

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
POST-SECONDARY EDUCATION AND FUTURE SKILLS

Private Training Act

Ministerial Order No. M233

I, Lisa Beare, Minister of Post-Secondary Education and Future Skills, order that, effective January 1, 2025, the Private Training Regulation, B.C. Reg. 153/2016, is amended as set out in the attached Appendix.

July 9, 2024

Date



Minister of Post-Secondary Education and Future Skills

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Private Training Act*, S.B.C. 2015, c. 5, s. 63

Other: MO 219/2016

R10782637

APPENDIX

1 Section 1 of the Private Training Regulation, B.C. Reg. 153/2016, is amended by repealing the definition of “related fees” and substituting the following:

“related fees” means fees related to a program of instruction, including the following:

- (a) administrative fees;
- (b) aircraft utilization fees;
- (c) application fees;
- (d) assessment fees;
- (e) fees charged for course materials; .

2 Section 3 (a) (i) to (iv) is repealed and the following substituted:

- (i) 41302 (religious leaders);
- (ii) 42204 (religion workers);
- (iii) 55109 (other performers);
- (iv) 65229 (other support occupations in personal services), other than feng shui practitioner, massager, masseur/masseuse and Reiki master;
- (v) 53121 (actors, comedians and circus performers), other than actors; .

3 The following section is added to Part 1:

Prescribed fees

- 3.1** For the purposes of paragraph (e) of the definition of “tuition” in section 1 of the Act, aircraft utilization fees are prescribed.

4 Section 7 is amended

(a) in subsection (3) by striking out “Subject to subsection (6)” and substituting “Subject to subsections (3.1) and (6)”;

(b) in subsection (3) (b) by striking out “for the last year” and substituting “for the last 2 years”;

(c) in subsection (3) by adding the following paragraph:

- (g) if the institution does not hold a designation certificate on the institution’s certificate application date,
 - (i) the institution must have provided 100% of the hours of instruction of at least 50% of its approved programs of instruction to at least 5 students, and
 - (ii) the institution must offer at least one Class A or Class C program. ,

(d) by adding the following subsection:

- (3.1) For the purposes of section 7 (1) (a) of the Act, in addition to the requirements prescribed under subsection (3), an institution applying for a designation

certificate on or after January 1, 2026 must offer at least one Class A program or Class C program. ,

(e) in subsection (4) by striking out “subsections (2) (f) and (g) and (3) (b) and (e)” and substituting “subsections (2) (f) and (g), (3) (b), (e) and (g) and (3.1)”,

(f) by adding the following subsections:

(4.1) The requirements set out in subsections (3) (g) and (3.1) do not apply to an institution in the regulatory body institution class, as defined in the Fees and Student Tuition Protection Fund Regulation.

(4.2) The requirements set out in subsections (3) (g) (ii) and (3.1) do not apply to an institution if all of the approved programs offered by the institution are Class B programs that are designated under section 13 of the *Skilled Trades BC Act* as either an accredited program or a recognized program, as defined in section 1 (1) of that Act. , **and**

(g) in subsection (6) by striking out “subsections (2) and (3)” and substituting “subsections (2), (3) and (3.1)”.

5 Section 14 (1) is amended

(a) in paragraph (a.1) by striking out “relevant to the career occupation” and substituting “appropriate for the career occupation”, and

(b) in paragraph (c) by adding the following subparagraph:

(ix) the activities that the students will undertake during work experience components, if any, as set out in the applicable description submitted under section 13 (1) (k) (iii); .

6 Section 15 is repealed and the following substituted:

Definitions for this Part

15 In this Part:

“clinical placement” means a type of work experience component that

(a) is part of an approved program of instruction leading to employment in a career occupation in the health field, and

(b) involves no more than 12 students being supervised by one instructor;

“cooperative placement” means a type of work experience component for which a student is paid;

“grade appeal process” means the process set out in a policy established under section 43 [*grade appeal compliance standards*];

“learning management system” means a software application that is designed to manage education delivery;

“practicum” means a work experience component for which a student is not paid;

“preceptor” means an individual who is qualified to practise in the health field and who provides support and learning experiences to students;

“preceptorship” means a type of work experience component in which one student is supervised by one preceptor.

