



Province of Alberta

INCOME AND EMPLOYMENT SUPPORTS ACT

TRAINING PROVIDER REGULATION

Alberta Regulation 186/2011

With amendments up to and including Alberta Regulation 234/2017

Office Consolidation

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(Consolidated up to 234/2017)

ALBERTA REGULATION 186/2011
Income and Employment Supports Act
TRAINING PROVIDER REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Income and Employment Supports Act*;
- (b) “approved training program” means a training program that has been approved by the Director under section 2;
- (c) “books and supplies” means books and supplies that, in the opinion of the Director, are essential to the successful completion of an approved training program, but does not include computer hardware;
- (d) “prescribed fees” means the fees referred to in section 56(2) of the *Income Support, Training and Health Benefits Regulation* (AR 122/2011);
- (e) “tuition-based training program” means an approved training program that is funded as provided for in section 3(1)(b).

Approval of training programs

2(1) The Director may

- (a) establish criteria for and procedures for the approval of training programs generally and for training programs within a category established under clause (b),

- (b) establish categories of training programs for the purposes of this Regulation including, without limitation, full-time learner and part-time learner training program categories, and
- (c) subject to subsection (3), approve a training program that meets the applicable criteria in accordance with the applicable procedures.

(2) The Director may approve a training program subject to the terms and conditions the Director considers appropriate.

(3) The Director may approve a training program only if

- (a) the Director considers that
 - (i) there are employment opportunities for graduates of the proposed training program, or
 - (ii) the program will prepare learners for further training leading to employment,

and

- (b) the person offering to provide the training program agrees in writing to comply with
 - (i) this Regulation and any policies governing the proposed training program, and
 - (ii) any terms or conditions of approval for the approved training program.

Funding of approved training programs

3(1) An approved training program may be funded

- (a) by the Minister directly funding the training provider to provide training to learners, or
- (b) by the direct or indirect payment to the training provider of tuition fees, prescribed fees and amounts for books and supplies provided to a person under section 9 of the Act.

(2) The Minister may, at the times that the Minister considers it appropriate,

- (a) establish the maximum funding available for all training programs offered by a training provider for a period of time out of the total funding allocated for training programs for that period,

- (b) establish the maximum number of learners that may participate in a training program offered by a training provider during the period referred to in clause (a), or
 - (c) vary a maximum established under clause (a) or (b).
- (3)** Unless otherwise permitted by the Director, a training provider must ensure
- (a) that the total charges for tuition fees, prescribed fees and books and supplies for learners in the tuition-based training programs offered by the training provider for a period of time do not exceed the maximum funding available for that period established under subsection (2), and
 - (b) that the number of learners accepted to participate for a period of time in an approved training program offered by the training provider does not exceed the maximum number of learners established under subsection (2).
- (4)** The Director may make rules respecting the calculation and payment of refunds for the purposes of section 21(f) of the Act for tuition-based training programs, and shall provide a training provider with any applicable rules.

Training provider records

- 4(1)** Subject to subsection (2), a training provider must maintain the following records:
- (a) records of tuition fees and prescribed fees paid by learners or by the Director on behalf of learners;
 - (b) records of learner enrolment, attendance, withdrawal and expulsion;
 - (c) learner progress records;
 - (d) records regarding those matters relating to learners that the training provider is required to monitor and report on under section 5(1)(i);
 - (e) any other records required by the Director.
- (2)** The Director may exempt a training provider from the requirement to maintain records referred to in subsection (1)(a), (b), (c) or (d).

- (3) The Director may determine the form and manner in which, the place at which and the time for which a training provider is required to maintain records referred to in subsection (1).
- (4) A training provider shall not dispose of records referred to in subsection (1) except in accordance with the standards and procedures established by the Director.
- (5) A training provider must ensure that the personal information that it collects or uses with respect to learners in an approved training program under the Act or this Regulation is used and disclosed only for the purpose of providing the approved training program or as otherwise authorized by law.
- (6) On reasonable notice and at reasonable times, a training provider must allow the Director or persons authorized by the Director to enter the premises where the records referred to in subsection (1) are kept and to inspect them.

