



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PRIVATE TRAINING SCHOOLS ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PRIVATE TRAINING SCHOOLS ACT

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PRIVATE TRAINING SCHOOLS ACT

CHAPTER P-20.1

1. Definitions

In this Act

- (a) “**Administrator**” means the Administrator of Private Training Schools appointed under section 2;
- (b) “**Board**” means the Private Training Schools Advisory Board established under this Act;
- (c) “**instructor**” means any person who has been registered by the Administrator to teach or instruct in a school in the province of Prince Edward Island;
- (d) “**Minister**” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (e) “**regulations**” means the regulations made under section 14;
- (f) “**school**” means any private training school or place in which occupational career training instruction in any occupation is offered or provided, including any course of study whether by correspondence, home study, or otherwise, offered or operated by any person other than
 - (i) a chartered university in Canada,
 - (ii) a chartered college of applied arts and technology in Canada,
 - (iii) a department of the Government of Canada or of any province,
 - (iv) an education authority under the *Education Act* R.S.P.E.I. 1988, Cap. E-.02,
 - (v) a training facility organized or operated solely for the employees of a corporation or plant. 1995, c.32, s.1; 2016, c.6, s.126(2).

2. Administrator

There shall be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 an Administrator of Private Training Schools who, subject to the direction of the Minister, is responsible for the administration of this Act. 1995, c.32, s.2.

3. Registration requirement

- (1) No person shall operate any school unless that school is registered pursuant to this Act.

Instruction

- (2) No person who owns or operates a school, shall offer instruction in an occupation not specified in the certificate of registration or enter into any contract to provide instruction other than as authorized by the certificate of registration.

Contracts voided if unregistered

- (3) Unless an owner or operator holds a certificate of registration that is in force, any contract in respect of a course in or in connection with a school shall be null and void. *1995, c.32, s.3.*

4. Application

- (1) Every person carrying on or intending to carry on the business of a school shall make application for a certificate of registration to the Administrator in a form approved by the Minister and with the particulars prescribed by the regulations.

Registration

- (2) Upon the application for a certificate of registration or for renewal of a certificate of registration in accordance with the regulations, the Administrator may register the applicant as owner or operator of a school for the teaching of an occupation or course of instruction specified in the certificate.

Refusal of certificate

- (3) The Administrator may refuse to grant a certificate of registration, or any renewal thereof, if the applicant has not complied with the provisions of this Act and the regulations.

Expiration of certificate

- (4) Every certificate of registration under this Act expires one year from the date of issue.

Renewal

- (5) Applications for renewal of a certificate of registration shall be in the form approved by the Minister. *1995, c.32, s.4.*

5. Classification of schools

Schools shall be classified as follows:

Class I - those schools that offer training to the general public, and receive tuition fees directly from their students.

Class II - those schools that offer training to students sponsored by a third party, including a federal or provincial government department, education authority, or government agency.

Class III - those schools that offer training in academic upgrading, life skills, personal development or other related training that is intended to prepare persons for work or further study.

Class IV - those schools that offer training courses by correspondence, distance education or similar means. *1995, c.32, s.5; 2016, c.6, s.126(3).*

6. Advisory Board

- (1) The Lieutenant Governor in Council may appoint a Board, which shall be known as the Private Training Schools Advisory Board, and shall consist of not fewer than three persons.

Term of office

- (2) Members shall be appointed for three-year terms, and no member of the Board shall hold office for more than six consecutive years.



Chairperson

- (3) The Lieutenant Governor in Council may designate one of the members of the Board as chairperson.

Quorum

- (4) A majority of the members of the Board constitute a quorum.

Remuneration

- (5) Members of the Board who are not public servants shall be paid such reasonable and necessary expenses incurred in the performance of their functions as the Minister may determine.

Duties

- (6) The Board shall
- (a) when requested by the Minister, review, consider and make recommendations on any matters relating to private training schools;
 - (b) recommend legislative and policy initiatives to the Minister; and
 - (c) carry out such duties as the Minister may require. *1995, c.32, s.6.*

7. Students

- (1) No person under the age of sixteen years shall be admitted to any course offered by a school except if the course is conducted during a period when the person is not required to attend school pursuant to the *Education Act*.

Employment not guaranteed

- (2) No owner, operator, instructor or other employee of a school shall, verbally or in writing, guarantee employment or acceptance into a public education institution to any student in a school upon completion of the course. *1995, c.32, s.7; 2016, c.6, s.126(4).*

8. Instructors

The owner or operator of a school shall employ as instructors only those persons who have been approved by the Administrator as qualified instructors. *1995, c.32, s.8.*

9. Inspection of schools

- (1) The Administrator, or any person authorized by the Administrator, may inspect any school at any reasonable time it is being operated
- (a) to observe the method of instruction given therein;
 - (b) to inspect records and other documents relating to
 - (i) advertising of the school,
 - (ii) student enrolment,
 - (iii) pre-paid tuition, and
 - (iv) the ability of the school to provide the training for which it has contracted; and
 - (c) to determine the degree of compliance with this Act and the regulations.

