

2021 Bill 74

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

ADVANCED EDUCATION STATUTES AMENDMENT ACT, 2021

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 74

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2021

ADVANCED EDUCATION STATUTES AMENDMENT ACT, 2021

(Assented to _____, 2021)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Post-secondary Learning Act

Amends SA 2003 cP-19.5

1(1) The *Post-secondary Learning Act* is amended by this section.

(2) The preamble is repealed and the following is substituted:

Preamble

WHEREAS the Government of Alberta is committed to ensuring that Alberta's post-secondary education system is a high-quality system that enables Albertans to acquire the skills, knowledge and competencies they need to succeed in their lifelong pursuits, is highly responsive to labour market needs and, through innovative programming and excellence in research, contributes to the betterment of an innovative and prosperous Alberta;

WHEREAS a high-quality system is one in which students are well-prepared for work or for further learning and can develop the skills, knowledge and competencies needed to contribute to Alberta's society and succeed in the labour market;

Explanatory Notes

Post-secondary Learning Act

1(1) Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) The preamble presently reads:

WHEREAS the Government of Alberta is committed to ensuring that Albertans have the same opportunity to obtain a high-quality post-secondary education, achieve their full potential and contribute to their communities through an adult learning system that is accessible, affordable, high-quality, accountable and coordinated;

WHEREAS an accessible system is one in which all Albertans have an ability to plan a career path and receive post-secondary education regardless of their location or barriers;

WHEREAS an affordable system is one in which finances do not limit any Albertan from accessing post-secondary education;

WHEREAS the Government of Alberta is committed to ensuring that Alberta's post-secondary education system is accessible, affordable, accountable and coordinated;

WHEREAS an accessible system is one in which all Albertans are able to plan a career path and receive post-secondary education regardless of their location or barriers;

WHEREAS an affordable system is one in which finances do not limit any Albertan from accessing post-secondary education;

WHEREAS an accountable system is one in which all Albertans have access to clear information about linkages between labour markets and post-secondary education programs and in which post-secondary providers are effectively governed, financially sustainable, fiscally responsible and collaborative with their communities, government and each other;

WHEREAS a coordinated system is one in which programs are integrated and diverse, without being duplicative or redundant, and in which the roles of students, educators, providers, industry and government are clearly articulated and differentiated within a collaborative governance model;

WHEREAS apprenticeship education is as valuable, useful and respectable as other forms of post-secondary education, and experiential learning is as important to post-secondary education as academic learning; and

WHEREAS the Government of Alberta is committed to ensuring that Alberta's post-secondary institutions continue to build on their record of global excellence in post-secondary research and innovation and that they continue contributing to the economic diversification of the province by promoting and strengthening the commercialization of post-secondary research;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

(3) Section 1 is amended

WHEREAS a high-quality system is one in which students are well prepared for further learning or the workforce and can contribute to Alberta's society, and in which post-secondary programs and research are recognized nationally and internationally;

WHEREAS an accountable system is one in which all Albertans have access to clear information about post-secondary providers that are effectively governed, financially sustainable, fiscally responsible and collaborative with their communities, government and each other; and

WHEREAS a coordinated post-secondary system is one in which programs are integrated and diverse, without being duplicative or redundant, and in which the mandates and roles of students, educators, providers and government are clearly articulated and differentiated;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

(3) Section 1 presently reads in part:

(a) by repealing clauses (c.3) and (c.4) and substituting the following:

(c.3) “apprenticeship education program” means apprenticeship education program as defined in section 1 of the *Skilled Trades and Apprenticeship Education Act*;

(b) by adding the following after clause (h):

(h.1) “independent academic institution” means any of the following institutions resident in Alberta:

- (i) Ambrose University;
- (ii) Burman University;
- (iii) Concordia University of Edmonton;
- (iv) The King’s University;
- (v) St. Mary’s University;

(4) Section 45(1) is amended by striking out “trades under the *Apprenticeship and Industry Training Act*, the apprenticeship technical training required by the Minister responsible for that Act” **and substituting** “designated trades under the *Skilled Trades and Apprenticeship Education Act*, the classroom instruction required as part of an apprenticeship education program”.

(5) Section 47(1)(a)(i) is amended by striking out “apprenticeship technical training under the *Apprenticeship and Industry Training Act*” **and substituting** “classroom instruction that is part of an apprenticeship education program”.

