

**MINISTRY OF ADVANCED EDUCATION
MEETING NOTE**

Date:	July 11, 2013
Cliff#	95332
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Version #	1

PREPARED FOR: Honourable Amrik Virk, Minister

DATE AND TIME OF MEETING: July 18, 2013 at 9:30 am

ATTENDEES: Gonzalo Peralta, Executive Director, Languages Canada
Sharon Curl, British Columbia Managing Director, Eurocenters Canada
Dan Tidsbury, Director, Vancouver International College of English
Mike Walkey, British Columbia Managing Director, ELS Language Centers
Ian Rongve, Assistant Deputy Minister, Sector Strategy and Quality Assurance

ISSUE: Introduction of the Languages Canada organization and to discuss the proposed new quality assurance framework.

BACKGROUND:

Languages Canada (LC) is a national, voluntary association for English and French language study that was created in 2008. There are currently 184 members from public and private institutions in Canada. The British Columbia membership is 69 public and private institutions, accounting for 54 percent of the Canadian membership. Of that membership, 16 are public institutions and 53 are private institutions. Forty-two (42) percent of all private Canadian LC members are located in British Columbia.

Table 1: Private Language Schools by Provincial Jurisdiction

Private Members	BC	AB	SK	MN	ON	QC	NB	NS	PEI	NFL
Number	53	6	0	1	47	14	0	5	1	0
Percentage of Canadian Total	42%	5%	0%	0.5%	37%	11%	0%	4%	0.5%	0%

Currently, language schools may voluntarily register with the Private Career Training Institutions Agency (PCTIA). Mandatory regulation of language schools ended as part of the 2001 Core Review, when the regulation of private post-secondary institutions was narrowed to career training. At that time, Language schools were de-regulated to be consistent with other provinces.

DISCUSSION:

In 2008, LC requested to the Federal Provincial Consultative Committee on Education Related International Activities (FPCCERIA) for inclusion in the Imagine Canada Brand (Canadian marketing brand for international education). FPCCERIA determined that LC met the pan-Canadian baseline standards (for marketing purposes) but must also be authorized by each province. Soon after, British Columbia established the Education Quality Assurance (EQA) Brand which provided authorization of eligibility for the Canada Brand.

Private Career Training Institutions Act Review 2008 – (Watson Report)

In 2008, the Watson Report reviewed the *Private Career Training Institutions Act* (PCTIA Act) and provided the following observations regarding the protection of international students.

“My review found the current framework does not adequately protect international students who can be more vulnerable than domestic students, or protect BC’s Education Brand. While this concern is greatest with respect to ESL schools, it is not limited to them, as many private schools attract a large international student market.”¹

The report also indicated that the line between career training and language training is beginning to blur as it was becoming more difficult to draw a distinction between these types of programs.

The Watson Report recommended that all private English as a Second Language institutions come under the PCTIA Act. Since the Watson Report was published, some improvements have been made to the PCTIA Act, but language schools continued to be unregulated in all Canadian provinces.

Education Quality Assurance (EQA) Brand Eligibility

During the creation of the EQA brand (the brand) in 2010, LC argued that PCTIA did not meet their specific sector needs and argued to have LC accreditation recognized for the purposes of EQA eligibility and, therefore, give LC access to the Canada Brand.

As part of the expectation to be recognized for eligibility of EQA, consumer protection was required beyond a commitment of the collective to teach out students affected by a closure of one of their members and the organization established a small student fund. In June 2010 the province and LC signed an agreement for the recognition of LC for the purposes of EQA eligibility. LC was required to do specific reporting outlined in the agreement. Under the agreement with the province, LC was expected to develop outcome-based measures for language training programs, formative and summative assessments of its members and outcome-based measures specific to co-op/practicum/internship program components. As of LC’s most recent report to the Ministry in August 2012, no outcome measures had been developed or implemented.

When EQA was developed, the expectation was that existing accrediting and regulatory structures would be used for eligibility. Soon after the establishment of the brand the Ministry was required to add “Minister’s applicant suitability requirements” due to concerns that both PCTIA and LC standards were not addressing certain public interest requirements. The applicant suitability review focused on issues such as ensuring that the advertising and marketing were done with integrity and ethical expectations. (See Attachment 1 for EQA applicant suitability requirements).

British Columbia has a unique perspective as the only Canadian jurisdiction to have a history of reviewing LC accredited institutions for the purposes of quality assurance and government recognition.

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(See Attachment 2 for information on LC accreditation standards).

¹ Watson, John. *Private Career Training Institutions Act Review*. 2008. Page 19.

² Under the PCTIA Act, all institutions offering career training must register with PCTIA. Career training is defined as programs listed under the National Occupation Code and are over 40 hours of training and tuition is over \$1,000.

The agreement between LC and the Ministry regarding EQA expired on June 1, 2013. The Ministry allowed the agreement to lapse due to the pending changes in the quality assurance framework and the federal *Immigration and Refugee Protection Regulation* changes. Note that LC did not inquire or pursue the renewing of the agreement and may still be unaware that the agreement has lapsed.

Changes to the Federal International Student Program:

The federal *Immigration and Refugee Protection Regulations* are being amended to reduce fraud and increase the integrity of Citizenship and Immigration Canada's (CIC's) International Student Program (ISP), and to improve Canada's standing as a destination for international students. The new regulations are effective on January 1, 2014.

As a result of the new regulations, all provinces must develop a list of institutions eligible to host international students with study permits. Institutions that host international students studying in programs of six months or less (short-term studies) will still be eligible to host international students who come to British Columbia as temporary residents (e.g. on visitor visas), regardless of whether the institution is on the list of eligible institutions.

The changes, although not specific to language schools, have highlighted additional concerns regarding provincially unregulated schools. The Federal government is particularly concerned regarding the use of work visas for co-operative education programs with a work component. Under the new proposed Federal regulations, no language schools will have access to work visas as part of the education program.

The provinces and the federal government have developed minimum requirements necessary to meet quality standards and consumer protection for international students.

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³ In some cases, career training offered by language schools was under the threshold or the advertising of the program implied that it was career training. In other cases, the language school was in contravention of the PCTIA Act. LC institutions are not eligible to be designated for student financial aid funding, so this figure more accurately represents the number of PCTIA institutions where similar quality concerns were raised in the case of LC institutions.

Other provinces are considering recognizing LC for their ISP list for eligibility purposes (Alberta, Ontario Manitoba and Nova Scotia). Should those provinces recognize LC, most are considering adding further requirements and be monitored by government.

Quality Assurance Framework Consultation

The Ministry has provided an opportunity for LC to comment on the proposed direction of the quality assurance framework (see Attachment 2 for a summary of responses received from LC during the Quality Assurance Framework consultations). LC has indicated throughout those discussions that British Columbia should recognize LC for the reasons below. A suggested response follows each point LC has already raised with Ministry staff.

SUGGESTED RESPONSE:

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Attachments: Attachment 1 – EQA Designation Suitability

Attachment 2 – Languages Canada -

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Attachment 3 – Quality Assurance Framework Language School Comments
April 2013

**Prepared
by:**

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Reviewed by:

Director	DR
Executive Director	VB
Assistant Deputy Minister	IR
Deputy Minister	JG

EQA Designation Suitability

In addition to the Eligibility Requirements set out above, the Minister will determine, on an individual case basis, whether the applicant¹ or designated institution is considered suitable to hold the EQA designation. In assessing designation suitability, the Minister may consider anything that might indicate the institution may fail to comply with the terms and conditions of the EQA designation. The Minister will give consideration to several factors, which may include, but are not limited to, the following:

- the reputation and character of the institution;
- alleged involvement in any criminal activities;
- association with any person or entity involved in criminal activities or activities that contravene a statute;
- history of any suspensions, concerns or actions taken by quality assurance bodies, regulatory bodies or governments, that have authority to review or make determinations about the institution, its programs or students attending its programs;
- any current or past practices of the applicant that demonstrate the organizational culture is not conducive to operating a high-quality educational enterprise;
- student complaints made about the institution to the Ministry, quality assurance bodies, regulatory bodies, human rights tribunal, legal system, etc. that have been upheld/ by the quality assurance body, through tribunals/legal means (or a body of appropriate authority);
- student loan default rates at levels which trigger a review of an institution's StudentAid BC designation renewal, and/or situations of previous non-renewal of StudentAid BC designation of the institution;
- the financial integrity of the institution, including its sources of funding;
- integrity and ethical conduct through the availability of full, accurate and truthful material regarding its operations, regulatory authority, program offerings and policies affecting prospective and current students;
- any outstanding, related, civil judgments against the institution;
- any ongoing legal proceedings involving the institution;
- any false or misleading statements made by the institution and its representatives during the EQA designation process;
- such other factors as may be relevant in the public interest.

¹ For the purposes of this section, in the case of a private institution, the words "applicant" and "institution" means the applicant institution, legal entity, and/or its owner(s).

Languages Canada -

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1. Purpose and Mission

Purpose: *To be the voice of the Canadian language training sector.*

Mission: *To promote quality, accredited English and French language training in Canada, both nationally and internationally.*

Vision Statement: *To be internationally recognized as the symbol of excellence, representing Canada as the number one destination for quality English and French language training.¹*

2. Governance and mandate of the organization

LC indicates that the purpose and mandate of the organization is to be “the voice of Canadian language sector”.

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The United States Department of Education articulates well the unique separation of the role of independent accrediting bodies from membership associations.

In order for accrediting bodies, such as the US accrediting body for language training, Commission on English Language (CEL) to be recognized, the USDE has requirements for the organization to ensure there is no inherent conflict of interest within the organization, the focus is accreditation and the public is represented in the organization:

An accrediting agency:

i) Has a voluntary membership of institutions of higher education;

(ii) Has as a principal purpose the accrediting of institutions of higher education and that accreditation is a required element in enabling those institutions to participate in HEA programs; and

(iii) Satisfies the separate and independent requirements.

Separate and independent means that--

(1) The members of the agency's decision-making body--who decide the accreditation or preaccreditation status of institutions or programs, establish the agency's accreditation policies, or both--are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization;

¹ <http://www.languagescanada.ca/>

- (2) At least one member of the agency's decision-making body is a representative of the public, and at least one-seventh of that body consists of representatives of the public;*
- (3) The agency has established and implemented guidelines for each member of the decision-making body to avoid conflicts of interest in making decisions;*
- (4) The agency's dues are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and*
- (5) The agency develops and determines its own budget, with no review by or consultation with any other entity or organization.²*

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4. Measurable Standards

The Council of Higher Education Accreditation (CHEA) is the US body charged with the national coordination institutional and programmatic accreditation. As part of its recognition standards, accreditors need to have a clear description of the academic quality and clear expectations that the institutions or programs they accredit, and processes to determine whether quality standards are being met. Accreditors must also demonstrate that standards provide consistent, reliable information about academic quality and student achievement to foster continuing public confidence and investment⁴.

² http://www.ed.gov/admins/finaid/accred/accreditation_pg14.html#RecognitionCriteria

³ George Tillman, A Review of the Accreditation System of Languages Canada, Commissioned by the Department of Foreign Affairs, Trade and Investment (2008).

⁴ Peter T Ewell, US Accreditation and the Future of Quality Assurance, A Tenth Anniversary Report from the Council for Higher Education Accreditation, (2008), pg 103

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5. Precedent

Currently there are post secondary accrediting bodies in Canada, some are established in legislation for the purposes of accrediting private post secondary institutions (e.g. British Columbia's Private Career Training Institutions Agency). Others such as US accrediting bodies recognized by CHEA and the USDE for the purposes of accrediting religious organizations (e.g. The Association of Theological Schools in the United States and Canada which accredits 33 Graduate theological schools in 9 provinces in Canada; and the Association for Higher Biblical Education which accredits 20 colleges in 6 provinces).

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6. Consumer protection

With government recognition comes the expectation by students and the public, should an institution close, the student will be protected through other mechanisms such as the ability to receive compensation through a fund or bond. Although the LC institutions have a policy to teach out students of another member's organization, and has created a small Student Education Assurance Fund, which is currently approximately \$200,000. The fund has been expanded to all LC members across Canada.