Powers etc. of inspector

- (2) Where an inspection is carried out pursuant to subsection (1), the owner or operator of the school and every officer, instructor and other employee of the school shall provide the person conducting the inspection with such information and documentation as that person may require. *1995, c.32, s.9.*

10. Powers of Administrator to ensure compliance

Where the Administrator is satisfied that an owner or operator of a school, or any instructor or other employee of a school registered under this Act has failed to comply with this Act or the regulations, the Administrator may

- (a) cancel the certificate of registration of the school;
- (b) demand surrender of any performance bond or other form of security required under the regulations;
- (c) require that the tuition fees paid in advance be refunded in full or in part. *1995, c.32, s.10.*

11. Offence

Any person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 and for a second or subsequent offence, to a fine of not more than \$5,000 or to imprisonment for a term not exceeding twelve months. *1995, c.32, s.11.*

12. Limitation of action

No owner or operator of a school shall institute any action or other proceedings in any court in the province on any contract respecting the business carried on by a school unless that owner or operator is registered under this Act. *1995, c.32, s.12.*

13. Appeal of cancellation or refusal to register

- (1) Where the Administrator refuses to register a school or an instructor, or decides to cancel the registration of a school or instructor, the owner or operator of the school or the instructor may appeal the decision to an Appeal Board established by the Minister.

Notice of appeal

- (2) A notice of appeal, in the form approved by the Minister, must be filed with the chairperson of the Appeal Board within twenty-one days of receipt of notice of refusal to register or cancellation of registration.

Time for appeal

- (3) The Appeal Board shall hear an appeal within thirty days after notice of appeal is received by the chairperson of the Appeal Board.

Decision

- (4) After hearing an appeal pursuant to this section, the Appeal Board shall confirm, vary or set aside the decision of the Administrator.

No further appeal

- (5) A decision of the Appeal Board pursuant to this section is final. *1995, c.32, s.13.*



14. Regulations

The Lieutenant Governor in Council may make regulations

- (a) prescribing occupations or courses to which this Act and the regulations apply;
- (b) requiring schools to provide security in the form of bonds, or other measures acceptable to the Minister, for due performance of the school's contracts;
- (c) prescribing the terms and conditions upon which money paid for or on account of instruction in a school shall be retained by the owner or operator or be repayable to the student;
- (d) prescribing the amount that may be asked, charged or received from the public for any article produced entirely or in part in any school, or for the material used by, or for the services of any employee or student of, the school;
- (e) limiting the amount of articles, goods, or services produced in any school so that the school does not compete unfairly with the production of similar articles, goods or services in any factory or shop;
- (f) respecting the registration of owners or operators under this Act, and the duration, renewal and cancellation of registration, and the particulars required and the fees payable therefor;
- (g) providing that no certificate or other document as to the competency of any student shall be issued by a school unless the student has submitted to such examination as may be prescribed by the regulations, and prescribing fees for such examination and certificate;
- (h) generally, as to the conduct, operation and management of schools, the nature or designation of lessons or units of instruction, and the nature and conduct of examinations for certificates of competency;
- (i) prescribing the accommodation, equipment, tools, implements, instruments, books, and materials necessary for any school, and the means of instruction to be used and the number and qualifications of instructors to be engaged, and the maximum and minimum amounts that may be charged to a student in addition to the authorized tuition fee for the purchase or use of any article mentioned in this clause;
- (j) regulating the selling, advertising and offering for sale of any course of instruction offered by a school, and prohibiting any selling, advertising or offering for sale not in conformity with the regulations and prescribing the form of contract to be used;
- (k) prescribing the procedure to be followed in terminating contracts prior to completion;
- (l) prescribing the educational prerequisites of a student entering a course of instruction;
- (m) respecting the registration and qualifications of instructors employed in a school;
- (n) prescribing standards for the quality of curriculum and instructional materials, and for their delivery;
- (o) providing for the making of annual reports and the furnishing of information to the Administrator by the owner or operator of a school; and
- (p) exempting any school from the application of this Act; and
- (q) respecting the composition, functions and procedures of the appeal board; and
- (r) generally for the better administration of this Act. *1995, c.32, s.14.*

15. Repeal

Act repealed. *1995, c.32, s.15.*

16. Transitional

Any training school and any instructor registered under the *Trade Schools Act* on the date this Act comes into force shall be deemed to be registered under this Act. 1995, c.32, s.16.

