

# *Private Career Colleges Act, 2005*

## **Commonly Asked Questions – Flight Training\***

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**\*Please also visit the ministry’s website at <http://www.edu.gov.on.ca/eng/general/private.html> for more information about the *Private Career Colleges Act, 2005*.**

## General

**1. Will the regulation of flight training be different than for other private career colleges based on the oversight that is already done by Transport Canada under the authority of the *Aeronautics Act*?**

Like other organizations and institutions providing postsecondary training that leads to employment, flight training schools offering vocational programs (e.g., commercial pilot, flight instructor) will be required to be registered as private career colleges as of September 18, 2007.

Ministry staff have been working closely with officials from Transport Canada and consulting with flight schools in order to ensure that our requirements do not interfere with the federal government's regulation of aeronautics. As a result, a number of the requirements for registration and program approval will be satisfied by maintaining a valid Flight Training Unit Operator Certificate, as issued by Transport Canada (e.g., maintenance of student transcripts, admission requirements, instructor qualifications, program content).

There are a number of aspects of flight training schools that are neither regulated under the *Aeronautics Act* nor touch upon matters integral to the federal power over aeronautics. Accordingly, under the *Private Career College Act, 2005*, measures including requirements for student contracts, complaint procedures, refund policies and access to training completions or refunds if a private career college suddenly goes out of business will now apply to flight training schools.

**2. I do my flight training in conjunction with a public college of applied arts and technology? Do I have to register my school under the PCCA?**

This will vary on a case-by-case basis, depending on whether students are paying the fees for training to you or to the public college. Please contact the ministry to determine whether or not you require registration under the *Private Career College Act, 2005*.

**3. Will my facilities have to be inspected by the ministry before my flight school can be registered as a private career college?**

No, an initial inspection of your facilities will not be required as long as you have a valid Flight Training Unit Operator Certificate.

## Vocational Programs

### 4. Which flight training programs are considered vocational under the PCCA?

The following flight training programs are considered vocational under the Private Career Colleges Act, 2005:

- Commercial Pilot – Aeroplane and Helicopter
- Flight Engineer
- Flight Instructor – All Ratings

### 5. My FTU is certified by Transport Canada to provide training for commercial pilots and flight instructors but I do not offer these programs? Can I maintain these certifications without having to register under the PCCA?

If you are certified by Transport Canada to provide vocational flight training programs, you will have to register and the delivery of your programs is subject to the *Private Career College Act, 2005*. If you do not plan to offer these programs, you must request that Transport Canada remove these certifications from your Flight Training Unit Operator Certificate and stop advertising your school as being certified to offer these programs. This will help to avoid confusion for students when they are deciding which flight school to attend.

### 6. What happens to students who are currently enrolled if I decide not to be registered and have the delivery of my programs subject to the *Private Career Colleges Act, 2005*?

Students who were enrolled in vocational flight training programs before September 18, 2007 can complete their training at your school. You must provide the ministry with the names of these students by September 18, 2007. You may not enrol any new students in vocational programs as of September 18, 2007.

## Student Contract

### 7. Generally, students do not enter into contracts for the delivery of flight training programs. Are flight training schools now required to have a contract with students?

Yes. The school and the student must enter into a contract that contains all of the components specified in Sections 20-23 of Ontario Regulation 415/16. The ministry will be providing you with specific instructions about student

contracts, including how to record the fees for the program. You will be notified when these instructions are available.

**8. Are students who are fully funded by a third-party (e.g. airline, Government of India) required to sign a student contract under the PCCA?**

Students who are completely funded by a third-party are not required to sign a PCCA contract. However, by virtue of being enrolled in an approved program, these students are entitled to the same rights and protections under the PCCA as all other students in the program, with the exception of the refund provisions in sections 25 to 33 of Ontario Regulation 415/06 and eligibility for a training completion or a refund of fees through the Training Completion Assurance Fund.

