



Province of Alberta

PRIVATE VOCATIONAL TRAINING ACT

PRIVATE VOCATIONAL TRAINING REGULATION

Alberta Regulation 341/2003

With amendments up to and including Alberta Regulation 149/2016

Office Consolidation

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(Consolidated up to 149/2016)

ALBERTA REGULATION 341/2003

Private Vocational Training Act

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Definitions

1(1) In this Regulation,

- (a) “applicant” means a person who wishes to provide vocational training to students;
- (b) “campus” means
 - (i) a single premises at which vocational training is provided by a private institution, or

- (ii) two or more premises at which vocational training is provided by a private institution and that the Director considers, because the premises are close to each other, to be one single campus;
- (c), (d) repealed AR 349/2009 s2;
- (e) “employment placement rate”, in respect of a particular vocational training, means, in a reporting period, the number of students who graduated and obtained employment related to that vocational training as compared with the number of students who graduated and were expected to obtain employment related to that vocational training, expressed as a percentage;
- (e.1) “incidental fees” means fees and other costs that are not tuition fees, including the cost or estimated cost of textbooks, lesson materials, supplies and equipment that students are required to purchase, for vocational training;
- (f) “registration fee” means the fee referred to in section 14(1);
- (g) “student graduation rate”, in respect of a particular vocational training, means, in a reporting period, the number of students who graduated as compared with the number of students who were expected to graduate in that vocational training, expressed as a percentage;
- (h) “tuition fees” means the registration fee and the other fees covering the actual cost of instruction.

(2) References to a licence include the terms and conditions to which the licence is subject, whether included as part of the licence or in a separate document.

AR 341/2003 s1;296/2006;349/2009;149/2016

Criteria for vocation

2 An occupation, calling, trade or pursuit is a vocation if the occupation, calling, trade or pursuit

- (a) requires the application of specialized skills and knowledge, and
- (b) is capable of providing the practitioner with a livelihood.

Exemptions

3 The Act does not apply to

- (a) training intended
 - (i) to provide personal interest or enjoyment, or
 - (ii) to update existing skillsrather than to provide a livelihood,
- (b) vocational training for which the tuition fees are less than \$1000,
- (c) any program leading to the granting of a degree under the *Post-secondary Learning Act*,
- (d) vocational training provided by or on behalf of
 - (i) a public post-secondary institution under the *Post-secondary Learning Act*,
 - (ii) a private institution incorporated under a private Act of the Legislature, unless a licence is required for the provision of student financial assistance,
 - (iii) an institution authorized to conduct vocational training under a licence issued under an Act of Canada or Alberta other than the *Private Vocational Training Act*, unless a licence is required for the provision of student financial assistance,
 - (iv) an employer, an association of employers or a labour union for the in-service training of its employees or members, or
 - (v) a professional association for members of that profession,
- (e) vocational training for which all of the operating funds are provided by grants from the Government of Alberta or Canada, or an agency, board, council or foundation of the Government of Alberta or Canada, or
- (f) vocational training in which all students who are registered have had their tuition fees paid by the Government of Alberta or Canada.

AR 341/2003 s3;296/2006;349/2009;149/2016

Application requirements

4(1) An applicant for a licence must provide the Director with the following:

- (a) the applicant's name and home address or business address;
 - (a.1) the address of the premises where the training will be provided;
 - (b) the application fee, made payable to the Government of Alberta;
 - (c) the security required under section 10;
 - (d) a description of the vocational training and the certificate or diploma to be awarded;
 - (e) specific information about the tuition fees and incidental fees;
 - (f) information about any legal claims pending against the applicant;
 - (g) information respecting the applicant's previous or current ownership of adult vocational training institutions;
 - (h) information respecting previous or current positions, other than as an owner, with a vocational training institution in respect of the operation of the vocational training institution or the provision of adult vocational training, such as board member, registrar, manager or instructor;
 - (i) where the applicant is not an individual, information, with respect to the applicant's chief executive officer or another individual who is named by the applicant as responsible for the day-to-day operations of the applicant, respecting previous or current positions held by that individual and referred to in clause (h).
- (2)** The applicant must provide a statutory declaration in a form set by the Director declaring that
- (a) the information provided is true and accurate to the best of the belief of the applicant or, where the applicant is not an individual, of the individual referred to in subsection (1)(i), and
 - (b) the applicant has financial resources that are adequate to effectively provide the vocational training on an ongoing basis.
- (3)** The Director may request any additional information necessary to enable the Director to review an application, and the applicant must provide the information requested.