7 *The following section is added:*

Limits on work experience components

- 15.1** (1) Subject to subsection (2), the following limits apply in relation to work experience components for the purposes of this Part:
- (a) a practicum must not consist of more than 20% of the hours of instruction of an approved program of instruction;
 - (b) a preceptorship must not consist of more than 10% of the hours of instruction of an approved program of instruction;
 - (c) in any other case, a work experience component, or 2 or more work experience components together, must not consist of more than 50% of the hours of instruction of an approved program of instruction.
- (2) A work experience component, or 2 or more work experience components together, may consist of a greater percentage of hours of instruction than a percentage referred to in subsection (1) (a) to (c) if
- (a) the work experience component or components are part of a program of instruction leading to employment in a career occupation that is regulated by a regulator, and
 - (b) the regulator requires either
 - (i) a higher percentage of hours of instruction, or
 - (ii) a higher number of hours of instruction resulting in a higher percentage of hours of instruction.

8 *Section 17 is amended*

(a) by repealing subsection (2) (a) and substituting the following:

- (a) prominently identify in its publications, including on the institution’s website, if any, whether a program of instruction provided by the institution has been approved by the registrar; ,

(b) in subsection (2) (b) by striking out “including on its website, if the institution has a website,” and substituting “including on the institution’s website, if any,”

(c) by repealing subsection (2) (f) and substituting the following:

- (f) post in a prominent place on the institution’s website, if any, a link to the website of the Branch; ,

(d) in subsection (2) by adding the following paragraph:

- (g.1) beginning on January 1, 2026, ensure that the facilities of the institution include dedicated spaces that are available to international students who have been issued study permits, and accessible by those students outside the hours of instruction of an approved program, for the purpose of study and socializing; ,

(e) in subsection (2) (i) by striking out “on its website, if the institution has a website” and substituting “in a prominent place on the institution’s website, if any”,

(f) in subsection (2) (j) by striking out “in its publications and its website, if the institution has a website,” and substituting “in the institution’s publications and on the institution’s website, if any,”

(g) by repealing subsection (2) (k) and substituting the following:

(k) post in a prominent place on the institution’s website, if any, the institution’s tuition refund policy; , **and**

(h) by repealing subsection (4) and substituting the following:

(4) In respect of a notice referred to in subsection (2) (h), a certified institution must do the following:

(a) within 24 hours after the institution receives notice of the inspection,

(i) post the notice in a prominent place at the location where the inspection is to be conducted, and

(ii) post the notice in a prominent place on the institution’s website, if any;

(b) include in the notice the date, time and location of the inspection and the website of the Branch.

9 Section 18 is amended

(a) in subsection (2) (a.2) by striking out “relevant to the career occupation” and substituting “appropriate for the career occupation”,

(b) in subsection (2) by adding the following paragraphs:

(d.1) ensure that course materials are provided to students before or at the time the course materials are required for the purposes of the program;

(g.1) ensure that students are provided with regular access to the instructor of the program; , **and**

(c) by adding the following subsection:

(5) Without limiting subsection (2) (a), if a certified institution requires proficiency in the English language for admission to an approved program of instruction, the institution must measure that proficiency using only

(a) the Test of English as a Foreign Language,

(b) the International English Language Testing System, or

(c) another test of proficiency in the English language that has been developed by a third party and is generally accepted as a standardized test.