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⁵ http://www.languagescanada.ca/pdf/clc_standards_and_specifications.pdf

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Quality Assurance Framework – Language schools Comments April 2013

LANGUAGE SCHOOLS (King George International College, Vancouver International College, Eurocentres Canada, ILSC Education Group, ESL Language Centres)

Pros:

- thank the Ministry for the opportunity to review the Green Paper and provide feedback
- fully support goals and stated objectives of proposed framework

Comments:

- commendable initiative that does not fit all segments of the BC's educational landscape
- no category for integration of national / international quality assurance schemes or best practices
- communication is crucial to the transition
- What does 'governance structure and processes to enable the provision of quality education' entail?
- How does the formatting of an accounting department directly correlate with quality assurance?
- What is the plan if the QAF fails?
- Close attention should be paid to "bylaws and codes of ethics" and "standards and accreditation"
- Will the QAF increase student populations or damage them? Are other provinces/countries following a similar framework? Will the QAF allow BC private schools to remain competitive within Canada and globally?
- Regulatory framework must not favour large institutions with a long history over newer or smaller institutions
- Terminology used in the objectives is very broad in definition
- Definition of external stakeholders needs to be clearly defined
- What constitutes a governance structure appropriate for the provision of quality education?
- Essential to provide a reasonable transition period and support to educational institutions
- Consideration should be given to institutions with long-term good standing
- Financial aspect of the transition should be considered
- Concern about 'sliding scale' fees
- It is unclear how long it would take ELS Vancouver to apply for Level 3 status
- Customer service could be an additional indicator under sustainability (nothing shuts a language school down faster than negative feedback)
- Institutions should be given a reasonable grace period and extra support while they adjust (the US gave a 2-year grace period when they changed private schools standards)

- No consideration is being given to marketing and promotional practices

Languages Canada

- Make Languages Canada the primary body to implement and oversee the Ministry's new QAF measures for the sector because of their experience as top providers of language education
- Ministry should consider what Languages Canada looks at when accrediting language schools and make use of Languages Canada's industry-specific expertise and national/international recognition of standards and accreditation procedures
- Establish or expand on current agreement with Languages Canada
- Modification and expansion of the Languages Canada role to address concerns at the government level are not only possible but would be welcomed by institutions in the language sector
- Only schools that care about quality join Languages Canada
- Languages Canada member schools provide their students with superior level of protection

ISP/CIC/Study Permits:

- Languages Canada should work with the Ministry to ensure schools achieve designation under the federal government's new ISP
- Ministry and Languages Canada need to discuss as soon as possible the CIC January 2014 date for provinces to designate schools to register international students with student permits
- the QAF proposes that institutions be at maturity level 3 to be included on the CIC designated list
- international marketplace needs immediate reassurance that individuals attending private language schools in BC will have continued access to Study Permits
- Ministry should immediately add Languages Canada member schools to the list of schools designated to accept students on Study Permits.
- ELS would lose 42% of their FTE enrolments if they are unable to host students on Study Permits.

International Considerations:

- Publication of the Green Paper and federal changes are confusing to international students;
- explicit information needs to be provided quickly to assure the international marketplace that language education is continuing in Canada. There is already talk in the global marketplace that Canada will turn away thousands of international students.

- To avoid further financial loss to the language sector in BC and long-term damage to our international reputation as a study destination, a clear and functional transition plan is critical
- Ministry could place the industry at a serious competitive disadvantage
- BC already an expensive education destination
- Government must seriously consider cost competitiveness as well as quality in the broader Canadian and international context
- The framework must consider and function in the broader Canadian/international landscape
- Ministry must understand all the global international education realities
- The proposed QAF as set out in the Green Paper would negatively impact language school margins which are already tight in a highly competitive international market.
- If not enough time is given, students who plan up to 2 years in advance, will go elsewhere

Student Protection:

- A financial refund does nothing to address a student's loss in terms of time and opportunity, nor does it safeguard Canada's reputation as a study destination
- QAF does not acknowledge that Languages Canada has an existing Education Completion Assurance Program (eCAP) and Student Education Assurance Fund (SEAF). eCAP assures that every student registered at a Languages Canada member program will be able to complete their studies. In case of closure, students are transferred to another program.
- Green Paper currently refers to the language sector as unregulated without regard to the accreditation program that protects the interests of most students in language programs in BC
- PCTIA would deliver an inferior level of student protection at a higher cost

PCTIA:

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Sector-Specific:

- Language schools differ from other schools (i.e., student outcomes difficult to track)

- More time and consultation is needed to properly address needs of BC's language sector
- The language education sector spans the breadth of post-secondary education and deserves a separate scheme.
- Language sector does not have the uniformity of purpose of other sectors
- Language sector has developed specific standards and accreditation procedures
- What works in the public sector may not work in the private sector and may not work for language schools to recruit students
- Unlike private career colleges, 99% of students in the language sector are international
- Any future framework needs to take into account work at both governmental and language sector levels to develop a regulatory regime that has delivered quality education and successfully managed risk in partnership with the ministry for a number of years.

**MINISTRY OF ADVANCED EDUCATION
MEETING NOTE**

Date: July 16, 2013 Cliff# 95245 File# Version #3
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PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

DATE AND TIME OF MEETING: July 23, 2013 at 9:00 a.m.

ATTENDEES: Karin Kirkpatrick, CEO and Registrar of Private Career Training Institutions Agency
James Gorman, Deputy Minister of Advanced Education

BACKGROUND:

Ms. Karin Kirkpatrick, CEO and Registrar of the Private Career Training Institutions Agency (PCTIA), has requested a meeting of introduction with the Minister and Deputy Minister related to the roles and responsibilities of PCTIA (see Attachment 1: Karin Kirkpatrick Biography). PCTIA is a not-for-profit agency which operates in an arm's length capacity from government. It was established under the *Private Career Training Institutions Act* (the Act), which came into force in November 2004. In July 2008, PCTIA was designated as a Crown Corporation under the *Budget Transparency and Accountability Act*. It is governed by a Board of ten Directors (see Attachment 2: PCTIA Board and Responsibilities).

PCTIA has responsibility for the registration of private post-secondary institutions offering career-related training of 40 hours or more in length and \$1000 or more in tuition, and also offers voluntary accreditation to registered institutions wishing to meet the quality standards set by PCTIA¹. The mandate of PCTIA, as set out in legislation is:

- to establish basic education standards for registered institutions and provide consumer protection to current and prospective students of registered institutions;
- to establish standards of quality that must be met by accredited institutions; and
- to carry out, in the public interest, its powers, duties and functions under the Act.

PCTIA also has responsibility for administering the Student Training Completion Fund (STCF). The STCF is used to compensate students in the event of an institutional closure (voluntary or enacted by PCTIA for cause) or students being misled by an institution. Registered institutions make monthly contributions to the STCF, as set out in Regulation.

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¹ As of July 8, 2013, there are 315 registered institutions with PCTIA, with more than 51,000 enrollments; 159 of these institutions are also accredited.

DISCUSSION:

Issues of discussion may include:

Quality Assurance Framework Changes –Sector Discussions

- As outlined in the *BC Jobs Plan* and British Columbia's International Education Strategy, the Ministry has been consulting with stakeholders regarding expanding and strengthening British Columbia's quality assurance system.
- The Ministry held a series of forums and discussion workshops for all post-secondary sectors, including the career college sector. One workshop was held specifically for PCTIA staff.
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Suggested Response: The Ministry will work closely with PCTIA to ensure that any changes to the existing Quality Assurance model builds on what works well, and improves upon what does not. The Ministry appreciates PCTIA's advice and suggestions on how to improve the quality of the career college sector.

Reporting Requirements

- In the last Crown Agency reporting cycle (April 2012 to March 2013) PCTIA fulfilled 14 reporting requirements, several of which were complex and multifaceted.

Suggested Response: Corporate reporting is a requirement of all public bodies, including Crown agencies. The Ministry will continue to work with PCTIA to ensure the reporting process is as streamlined as possible.

Financial Issues

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Awareness of PCTIA and its Role

- In 2012/13, PCTIA improved its public communication strategy and outreach programming, including advertising on the Canada Line. This advertising was so effective that PCTIA could not manage the number of calls from students.
- Despite these efforts, there is still a lack of public awareness of the student protection and private career training regulatory functions which PCTIA provides.

Suggested Response: The Ministry is committed to strong regulation of the private career training sector and to ensuring student protection. The Ministry encourages PCTIA to continue its concentrated efforts and public awareness campaign.

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Prepared by:	Kevin Wilson, Senior Policy Analyst	Reviewed by:	
	Governance and Quality Assurance Branch	Director	TJR
Phone #:	(250) 387-6195	Executive Director	VB
		Assistant Deputy Minister	IR
		Deputy Minister	

Attachment 1: Karin Kirkpatrick Biography

In January of 2011, Ms. Karin Kirkpatrick was appointed the Registrar and CEO of the Private Career Training Institutions Agency, a British Columbia provincial Crown Agency regulating the private post-secondary career training sector. Previously, as CEO of the Real Estate Foundation of British Columbia, Ms. Kirkpatrick worked with senior provincial ministries officials on housing issues, and key members and organizations in the real estate industry. For six years Ms. Kirkpatrick was Assistant Dean at the Sauder School of Business and Director of the Centre for CEO Leadership at the University of British Columbia. Ms. Kirkpatrick continues to be regularly featured in Canadian media on issues related to business management, employment issues and women in business.

Currently, she sits on the Board of the British Columbia Council for International Education and is an ex-officio Board member with the provincial Degree Quality Assessment Board. She is a professional member of the Certified Management Accountants Society of British Columbia, the Real Estate Institute of British Columbia, and the British Columbia Human Resource Management of Association. Following in the footsteps of her entrepreneurial family, she was President of the Kirkpatrick Staffing Group, a company she founded in 1994 and sold in 2001. Ms. Kirkpatrick holds a Master of Business Administration degree in Human Resources as well as being a Certified Management Accountant and a Certified Human Resource Professional. The non-traditional start to her business career was as a musician and song-writer.

Attachment 2: Roles, Authority and Composition of the Private Career Training Institutions Agency (PCTIA) Board

Composition - PCTIA is governed by a ten-member Board of Directors, three of which are appointed by the Minister of Advanced Education and seven elected by the member institutions.

Officers – The two Officers of the Board are the Chairperson and the Vice Chairperson. Each committee elects a Committee Chair and the Chair of the Finance Committee acts as Treasurer.

Terms of Office – With the exception of the March 2012, where terms were for two years, elected directors serve three year terms, once renewable. Directors appointed by the Ministry of Advanced Education serve an open-ended term.

Role of the Board

- Appointing the Registrar and establishing the functions and duties of the Registrar;
- Governing the affairs of the PCTIA in accordance with the *Act*, the Regulations and the Bylaws;
- Establishing and maintaining Bylaws in accordance with the *Act*;
- Setting strategic direction for PCTIA;
- Being accountable for defined performance results;
- Ensuring effective use of PCTIA's resources; and
- Reporting to government, shareholders and the public at large.

The Board has three standing committees. They include: the Student Complaints Committee, the Bylaw, Policy and Quality Assurance Committee, and the Finance and Student Training Completion Fund Committee. The Board may establish additional committees from time to time. The Nominating Committee is struck in election years and the Planning and Review Committee is established annually and consists of the Chair of the Board and the Chairs of the various committees.

Authority and Accountability - The Board is accountable to the provincial government of British Columbia through the Ministry of Advanced Education, to carry out the mandate set in the *Private Career Training Institutions Act* (the *Act*). It is responsible for the stewardship of the Agency, setting its strategic direction within the framework of the legislated mandate, establishing strategic priorities, and, for approving, upholding and supporting the mission and core organizational values.

The Board frames policies and functions in accordance with the *Act*, regulation and bylaws. The Board has the authority to set the Basic Education Standards and quality standards through its bylaws.

The Board has adopted a policy governance model in which the Board governs through policies and committees, delegating the management of the organization to the Registrar and CEO. It provides oversight to the management of the organization, ensuring that the Registrar and CEO has the resources, policies and support he /she needs to function effectively. It ensures the annual evaluation of the competence, integrity and performance of the Registrar and CEO delegating this evaluation to the Planning and Review Committee.

