors. A PCC will not necessarily get notice of an inspection. Files must be available at all times.

In the initial phase of implementing the new Act, the Ministry will be particularly interested in ensuring that PCCs understand and comply with the following new obligations:

- Using the right student contracts
- Proper maintenance of student files
- Calculating fee refunds accurately
- Complying with international student protection requirements
- Complying with advertising requirements
- Accurate and timely reporting to the Ministry
- Timely resolution of student complaints according to the approved student complaint procedure

4.4 Appeals

Reference:

Act – Sections 19-20

All decisions related to registration, renewal of registration, suspension, revocation can be appealed to the Licence Appeal Tribunal. For more information about how to file an appeal, go to the Tribunal's web site at www.lat.gov.on.ca. Once they have been established under a new regulation, AMPs can be reviewed by the Minister of Training, Colleges and Universities or his or her delegate.

There is no specific appeal provision for Superintendent's orders. If an order results in refusal to renew a registration, suspension of registration or revocation of registration, the PCC can appeal to the Licence Appeal Tribunal.

Appeals to Registration Decisions

The Superintendent may refuse a registration, a renewal of registration and/or may suspend or revoke a registration by providing written notice of refusal, revocation or suspension to the PCC. PCCs that are applying for registration or are currently registered are entitled to appeal a notice of refusal, suspension or revocation to the Licence Appeal Tribunal (LAT), which has the power to direct the Superintendent to:

- Carry out the proposal as specified in the notice of refusal, suspension or revocation
- Refrain from carrying out the proposal
- Attach conditions to the registration as specified by the Tribunal
- Take other action as specified by the Tribunal.

The decisions of the Tribunal may also be appealed to Divisional Court, which can confirm or alter the decision of the Tribunal.

4.5 Commonly Asked Questions

1. What are the compliance tools under the new Act?

The compliance strategy under the new Act consists of a progressive series of steps that escalate according to the seriousness of the infraction, the PCC's history of infractions and the response of the PCC to prior notices of non-compliance.

The first step that will be taken by the Superintendent to bring PCCs into compliance with the new Act and regulations is education. Education includes organized training sessions, facts sheets and guidance provided by program consultants. The Ministry will also work with the OACC to develop best practices. Education is followed by a progressive series of compliance steps that the Superintendent may take, ranging from administrative monetary penalties (to be introduced in a future regulation) to suspension and revocation of registration, Superintendent's orders, injunctions and/or publication of information about the non-compliance and prosecutions under the Provincial Offences Act.

2. What does the Ministry look for during inspections?

Registration under the Act ensures that the standards set by the Act and regulations are met by institutions that deliver vocational programs. Periodic inspections of PCCs are conducted to ensure that PCCs are operating in compliance with the requirements of the PCCA and to provide PCCs with a one-on-one opportunity to ask questions about their obligations.

3. What types of contraventions will administrative monetary penalties apply to?

A new regulation dealing with the application of administrative monetary penalties (AMPs) will be developed in consultation with the sector before AMPs are used. Administrative monetary penalties (AMPs) could apply to clearly defined, minor contraventions such as failure to comply with advertising standards, improper student contracts or late filing of required information and documents.

4. Why is the Superintendent required to publish information about non-compliance with the Act?

Publication is another new tool under the PCCA that aims to deter non-compliance. The Act requires the Superintendent to publish compliance information. Information will only be published after all appeal proceedings have concluded.

Appendices

How to Access ServiceOntario Private Career College Forms

1. Input, www.serviceontario.ca
2. Click on “ English”
3. Click on “Get the forms you need quickly and easily” (right side bar)
4. Click on “education and training” (centre)
5. Click on “ Private Career College” (centre)
6. Click on “Registration Forms”
7. Click on the “Adobe” icon beside the form you want

Fees for Private Career Colleges

The fee for registration, renewal of registration, program approval and notifications are indicated on the corresponding forms. The fee structure is as follows:

Activity	Itemization	Fee
Application for Registration to Operate a private career college	Application Fee	\$1,280 (\$480 non-refundable)
	Facility Inspection fee (includes GST)	\$339.20
	Total	\$1, 619.20
Application for Registration of a New Campus of a private career college	Application for Registration of a New Campus (includes one program)	\$800
	Facility Inspection fee (includes GST)	\$339.20
	Total	\$1, 139.20
Notification of change of college location	Facility Inspection fee (includes GST)	\$339.20
Approval of a New Program	Program approval fee for each additional program	\$480/program
Approval of a program offered at an existing campus or franchise	Program approval fee if the program is already being offered by the private career college	\$48/program
Application for renewal of registration	Includes renewal of approval for one program	\$800
Late application for renewal of registration	Base fee + 50%	\$1,200
Application for renewal of program approval	Renewal of program approval for each additional program	\$48
Late application for renewal of program approval	Base fee + 50%	\$72

Student Transcript Checklist

Do you?

- Make sure that all of your transcripts have the required content (see below)
- Make sure that you are keeping the transcript information for every student who attends your PCC on or after September 18, 2006 at your campus until it is sent to the approved back up site
- Send a copy of every former student's transcript information to a separate facility for back-up storage within 90 days after the student has left the program (**required by September 18, 2007**)
- Have an arrangement with a third party approved by the Superintendent who can issue transcripts on your behalf if you cease to operate (**required by September 18, 2007**)
- Notify the Superintendent five days in advance of a change in: 1) the owner, operator or location of the separate facility holding transcript information; or 2) the arrangement for the third party to issue transcripts
- Allow students to request a transcript from your PCC or, upon request by a student, retrieve the transcript information from the separate facility and provide it directly to the student

Student transcripts must have the following:

1. The registered name of the PCC and the address of the college
2. The student's name and student number, if any
3. The name of and identification code, if any (e.g., ANAT 100), of the vocational program, each course, subject or module and any practicums
4. A description of any credit or advanced standing given to the student by the PCC or accepted by the PCC before the student begins the vocational program
5. The student's academic history at the PCC, including his or her period of attendance, the grade received for the vocational program and each course, subject or module and practicum, if any, and a description of the grading system
6. Any academic awards and honours given to the student by the PCC
7. A description of any credential awarded to the student and the date of the award
8. The date the transcript is issued

Note: A transcript is "official" if: 1) when issued by the PCC, it is certified by a PCC official as true and accurate and it bears the PCC's official seal, if it has one; or 2) when issued by a third party, it is certified by the third party as a true and accurate copy of the transcript.