10 The following section is added:

Additional general compliance standards – distance education

- 18.1** (1) In addition to the other general compliance standards prescribed under this Division, the general compliance standards set out in this section are prescribed for a certified institution in relation to approved programs of instruction.
- (2) If a certified institution provides 50% or more of the hours of instruction of an approved program of instruction through distance education, other than hours of instruction for a work experience component, the institution must not enroll in that program an international student who has a study permit.
- (3) If a certified institution provides more than 20% of the hours of instruction of an approved program of instruction through distance education, other than hours of instruction for a work experience component, the institution must use a learning management system that meets the following requirements:
- (a) the system must be available at all times to students enrolled in the program, other than during any period reasonably required for maintenance, service or updating;
 - (b) the system must securely store or otherwise protect personal information of students who access or use the system;
 - (c) the system must be capable of verifying the identity of students who access or use the system;
 - (d) subject to subsection (4), the system must enable the institution to track and confirm the progress of a student enrolled in the program.
- (4) Subsection (3) (d) applies to a certified institution in relation to an approved program of instruction only if the program is provided at least in part by asynchronous instruction.
- (5) A certified institution that is required under subsection (3) to use a learning management system must ensure that students have reasonable access to technical support for the system throughout the program of instruction.

11 Section 21 is amended

(a) by adding the following subsections:

- (2.1) Beginning on January 1, 2026, subsection (2.2) applies in relation to an instructor of a vocational or practical course that is part of an approved program of instruction.
- (2.2) Subject to subsection (3), each year an instructor referred to in subsection (2.1) provides 20% or more of the hours of instruction of an approved program, other than hours of instruction for a work experience component, the instructor must complete at least 5 hours of professional development in one of the following:
- (a) an area relevant to the subject matter of the program;
 - (b) instructional delivery, design, assessment or evaluation. , *and*

(b) in subsection (3) by striking out “Subsection (2) (a), (b) and (c) does not apply” and substituting “Subsections (2) (a), (b) and (c) and (2.2) do not apply”.

12 Section 24 is amended

- (a) in subsection (2) (b) by striking out “18 months” and substituting “12 months”, and*
- (b) in subsection (2.1) by striking out “30%” and substituting “50%”.*

13 Section 29 is amended

(a) by renumbering the section as section 29 (1), and

(b) by adding the following subsections:

- (2) A certified institution that is appointed under section 18 [*program completion if institution ceased to hold certificate*] of the Act to provide a comparable program of instruction must not charge a student enrolled in the comparable program tuition unless the following apply:
 - (a) in respect of the program of instruction, an amount of tuition is payable by the student to the institution that ceased to hold a certificate;
 - (b) the registrar provides the institution providing the comparable program with written confirmation of the amount of tuition payable by the student.
- (3) A certified institution must not, in relation to a student enrolment contract with a student, accept more than \$1 000 in cash on account of tuition or related fees payable by the student under that student enrolment contract.

14 Section 30 is amended

(a) in subsection (1) (a) by striking out “\$1 000” and substituting “\$500”,

(b) by adding the following subsections:

- (3.1) A certified institution must not, at any one time, charge a student an aircraft utilization fee that is greater than \$5 000.
- (3.2) A certified institution that charges a student an aircraft utilization fee must not do either of the following:
 - (a) use the fee for any purpose other than the purpose for which it was charged;
 - (b) charge the student an additional aircraft utilization fee unless the amount of aircraft utilization fees held by the institution on the student’s account is reduced to less than \$5 000. , *and*

(c) in subsection (4) by striking out “Subject to sections 31 to 34” and substituting “Subject to sections 31 to 34.1”.

15 Section 32 (1) is amended by striking out “paid to the institution by or on behalf of a student for an approved program of instruction” and substituting “paid to the institution by or on behalf of a student enrolled in an approved program of instruction”.

16 Section 33 is amended by striking out “paid to the institution by or on behalf of an international student for an approved program of instruction, other than a program provided solely through distance education” and substituting “paid to the institution by or on behalf of an international student enrolled in an approved program of instruction, unless the program is provided solely through distance education”.