The 2012/13 PCTIA Board members are:

NAME	BOARD POSITIONS AND COMMITTEE	TERMS
David Wells Academic Dean, NEC Native Education College	<ul style="list-style-type: none"> Chair Board of Directors Planning and Review 	Elected First Term: April 2, 2012 – April 1, 2014 (Elected Chair of the Board May 23, 2013)
Richard Novek Director of Operations, Greystone College of Business & Technology, and International Language Institutions of Canada	<ul style="list-style-type: none"> Vice Chair Board of Directors Student Complaint Committee Planning and Review Committee Bylaw Review Committee Appeals Panel 	Elected Second Term: April 2, 2012 – March 31, 2014 (Resigned as Board Chair May 23, 2013) (Elected Vice Board Chair May 23, 2013)
Bev Reid President, MTI Community College	<ul style="list-style-type: none"> Bylaw Review Committee Student Complaint Committee 	Elected Second Term: Oct 1, 2012 – October 2, 2015
Gwen Donaldson President, Vancouver Campus Canadian Tourism College	<ul style="list-style-type: none"> Bylaw Review Committee Student Complaint 	Elected First Term: April 2, 2012 – April 1, 2014
Ian Rongve Assistant Deputy Minister, Sector Strategy and Quality Assurance Division, Ministry of Advanced Education	<ul style="list-style-type: none"> Finance and STCF Committee Planning and Review Committee 	Appointed: March 27th, 2012. No expiry.
Jim Miller Director, Canadian Outdoor Leadership Training (COLT)	<ul style="list-style-type: none"> Finance and STCF Committee Appeals Panel 	Elected First Term: Oct 1, 2012 – October 2, 2015
Mark Hilton Partner, Bernard & Partners	<ul style="list-style-type: none"> Finance and STCF Committee Student Complaint Committee Appeals Panel 	Ministerial Appointment: June 1, 2012 Expires May 30, 2015
Patricia (Pat) Kennedy Chief Operating Officer, Pacific Flying Club	<ul style="list-style-type: none"> Chair Finance and STCF Committee Appeals Panel Planning and Review Committee 	Elected First Term: April 2, 2012 – April 1, 2014
Robert (Bob) Kitching President and Managing Associate, Western Maritime Institute	<ul style="list-style-type: none"> Bylaw Review Committee Finance and STCF Committee 	Elected First Term: Oct 1, 2012 – October 2, 2015
Vacant Ministerial Appointment	<ul style="list-style-type: none"> Appointment Pending 	Appointment Pending

**MINISTRY OF ADVANCED EDUCATION
MEETING NOTE**

Date: July 19 Cliff# 95350 File# Version # 5

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

DATE AND TIME OF MEETING: Wednesday July 24, 2013 at 2:30 p.m.

ATTENDEES: Honourable Amrik Virk; Honourable John Rustad; Ms. Susan Brown, Acting Assistant Deputy Minister, Sector Strategy and Quality Assurance Division; and, Ms. Valarie Bakowski, Executive Director, Governance and Quality Assurance Branch.

ISSUE(S): Minister Virk and Minister Rustad meeting regarding flight training.

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BACKGROUND:

Private career training institutions in the Province are regulated by the Private Career Training Institutions Agency (PCTIA or the Agency) under the authority of the *Private Career Training Institutions Act* (the Act), as well as through the Act's Regulations and PCTIA Bylaws. The Act's Regulations state the following definition of occupation: "A program of training or instruction is "career training" if: (a) the tuition charged for the program is greater than or equal to \$1,000; and (b) the time devoted to training or instruction by the program is greater than or equal to 40 hours." This requirement applies to flight training.

In early 2010,

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s.21 contacted the Ministry to request PCTIA deregulation. These schools expressed concern about excessive PCTIA regulatory requirements, noting that flight schools are regulated by Transport Canada. (As an example, they cite driver training schools that were exempted from the Regulations in 2008 after it was determined they were dually regulated by PCTIA and the Insurance Corporation of British Columbia.)

The ministry completed, in consultation with Transport Canada, a gap analysis between federal and PCTIA regulations, particularly in relation to consumer protection. The conclusion identified gaps in Transport Canada regulations that did not support the removal of flight schools from PCTIA regulations (see Attachment 1). On January 21, 2011, the decision was made to continue to regulate flight schools under the Act (see Attachment 2). On April 1, 2011, s.21 sent in a formal proposal for deregulation from PCTIA. As no new evidence was provided, the proposal was not granted.

In 2011, s.21 had several discussions with PCTIA and with Government requesting exemption from registration with PCTIA. The Agency responded that PCTIA did not have the authority to exempt s.21 from the Act and its Regulations. On September 26, 2011, PCTIA advised in a letter that s.21 register with PCTIA or cease providing or offering to provide career training. As early as October 19, 2011, Ministry staff were informed that s.21 with PCTIA.

DISCUSSION:

On April 11, 2013, litigation counsel for PCTIA contacted

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Flight school professional associations have not indicated to the Ministry any issues regarding PCTIA regulating flight schools and Transport Canada agrees that their regulations do not cover consumer protection or a number of educational standards. Over the last two years, PCTIA has undertaken a number of initiatives to address flight schools' concerns:

- Through March and April 2011, PCTIA worked with flight schools, Transport Canada and the Ministry to identify areas of regulatory duplication. Areas identified as duplicative are no longer being reviewed by PCTIA.
- In the summer of 2011, PCTIA explicitly invited all flight schools to take part in working group sessions to review the PCTIA Bylaws, resulting in reduced administrative burdens.
- Through 2012 and 2013, flight schools have been invited to take part in consultations regarding government's proposed Quality Assurance Framework, allowing them the opportunity to provide input into a new regulatory system.

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SUGGESTED RESPONSE:

- Ministry analysis has concluded that flight schools should remain provincially regulated as there are gaps in Transport Canada regulations. PCTIA has worked with Transport Canada to minimize duplication between the two sets of regulations.
- Through its continuous improvement process and yearly review of its bylaws, PCTIA will continue to fine tune its processes with a view of minimizing administrative burdens while still protecting students.
- There is no mechanism by which either the Ministry or PCTIA can chose to exempt an individual institution that meets the requirements for PCTIA regulation.
- The continued regulation of flight schools at a provincial level is in keeping with the quality assurance and consumer protection goals of government.
- Guardian Aerospace is no longer offering career training and is not required to register with PCTIA.

Attachments:

1. Transport Canada vs. PCTIA Regulations
2. CLIFF 78338
3. Letter – PCTIA Legal Counsel

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Reviewed by:
Director
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Assistant Deputy Minister
Deputy Minister

DR 
VB



BACKGROUND ANALYSIS: REVIEW OF REGULATION OF FLIGHT SCHOOLS IN BRITISH COLUMBIA

(FALL, 2010).

THE ISSUE

s.21 have expressed concerns to the Ministry of Advanced Education and Labour Market Development regarding the amount of paperwork, fees, and regulatory requirements they face under the Private Career Training Institutions Agency (PCTIA). These institutions feel that they are dually regulated by PCTIA and Transport Canada, and posit that regulation under Transport Canada should be sufficient. They have likened their situation to driver training schools, which were regulated by two bodies in British Columbia: the Insurance Corporation of British Columbia (ICBC), and PCTIA. In 2007, several driver training schools developed a proposal asking to be deregulated from PCTIA. A comprehensive review of PCTIA and ICBC regulations showed ICBC regulations met or exceeded PCTIA requirements in all areas except consumer protection, an issue addressed by driver training schools and ICBC agreeing to increase the amount of the bond they posted under ICBC. Driver training schools were subsequently exempted from PCTIA regulatory requirements.

As the driver training schools did in 2007, flight schools that have approached the Ministry have been asked to develop a proposal indicating their rationale for their request to be exempt from PCTIA regulations.

SCAN OF SECTOR

Provincially, flight schools operating in British Columbia that offer career training programs over 40 hours and \$1,000 in tuition are required to register with PCTIA. PCTIA is a provincial crown agency with a mandate to establish basic education standards - such as instructor qualifications, curriculum and learning resources - and to provide consumer protection for students¹. Part of PCTIA's vision is to "protect the interests of students and uphold the credibility of the private training sector". PCTIA institutions are regulated through the *Private Career Training Institutions Act (PCTI Act)*, Regulations and By-Laws. The PCTIA mandate is specific to those schools training individuals to be employed as pilots.

Federally, flight schools operating anywhere in Canada must be regulated under Transport Canada, the department within the federal government which is responsible for developing regulations, services, and policies of transportation. Transport Canada's stated mission is, "to

¹ Students attending registered private career training institutions in British Columbia have their tuition protected by the Student Training Completion Fund (STCF). The STCF provides tuition train-out funding in the case of the closure of a private career training institution, or when the PCTIA Board determines that a student has been misled by an institution.

serve the public interest through the promotion of a safe and secure, efficient and environmentally responsible transportation system”². Their mission does not include consumer protection for students or establishing educational standards for flight training schools, though regulations meant to ensure a safe system - such as ensuring minimum instructor qualifications and appropriate program outlines – address some educational components. Transport Canada institutions are regulated through Canadian Aviation Regulations (CAR) and the Aeronautics Act. Transport Canada’s mandate extends to all flight schools, including those training individuals pursuing a pilot’s license for purely recreational purposes.

Despite differences in mandate, there is recognition that there are areas of common oversight between these two regulatory bodies. Based on consultation with representatives of Transport Canada, and with two flight training member organizations, the PCTIA has determined that flight schools meeting Transport Canada requirements will be deemed by the Agency as meeting the standards in the Agency’s Bylaws in the following three areas:

1. **PCTIA Basic Education Standards - Section 20(1)(c)(iii) – Organization:** *“The institution shall provide evidence that there is adequate administrative capacity to effectively deliver the programs offered by the institution including an appropriately qualified senior educational administrator who is responsible for maintaining programs and evaluating instructors.”*

A Transport Canada designation as Chief Flying Instructor will be deemed to have met this PCTIA Basic Education Standard.

2. **PCTIA Basic Education Standards – Section 20(1) (f) (ii) – Instructors:** *“Instructors should be appropriately qualified (education and related work experience) to teach the subject matter assigned.”*

Transport Canada designation as holding a Class IV, III, II or I Instructor license as detailed in the Canadian Aeronautical Regulations (CARs) will be deemed to have met this PCTIA Basic Education Standard.

3. **PCTIA Accreditation Standards of Quality – Section 38(6) (f) (1) – Program Advisory Committees:** *“Each institution must have an independent Program Advisory Committee for each occupational program or each group of related occupational programs.”*

Transport Canada’s review and requirements relating to curriculum of the program, instruction related materials, equipment and facilities, minimum instructor qualifications and student achievement outcomes is deemed to meet this PCTIA Accreditation Standard of Quality.

In order to find where there may be other areas of overlap, as well as to show where there are gaps in regulation, Ministry staff – in consultation with Transport Canada - have done a comparative analysis of PCTIA registration standards and Transport Canada regulation in key areas. The following table gives a side by side comparison of the regulations for both organizations in the areas of Consumer Protection, Educational Standards, Capacity to offer

² Transport Canada Organization, <http://www.tc.gc.ca/eng/aboutus-department-overview.htm>

Educational Programs, Regulatory Fees, and Academic Support. The Conclusion following the table provides overall recommendations to the Minister based on the evidence.

PCTIA Registration <i>(PCTI Act, Regulations and Bylaws)</i>	Transport Canada <i>Canadian Aviation Regulations (CAR)</i>
CONSUMER PROTECTION	
<p><u>Student Financial Protection</u> Establishment and administration of Student Training Completion Fund PCTI Act 13 (1) The Student Training Completion Fund is established.</p> <p>Payments to fund by institutions PCTI Act 14 (1) A registered institution must make payments to the fund through the board at the times and in the amounts required by the regulations.</p> <p>PCTI Act 15 (a). Payments may be made from the Student Training Completion Fund for the following purposes:</p> <ul style="list-style-type: none"> • refunding a portion of the tuition fees a student has paid to a registered institution that ceases to operate ... • refunding a portion of the tuition fees a student has paid to a registered institution that, in the opinion of the board, has misled a student. 	<p>Transport Canada has no student training/tuition fund or related bond requirements.</p>
<p><u>Advertising</u> PCTIA Bylaw 29. 1) An institution must not engage in advertising or make a representation that is false, deceptive or misleading.</p>	<p>Transport Canada has no regulations regarding misleading advertising.</p>
<p><u>Teach-out Plan</u> PCTIA Bylaw 30. (11) An institution that intends to close or that, in the Agency's judgment, may lack sufficient financial resources for the proper operation of the institution and the discharge of obligations to students, may be required to submit a comprehensive teach-out plan.</p>	<p>Transport Canada has no regulations regarding teach-out plans.</p>

<p><u>Tuition Regulation</u> PCTIA Bylaw 21. (2) Contracts for students enrolling in full career training programs ...must contain the total amount of tuition due, an itemized list of all other fees, a refund policy, and all institutions must have their Tuition and Fees Refund Policy described in full within the student enrolment contract.</p>	<p>Transport Canada has no regulations regarding oversight of tuition or student fees.</p>
<p><u>Public Listing of cancellations and suspensions</u> PCTIA Bylaw 33. (4) If the Registrar suspends or cancels the registration of a registered institution ...the institution's name, date of and reason for the suspension or cancellation shall be published on the Agency's website for a period of 5 years.</p>	<p>Transport Canada does not list suspended or cancelled institutions.</p>
<p><u>Student Complaint or Dispute Resolution</u> PCTIA Bylaw 20 (1) (j) i The institution shall have a student dispute resolution policy and be able to demonstrate to the Agency that it has adequate procedures for addressing student complaints and grade appeals...</p>	<p>Transport Canada has no regulations regarding student complaints or dispute resolution.</p>

CONSUMER PROTECTION SUMMARY

Consumer protection covers regulations that ensure flight school students are properly informed about the training they will receive from the school they choose, that they do in fact receive the training they paid for, and that there are mechanisms to address any shortfalls. This is the area with the most gaps between PCTIA and Transport Canada regulations. As the table shows, Transport Canada has no regulations covering:

- Student financial protection.
- Teach-out plans.
- Advertising.
- Student complaints or dispute resolution.
- Tuition regulation.
- Public listing of suspended or cancelled institutions.