1 In this Act,

- (c.3) “apprenticeship program” means an apprenticeship program under the Apprenticeship and Industry Training Act;*
- (c.4) “apprenticeship technical training” means technical training under the Apprenticeship and Industry Training Act;*

(4) Section 45(1) presently reads:

45(1) The board of a polytechnic institution shall provide, with respect to one or more trades under the Apprenticeship and Industry Training Act, the apprenticeship technical training required by the Minister responsible for that Act.

(5) Section 47(1) presently reads in part:

47(1) An academic council

- (a) shall make recommendations or reports to the board with respect to any matter that the board refers to the academic council, including academic policy related to the following matters:*

(6) Section 56 is amended

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

(2) An appointed member of a board is eligible to be reappointed for a 2nd or subsequent term if the reappointment would not result in the member serving for a total of more than 6 years.

(2.01) A person who has served a total of 6 years as a member of the board is eligible to be reappointed as a member if at least 3 years have elapsed since the person's last term expired.

(b) in subsection (3)

(i) by striking out "Notwithstanding subsection (2)" **and substituting** "Notwithstanding subsections (2) and (2.01)";

(ii) by repealing clause (b) and substituting the following:

(b) an appointed member of a board is eligible for appointment or redesignation as chair even if

(i) the appointment or redesignation as chair would result in the member serving for terms totalling more than 6 years, or

(ii) less than 3 years has elapsed since the member's last term expired.

(c) by repealing subsection (5) and substituting the following:

(5) The following periods must be disregarded in determining a number of years for the purposes of subsection (2) or (2.01):

- (i) *standards and policy respecting the selection and admission of students other than students in apprenticeship technical training under the Apprenticeship and Industry Training Act;*

(6) Section 56 presently reads in part:

(2) An appointed member of a board is eligible for reappointment for a 2nd term but not for a further term until a period of 3 years following the member's 2nd term has expired.

(3) Notwithstanding subsection (2), but subject to the Alberta Public Agencies Governance Act and any applicable regulations under that Act,

(a) the chair of a board is always eligible for reappointment or redesignation on the conclusion of the chair's term of office, and

(b) an appointed member of a board is eligible for appointment or redesignation as chair even though the member has, at the time of the member's appointment or redesignation, concluded 2 terms as a member of the board.

(5) When a member is appointed under subsection (4) to serve the balance of an unexpired term, that service is not considered a term for the purposes of subsection (2).

- (a) any period during which a person continues to hold office under subsection (1)(b);
- (b) any period during which a member appointed under subsection (4) serves the balance of an unexpired term.

(7) Section 60(1)(c) is amended by striking out “apprenticeship technical training under the *Apprenticeship and Industry Training Act*” **and substituting** “classroom instruction that is part of an apprenticeship education program”.

(8) Section 61 is amended

(a) in subsection (1)

- (i) **in clause (a) by striking out** “, other than students enrolled in apprenticeship technical training at the public post-secondary institution”;
 - (ii) **in clause (b) by striking out** “, including students enrolled in apprenticeship technical training at the public post-secondary institution”;
- (b) in subsection (3)(b) by adding** “or in respect of classroom instruction in an apprenticeship education program” **after** “study”.

(9) Section 61.01 is repealed.

(7) Section 60(1) presently reads in part:

60(1) The board of a public post-secondary institution shall

- (c) establish admission requirements for students of the public post-secondary institution other than students in apprenticeship technical training under the Apprenticeship and Industry Training Act, and*

(8) Section 61 presently reads in part:

61(1) The board of a public post-secondary institution shall set

- (a) the tuition fees to be paid by students of the public post-secondary institution, other than students enrolled in apprenticeship technical training at the public post-secondary institution, and*
 - (b) the mandatory non-instructional fees to be paid by students of the public post-secondary institution, including students enrolled in apprenticeship technical training at the public post-secondary institution.*
- (3) In setting the tuition fees for an academic year, the board may increase the tuition fees to be paid by domestic students, subject to any restrictions on increasing tuition fees set out in the regulations,*
- (b) in respect of a specific approved program of study, by means of an exceptional tuition fee increase made in accordance with the regulations.*

(9) Section 61.01 presently reads:

(10) Section 78 is amended

- (a) in subsection (1) by striking out** “a publicly funded private post-secondary institution assigned to the Independent Academic Institutions sector under section 102.2(3)(b)” **and substituting** “an independent academic institution”;

61.01(1) The Minister shall by order set the apprenticeship instructional fees and the apprenticeship material and service fees to be paid by students in apprenticeship technical training for each designated trade under the Apprenticeship and Industry Training Act.

(2) The apprenticeship instructional fees and the apprenticeship material and service fees under subsection (1) must be set in accordance with this section and the regulations.