(4) If before a decision is made under section 5 there is a change in any of the information provided to the Director under subsection (1) or (3), the applicant must immediately notify the Director in writing of the change.

AR 341/2003 s4;68/2008;349/2009;31/2012;
62/2013;149/2016

Director's review

5 The Director may issue a licence if the Director is satisfied that

- (a) there are one or more vocations that a graduate of the vocational training would be qualified to enter and there is a demand in the labour market for persons qualified in those vocations,
- (b) the curriculum is regarded by the industry as relevant,
- (c) the admission requirements for students are appropriate to the vocational training,
- (d) the qualifications required for instructors are recognized by industry as being appropriate,
- (e) the applicant has adequate financial resources for the effective provision of the vocational training,
- (f) the premises at which the vocational training will be provided complies with all applicable municipal bylaws and all applicable municipal zoning, fire, health, safety and building requirements established by or under law,
- (g) the applicant has in place an effective process for the resolution of complaints made by students,
- (h) the applicant has undertaken to provide to each student, before the student commences the vocational training and at any time when a student requests it, the rules and policies respecting
 - (i) the resolution of complaints made by students,
 - (ii) the circumstances under which students may be suspended or expelled,
 - (iii) the attendance of students, and
 - (iv) the monitoring and reporting of students' academic progress,

and

- (i) the vocational training program will be operated in an appropriate manner.

(2) Repealed AR 349/2009 s5.

AR 341/2003 s5;296/2006;349/2009;149/2016

Conditions precedent

6 Before a licence is issued,

- (a) repealed AR 149/2016 c6,
- (b) the applicant must agree in writing to comply with the Act, this Regulation and any conditions that the Director imposes or may impose on the licence.

AR 341/2003 s6;149/2016

7 Repealed AR 349/2009 s6.

Separate applications

8(1) If an applicant intends to provide more than one program of instruction, the applicant must apply for a licence for each program of instruction the applicant intends to provide.

(2) If vocational training is to be provided by an applicant at more than one campus, the applicant must apply for a licence for each campus, and subsection (1) applies so as to require a separate licence for each program of instruction provided at each campus.

AR 341/2003 s8;149/2016

Changes after licence issued

9 After a licence is issued,

- (a) a licensee must advise the Director of any proposed change to any of the following, and must obtain the approval of the Director before making the change:
 - (i) repealed AR 149/2016 s8;
 - (ii) the vocational training provided under the licence;
 - (iii) the qualifications required for instructors;
 - (iv) the admission requirements;
 - (v) the premises at which vocational training is provided;
 - (vi) the security provided to the Director in respect of the licence;

- (vii) any other thing specified by the Director in writing,
- (b) a licensee must as soon as possible notify the Director in writing of any change in its financial resources that may adversely affect the licensee's ability to effectively provide the vocational training offered under its licence on an ongoing basis,
- (c) a licensee must notify the Director in writing of any proposed change in any fee payable for vocational training before the fee is changed, and
- (d) a licensee must notify the Director in writing of any proposed change in the ownership of an adult vocational training institution offering licensed vocational training at least 30 days before the change in ownership occurs.

AR 341/2003 s9;349/2009;149/2016

Security

10(1) An applicant for a licence must submit security in the form of a surety bond, an irrevocable letter of credit or in another form, and in an amount, that are acceptable to the Director and, subject to that acceptance requirement, the security may be changed during the duration of the licence.

(2) Repealed AR 149/2016 s9.

(3) If the Director believes that the security provided by a licensee is no longer sufficient, the Director may at any time require the licensee to provide additional security in the form of a surety bond or an irrevocable letter of credit or in another form, and in an amount, that are acceptable to the Director, and the licensee must submit the additional security.

(4) to (7) Repealed AR 296/2006 s5.

(8) The licensee must ensure that any security submitted in respect of a licence remains in force for as long as the licence is in force.