17 Section 34 is amended

- (a) by renumbering the section as section 34 (1),**
- (b) in subsection (1) by striking out “paid by or on behalf of a student” and substituting “paid to the institution by or on behalf of a student”, and**
- (c) by adding the following subsection:**
 - (2) Without limiting sections 31 to 33, a certified institution must refund all related fees, other than application fees, paid to the institution by or on behalf of a student enrolled in an approved program of instruction in the circumstances set out in section 35 (5).

18 The following section is added:

Refund of aircraft utilization fees – all students

- 34.1** Without limiting sections 31 to 34, a certified institution must refund unused aircraft utilization fees paid by or on behalf of a student enrolled in an approved program of instruction if any of the following apply:
- (a) the student provides a notice of withdrawal to the institution;
 - (b) the institution provides a notice of dismissal to the student;
 - (c) the student completes the program;
 - (d) the student does not attend any of the first 30% of the hours of instruction of the program.

19 Section 35 is repealed and the following substituted:

Partial refunds or recovery of tuition

- 35** (1) A certified institution may retain up to 50% of the tuition paid by or on behalf of a student under a student enrolment contract in relation to an approved program of instruction if the student does not attend any of the first 30% of the hours of instruction of the program.
- (2) A certified institution may retain or recover up to 50% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction if
- (a) the institution receives a notice of withdrawal from the student or provides a notice of dismissal to the student, and
 - (b) on the date the applicable notice referred to in paragraph (a) is received or provided, one of the following applies:
 - (i) if the program is provided solely by asynchronous instruction, the student has completed more than 30% but not more than 50% of the hours of instruction of the program;
 - (ii) in any other case, the institution has provided more than 30% but not more than 50% of the hours of instruction of the program.

- (3) A certified institution may retain or recover up to 30% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction if
 - (a) the institution receives a notice of withdrawal from the student or provides a notice of dismissal to the student, and
 - (b) on the date the applicable notice referred to in paragraph (a) is received or provided, one of the following applies:
 - (i) if the program is provided solely by asynchronous instruction, the student has completed more than 10% but not more than 30% of the hours of instruction of the program;
 - (ii) in any other case, the institution has provided more than 10% but not more than 30% of the hours of instruction of the program.
- (4) A certified institution may retain or recover up to 10% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction if
 - (a) the institution receives a notice of withdrawal from the student or provides a notice of dismissal to the student, and
 - (b) on the date the applicable notice referred to in paragraph (a) is received or provided, one of the following applies:
 - (i) if the program is provided solely by asynchronous instruction, the student has completed no more than 10% of the hours of instruction of the program;
 - (ii) in any other case, the institution has provided no more than 10% of the hours of instruction of the program.
- (5) A certified institution may retain or recover up to 10% of the tuition, to a maximum of \$1 000, paid or payable under a student enrolment contract in relation to an approved program of instruction if, no later than 7 days after the start date of the program, one of the following occurs:
 - (a) the institution receives a notice of withdrawal from the student;
 - (b) the institution provides a notice of dismissal to the student.
- (6) For the purposes of this section, a student has completed an hour of instruction if the student has received an evaluation of the student's performance in respect of that hour of instruction.

20 Section 37 is amended

(a) in subsection (3) by adding the following paragraph:

(b.1) evidence of how a refund of tuition or related fees, if applicable, was calculated; , **and**

(b) in subsection (5) by striking out "Subsection (3) (a), (b) and (d)" and substituting "Subsection (3) (a), (b), (b.1) and (d)".

21 Section 39 is amended by adding the following subsection:

(7) Beginning on July 1, 2025, subsections (4) to (6) do not apply in relation to a certified institution and, instead, if an archived student record issued by the certified institution includes a transcript issued by the institution, the institution must submit the archived student record to the registrar within 60 days after the following dates, as applicable:

- (a) the end date of the student enrolment contract;
- (b) the date the institution receives from the student a notice of withdrawal;
- (c) the date the institution provides a notice of dismissal to the student.