(3) In setting the apprenticeship instructional fees and the apprenticeship material and service fees for an academic year the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees, subject to any restrictions on increasing apprenticeship instructional fees or apprenticeship material and service fees set out in the regulations,

(a) by a percentage amount that does not exceed the percentage annual change in the Alberta CPI, determined in accordance with the regulations, or

(b) by means of an exceptional apprenticeship fee increase made in accordance with the regulations.

(4) The limitations on increasing apprenticeship instructional fees and apprenticeship material and service fees described in subsection (3) do not apply with respect to the 2020-2021, 2021-2022 and 2022-2023 academic years, and the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees in relation to these years in accordance with any restrictions on increasing apprenticeship instructional fees and apprenticeship material and service fees set out in the regulations.

(10) Section 78 presently reads in part:

78(1) In this section and sections 79 and 80, “board” includes the governing body of a publicly funded private post-secondary institution assigned to the Independent Academic Institutions sector under section 102.2(3)(b).

(3) The mandate of a public post-secondary institution referred to in subsection (2)(a) must be consistent with the role of the sector to which the public post-secondary institution has been assigned under section 102.2(2).

(b) in subsection (3) by striking out “the role of the sector to which the public post-secondary institution has been assigned under section 102.2(2)” **and substituting** “the role of the public post-secondary institution under Part 4, Division 2”.

(11) The heading preceding section 102.1 is repealed and the following is substituted:

**Division 2
Public Post-secondary Institutions and
Independent Academic Institutions**

(12) Sections 102.1(e) and 102.2 are repealed.

(11) The heading preceding section 102.1 presently reads:

*Division 2
Publicly Funded
Post-secondary System*

(12) Sections 102.1(e) and 102.2 presently read:

102.1 In this Division,

(e) “publicly funded private post-secondary institution” means a private post-secondary institution resident in Alberta that receives a grant made by the Minister under the Government Organization Act and offers a program of study.

102.2(1) The publicly funded post-secondary system consists of the following sectors:

(a) Comprehensive Academic and Research Universities;

(b) Comprehensive Community Colleges;

(c) Independent Academic Institutions;

(d) Polytechnic Institutions;

(e) Specialized Arts and Cultural Institutions;

(f) Undergraduate Universities.

(2) Subject to the regulations made under subsection (3),

(13) Section 102.3 is amended

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

Comprehensive academic and research university role

102.3(1) A comprehensive academic and research university shall provide degree programs.

- (b) **in subsection (2) by striking out** “An institution assigned to the Comprehensive Academic and Research Universities sector” **and substituting** “A comprehensive academic and research university”.

(14) Section 102.4 is amended

- (a) *an institution established as a comprehensive academic and research university is assigned to the Comprehensive Academic and Research Universities sector,*
 - (b) *an institution established as a comprehensive community college is assigned to the Comprehensive Community Colleges sector,*
 - (c) *an institution established as a polytechnic institution is assigned to the Polytechnic Institutions sector,*
 - (d) *Banff Centre is assigned to the Specialized Arts and Cultural Institutions sector, and*
 - (e) *an institution established as an undergraduate university is assigned to the Undergraduate Universities sector.*
- (3) *The Lieutenant Governor in Council may by regulation assign*
- (a) *a public post-secondary institution to a sector other than the sector assigned to it under subsection (2), and*
 - (b) *a publicly funded private post-secondary institution to the Independent Academic Institutions sector.*

(13) Section 102.3 presently reads in part:

102.3(1) An institution assigned to the Comprehensive Academic and Research Universities sector shall provide degree programs.

(2) An institution assigned to the Comprehensive Academic and Research Universities sector may

- (a) *provide diploma or certificate programs,*
- (b) *undertake all forms of research, including discovery research and research in support of Alberta's research and innovation agenda, and*
- (c) *collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.*

(14) Section 102.4 presently reads in part:

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

Comprehensive community college role

102.4(1) A comprehensive community college shall

- (a) provide approved foundational learning, diploma and certificate programs, and
 - (b) collaborate with other post-secondary institutions and community and industry organizations to support regional access to foundational learning, diploma, certificate and undergraduate degree programs.
- (b) **in subsection (2) by striking out** “An institution assigned to the Comprehensive Community Colleges sector” **and substituting** “A comprehensive community college”;
- (c) **in subsection (3)**
- (i) **in the portion preceding clause (a) by striking out** “An institution assigned to the Comprehensive Community Colleges sector” **and substituting** “A comprehensive community college”;
 - (ii) **in clause (a) by striking out** “apprenticeship technical training programs” **and substituting** “classroom instruction that is part of an apprenticeship education program”.