AR 341/2003 s10;296/2006;149/2016

Forfeiture of security

11(1) The Director may declare any security that has been submitted by a licensee under section 10 to be forfeited to the Crown in right of Alberta if

- (a) in the Director's opinion, the licensee

- (i) is required under a student contract or by or under this Regulation to refund any of the tuition fees or incidental fees, and
- (ii) is unable or refuses to make the refund,

or

- (b) the security is to be cancelled and the Director is unable to form the opinion described in clause (a).

(2) The Director must distribute the forfeited security in accordance with section 21.

(3) The Director is responsible for determining the amounts to be distributed and, if the amount of all tuition fees to be refunded exceeds the amount of the security, the security must be distributed on a pro rata basis among those students entitled to a refund in proportion to the cost of the vocational training not provided to those students.

AR 341/2003 s11;296/2006;349/2009;149/2016

Student contract

12(1) A licensee must enter into a student contract with each student who is to receive licensed vocational training, and the licensee must provide a copy of the signed student contract to the student forthwith.

(2) The period in which a student contract has effect is

- (a) the period established by the Director, or
- (b) if the Director does not establish the period, the school term for which the student is enrolled.

(3) A licensee must not enter into a student contract with a person under 16 years of age without the prior written approval of the Director.

(4) Repealed AR 149/2016 s11.

AR 341/2003 s12;149/2016

Termination of student contract

13(1) A student or a licensee may terminate a student contract by giving written notice of the termination to the other party.

(2) The notice referred to in subsection (1) may be delivered to the other party in any manner provided that a receipt or other verification is available that indicates the date on which the notice is delivered.

(3) A student contract is terminated on the date on which the notice under subsection (1) is delivered.

(4) Despite subsections (1) to (3), the Director may, after considering the relevant circumstances, determine the date that a student contract is to be considered to have been terminated for the purpose of a refund under section 17 of this Regulation.

AR 341/2003 s13;349/2009

Registration fee

14(1) Subject to subsection (2), a licensee may require a student to pay a registration fee of not more than \$500 before that person's vocational training begins.

(2) A licensee must not require or accept payment of

- (a) a registration fee in respect of a prospective student until that person has signed a student contract, or
- (b) any other tuition fee or any incidental fee in respect of a student or a prospective student before that person's vocational training begins.

(2.1) Despite subsection (2)(b), a licensee may accept a tuition fee referred to in that clause in respect of a student before that person's vocational training begins if the fee is paid by a third party approved by the Director.

(3) A licensee who receives a registration fee must credit the fee to unpaid tuition fees if the student commences the vocational training.

AR 341/2003 s14;349/2009;149/2016

Cooling off period

15 Notwithstanding anything in this Regulation, if a student terminates a student contract on or before the 4th business day after signing the contract, the licensee must refund all tuition fees paid by or on behalf of the student.

AR 341/2003 s15;149/2016

Refund and retention of fees before training begins

16(1) If a student terminates a student contract before the vocational training begins, the licensee is entitled to retain any registration fee that has been paid, regardless of who paid it.

(2) The licensee shall refund any registration fees that have been paid if

- (a) a licensee terminates a student contract before the vocational training begins, or
- (b) subject to subsection (1), the vocational training does not begin on the commencement date set out in the student contract.

(3) The licensee shall refund any tuition fee that it has accepted pursuant to section 14(2.1) if the student contract is terminated before the vocational training begins.

AR 341/2003 s16;149/2016

Refund of tuition - after training begins

17(1) If a student contract is terminated after the vocational training begins, the licensee is entitled to the following amounts of the tuition fees:

- (a) when 10% or less of the vocational training has been provided, 25% of the tuition fees;
- (b) when more than 10% but 50% or less of the vocational training has been provided, 60% of the tuition fees;
- (c) when more than 50% of the vocational training has been provided, 100% of the tuition fees.

(2) If a licensee has received tuition fees in excess of the amount that the licensee is entitled to under subsection (1), the licensee must refund the excess amount.

(3) For the purpose of this section, vocational training provided by correspondence is provided as lessons are supplied, marked and returned to the student.

AR 341/2003 s17;349/2009;149/2016

Abandoning provision of vocational training

18(1) A licensee abandons the provision of vocational training under its licence if the licensee stops providing the vocational training before it is complete and

- (a) there are student contracts for the vocational training that have not been terminated, or
- (b) all student contracts for the vocational training have been terminated but one or more of the contracts were, in the Director's opinion, terminated by the licensee so that the licensee would not be required to provide the vocational training.