A few flight schools have indicated that they operate on a system where the student does not pay in advance, but rather for each lesson as they fly. However, payment structure is a matter of choice for individual flight schools, and PCTIA has indicated that in some cases schools set up an account that the student puts money into that the school then draws from on a pay as you go basis, leaving a liability. Unlike PCTIA, Transport Canada does not

have student or consumer protection as part of its governing mandate / mission / vision or requirements. A student attending a flight school regulated solely by Transport Canada would need to rely on their own due diligence in checking the reputation and comparing tuition costs of flight schools, and would rely on avenues such as the courts to ensure their financial protection in the event of a school closure or being misled by an institution.

EDUCATIONAL STANDARDS	
<p><u>Instructor Qualifications</u> PCTIA Bylaw 20. (1) f) Bylaw notes the minimum requirements for full- and part-time instructors teaching in subject areas.</p> <p>Faculty Qualifications, including minimum standards evidence by way of an annual performance review that all regular instructors have adequate instructional skills</p>	<p>CAR 425.21 (1) A person who acts as a flight instructor shall be the holder of a pilot permit or pilot licence for the category, class and type of aircraft, as appropriate, on which the flight training is conducted (each level indicated).</p> <p>Note: As previously indicated, PCTIA has indicated that a Transport Canada designation as holding a Class IV, III, II or I Instructor license will satisfy PCTIA's requirements in this area</p> <p>Transport Canada has no formal evaluation of flight instructors for aeroplane, helicopter Glider, Balloon, Gyroplane or Ultra-Light Aeroplane flight training units. Transport Canada uses the pass rate of students on flight exams as the measure of instructor performance.</p>
<p><u>Program and Curriculum</u> PCTIA Bylaw 20. (1) g) (i) The institution has clearly stated educational program objectives and offers up-to-date curriculum that is supported by appropriate instructional materials and appropriate technology. ii) Educational programs shall evidence a well-organized sequence of subjects leading to an occupational objective. There shall be a detailed syllabus on file...</p>	<p>CAR 405.13 A person who conducts flight training using an aeroplane or helicopter shall provide to each trainee, at the time of commencing a flight training program referred to in Section 405.11, a flight training program outline that meets the personnel licensing standards (these standards outline the basic specifications that apply to the issuance of flight crew permits, licences and ratings).</p>
<p><u>Program Advisory Committee</u> PCTIA Bylaw 38 (6) f) Each institution must have an independent Program Advisory Committee for each occupational program or each group of related occupational programs... to review the established curriculum of the program, instructional-related program materials,</p>	<p>As previously noted, though Transport Canada regulations do not indicate a need for program advisory committees, PCTIA has indicated that Transport Canada's review and requirements relating to curriculum of the program, instruction related materials, equipment and facilities, minimum instructor qualifications and student achievement outcomes is deemed to meet this</p>

equipment and facilities, minimum instructor qualification requirements, and student achievement outcomes....	PCTIA Accreditation Standard of Quality.
<u>Admissions and Recruiting</u> PCTIA Bylaw 20 (1) e) (i) ...admission policies ...shall conform to the institution's mission [and] shall be publicly stated... ii) Minimum program admission requirements ...may not be waived by either the institution or the student. iii) An institution shall ensure that any person or entity engaged in admissions or recruitment activities on its behalf is communicating current and accurate information....	Transport Canada does not have regulations covering schools' admissions and recruiting practices, except: CAR 406.76 The flight training unit shall ensure that an applicant, before being admitted to an integrated course, has a secondary school diploma or equivalent in accordance with the personnel licensing standards.

EDUCATIONAL STANDARDS SUMMARY³

These standards ensure the quality of the training programs being offered at flight schools. For educational standards there are areas where PCTIA and Transport Canada have similar regulations; as indicated, in the areas of instructor qualifications and program advisory committee equivalency, PCTIA has accepted Transport Canada standards as matching its own. However, there are also educational standard areas where there are gaps based on flight school type, and some overall general gaps between the two regulators. For example, PCTIA's annual performance review is a more formal evaluation structure than the pass rate of students used by Transport Canada as a measure of instructor performance. For admissions and recruiting, the detailed standards of PCTIA are not matched by Transport Canada regulations. In the program and curriculum area, under Transport Canada regulations aeroplane and helicopter flight training schools must provide their students a program outline, but there is no requirement for glider, balloon, gyroplane or ultra-light aeroplane training units to do so. **Note:** Transport Canada has indicated that students taking glider, balloon, gyroplane or ultra-light aeroplane training are likely to be doing so for recreational purposes, but that such training can be geared towards a future career in flight.

There is not the same absence of regulations for educational standards as there is in that of consumer protection. However, any consideration of deregulating flight schools from PCTIA would need to consider whether government is comfortable with regulation for educational standards such as instructional performance reviews, program outlines for all types of flight training, and admission and recruiting standards being at a lower level than with PCTIA regulated institutions.

³ This category is not identical to the 'basic education standards' set out in the PCTIA bylaws. While some basic education standards, such as 'Admissions and Recruiting' and 'Faculty Qualifications' are covered here, others fit more easily into other categories in this review, e.g. the PCTIA basic education standards 'Financial Stability', 'Records', and 'Organization' are all discussed under the category 'Capacity to offer Educational Programs'.

CAPACITY TO OFFER EDUCATIONAL PROGRAMS

<p><u>Facilities</u> PCTIA By-Law: 20. (1) i) The institution shall provide:</p> <ul style="list-style-type: none"> • A description of the physical plant and facilities, including any branch campus, learning site, or satellite operations; • Evidence that the facilities are appropriate to support its program offerings and delivery methods; 	<p>Transport Canada – How to start a flight School: Chapter 1 http://www.tc.gc.ca/eng/civilaviation/publications/tpl2862-chapter1_2007-1654.htm</p> <p>Aeroplane and Helicopters: Suitable classrooms or other facilities are required for ground school instruction and preparatory ground instruction....</p> <p><u>Aerodrome Requirements:</u> You must specify a main base for the intended training.</p> <p>Glider, Balloon, Gyroplane or an Ultra-Light Aeroplane: No mention of general facility needs.</p> <p><u>Aerodrome Requirements:</u> The aerodrome for your operations must be suitable for your aircraft to be operated safely within the operating limitations and operational performance data specified in the aircraft flight manual (CAR section 405.24).</p>
<p><u>Inspections</u> PCTI Act 12, Inspectors may be appointed by the Registrar to determine if a person has failed to comply with this Act, the regulations, the bylaws or the terms and conditions attached to a suspension.</p>	<p>CAR 103.02 (1) The owner or operator of an aircraft shall, on reasonable notice given by the Minister, make the aircraft available for inspection in accordance with the notice.</p> <p>Transport Canada has also indicated that the inspection schedule for flight training units is once per year, but due to workload issues they may not meet this schedule for all units (a risk management model is used to determine which schools most need to be inspected). Areas inspected are: management; key and operational personnel; operational control; documentation of training programs; student training records; aircraft documentation and equipment.</p>
<p><u>Penalties</u> PCTI ACT 8 Registrar may deny, suspend or cancel registration if the Registrar determines that the registration of the institution would not be in the best interest of</p>	<p>Transport Canada staff have indicated that infractions of Transport Canada regulations fall into two main categories. The first are infractions which have a Designated Provision, which are dealt with administratively through fines. Offences of a more</p>

<p>students.</p> <p>PCTIA Bylaw 33.</p> <p>1) The Registrar may have an institution inspected and may appoint inspectors for the purposes of determining whether:</p> <p>a) It is appropriate to suspend or cancel a registration or change the terms and conditions attached to a suspension; or</p> <p>b) An institution has failed to comply with the Act, the Regulation, the Bylaws or the terms and conditions attached to a suspension.</p>	<p>serious nature (usually involving safety) are handled through the Aeronautics Act. Transport Canada has indicated that unless serious safety issues are involved, if they are having regulation compliance issues with a flight school their first avenue is to coach them into compliance. If they decide to proceed with actions against the school it will be via a Designated Provision, a charge under the Aeronautics Act, or a Notice of Suspension of the Flight Training Unit Operator Certificate. A Notice of Suspension can be for 30 days one which gives the company time to correct the issue or an Immediate Notice of Suspension. The latter is normally used for safety issues.</p>
<p><u>Financial Stability</u></p> <p>PCTIA By-Law: 20. i) Through the provision of annual financial statements provided to Agency, the institution shall demonstrate it has adequate revenues and assets to meet its responsibilities, to ensure continuity of service, and to accomplish its mission.</p>	<p>Transport Canada has no regulations regarding school financial statements and does not have the authority/ability to require a school to put forward a plan if they appear to be having financial issues</p>
<p><u>Safety</u></p> <p>PCTIA By-Law: 20.</p> <p>i) Facilities and Institutional Resources</p> <p>A safety policy that demonstrates a commitment to ensuring a safe environment for students, instructors and employees.</p>	<p>CAR 107.02 The applicant for, or the holder of, a certificate referred to in section 107.01 shall establish, maintain and adhere to a safety management system.</p> <p>CAR 107.03 A safety management system shall include ... [a number of procedures are outlines].</p>
<p><u>Organization (set up)</u></p> <p>PCTIA By-Law: 20. (c) i)</p> <p>Each institution shall: 1) have an organizational chart; 2) have a qualified on-site administrator at the main campus and at all branches; 3) provide evidence that there is adequate administrative capacity- including an appropriately qualified senior educational administrator; 4) have on file appropriate evidence of qualifications of all educational staff in the form of copies of degrees, diplomas, certificates or transcripts.</p>	<p>CAR 106.02 (1) The applicant for, or the holder of, a certificate referred to in section 106.01 shall</p> <p>(a) appoint an individual as accountable executive to be responsible for operations or activities authorized under the certificate ...</p> <p>CAR 406.21 (1) The flight training unit must appoint a chief flight instructor. As previously stated, PCTIA has indicated that this instructor will be considered as equivalent to the PCTIA noted ‘senior educational administrator’.</p>
<p><u>Records</u></p> <p>PCTIA Bylaw 23 (1) A registered</p>	<p>CAR 402.16 The manager of an ATC unit shall:</p>

<p>institution is required to maintain a student file for each student enrolled in a full career-training program as described in section 21.2).</p> <p>8) Registered institutions must be able to provide a copy of a signed contract with a vendor ...providing secure redundant off-site storage of the institution's student records for students in full career-training programs... for a period of 55 years.</p>	<p>(a) maintain, on a form provided by the Minister, a training record for each person undergoing training at the ATC unit ...</p> <p>(c) at the request of any person who is undergoing or has undergone training at the ATC unit, provide a copy of the person's training record to the person; and</p> <p>(d) at the request of the Minister, provide the Minister with a copy of the training record of any person who is undergoing or has undergone training at the ATC unit and who holds an air traffic controller license.</p> <p><u>Note:</u> - the only mention of length of retention is for training units offering aircraft maintenance courses – records to be maintained for 5 years.</p>
<p><u>Substantial Changes</u></p> <p>PCTIA Bylaw 30. (1) An institution must apply to the Agency for and receive prior approval before implementing a “substantive change” including changes to: mission or educational goals, ownership, curriculum content, time required for the successful completion of a program, location, name, program delivery method, and location....</p>	<p>Transport Canada has no regulations regarding implementing these substantive changes.</p>

CAPACITY TO OFFER EDUCATIONAL PROGRAMS

These regulations ensure that the standards institutions adhere to are of sufficient rigour to assure government, students and the public as to the quality and ongoing viability of the institution. As with Educational Standards there are areas where PCTIA and Transport Canada have similar regulations, areas where there are gaps based on flight school type, and some overall general gaps between the two regulators.

For gaps, unlike PCTIA, Transport Canada has no regulations aimed at guaranteeing the financial stability of an institution, nor regulations indicating that institutions must receive prior approval for substantial changes such as a change of ownership. As well, Transport Canada's regulations are less stringent than PCTIA's in the areas of record keeping (not requiring that students' records be maintained for 55 years) and organizational set-up (not focussing on ensuring the maintenance of an organizational chart, or on-file qualifications of educational staff).

