

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES



Private Career Colleges Act, 2005

FACT SHEET #1

EXEMPTIONS UNDER THE ACT

September 20, 2006

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

Not all vocational programs require approval under the *Private Career Colleges Act, 2005* before they can be offered to the public. The information in this document is intended as an overview of institutional and program exemptions under the *Private Career Colleges Act, 2005*.

New Under the Private Career Colleges Act, 2005

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

1. What does it mean to be exempt?

Exemption under the *Private Career Colleges Act, 2005* means that an institution is not required to be registered with the Superintendent of Private Career Colleges and/or a program offered by an institution does not require approval before being offered to the public.

Institutions that are exempt from registration under the *Private Career Colleges Act, 2005* are permitted to deliver the programs, but students at such institutions should be aware that they are not entitled to rights under the *Private Career Colleges Act, 2005*.

Similarly, students attending a registered private career college, but who are enrolled in a program that does not require the approval of the Superintendent, are not entitled to the protections under the *Private Career Colleges Act, 2005*.

2. What is a private career college?

Under the *Private Career Colleges Act, 2005* a “private career college” is any type of organization that contracts directly with a student to provide them with a vocational program. This **does not** include: a college of applied arts and technology, university or elementary or secondary school. Institutions that do not have a physical presence in Ontario are also not required to be registered under the *Private Career Colleges Act, 2005*.

Elements of a physical presence in Ontario are **any one** of the following:

- i) A head office;
- ii) A postal address or telephone or fax number;
- iii) Occupation of property for the purposes of providing or administering vocational programs;
- iv) Employment of an agent or manager who provides or arranges the provision of vocational programs in Ontario, an employee who teaches or administers/invigilates examinations.

New under the Private Career Colleges Act, 2005

Non-profit/Religious trainers: Effective September 18, 2007 not for profit organizations delivering vocational programs will be required to be registered and have their programs approved under the *Private Career Colleges Act, 2005*. This would include religious institutions if they are delivering non-religious vocational programs e.g. lay counselling.

3. What types of programs *must be* approved?

Generally, a vocational program provides instruction in the skills and knowledge required in order to obtain employment in each occupation included in the National Occupational Classification (NOC). Codes can be found on the Government of Canada's Human Resources and Skills Development website at: <http://www23.hrdc-drhc.gc.ca/>.

New Under Private Career Colleges Act, 2005

Foundation Programs: Even though both firefighters and police must undertake special training after they are hired, the regulation clarifies that foundation programs for these vocations must be approved.

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

Flight Training: Programs offering flight training will now be required to be approved.

Private career colleges have until one year from proclamation, September 18, 2007 to have these programs approved. After that date you will not be allowed to offer these programs. You should discuss with your program consultant any questions you have about these types of programs.

4. What types of programs do not require approval?

Single Skill Training

Programs which provide one or some, but not all of the skills and knowledge required to work in a vocation do not require approval. This does not mean that a private career college can avoid meeting its obligations under the *Private Career Colleges Act, 2005* by offering only partial programs. As soon as a program is characterized as training in a particular vocation or leading to employment in a vocation, it must offer all of the skills and knowledge necessary for employment and must be approved by the Superintendent of Private Career Colleges.

New under the *Private Career Colleges Act, 2005*

Training related to casino occupations (e.g. dealers) which were previously exempt now require approval. Programs related to heavy equipment operation e.g. bulldozer, backhoe or cement mixer driver can be approved as separate programs or bundled and approved as a heavy equipment operator program.

Private career colleges have until one year from proclamation, September 18, 2007 to have these programs approved. After that date you will not be allowed to offer these programs if they are not approved. You should discuss with your program consultant any questions you have about these types of programs.

Corporate and Third Party Training

Programs that are contracted **exclusively** to a third party rather than to individual students do not require approval. This includes private training providers who contract **exclusively** with businesses for the purpose of employee training. If, at any time, a third party or

corporate training program is offered to fee-paying members of the general public it would be considered vocational training and require approval.

NOC Exemptions

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

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

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

Qualifying Examination Preparation Courses

Programs which prepare students *specifically and only* to write qualifying examinations do not require approval, e.g. Law School Admission Test. A program which provides both vocational training and examination preparation require approval under the *Private Career Colleges Act, 2005*. For example, a Payroll and Accounting program prepares students to write the Canadian Payroll Association (CPA) certification exam, but it also provides the full range of skills and knowledge required to obtain employment in the field. Thus, a Payroll and Accounting program would require approval under the *Private Career Colleges Act, 2005*.

New under the *Private Career Colleges Act, 2005*

Programs for most commercial class driver licences require approval including class "A" licence preparation and programs for school bus or dump truck drivers. Private career colleges have until one year from proclamation, September 18, 2007 to have these programs approved. After that date you will not be allowed to offer these programs. You should discuss with your program consultant any questions you have about these types of programs.