(2) Notwithstanding sections 16 and 17, if a licensee abandons the provision of vocational training under its licence,

- (a) subject to subsection (5), the licensee must refund all tuition fees that have been paid in respect of the vocational training, and
- (b) section 11 applies if the licensee is unable or refuses to make the refund.

(3) A licensee is deemed to have abandoned the provision of vocational training by correspondence if lessons cease to be supplied, marked and returned to the student.

(4) A licensee is not considered to have abandoned the provision of vocational training if the Director is of the opinion that the licensee is providing a means to enable a student to complete the vocational training without any disadvantage.

(5) This section does not require the refund of any tuition fees in respect of a student whose student contract is terminated

- (a) by the student before the licensee abandons the provision of vocational training, or
- (b) by the licensee before the licensee abandons the provision of vocational training where the termination was made because the student was expelled or for non-payment of fees.

AR 341/2003 s18;149/2016

Cancellation of licence

19(1) Notwithstanding sections 16 and 17, if a licensee's licence is cancelled, the licensee must refund all tuition fees that have been paid in respect of the vocational training provided under that licence at the time the licence is cancelled.

(2) This section does not require the refund of tuition fees in respect of a student whose student contract is terminated

- (a) by the student before the licence is cancelled, or
- (b) by the licensee before the licence is cancelled if the termination was made because the student was expelled or for non-payment of any tuition fees.

AR 341/2003 s19;149/2016

False or misleading information

20 Notwithstanding sections 16 and 17, where, in the opinion of the Director, the determining factor that induced a student to enter

into a student contract was false or misleading information provided by the licensee or the licensee's authorized representative about the vocational training, including but not limited to the content, delivery or outcome of the vocational training, the Director may require that the licensee take one or more corrective measures that the Director considers appropriate in the circumstances, including but not limited to

- (a) refunding all or part of the tuition fees paid by or on behalf of a student, or
- (b) delivering a component of the vocational training to the student.

AR 341/2003 s20;296/2006;149/2016

Payment of refunds

21(1) Subject to subsection (2), a refund of a student's tuition fees or incidental fees must be paid

- (a) to the student, or
- (b) in the case of a student who has an outstanding student loan in respect of the vocational training for which the refund is being provided, to the lender that made the student loan.

(2) If a licensee receives payment of a student's tuition fees from a government, agency or person other than the student, any refund of those tuition fees must be paid to the government, agency or other person.

(2.1) A refund under section 16(2)(a) must be paid to the third party referred to in section 14(2.1) to the extent that that party paid the tuition fees.

(3) If a licensee is required to refund any tuition fee or incidental fee, the refund must be paid not later than the earlier of the following:

- (a) 30 days from the day the student contract is terminated;
- (b) the time period specified in an order of the Director.

(4) Where a licensee is required by or under the Act or this Regulation to refund any tuition fee, the Director may in writing order a refund by the licensee of any incidental fee within the time specified in the order.

AR 341/2003 s21;349/2009;149/2016

Advertising

22(1) A licensee must not, in an advertisement for its vocational training,

- (a) repealed AR 349/2009 s13,
- (b) guarantee that students who graduate will obtain employment, or
- (c) make statements or claims that, in the opinion of the Director, are false or misleading.

(2) If the Director believes that a licensee has contravened subsection (1), the Director may, by written notice to the licensee, require the licensee to stop using the advertisement.

(3) A licensee who receives a notice under subsection (2) must stop using the advertisement specified in the notice.

AR 341/2003 s22;349/2009

Reports

23(1) A licensee must provide to the Director

- (a) if requested by the Director, reports that will enable the Director to determine if students have met admission requirements,
- (b) reports respecting the student graduation rate and the employment placement rate of its graduates, and
- (c) any other reports related to compliance with this Regulation on the request of the Director.

(2) The reports must be in the form set by the Director and must be provided at the times specified by the Director.

AR 341/2003 s23;149/2016

Unauthorized vocational training

24 A person who provides vocational training without a licence must refund any amount collected for the provision of the training to the person who paid the amount.

25 Repealed AR 149/2016 s21.

26 Repealed AR 149/2016 s22.

27 Repealed AR 149/2016 s23.



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