In the area of facilities, all flight schools regulated under Transport Canada must have a main aerodrome that is suitable for the aircraft to be operated safely; however, only aeroplane and helicopter training schools (not glider, balloon, gyroplane or ultra-light aeroplane) have regulations requiring suitable classrooms or other facilities for ground school instruction. **Note:** As previously indicated, instruction for glider, balloon, gyroplane or ultra-light aeroplane will likely be for recreational purposes.

Inspections and penalties are two areas of quality assurance that Transport Canada does cover through its regulations. However, as noted in the table, Transport Canada inspection does not focus on exactly the same subjects as PCTIA inspections (noted regulatory gaps would not be covered) and because of workload issues may not happen on a yearly basis as scheduled (a risk management model is used to determine inspection need). As for penalties, Transport Canada has indicated that suspension and cancellation are usually reserved for safety violations and that for other infractions the first avenue is to coach institutions into compliance. Thus, areas of infraction that would lead to suspension or even cancellation under PCTIA may not under Transport Canada.

In the area of safety, Transport Canada regulations are at least equal and likely surpass PCTIA's.

There are sufficient gaps between PCTIA and Transport Canada regulations in the area of capacity to offer educational programs to question how flight schools could be deregulated from PCTIA while maintaining public confidence in the viability and quality of these institutions.

REGULATORY FEES	
<p>PCTIA Bylaw 51. The Registration Fee for a main campus is \$2,000; for a branch campus \$1,000.</p> <p>Annual Fees (not including Student Training Completion fund fees) range from \$1,294 to \$87,500 depending on tuition revenue generated and whether the institution is in good standing.</p>	<p>CAR 104 Schedule IV</p> <p>While a flight training school would be assessed various fees for additional activities (such as aircraft maintenance engineer training), the fee for the issuance of a flight training unit operator certificate, is \$600.00 (which is relevant for flight training schools). This is a one-time fee, with no annual renewal charge.</p>

REGULATORY FEES SUMMARY

As indicated in the table, regulatory fees are much lower for Transport Canada than for PCTIA. This has been cited by some flight schools as one of the factors driving the push for deregulation from PCTIA. It should be noted, however, that PCTIA is a cost-recovery organization and Transport Canada is not, thus explaining the difference in the two bodies' regulatory fees and what the fees cover, and making any direct comparison between the two difficult.

ACADEMIC SUPPORT	
<u>Student Aid</u> Accreditation is required in order for institutions to seek StudentAid BC designation, which makes their students to be eligible to apply for student loan funding.	Registration under Transport Canada does not meet requirements for StudentAid BC designation.
<u>Tuition Receipts</u> PCTIA Registered institutions are eligible to apply to Human Resources and Skills Development Canada to have their institution certified for student tuition tax receipts.	Registration under Transport Canada does not make BC flight schools eligible to apply for certification.

ACADEMIC SUPPORT

s.21 that have contacted the Ministry have indicated that with PCTIA deregulation they want their students to be able to receive tuition tax receipts and one school has indicated that with deregulation they want their students to still be eligible for student loans. For the former, it is the Ministry's understanding that eligibility for a career training institution to apply for certification under Human Resources and Skills Development Canada to grant tuition tax receipts is tied to conforming to provincial regulatory standards; if there are no set provincial standards - as there wouldn't be were flight schools to be exempted from PCTIA - then British Columbia flight school would still be conforming to the provincial regulatory requirements asked of them (in that case none) and thus would still be eligible to apply for certification. As this area is under federal government policy however, flight schools would need to confirm eligibility standards with the Canada Revenue Agency.

For student aid, as with driver training schools under ICBC, an agreement would have to be reached with StudentAidBC (SABC) that deregulated flight schools that are under Transport Canada would be eligible for student aid. As ICBC and Transport Canada are very different entities, it is uncertain if SABC would reach the same accommodation for flight schools as they did for driver training schools. SABC currently requires PCTIA institutions to be accredited not just registered, accreditation guaranteeing a higher level of quality assurance. The SABC designation option would likely not be an option for flight schools were they to be deregulated, and thus not even held to PCTIA registration standards.

CONCLUSION

Through regulations in areas such as admissions and recruiting, substantial changes, institutional financial stability, student complaints or dispute resolution, teach-out plans, student financial protection, and instructor evaluation and upgrading (among many others), PCTIA focuses on ensuring student protection, educational standards, and the capacity of an institution to offer educational programs. Transport Canada regulations do not focus on student protection and while they do touch on some elements of educational standards and institutional capacity, that is accomplished through regulations focussed on maintaining a safe, efficient, and environmentally responsible system. Transport Canada's regulations are not less stringent than PCTIA's, merely stringent in (largely) different areas.

To use an example of the type of risk that PCTIA registration mitigates, in 2008 ^{s.21} based flight school using questionable student recruiting tactics closed, leaving 2000 students unable to complete their education and forced to pursue compensation through the court system. Such an institution operating in British Columbia under PCTIA would have had to submit annual financial statements to ensure its financial stability, would have had its advertising and recruiting practices monitored to ensure potential students were getting accurate information about the school and the program(s) they would be taking, would have had to have had a teach-out plan to ensure students were placed in event of closure and would have had to follow policies regarding the amount of tuition they could charge, mitigating the impact on students. If the school had closed, there would have been financial protection for the students under the Student Training Completion Fund⁴.

The school in this example was not based in Canada, so it is difficult to know what would have happened had this school been under Transport Canada regulations. What is known is that under PCTIA regulations specific measures would have been utilized to ensure student protection.

For areas that PCTIA and Transport Canada have some duplication, PCTIA has already agreed to recognize some Transport Canada regulations as sufficient to meet their own. This ensures that institutions don't have to prove compliance in an area twice. Potential areas to be explored further could include: safety; facilities (particularly for helicopters and Aeroplanes) and inspections.

The information noted indicates a number of gaps between PCTIA and Transport Canada regulations and a number of risks to deregulating flight schools from PCTIA. No flight school proposal has yet been submitted addressing these gaps or making a case for the benefit to the system for deregulation. Moreover, as only ^{s.21} of thirty-three PCTIA regulated flight schools have raised issues with the Ministry, there is not yet evidence that flight schools in British Columbia as a whole are in consensus on PCTIA deregulation. Concerns regarding paperwork and fees may not be as much of an issue for larger flight schools with the staffing and overall resources to accommodate PCTIA requirements.

⁴ PCTIA has indicated that they haven't had an instance of a flight school closure that resulted in claims on the Student Training Completion Fund. However, the Private Post Secondary Education commission, the regulatory regime that operated before PCTIA (from 1991 to Nov. 2004) had an instance where they had to make claim against a surety bond on behalf of students from a flight school.

Small flight schools may have issues more in common with other small PCTIA regulated institutions than with large flight schools.

Even if several flight schools emulate the driver training schools example and submit a proposal for PCTIA deregulation, the situations are not identical. Driver training schools are regulated by ICBC, a provincial crown corporation. In all cases other than consumer protection, ICBC requirements for driver training schools met or exceeded PCTIAs. A key factor in deregulating driver training schools from PCTIA was the ability of the Ministry to work with this crown corporation to address this one area – having ICBC raise their already existing bond rate to ensure student financial protection. The case is not the same for flight schools, operating under a federal body without any bond rate system in place.

s.13, s.17

Similarly, as indicated under the Academic Support section, unlike driver training schools under ICBC, it is unlikely that StudentAidBC (SABC) would recognize students attending deregulated flight schools under Transport Canada for student aid eligibility.

As well, having a federal organization such as Transport Canada assume sole regulation for all aspects of educational quality in flight schools could raise jurisdictional issues, given the fact that education is a provincial responsibility. The Governance Branch of the Ministry has indicated that a legal opinion would be necessary on this question, should government decide to consider PCTIA deregulation.

Finally, it should be noted that PCTIA has formed a committee to advise the PCTIA Board on possible bylaw and policy changes. The Ministry will be providing input into this initiative, recommending that PCTIA look into ways to lessen regulatory burden for institutions, but also at ways to better ensure institutional quality – with the aim of strengthening public and student confidence in the private career system. Deregulating flight schools at this time would remove them from any of the benefits that arise from the Review – both for the institutions and for their students.

Recommendation: The evidence does not support moving forward on deregulation of flight schools from PCTIA at this time. However, there are two steps underway that may address flight schools concerns:

- As noted, a Ministry review of the PCTIA Bylaws is in progress. Recommendations made under this Review will likely address many of the issues that the flight schools

have raised (particularly around paperwork, fees, and the regulatory burden on small institutions). Additionally, PCTIA will be asked to examine whether there are any additional areas where Transport Canada regulations can be deemed as sufficient to meet PCTIA's regulations.

- ^{s.21} have been invited to submit may indicate further areas where PCTIA's regulatory oversight could be amended. The Ministry will consider any arguments put forward by flight schools if and when they are received.

**MINISTRY OF REGIONAL ECONOMIC AND
SKILLS DEVELOPMENT
DECISION NOTE**

Date: Jan 21, 2011
Cliff# 78338
File# 200-20/PCTIA

PREPARED FOR: Honourable Ida Chong
Minister of Regional Economic and Skills Development

ISSUE: Regulation of flight schools by Transport Canada and the Private Career Training Institutions Agency (PCTIA) – case for PCTIA deregulation.

BACKGROUND:

The *Private Career Training Institutions Act* gives PCTIA responsibility for mandatory registration of private career training institutions in the Province of British Columbia. As with all other private career training institutions, flight schools that offer programs charging over \$1,000 in tuition and that are over 40 hours in duration, are required to be registered with PCTIA. Thirty-Four flight schools are currently registered with PCTIA (23 of the 34 are also accredited), with enrolments totalling 978 students.

s.17, s.21

s.17, s.21

s.17, s.21 have cited the example of driver training schools, which were exempted from PCTIA regulations in 2008 as it was determined that they were dually regulated by both PCTIA and the Insurance Corporation of British Columbia (ICBC). As done by the driver training schools, Ministry staff has asked s.17, s.21 to work together on a sector proposal in order to examine their specific concerns in more detail. No proposal has been received to date. Ministry staff, in consultation with Transport Canada staff, has completed an analysis of areas where PCTIA may be able to rely on Transport Canada rather than require separate documentation to show compliance – the Ministry will need to discuss this potential with PCTIA. The analysis also shows areas where gaps identified Transport Canada regulations to be less or significantly less stringent than PCTIA's (Attachment 1).

DISCUSSION:

The analysis outlines: the basic mandate and mission of PCTIA and Transport Canada; a side-by-side comparison of the regulations for both organizations in the areas of Consumer Protection, Educational Standards, Capacity to offer Educational Programs, Regulatory Fees, and Academic Support.

s.13, s.17, s.21

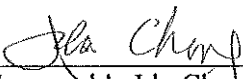
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paperwork, fee levels and the regulatory burden on small institutions. While these issues apply to the career training sector broadly and are not specific to flight schools, the recommendations relating to small and rural schools highlight many similar issues to those raised by flight schools. Additionally, PCTIA will be asked to examine whether there are any additional areas where Transport Canada regulations can be deemed as sufficient to meet PCTIA's regulations.

OPTIONS:

s.13, s.17, s.21

Approved / Not Approved


Honourable Ida Chong

Date: Feb. 28/11

Attachment

Prepared by: Kevin Wilson, Policy Analyst
Phone #: 250-387-6195

Approved by:	
Director	DA
Executive Director	DM
Assistant Deputy Minister	JD
Deputy Minister	ADS.

Page 42 redacted for the following reason:

s.14

MINISTRY OF ADVANCED EDUCATION DECISION NOTE

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

ISSUE: Designation standard for institutions eligible to host international students

BACKGROUND:

The federal *Immigration and Refugee Protection Regulations* are being amended to reduce fraud and increase the integrity of Citizenship and Immigration Canada's (CIC's) International Student Program (ISP). The new regulations will be in force in spring 2014, subject to federal Cabinet approval of the final regulatory package (Attachment A). The federal changes require jurisdictions to develop a list of institutions eligible to host international students with study permits (studying in programs longer than six months). Institutions not on the 'list' can still host students studying in Canada for periods of six months or less. The changes apply only to post-secondary institutions at present.

CIC and provinces/territories developed a pan-Canadian Eligibility Framework that sets out "Common Elements" as minimum standards institutions must meet to host international students (Attachment B). Individual jurisdictions can add further requirements for their 'list' (Attachment C).

British Columbia must now determine a quality assurance standard by which to define the list of institutions eligible to host international students. In this regard, the Ministry has explored a range of options.