If you are providing a program that is **exclusively** funded by a third-party, the program is not subject to the *Private Career Colleges Act, 2005*. In order for a program to be considered fully third-party funded, money must **never** flow directly from a student to your flight school (e.g., students who receive OSAP are not considered third-party funded students).

Please note that students are not considered to be third-party funded if the student is paying an agent or a placement agency for the training, and the agent or agency is paying the PCC on behalf of the student. In this situation, the student should sign a contract with the private career college.

## Insurance

**9. Is the insurance requirement of the PCCA in addition to the insurance I am required to have by Transport Canada? How does the ministry define “adequate” in terms of liability insurance?**

You may be required to purchase additional insurance. You should discuss the liability insurance requirements of section 5 of Ontario Regulation 415/06 with your insurance company to make sure that you have sufficient coverage to compensate for any property damage and third party injuries that happen at each of your campuses or locations.

## Transcripts

### **10. Information on pilots is maintained by Transport Canada. Do flight training schools also have to maintain transcript information?**

No. The information retained by Transport Canada is sufficient.

## Student Files

### **11. What types of documentation am I required to keep in the student files?**

A private career college must maintain a file containing the following information for each of its students:

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| Full name, sex, date of birth, residential address while enrolled, permanent address, phone numbers at the residential and the permanent address, and any cell phone number or e-mail address. |
| A record of all grades received by students, including any advanced standing that has been granted.  |
| A copy of the signed student enrolment contract.   |
| Evidence that the student has met any admission requirements established for the program.  |
| If the student has withdrawn or been expelled from a program, copies of the withdrawal or expulsion letter, any refund calculation and any refund cheque.                                      |
| A copy of all receipts issued to the student for the payment of fees.  |

Each student file must be kept for at least three years from the date the student leaves the program.

## Admission Requirements

### **12. Are flight training programs required to follow the minimum admission requirements set out in Ontario Regulation 415/06?**

No. There are no mandatory admission requirements for flight training programs. Should you decide to set certain admission requirements that students must meet before they begin the program (e.g., language proficiency), you must include them in the student contract.

## Credentials

### **13. Transport Canada issues licences to pilots. Do flight training schools have to issue a credential to students who successfully complete their flight training programs?**

Ultimately, it is Transport Canada that has the responsibility to licence pilots in Canada. However, you must provide graduates of your program with a credential indicating that they have successfully completed your training program (e.g., certificate of completion) and submit two copies of the blank credential with the application for program approval.

## Instructors

### **14. Do flight instructors employed by flight training units have to meet the requirements set out in Ontario Regulation 415/06?**

No. Instructors need to meet the requirements set out by Transport Canada under the *Aeronautics Act*. The Flight Training Unit Operator Certificate will be accepted as proof that your instructors meet those requirements.

### **15. What about freelance flight instructors? Will they be required to register under the PCCA?**

The ministry will follow the lead of Transport Canada on the issue of freelance flight instructors. Transport Canada accepts training without a Flight Training Unit Operator Certificate where the trainee is the owner of the aircraft, the director of a corporation that owns the aircraft, or where the aircraft is obtained at arm's length from the flight instructor. These arrangements will not require registration under the PCCA. However, if this activity is seen to increase once the PCCA requirements come into effect, the policy will be reconsidered.

## Financial Security and Training Completion Assurance Fund

### **16. Are we required to include the cost of renting and fueling the aircraft as “tuition” and “fees in relation to a vocational program?” This would affect the TCAF premiums in the first two years of registration.**

You would include these costs as “tuition” and “fees in relation to a vocational program” only when the cost of renting the aircraft and buying the fuel is paid by students directly to your flight school. If students rent the aircraft from a third-party or pay a third-party for fuel, you would not claim these fees as revenue.

More information on the operation of the Training Completion Assurance Fund is available on the ministry's website at [www.edu.gov.on.ca/eng/general/private.html](http://www.edu.gov.on.ca/eng/general/private.html). See Training Completion Assurance Fund Fact Sheet #1 - Financial Security and Training Completion Assurance Fund Fact Sheet #2 - Training Completion Assurance Fund Premiums. Guidelines for accountants are also available.