(15) Section 102.5 is repealed and the following is substituted:

Independent academic institution role

102.5(1) An independent academic institution may

- (a) provide foundational learning programs, programs of study, whether or not they are approved in accordance with the regulations, that lead to the granting of diplomas or certificates, or approved degree programs,
- (b) undertake research and scholarly activities that align with the credentials offered, and

102.4(1) An institution assigned to the Comprehensive Community Colleges sector shall

- (a) provide approved foundational learning, diploma and certificate programs, and*
- (b) collaborate with other post-secondary institutions and community and industry organizations to support regional access to foundational learning, diploma, certificate and undergraduate degree programs.*

(2) An institution assigned to the Comprehensive Community Colleges sector shall not provide graduate level programs.

(3) An institution assigned to the Comprehensive Community Colleges sector may

- (a) provide apprenticeship technical training programs,*

(15) Section 102.5 presently reads:

102.5 An institution assigned to the Independent Academic Institutions sector may

- (a) provide foundational learning programs, programs of study, whether or not they are approved in accordance with the regulations, that lead to the granting of diplomas or certificates, or approved degree programs,*
- (b) undertake research and scholarly activities that align with the credentials offered, and*

- (c) collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.

(16) Section 102.6 is amended

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

Polytechnic institution role

102.6(1) A polytechnic institution shall

- (a) provide classroom instruction that is part of an apprenticeship education program,
- (b) provide diploma and certificate programs, and
- (c) collaborate with other post-secondary institutions to support regional access to polytechnic education.

- (b) in subsections (2) and (3) by striking out “An institution assigned to the Polytechnic Institutions sector” and substituting “A polytechnic institution”.**

(17) Section 102.7 is repealed and the following is substituted:

Banff Centre role

102.7 The Banff Centre may

- (c) *collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.*

(16) Section 102.6 presently reads:

102.6(1) An institution assigned to the Polytechnic Institutions sector shall

- (a) *provide apprenticeship technical training,*
- (b) *provide diploma and certificate programs, and*
- (c) *collaborate with other post-secondary institutions to support regional access to polytechnic education.*

(2) An institution assigned to the Polytechnic Institutions sector shall not provide graduate level programs.

(3) An institution assigned to the Polytechnic Institutions sector may

- (a) *provide approved foundational learning or undergraduate degree programs,*
- (b) *undertake research and scholarly activities*
 - (i) *that align with the credentials offered, or*
 - (ii) *that are focused on strengthening economic development in the Province,*

and

- (c) *collaborate with other post-secondary institutions to support regional access to diploma, certificate or undergraduate degree programs.*

(17) Section 102.7 presently reads:

102.7 An institution assigned to the Specialized Arts and Cultural Institutions sector may

- (a) provide non-credential and approved certificate or diploma programs,
- (b) undertake research and scholarly activities that align with the programs offered by the institution, and
- (c) collaborate with other post-secondary institutions to support regional access to specialized arts, culture and non-credential and approved certificate or diploma programs.

(18) Section 102.8 is amended

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

Undergraduate university role

102.8(1) An undergraduate university shall

- (a) provide undergraduate degree programs, and
 - (b) collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.
- (b) in subsections (2) and (3) by striking out “An institution assigned to the Undergraduate Universities sector” and substituting “An undergraduate university”.**

(19) The following is added after section 107:

**Minister’s Advisory Council
on Higher Education and Skills**

Minister’s Advisory Council on Higher Education and Skills

107.01(1) The Minister may establish a council to be known as the Minister’s Advisory Council on Higher Education and

- (a) *provide non-credential and approved certificate or diploma programs,*
- (b) *undertake research and scholarly activities that align with the programs offered by the institution, and*
- (c) *collaborate with other post-secondary institutions to support regional access to specialized arts, culture and non-credential and approved certificate or diploma programs.*

(18) Section 102.8 presently reads:

102.8(1) An institution assigned to the Undergraduate Universities sector shall

- (a) *provide undergraduate degree programs, and*
- (b) *collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.*

(2) An institution assigned to the Undergraduate Universities sector shall not provide graduate level programs.

(3) An institution assigned to the Undergraduate Universities sector may

- (a) *provide approved foundational learning, diploma or certificate programs, and*
- (b) *undertake research and scholarly activities that enrich undergraduate education.*

(19) Minister's Advisory Council on Higher Education and Skills.

Skills to provide advice and recommendations to the Minister respecting

- (a) the strategic goals and direction of post-secondary education in Alberta,
- (b) metrics for measuring the performance of public post-secondary institutions and independent academic institutions, and
- (c) any other matter requested by the Minister.