DISCUSSION:

s.13, s.17

Page 44 redacted for the following reason:

s.13, s.17

OPTIONS:

s.13, s.17

RECOMMENDATION:

Option 1: s.13, s.17

Approved / Not Approved


Honourable Amrik Virk

Date: July 30, 2013

NEXT STEPS:

- s.13
- Finalize implementation plan, including development of communications materials
- Negotiation of CIC-BC bilateral MOU specific to ISP changes

Attachments:

Attachment A – CIC Overview of Changes

Attachment B – Eligibility Framework – “Common Elements”

Attachment C – Summary of proposed designation strategies of other provinces

Attachment D – EQA Eligibility Requirements

Attachment E – EQA Standard Transition Implementation

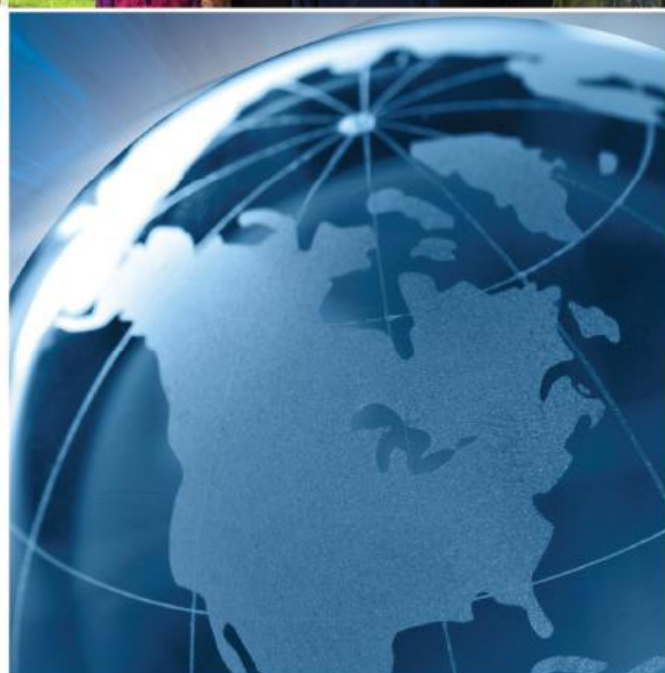
Prepared by:	Laurie Brucker/Senior Policy Advisor, International Education	Reviewed by:	
	Fraser Valley/Interior Region		
Phone #:	250-356-5432	Director	KM
		Executive Director	DS
		Assistant Deputy Minister	DM
		Deputy Minister	JG

Overview of Proposed Changes to Canada's International Student Program

January 2013



Citizenship and Immigration Canada



Overview of Proposed Changes to Canada's International Student Program

Regulatory Amendment to Require Study after Arrival in Canada

Currently, foreign nationals destined to Canada for the purpose of study must only demonstrate intent to study. Under the current *Immigration and Refugee Protection Regulations* (IRPR), there is no requirement for students to be registered at an institution to attend classes after arrival in Canada. Students who have not registered, or attended classes for extended periods of time, but who still hold valid Study Permits, cannot currently be reported under the *Immigration and Refugee Protection Act* (IRPA) for misrepresentation, and can remain in Canada legally until the expiration of their Study Permit.

To ensure that foreign nationals entering Canada for the purpose of study are genuine students, CIC will introduce new Study Permit conditions in the IRPR which will require all Study Permit holders to be enrolled and actively pursuing a course or program of study at a designated educational institution after arrival in Canada, in order to maintain legal status. In support of proposed regulations, CIC is proposing to establish an electronic system that would, with support from provinces/territories, require educational institutions to report to CIC on the status of international students' compliance with Study Permit conditions.

CIC and CBSA officers would have the authority to take enforcement actions against Study Permit holders who fail to meet conditions after arrival in Canada. Enforcement actions could include desk investigations undertaken by CIC or field investigations undertaken by the CBSA regarding student compliance with Study Permit conditions. CIC or CBSA would issue a removal order in circumstances where students do not comply with their study permit conditions.

Regulatory Amendment to Limit Issuance of Study Permits to Foreign Nationals Destined to Designated Educational Institutions

In Canada, there are currently no limitations on the types of educational institutions allowed to host international students. While provinces/territories have jurisdiction over education, and may set quality assessment standards for certain education sectors within their jurisdictions, some education providers are not overseen by education ministries. There is, therefore, a wide variation in the types of accountability and/or quality assurance measures that may be in place for different types of institutions across provinces/territories. The proposed amendments to the IRPR will only allow a foreign national to apply for a Study Permit if he/she has been accepted to a designated educational institution.

Designation of educational institutions would be guided by the "Educational Institution Eligibility Policy Framework" developed by provincial governments in consultation with CIC, which sets out to identify minimum common standards that educational institutions must meet to host international students, including agreeing to report to provinces/territories and CIC on international student enrolment and good standing status. The Framework also outlines both CIC and provincial/territorial roles in the administration of the Framework.

The Framework is designed to establish a common approach to the designation policies that would be developed and implemented in each jurisdiction across Canada. It is also recognized that jurisdictions will have flexibility in the specific measures implemented to address these principles. The common approach outlined in the Framework document provides the basis for bilateral agreements to be concluded between CIC and each province/territory. Building upon this basis, provinces/territories will further tailor these bilateral agreements according to jurisdictional requirements.

In the event that a province/territory does not sign an agreement with CIC agreeing to designate educational institutions, under proposed regulations CIC would limit issuance of Study Permits to foreign nationals attending only the following types of institutions:

- a public post-secondary learning institution in Canada that is recognized by the province;
- in the case of Quebec, a private post-secondary learning institution in Quebec that operates under the same rules and regulations as public post-secondary learning institutions in Quebec;
- a private post-secondary learning institution in Canada that is recognized by the province and that is authorized by the province to confer degrees, but only in the case where the foreign national in question is enrolled in a program of study that leads to a degree as authorized by the province;
- a learning institution within a public school board or district that is funded by and accountable to the province; or
- an independent or private learning institution in Canada that delivers provincial curricula.

Although they are not required to do so, foreign nationals would continue to be authorized to apply for a Study Permit for a program of six months or less, as is currently the case, but only if they are destined to a designated institution.

Non-Designated Educational Institutions

Those foreign nationals who wish to attend an institution that has not been designated would be permitted to undertake a course or program of study lasting six months or less (short-term studies) as a temporary resident (assuming all other requirements are met). At the end of the period of authorized stay, the foreign national would be required to leave Canada, as is currently the case.

Foreign nationals at non-designated institutions would not be eligible for Work Permit programs designed for international students – e.g. Co-op/Internship Work Permit Program, Off-Campus Work Permit Program, Post-Graduation Work Permit Program.

Work Permit Programs

Proposed Regulations would limit access to Work Permit programs to only those students attending designated educational institutions. Further, Work Permit programs would be limited to full-time students who are enrolled in and actively pursuing an academic, professional or vocational training program leading to a degree, diploma or certificate; those students

undertaking English or French as a Second Language (ESL/FSL) programs, general interest courses or preparatory courses would, therefore, be excluded from all Work Permit programs.

The proposed amendments would also authorize full-time international students to work off-campus for a maximum of 20 hours per week without a work permit, provided they hold a valid Study Permit and their program of study is at least six months in duration at the post-secondary level. International students would, consequently, no longer be required to apply for an Off-Campus Work Permit.

In-Canada Study Permit Application

Certain foreign nationals who wish to apply for a study permit to attend a designated institution after they have entered Canada as a temporary resident, including those studying at the pre-school, primary or secondary level, or those who have completed a course or program of study that is a condition for acceptance at a designated institution, would be authorized under the proposed Regulations to apply for a study permit from within Canada instead of being required to leave the country to apply from abroad. This change would further facilitate the transition from visitor to study permit holder for minor students once they reach the age of majority, as well as for those students who wish to transition from a short-term preparatory program to a longer-term college or university program.

Implementation of Regulatory Amendments

Once finally published, these regulations would come into force in January 2014. Upon the coming into force of these proposed Regulations, those students who already hold a study permit and are studying at a non-designated institution would be permitted to complete the program of study in which they were enrolled, or obtain an extension for this purpose for the duration of their program of study or three years after the day on which the proposed Regulations come into force, whichever is shorter. The condition of actively pursuing studies would immediately be effective at the coming into force of the Regulations, and therefore, the option to issue a removal order for not actively pursuing studies would also be in place immediately.

PROPOSED INTERNATIONAL STUDENT PROGRAM CHANGES: SUMMARY TABLE

CURRENT	PROPOSED
STUDY PERMITS	
Conditions on study permit holders (Ref. Proposed Regulation 220.1)	
None	<ul style="list-style-type: none"> - Must be enrolled at a designated institution - Must actively pursue their program of study
Short-term studies (Ref. IRPR, 188 (1)(c), (2); Operational Manual, Overseas Processing 12 - Students 5.11)	
<p>A foreign national may study in Canada without a study permit if the duration of their course or program of studies is six months or less and will be completed within the period for their stay authorized upon entry into Canada</p> <p>A foreign national may, however, apply for study permit before entering Canada for a course or program of studies of a duration of six months or less</p>	No change
WORK PROGRAMS	
On-Campus (Ref. IRPR, 186(f); Operational Manual, Overseas Processing 12 – Students, s. 5.20– Proposed Regulation 186 (f) (i) and (ii))	
A foreign national may work in Canada without a work permit if they are a full-time student, on the campus of the university or college at which they are a full-time student, for the period for which they hold a study permit to study at that university or college	No change
Off-Campus (Ref. IRPR 205(c)(ii); Operational Manual, Overseas Processing 12 – Students, s. 5.23)	
To be eligible to work off-campus you must:	No change
Have a valid study permit	
Have a valid work permit	<ul style="list-style-type: none"> - Authorization to work made part of the study permit when certain conditions are met (in particular full-time studies) - Requirement for work permit itself has been removed
Study at a participating institution	Study at a <i>designated</i> institution
Have been a full-time student for at least six of the 12 months preceding the date of your work permit application	<ul style="list-style-type: none"> - Be a full-time student and enrolled in a program of at least six months in duration - Six month wait period preceding work permit application removed
Be in satisfactory academic standing	Be enrolled and actively pursuing a course or program of study, as per study permit

	conditions
NOT be registered in general interest courses or programs that consist primarily in English or French as a second language (ESL/FSL) instruction	No change
20 hour limit to employment off-campus during the year, and ability to work full time during scheduled breaks	No change
Co-op: Work related to a research, educational or training program (Ref. IRPR 205(c)(i); Proposed Regulation 205(c)(i) and (i1); Operational Manual, Temporary Foreign Workers Guidelines – FW 1, s. 5.37)	
Have a valid work permit (fee exempt)	No change (a co-op work permit is still required)
Applies to foreign students whose intended employment forms an essential and integral part of their course of study in Canada	No change
The employment has been certified by a responsible academic official of the training institution as forming an essential and integral part of the student's course of study in Canada	No change
The employment practicum does not form more than 50% of the total program of study	No change
Applies to any program offered by a university, college, or school, and the school does not have to have degree granting authority; for example, a private language school offering a co-op program	Applies to an <i>academic, vocational or professional training program</i> offered by a <i>designated, post-secondary</i> institution; private language schools are no longer eligible
Post-Graduation (Ref. IRPR 205(c)(ii); Operational Manual, Overseas Processing 12 – Students, s. 5.24)	
<i>No changes to educational institution eligibility at this time.</i>	

Canada's International Student Program

Educational Institution Eligibility Policy Framework

**Prepared by Citizenship and Immigration Canada for consideration by the
Federal-Provincial-Territorial Working Group on International Students**

Draft version: June 2012

"DRAFT FOR DISCUSSION PURPOSES ONLY"

Educational Institution Eligibility Policy Framework

Context

On 15 June 2010, federal, provincial and territorial (FPT) Ministers responsible for immigration agreed to work together to improve Canada's standing as a destination of choice for international students. Since this time, Citizenship and Immigration Canada (CIC) has worked with provincial/territorial ministries of immigration and education— through the Federal-Provincial/Territorial Working Group on International Students – to discuss a number of proposed reforms to the International Student Program (ISP), which will assist Ministers in meeting this commitment. The key reforms proposed include the introduction of new conditions that would require international students in Canada to study, and that this study takes place at an educational institution designated by provinces/territories for the purpose of hosting international students with study permits. These new requirements will be put in place through amendments to the *Immigration and Refugee Protection Regulations* (IRPR).