Religious Vocational Training

Programs which provide training for work in a religious vocation do not require approval under the *Private Career Colleges Act, 2005* e.g., programs which provide the skills and knowledge to practice as a pastor do not require approval. This exemption applies whether or not the program is being provided by a religious organization.

Professional Development and Skill Upgrading Programs

Professional development and skill upgrading courses do not require approval under the *Private Career Colleges Act, 2005*. These types of programs are intended for individuals who already have experience in a related vocation and are offered for the purpose of upgrading or updating qualifications. For example, a communication program for international professional engineers would be considered a professional development program since those enrolled would already have the skills and knowledge required for employment as an engineer.

New under the Private Career Colleges Act, 2005

Under the previous *Private Career Colleges Act*, some programs were exempt as professional development if they required any qualification other than a high school diploma as a pre-requisite for entry into the program (e.g. “post diploma” programs). Under the *Private Career Colleges Act, 2005* these programs will no longer be exempt simply because they require some post-secondary education as a pre-requisite. Private career colleges have until one year from proclamation, September 18, 2007 to have these programs approved. After that date you will not be allowed to offer these programs. You should discuss with your program consultant any questions you have about these types of programs.

Programs Exclusively for Youth

Programs which are offered ***exclusively*** to students under the age of 18 do not require approval under the *Private Career Colleges Act, 2005*.

Programs under \$1000

Programs which cost less than \$1000 do not require approval under the *Private Career Colleges Act, 2005*.

If at any time you consider offering a combination of subjects and/or programs to potential students that would result in a vocational program that is greater than 40 hours in length and costs \$1000 or more, you are required to seek approval for the new vocational program.

Language Programs

Language training can sometimes be taught as part of a vocational program, however, programs which **exclusively** provide language instruction do not require approval under the *Private Career Colleges Act, 2005* (e.g. English as a Second Language (ESL) programs). Programs intended to provide the skills and knowledge required to teach a language (e.g. Teaching English as a Second Language (TESL) programs) require approval under the *Private Career Colleges Act, 2005*.

New Under Private Career Colleges Act, 2005

If your private career college offers both language and vocational training, you must use separate contracts for each program. In addition, you cannot withhold a refund for a vocational program to pay costs associated with a non- vocational program, nor can you require a student to take a particular language training program as a condition of being accepted into a vocational program. It is however, acceptable to require them to prove English proficiency as a condition of admission.

Programs Adequately Regulated by Another Piece of Legislation

Programs that are adequately regulated under another Act of the Legislature of Canada or Ontario do not require approval if the framework provides student protection and program quality provisions similar to those in the *Private Career Colleges Act, 2005*. For example, apprenticeship training for cooks and electricians delivered by a ministry approved Training Delivery Agent (TDA) is not required to be approved. However, if a private career college is not an approved TDA, the programs must be approved under the *Private Career Colleges Act, 2005*.

Programs of Short Duration

Programs which are less than 40 hours in length do not require approval under the *Private Career Colleges Act, 2005*. It should be noted that the Superintendent has the authority to issue policy directives that set program standards for a vocational program. The program standard may specify that a program must be a minimum period that is greater than 40 hours. If that is the case, a program cannot be exempt under this section. For example, the program standard for truck driver training may specify that there must be 200 hours of training. All truck driver training programs must be a minimum of 200 hours long and therefore could not be exempt under this section. Private career colleges and students should refer to the Superintendent of Private Career Colleges Policy Directives for program standards related to a particular program, which will be posted to the ministry website as they are developed.

Personal Interest or Hobby Courses

Personal interest and hobby courses are generally not considered vocational training and do not require approval (e.g. ballet or drama classes). However, if a program is designed to provide career training at the post-secondary level, the program requires approval (e.g. professional acting or professional dance). As a general rule, if the program being offered is intended to prepare a student for employment or a particular profession, it requires approval under the *Private Career Colleges Act, 2005*.

5. What happens if a private career college does not follow the rules?

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

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

If you are not sure whether the program you intend to offer requires approval, please speak to your program consultant or complete a Registration Pre-Screening Form. This form is available on the ServiceOntario website at: <http://www.serviceontario.ca/>.

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

Need More Information?

If you have questions about the *Private Career Colleges Act, 2005* contact the Private Institutions Branch at:

Private Institutions Branch
Ministry of Training, Colleges and Universities
10th Floor Mowat Block
900 Bay Street
Toronto, ON M7A1L2

Telephone: (416) 314-0500 or 1-866-330-3395
Fax: (416) 314-0499

OR

Visit our website at: www.edu.gov.on.ca/eng/general/private.html

The full text of the act and regulations can also be downloaded from the Ontario government E-Laws website at:
www.e-laws.gov.on.ca