Student Complaint Procedure Checklist

Any changes to your complaint procedure must be approved in advance by the Superintendent.

Does your Student Complaint Procedure have?

- A statement that a student complaint must be made in writing
- The name, position and contact information (address, telephone number, fax number and email address) of the college official(s) who is designated to receive and make decisions about student complaints
- The process to be followed when a complaint is received, including that students will have an opportunity to make oral submissions and are entitled to have another person present throughout the complaint process and/or to make oral submissions on behalf of the student
- A description of how complaints, any submissions received and decisions will be recorded
- The maximum period of time between the date the complaint is submitted by a student and the date a decision will be made by the college
- A statement that the decision, including reasons that the decision is based on, will be delivered to students in writing
- A description of the procedure for reviewing the decision, including the name, position and contact information (address, telephone number, fax number and email address) of the college official or the third party who is responsible for making a decision about the review
- A statement that the college will maintain a record of every student complaint at the location where it originated for a period of at least three years from the date of the decision, including a copy of the student complaint, any submissions filed and the decision
- A statement that students will be provided with a copy of the complaint, any submissions filed and the decision made
- A statement that if the student is not satisfied they can refer the complaint to the Superintendent

Advertising Content and Records Check List

- ❑ Does the advertising identify the operating/business name of the college as registered under the Business Names Act or, if there is no operating/business name, the college's legal name?
- ❑ The Advertising does not:
 - Use statements that mislead or are likely to mislead the public
 - Guarantee admission to the PCC or successful completion of a vocational program
 - Imply that employment is guaranteed for any students who successfully complete a vocational program at the college
 - Imply that the admission of an international student to a private career college would guarantee the student the right to enter Canada under the Immigration and Refugee Protection Act (Canada) or to receive a visa under that Act
- ❑ If the advertisement refers to the fact that a person has been registered under the Act to operate the college, does the advertisement use the following words to do so: "Registered as a private career college under the *Private Career Colleges Act, 2005*" or "Inscrit à titre de collège privé d'enseignement professionnel en vertu de la Loi de 2005 sur les collèges privés d'enseignement professionnel"?
- ❑ If the advertisement refers to the fact that a particular vocational program has been approved by the Superintendent, does the advertisement use the following words: "Approved as a vocational program under the *Private Career Colleges Act, 2005*" or "Autorisé à titre de programme de formation professionnelle en vertu de la Loi de 2005 sur les collèges privés d'enseignement professionnel"?..
- ❑ An advertisement that refers to a program that is not a vocational program must clearly indicate that the program is not a vocational program by using the following words: "This program does not require approval under the *Private Career Colleges Act, 2005*" or the words, "Ce programme ne requiert pas d'autorisation en vertu de la Loi de 2005 sur les collèges privés d'enseignement professionnel"if:
 - the advertisement refers to the approved status of the vocational programs as well as to programs that are not vocational programs, or
 - the advertisement refers to programs that are not vocational programs and the advertisement refers to the college's registered status under the Act.
- ❑ Does an advertisement specify the language of instruction if it is other than English or French?
- ❑ Does the PCC have a method and/or medium to maintain copies (electronic or otherwise) of advertising available for inspection for one year that includes:
 - The text of the advertisement, whether it is written or oral
 - The period when the advertising was published or broadcast
 - Translations done by a person whose primary employment is translation or who has trained as a translator if the advertising is in a language other than English or French
 - 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
 - If the advertisement refers to the fact that a vocational program is recognized as a valid program for training by the regulatory body of a profession or occupation or by a professional or occupational association or organization, a statement recognizing the program signed by or on behalf of the regulatory body or the association or organization
 - If the advertisement refers to the fact that a vocational program has been recognized by the government of any province, territory or country for a particular purpose, a statement to that effect

signed by a representative of the government

- If the advertisement refers to the fact that another post-secondary educational institution recognizes the successful completion of a vocational program by granting credits towards the completion of a program offered by that institution, a statement to that effect signed by an officer or director of the institution or a person having authority to bind the institution

The above materials must be shall be maintained at each campus of the private career college for a period of one year after the date of the last publication or broadcast of the advertisement, or if approved by the Superintendent, at its head office in Ontario or an address of the college's agent, manager or administrator.

- There is no one acting on behalf of a PCC making a false or misleading oral or written statement for the purpose of inducing a student or prospective student to register in a program or enter into a contract with a PCC. ***If anyone acting on behalf of a PCC violates this provision, any contract between the PCC and the student can be voided at the student's discretion and students would be entitled to a full refund of fees paid for the program.***

Fact Sheets that PCCs Need

1. PCCA Fact Sheet # 1: Exemptions under the Act
2. PCCA Fact Sheet # 2: Fee Collection & Refunds
3. PCCA Fact Sheet # 3: Interim - Third Party Program Assessment
4. PCCA Fact Sheet # 4: TCAF – Financial Administration
5. PCCA Fact Sheet # 5: TCAF – School Closure
6. PCCA Fact Sheet # 6 : International Students