22 Section 41 (6) (d) is repealed and the following substituted:

- (d) includes regular written evaluations of the student, and .

23 Section 42 (5) (a) is repealed and the following substituted:

- (a) a student in respect of whom section 18 [*program completion if institution ceased to hold certificate*] of the Act applies; .

24 Section 44 is amended

(a) by renumbering the section as section 44 (1),

(b) in subsection (1) by striking out “As soon as practicable” and substituting “Subject to subsection (2), as soon as practicable”, and

(c) by adding the following subsection:

- (2) A certified institution must not grant a career training credential that is a diploma for the completion of a career training program that starts on or after January 1, 2026, unless the program would require at least 12 months to complete if a student was enrolled in the program full time.

25 Section 48.1 (3) (c) is repealed and the following substituted:

- (c) is posted in a prominent place on the institution’s website, if any, or, if the institution does not have a website, is made otherwise publicly available.

26 Section 48.2 (4) (b) is amended by striking out “on the institution’s website, if the institution has a website,” and substituting “in a prominent place on the institution’s website, if any,”.

27 Section 51 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) A certified institution, other than an Indigenous institution, must submit the following to the registrar no later than 5 months after the end of the institution’s fiscal year:

- (a) financial statements;
- (b) if section 52 (5) applies, audited financial statements. ,

(b) in subsection (2) by striking out “set out in section 52” and substituting “set out in this section”, and

(c) by adding the following subsection:

- (5) A certified institution that is an Indigenous institution must submit to the registrar, no later than 5 months after the end of the institution’s fiscal year, written confirmation of the institution’s annual tuition revenue for that previous fiscal year.

28 Section 52 is amended

(a) in subsection (1) by striking out “The following certified institutions” and substituting “Subject to subsection (6), the following certified institutions”,

(b) in subsection (2) by striking out “The following certified institutions” and substituting “Subject to subsection (7), the following certified institutions”, and

(c) by adding the following subsections:

- (6) Beginning on July 1, 2026, if a certified institution had annual tuition revenue of \$50 000 or less in the previous fiscal year, the institution must submit to the registrar a notice to reader with that institution’s financial statements for that previous fiscal year.

- (7) Beginning on July 1, 2026, a certified institution must submit to the registrar a review engagement with the institution’s financial statements for the previous fiscal year if

(a) the institution had annual tuition revenue of more than \$50 000 but not more than \$1 000 000 in that previous fiscal year and was assigned to category 3 in the most recent category assignment assessment, or

(b) the institution had annual tuition revenue of more than \$50 000 but not more than \$5 000 000 in that previous fiscal year and was assigned to category 1 or category 2 in the most recent category assignment assessment.

29 Section 53 is amended

(a) by renumbering the section as section 53 (1),

(b) in subsection (1) by striking out “, no later than 60 days before the expiry date included in the institution’s current certificate,”

(c) in subsection (1) by adding the following paragraph:

(k) the method of delivery for the program, , **and**

(d) by adding the following subsection:

- (2) A student data report required under subsection (1) must be submitted, in respect of every 3-month period, within 30 days after the end of that 3-month period.

30 Section 54 is repealed.

31 *Section 55 (1) (e) is amended by striking out “from the regulator that requires an institution to take any action” and substituting “between the regulator and an institution about a matter”.*

32 *Section 60.01 is amended*

(a) in subsection (1) by adding the following paragraph:

(d) a copy of the trustee’s reasons for a decision in relation to a claim under section 23 (1) (b) [*claims against fund*] of the Act, , **and**

(b) in subsection (2) by adding “and subsection (1) (d) of this section” before “must be published”.

33 *Section 62 (1) (a.1) is repealed and the following substituted:*

(a.1) be posted in a prominent place on the institution’s website, if any, .

34 *The following section is added to Part 7:*

Prohibited advertising and representations

62.1 A certified institution must not engage in advertising, or make a representation, that exerts undue pressure on a person to enroll in a program of instruction offered by the certified institution.