(2) The Minister may appoint not more than 9 persons as members of the Minister's Advisory Council on Higher Education and Skills and may designate one of the members as the chair.

(3) Persons who served or are serving in one of the following capacities are not eligible for appointment to the Minister's Advisory Council on Higher Education and Skills until at least one year has elapsed since the person ceased serving in that capacity:

- (a) a member of a board of a public post-secondary institution or of a board of a private post-secondary institution;
- (b) a president or vice-president of a public post-secondary institution or of a private post-secondary institution;
- (c) an officer or voting member of the executive body of
 - (i) an academic staff association,
 - (ii) a non-academic staff association,
 - (iii) a student organization, or
 - (iv) a bargaining agent representing the employees of a public post-secondary institution or of a private post-secondary institution.

(4) A member of the Minister's Advisory Council on Higher Education and Skills shall not receive remuneration for serving as a member.

(5) The Minister may

- (a) authorize payment of or reimbursement for traveling, living or other expenses incurred by members of the Minister's Advisory Council on Higher Education and Skills while away from their ordinary places of residence and in the course of their duties as members, and
- (b) fix the types and amounts of expenses eligible for payment or reimbursement.

Powers and duties

107.02(1) The Minister's Advisory Council on Higher Education and Skills may make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(2) The Minister's Advisory Council on Higher Education and Skills shall hold meetings on matters as directed by the Minister and with the frequency directed by the Minister.

(3) The Minister's Advisory Council on Higher Education and Skills shall engage with the following groups with the frequency directed by the Minister:

- (a) students;
- (b) academic staff members;
- (c) presidents;
- (d) chairs of boards;
- (e) any other group as directed by the Minister.

(4) The Minister's Advisory Council on Higher Education and Skills shall establish a code of conduct for its members that is satisfactory to the Minister.

(20) Section 118(0.1) is amended by striking out "a publicly funded private post-secondary institution assigned to the

(20) Section 118(0.1) presently reads:

Independent Academic Institutions sector by the regulations made under section 102.2(3)(b)” **and substituting** “an independent academic institution”.

(21) Section 124(b.1) and (h.2) are repealed.

(22) This section comes into force on Proclamation.

**Skilled Trades and Apprenticeship
Education Act**

Amends SA 2021 cS-7.88

2(1) The *Skilled Trades and Apprenticeship Education Act* is amended by this section.

118(0.1) In this section, “board” includes the governing body of a publicly funded private post-secondary institution assigned to the Independent Academic Institutions sector by the regulations made under section 102.2(3)(b).

(21) Section 124 presently reads in part:

124 The Lieutenant Governor in Council may make regulations

(b.1) respecting apprenticeship instructional fees and apprenticeship material and service fees, including regulations

(i) respecting the publication of apprenticeship instructional fees and apprenticeship material and service fees and related information;

(ii) respecting consultation in relation to apprenticeship instructional fees and apprenticeship material and service fees;

(iii) respecting the requirements or restrictions that must be complied with when setting or increasing apprenticeship instructional fees and apprenticeship material and service fees;

(iv) respecting exceptional apprenticeship fee increases to apprenticeship instructional fees and apprenticeship material and service fees;

(h.2) respecting the roles of sectors under section 102.2;

(22) Coming into force.

Skilled Trades and Apprenticeship Education Act

2(1) Amends chapter S-7.88 of the Statutes of Alberta, 2021.

(2) Section 10(2) is amended

(a) by adding the following after clause (c):

- (c.1) respecting setting the ratio of apprentices to mentors for on-the-job instruction during different periods of an apprenticeship education program;

(b) by adding the following after clause (h):

- (h.1) subject to the *Employment Standards Code*, setting out the rates of wages for apprentices;

(3) Section 12(2) is amended by striking out “another Act of Alberta” and substituting “the *Health Professions Act*”.

(2) Section 10(2) presently reads in part:

(2) The Minister may make regulations

(c) respecting the establishment by the Registrar of the classroom instruction and on-the-job instruction requirements of apprenticeship education programs and the training requirements of industry training programs;

(h) respecting the powers and functions of the Registrar, including, without limitation, regulations

(i) setting limits or imposing requirements respecting the exercise by the Registrar of any power under this Part or the carrying out by the Registrar of any function under this Part;

(ii) conferring additional powers on the Registrar;

(iii) assigning additional functions to the Registrar;

(3) Section 12(2) presently reads:

(2) A profession that is regulated or eligible to be regulated under another Act of Alberta is not eligible to be designated as a designated trade.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To