The designation of educational institutions across Canada involves an important new role for provinces/territories given their jurisdiction over education. In fact, in order to be able to host international students with study permits, educational institutions will be required to first obtain designation from their respective ministry of education or advanced education. To support this new requirement, the following “Educational Institution Eligibility Framework” will outline common elements educational institutions will be required to meet in order to obtain designation, and identify the roles and responsibilities of provinces/territories and CIC in the administration of the Framework.

Objective

The “Educational Institution Eligibility Policy Framework” outlines a pan-Canadian approach to guide jurisdictions in the designation of educational institutions based on common elements. The Framework takes into account that provinces/territories have common levers over educational institutions, both formal and informal, which enable them to provide varying degrees of oversight over education institutions. It also recognizes that the specifics of these mechanisms are varied both within and across jurisdictions.

This Framework gives assurance that a suitable basis exists for the purpose of designating educational institutions for the purpose of hosting international students with study permits in both the public and private education sectors. It also supports cooperation and coordination between federal and provincial/territorial governments in meeting common goals to improve the integrity of Canada's ISP, enhance accountability to international students as well as to Canadians, and improve Canada's standing as a destination of choice for international students seeking a quality education.

This Framework is intended to structure subsequent bilateral arrangements between CIC and provinces/territories, and between provinces/territories and educational institutions in their respective jurisdictions. The objective of the arrangements is to outline roles and responsibilities with respect to administering the ISP, and to facilitate information-sharing, based on the provisions outlined in this Framework.

It is recognized that while the denial of designation and/or revocation of designation status could potentially affect an institution's revenue or reputation, protecting the interests of international students, the Canadian public, and Canada's reputation abroad are the paramount considerations under this Framework.

Scope

This Framework will outline common elements educational institutions must meet in order to be eligible to host international students with study permits, as well as the roles and responsibilities of CIC and provinces/territories regarding designation and revocation of designation.

Given the active role played by educational institutions in the promotion, recruitment and admission of foreign nationals, educational institutions have an important role to play with respect to maintaining the integrity of the ISP. Educational institutions are also a key source for up-to-date information on the status of international students after their arrival to Canada, such as enrolment status. As such, educational institutions are central to efforts by both levels of government to effectively manage the risks inherent in admitting foreign nationals to Canada for the purposes of study, work, and potential immigration.

For this reason, designated educational institutions will be asked to report on the status of international students with study permits after arrival in Canada, to determine whether or not international students are meeting the conditions of their study permit. This requirement will be a condition for hosting international students with study permits, and will form part of the common elements for designation. To support this work, CIC will be responsible for developing a compliance reporting system for educational institutions.

Access to international student work permit programs will be limited to eligible study permit holders attending a designated institution. Any decisions concerning expanding access to CIC's work-permit programs will not be considered as part of this framework.

Approach

This framework is premised on the establishment of common elements to be used when designating educational institutions for the purpose of hosting international students with study permits. These common elements should apply across all education sub-sectors, both public and private, in recognition of the need to accommodate the diversity of purposes of Canadian education.

The common elements should be reflected in the designation policies of each jurisdiction across Canada. It is recognized that jurisdictions will require flexibility in the specific measures implemented under the Framework. Each jurisdiction will therefore implement designation policies that are responsive to their own particular needs while being consistent with the Framework.

Federal and provincial/territorial governments will ensure that the decisions they make in implementing this Framework apply their respective legislative, regulatory and/or policy frameworks, and are consistent with this Framework. Implementation will be formalized through bilateral CIC-provincial/territorial arrangements, which will outline respective provincial/territorial designation

policies, formalize CIC and provincial/territorial roles and responsibilities with respect to the designation and enforcement of designation, and facilitate information sharing.

Provinces/Territories will subsequently establish bilateral arrangements with designated educational institutions outlining the provincial/territorial designation policy, which shall include the common elements established under this Framework, and may include additional provincial/territorial requirements over and above those identified in this Framework.

Common Elements for Designation

All jurisdictions agree to the development of common elements or minimum standards for developing designation criteria in order to assure the integrity of Canada's ISP, enhance accountability to international students as well as to Canadians, and assure Canada's standing as a destination of choice for international students seeking a quality education. Designation criteria will include the following minimum common elements:

1. In order to be eligible for designation by a province or territory, an institution must be deemed by the province/territory in which it is located to be in good standing with respect to any applicable provincial/territorial legislation, regulations, and/or policies governing education, and/or with bylaws, standards, and policies respecting the delivery of education or training programs set by accrediting or standard-setting bodies recognized by the provincial/territorial government.
2. That the educational institution agrees to and is accountable for meeting the following terms and conditions:
 - a. has adopted policies and put procedures in place that provide for the protection of international students with study permits, including a transparent tuition-fee refund policy which is made available to all incoming international students upon offer of admission;
 - b. has established policies and procedures related to language proficiency and credential assessment and recognition for international students, and disseminates accurate and transparent information regarding those policies to prospective students;
 - c. has sufficient administrative capacity to provide services to meet the unique needs of international students;
 - d. undertakes promotional initiatives that are, where applicable, in compliance with existing provincial or territorial regulations or policies on advertising, including compliance with the Imagine Education au/in Canada brand-eligibility framework;
 - e. has a published policy that outlines the elements that constitute a student's good standing at the institution and, where applicable, demonstrates that that policy is consistent with provincial/territorial requirements.
 - f. is capable of maintaining the following enrolment-reporting requirements and has designated an individual who will be responsible for:
 - i. confirming the initial enrolment of each international student with a study permit;
 - ii. reporting on the ongoing enrolment status of all international students with student permits attending that institution;

3. meeting such other criteria as may be specified in the terms and conditions of the institution's bilateral agreement with the province/territory in which it is located.

s.13, s.16, s.17

Pages 57 through 60 redacted for the following reasons:

s.13, s.16, s.17

94591 – Attachment C

Summary of proposed designation strategies of other provinces

To date, only Ontario has publicly announced its final strategy and/or criteria for “designating” institutions with respect to the federal regulation changes to the International Student Program (ISP). s.16

Alberta

s.16

Manitoba

- Introduced the *International Education Act* in May 2013

s.16

Nova Scotia

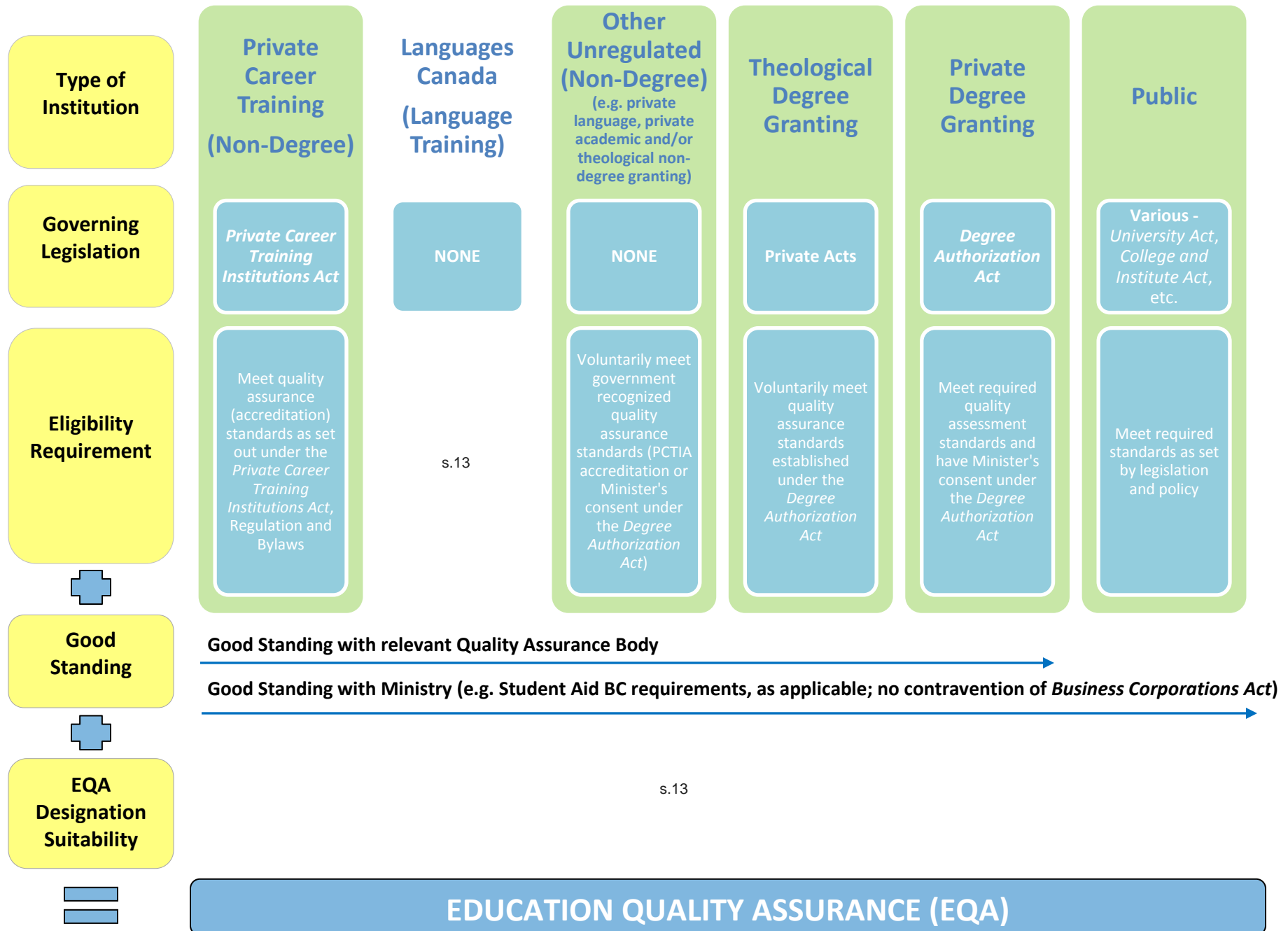
- Introduced *The Language Schools Act* in April 2013, to regulate language schools

s.16

Ontario

- As of early July, has distributed Implementation Guidelines and application forms for institutions to apply for designation for the purpose of the ISP changes, including pathways by institution type
- Provides pathway for private language schools to achieve designation, noting separate requirements for “unregulated” institutions, including three years in operation; also notes Languages Canada is “Recognized Quality Assurance Organization for Language Programs”, from which some accrediting requirements will be acceptable for specific pieces of the ISP designation process
- Guidelines identify sixteen criteria for designation of institutions under the ISP, against which the Ministry of Training, Colleges and Universities will assess each institution
 - The criteria incorporate the pan-Canadian Common Elements, and include elements related to student supports, financial capacity, reporting requirements, ethical recruitment practices and minimum requirement of three years in operation
- Requires Designation Agreements between the Ministry and participating institutions

Education Quality Assurance (EQA) Eligibility Requirements



Page 63 redacted for the following reason:

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**MINISTRY OF ADVANCED EDUCATION
BRIEFING NOTE**

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

DATE AND TIME OF MEETING: July 30, 2013, 3:15 pm

ATTENDEES: Mary Ellen Turpel-Lafond, Representative for Children and Youth and
John Greschner, Deputy Representative for Children and Youth
Dawn Minty, Assistant Deputy Minister, Post-Secondary Regions
and Programs

ISSUE: The purpose of the meeting is to:

- Provide an opportunity for Mary Ellen Turpel-Lafond and John Greschner to have an introductory meeting with the Minister; and
- Discuss the concept of a tuition waiver for youth who are, or were, under a Continuing Custody Order (CCO), and wish to pursue post-secondary education.

BACKGROUND:

In November 2006, Mary Ellen Turpel-Lafond was appointed British Columbia's Representative for Children and Youth.

The Representative for Children and Youth serves British Columbians under the age of 19 with a focus of ensuring that young people in government care (e.g. foster homes, group homes or youth custody) do well. Children and youth in government care face greater challenges than those in the general population in a number of areas including education.

In 2007, the Representative for Children and Youth wrote a joint special report entitled, *Health and Well-Being of Children in Care in British Columbia: Educational Experience and Outcomes* with Dr. Perry Kendall, the Provincial Health Officer.

According to the report very few former children in care arrive in post-secondary programs and, of those who do graduate from high school, few are in the academic stream and eligible for university-level post-secondary education.

DISCUSSION:

On average, nearly 4,500 children and youth are in the long term care of the Province at any one time – i.e., under a CCO. Approximately 55 percent of children and youth in care are Aboriginal. Of these, approximately 1,700 are taking secondary school level courses (grades 9-12). There are also a significant number of former children in care between the ages of 19 and 24.

The provincial graduation rate (defined as completing grade 12 with a Dogwood certificate within six years of entering grade 8) in British Columbia high schools is 82 percent, but only 58 percent for Aboriginal students. For children under a CCO, the graduation rate is only about half that of other students and transition rates to post-secondary education are considerably less than the average student population. The graduation and transition numbers for Aboriginal children under a CCO are even lower.