Duties of training providers

- 5(1)** Unless exempted under subsection (2), a training provider shall
- (a) use the funds provided by a learner or to the training provider on behalf of a learner in accordance with any terms or conditions of approval for the approved training program in which the learner is enrolled,
 - (b) ensure that learners are enrolled in approved training programs for which they are eligible and have been approved, and monitor their continuing eligibility,
 - (c) with respect to fees and costs for an approved training program,
 - (i) charge tuition fees, prescribed fees and amounts for books and supplies within any limits established by the Director for the approved training program,
 - (ii) charge only the tuition fees, prescribed fees and amounts for books and supplies that have been approved for the approved training program and no other fees or amounts, and
 - (iii) charge learners comparable tuition fees, prescribed fees and amounts for books and supplies as are charged to other students in comparable programs provided by the training provider,

- (d) ensure that the premises at which an approved training program is provided comply with municipal zoning bylaws and all applicable municipal and provincial public health, safety, fire and building standards requirements,
- (e) ensure that the instructors for an approved training program
 - (i) have the necessary qualifications to provide instruction, and
 - (ii) provide adequate instruction to learners in the approved training program,
- (f) maintain any licensing, certification or accreditation required for an approved training program,
- (g) establish and enforce a written attendance policy for learners in an approved training program that
 - (i) sets out the attendance requirements for learners in the approved training program, and
 - (ii) meets the requirements for attendance policies established by the Minister,
- (h) monitor and report on the progress of learners, as required by the Director, while the learners are enrolled in the approved training program,
- (i) notify the Director, within the time and in the form and manner determined by the Director, if a learner
 - (i) fails to meet the full-time course requirements set out in the training service plan approved for the learner under the *Income Support, Training and Health Benefits Regulation* (AR 122/2011), in the case of a learner to whom section 44 of that regulation applies,
 - (ii) fails to maintain acceptable attendance and progress requirements applicable to the learner under sections 45 and 46 or 65 and 66 of the *Income Support, Training and Health Benefits Regulation* (AR 122/2011),
 - (iii) is not enrolled in the approved training program as set out in the training service plan approved for the learner under the *Income Support, Training and Health Benefits Regulation* (AR 122/2011), or
 - (iv) withdraws, is expelled or is considered to have withdrawn from an approved training program,

- (j) notify the Director of a proposed change to any of the following before making the change:
 - (i) any thing relating to an approved training program that would affect the provision or operation of the approved training program;
 - (ii) the ownership of the training provider;
 - (iii) the premises at which an approved training program is provided;
 - (iv) any other thing specified by the Director in writing,
- (k) at the request of the Director, provide confirmation of any changes in enrolment in an approved training program,
- (l) monitor and report on matters relating to learners following completion of their approved training programs, in accordance with the requirements established by the Director,
- (m) for each approved training program, continue to meet the performance expectations required by the Director,
- (n) for each approved training program that is a tuition-based training program, maintain the amount of security required under section 6, if any,
- (o) ensure that refunds of tuition and other prescribed fees under section 21(f) of the Act in respect of tuition-based training programs are paid to the Government of Alberta,
- (p) use the forms and electronic systems determined by the Director, and
- (q) comply with any other requirements provided for by the Director.

(2) The Director may exempt a training provider from a requirement set out in subsection (1)(c), (g), (h), (k), (l), (n), (p) or (q).

Security

6(1) If the Director requires it, a training provider providing a tuition-based training program must provide the Minister with security in a form and amount that is acceptable to the Director.

(2) The Director may declare any security that has been provided by a training provider under subsection (1) to be forfeited to the Crown in right of Alberta if

- (a) the training provider is unable to provide an approved training program or to provide an approved training program to its conclusion, or
 - (b) the training provider is required to make a refund under section 21(f) of the Act and the training provider is unable or refuses to make the refund.
- (3)** The Director may use a security forfeited under subsection (2)(a) for any purpose the Director considers appropriate relating to a training provider not providing an approved training program or not providing an approved training program to its conclusion.
- (4)** The Director must apply the amount of a security forfeited under subsection (2)(b) to the amount of the refund required under section 21(f) of the Act.
- (5)** If part of a forfeited security is not expended under subsection (3) or (4), the Director must return the security or retain it for the purposes of subsection (1).

Repeal

- 7** The *Training Provider Regulation* (AR 384/2003) is repealed.
- 8** Repealed AR 234/2017 s2.

Coming into force

- 9** This Regulation comes into force on September 1, 2011.



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