To help close the educational gap between youth in care (and specifically Aboriginal youth in care) and the general population, and better equip them to participate fully in the economy, the Representative has recommended a youth in care tuition waiver.

s.13, s.17

YEAF is for former youth in care who have been in full custody of the Ministry and provides grants to 19 to 24 year olds attending a post-secondary institution. The grant amount varies each year; for the current school year the grant is \$5,500, and is intended to be used for tuition, books or living expenses.

AYA is a \$5 million program supporting young people aged 19 to 24 transitioning out of care and into adulthood. AYA provides financial assistance and support services to finish high school, learn job and life skills, attend college or university, and/or complete a rehabilitation program. Financial assistance includes living expenses, child care, tuition fees, and health care.


Vancouver Island University has indicated an interest in implementing a tuition waiver initiative based on discussions they have had with the Representative's office and the Delegated Aboriginal Agency, Kw'umut Lelum,

SUGGESTED RESPONSE POINTS:

- I appreciate the opportunity to meet with you today.
- My Ministry is always looking for different approaches to make higher education more accessible and affordable.
- We recognize there are unique challenges faced by youth in care and former youth in care.
- Increasing access to post-secondary education and training, especially for Aboriginal people, continues to be a key priority for government.
- I appreciate the insights you shared on tuition fee waivers.
- As we move forward, there will be consultation with the Representative's office.

Attachments: Appendix A – Youth in Care Tuition Waivers in Other Provinces.
Appendix B - Biography for Mary Ellen Turpel-Lafond, Representative for Children and Youth.
Appendix C - Biography for John Greschner, Deputy Representative for Children and Youth.

Prepared by: Sandra Cavallin
Policy Analyst
Strategic Policy and Planning
Branch
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Reviewed by:
Director AB
Executive Director
Assistant Deputy Minister 
Deputy Minister

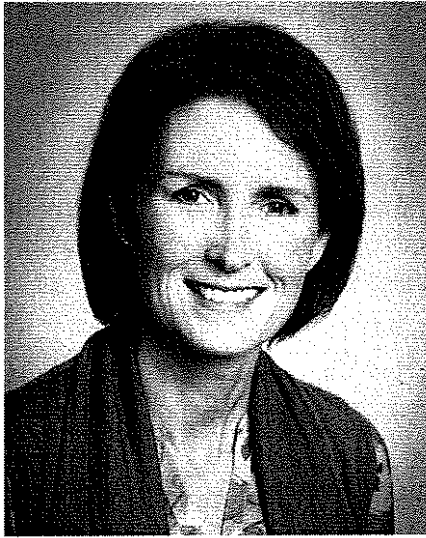
Youth in Care Tuition Waivers in Other Provinces

Ontario and Manitoba have both recently announced similar tuition waiver programs.

Ontario is partnering with its universities and colleges to help former Crown wards and youth in and leaving care to pay for their post-secondary education. Starting September 2013, Ontario is providing a grant of \$500 per month to help cover living costs as well as covering 100 percent of tuition fees to a maximum of \$6,000 per year. The Ontario Government will cover 50 percent of tuition costs for 850 eligible students, and participating post-secondary institutions will cover the remaining cost of tuition for up to four years.

In Manitoba, the University of Winnipeg and Brandon University have both introduced Youth in Care Tuition Waiver Programs. Both universities are partnering with the Manitoba Child and Family Services Authority which provides support for living expenses including housing, textbooks and meal plans while they are attending university.

Mary Ellen Turpel-Lafond



Mary Ellen Turpel-Lafond was appointed B.C.'s first Representative for Children and Youth in November 2006. The Representative is an Independent Officer of the Legislature.

Ms Turpel-Lafond is on leave from the Saskatchewan Provincial Court, where she was the Administrative Judge for Saskatoon.

She was appointed to the bench in 1998, and was actively involved in projects relating to access to justice, judicial independence, and public outreach.

She has also worked as a criminal law judge in youth and adult courts, with an emphasis on developing partnerships to better serve the needs of young people in the justice system, particularly sexually exploited children and youth, and children and youth with disabilities, such as those who suffer from fetal alcohol spectrum disorder.

Ms Turpel-Lafond was a tenured law professor at Dalhousie University Faculty of Law, and taught law at the University of Toronto, the University of Notre Dame and other universities. She has been a visiting professor at University of British Columbia and University of Victoria law schools.

She holds a doctorate of law from Harvard Law School, a master's degree in international law from Cambridge University, a law degree from Osgoode Hall, and a bachelor of arts degree from Carleton University. She also holds a certificate in the international and comparative law of human rights from the University of Strasbourg in France. The Representative received honorary doctorate degrees from Ontario's Brock University in 2010 and from B.C.'s Thompson Rivers University in 2009.

In 2007, the Indigenous Bar Association awarded her the distinction of 'Indigenous Peoples' Counsel'. As well, Time Magazine has twice bestowed honours upon Ms Turpel-Lafond, naming her one of the '100 Global Leaders of Tomorrow' in 1994, and one of the 'Top 20 Canadian Leaders for the 21st Century' in 1999.

In 2009, Ms Turpel-Lafond was awarded the Bill McFarland Award from the Parent Support Services Society of B.C. This award recognizes her outstanding commitment to the prevention of

child abuse and her many efforts, as B.C.'s Representative for Children and Youth and previously as a judge and a lawyer, through which she has made a lasting mark in child welfare.

In November 2010, Ms Turpel-Lafond was awarded the Perry Shawana Award for the leadership she has provided and her work as a champion for the voices and rights of children, as well as, her advocacy on their behalf and her outstanding commitment to their well-being. Also in November 2010, the Vancouver Sun recognized Ms Turpel-Lafond as one of B.C.'s top 100 most influential women.

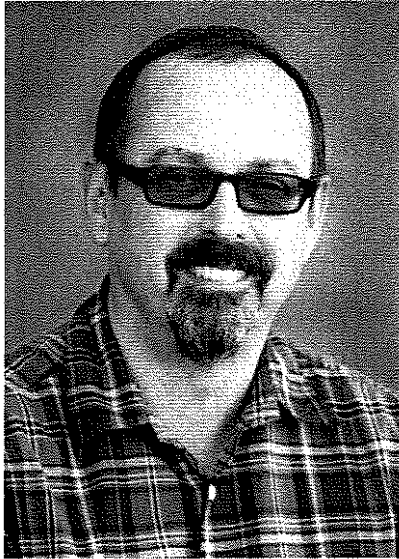
In February 2011, the Trudeau Foundation named Ms Turpel-Lafond as one of their 10 new Trudeau Mentors. Trudeau Mentors are selected from the most eminent Canadian practitioners in all sectors of public life. Ms Turpel-Lafond will assist her assigned Scholar in research and work contributing to strong social-serving systems that support the vulnerable in society.

Ms Turpel-Lafond is the elected President of the Canadian Council of Child and Youth Advocates, an alliance of provincial children's advocates from across the country who champion the voice and rights of children in their respective provinces and territories. She also serves on the Board of Directors of UNICEF Canada.

A member of the Muskeg Lake Cree Nation, she is active in her First Nations community and published a book on the history of the Muskeg Lake Cree Nation that was short-listed for a Saskatchewan Book Award.

Ms Turpel-Lafond, her husband George Lafond, their son and three daughters, (including twins), live in Victoria, B.C.

John Greschner



John Greschner was appointed Deputy Representative for Children and Youth in February 2013.

Formerly the Chief Investigator and Associate Deputy, Greschner joined the Representative's office in July 2007.

Prior to that, he served as Deputy Minister Health and Social Services, Government of Yukon. He has also previously served in various positions in the Government of British Columbia, including: Deputy Child and Youth Officer; Deputy Commissioner, Chief Investigator and Chair of the Tribunal Division of the Children's Commission; and in a number of roles in the Ministry of Health, including Assistant Deputy Minister.

He began his career as a psychologist in rural and northern Saskatchewan, and managed community health and social services programs and mental health programs in a variety of hospital and community health organizations in Saskatchewan, Ontario and British Columbia.

Mr. Greschner and his wife Carrie live in Victoria, and have five grown children, and are proud grandparents.

**MINISTRY OF ADVANCED EDUCATION
BRIEFING NOTE**

Date:	September 10, 2013
Cliff#	95677
File#	280-20

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

ISSUE: Private Career Training Institutions Agency's cancellation of Royal
Canadian Institute of Technology's registration and closure of institution

BACKGROUND:

Mr. Michael Khan, founder of the Royal Canadian Institute of Technology (RCIT) wrote to the Premier on November 27, 2012 requesting intervention into the matter of cancellation of RCIT's registration and accreditation by the Private Career Training Institutions Agency (PCTIA) on October 5, 2012.

While the Province of British Columbia is responsible for the legislation that governs private career training in British Columbia, Government does not directly oversee private career training institutions. These institutions are regulated by PCTIA, a Crown agency created by the Province under the authority of the *Private Career Training Institutions Act*.

PCTIA's Investigation

s.13, s.17

Pages 72 through 74 redacted for the following reasons:

s.13, s.17

**MINISTRY OF ADVANCED EDUCATION
DECISION NOTE**

Date: September 13, 2013
Cliff# 95591
File#
Version # 2

PREPARED FOR: Honourable Amrik Virk
Minister of Advanced Education

s.12

Page 76 redacted for the following reason:

s.12

Prepared by:	Jason Rohrick Senior Policy Analyst	Reviewed by:	
	Governance and Quality Assurance Branch	Director	
Phone #:	(250) 356-2061	Executive Director	
		Assistant Deputy Minister	
		Deputy Minister	

Pages 78 through 82 redacted for the following reasons:

s.12



Cabinet Submission – Request for Decision

s.12

Pages 84 through 89 redacted for the following reasons:

s.12

Private Career Training Agency Bylaw changes - 2012

The following provides a summary of the key changes to the PCTIA Bylaws, through the 2012 Bylaw Review:

Section	Key Changes(s)
Part A - Definitions	<ul style="list-style-type: none"> • Included several definitions to assist with interpretation and clarity
Part B - Formalities	<ul style="list-style-type: none"> • No key changes
Part C - The board	<ul style="list-style-type: none"> • Election process - The election process was clarified to include scrutinizers and provisions for record keeping. • Election of Board Officers - this section was amended to include the appointment of an interim Chairperson and Vice Chairperson. • Board Committees - this section was amended to provide at least one board member of the Student Complaint Committee is not an employee or owner of a registered institution.
Part D - Registration	<ul style="list-style-type: none"> • No key changes
Part E - Accreditation	<ul style="list-style-type: none"> • No key changes
Part F - Standards for Registered and Accredited Institutions	<p>This section was completely re-formatted for clarity. Key changes include:</p> <ul style="list-style-type: none"> • Revision of standards concerning Mission Statement. The sections pertaining to an institution's mission statement and goals has been considerably reduced to allow the Agency to focus on educational quality. • A stipulation that student tuition deposits are deemed by the Agency to be held "in trust" by the institution. • Removal of all references to "contract/corporate" third-party training. • <u>The PCTIA Board has determined that participants in contract/corporate training are supported by their employer and therefore, not in need of the PCTIA's protection.</u> • A new requirement that an institution's Senior Educational Administrator must have completed an instructor diploma program or equivalent. • A new requirement that all student records be provided to the Agency in the event of an institution's closure. • As noted above, a number of Accreditation Standards of Quality have been moved to Basic Education standards so that they apply to all institutions. • The addition of "Continuous Improvement Framework" as a new standard for accredited institutions. The requirements within this standard put the onus on the accredited institutions to track, evaluate and improve their offerings based on student outcome data and program advisory committee input.
Part G – Other Requirements for Registration	<ul style="list-style-type: none"> • New section included to hold institutions accountable for representations made on their behalf by third-party advertising placed on the institutions' behalf.

Part H – Claims Against the Student Training Completion Fund	<ul style="list-style-type: none"> • No key changes
Part I- Student Complaints	<ul style="list-style-type: none"> • No key changes
Part J –Financial Reporting and Fees Payable to the Agency	<ul style="list-style-type: none"> • Financial statements will be required at a “Review Engagement Report” level or higher except for smaller institutions who can opt for a less expensive option. • The fee schedule for fixed annual fees payable to the Agency has been revised to make it more equitable. • For service fees have increased (such as accreditation fees) to cover increased costs.
Part K – Appeals to the Registrar and the board	<ul style="list-style-type: none"> • No key changes
Part L – Transitional Provisions	<ul style="list-style-type: none"> • Transitional provisions included to allow institutions reasonable time to make required adjustments.