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Direction du soutien aux étudiants
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RESTRAINING ORDER

Friday, September 18, 2009

Academy of Teaching & Training
4 Robert Speck Parkway, Suite 1500
Mississauga, ON L4Z 1S1

Attention: Irene Lardizabal, Academic Director

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005 (PCCA, 2005)*. As the Superintendent of Private Career Colleges, I HEREBY ORDER *ACADEMY OF TEACHING & TRAINING* TO STOP OPERATING IN CONTRAVENTION OF THE *PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005)*.

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, however, the violations of the *PCCA, 2005* are that Academy of Teaching & Training is not registered as a private career college, contrary to section 7 of the *PCCA, 2005*, nor are its vocational programs approved, contrary to section 8 of that Act. Further, Academy of Teaching & Training is advertising an unregistered private career college, advertising unapproved vocational programs, and soliciting enrolment of students in vocational programs in these circumstances, contrary to section 9 and subsections 11(1), (2) and (3) of that Act, respectively.

Academy of Teaching & Training must **immediately** take the steps outlined below in this order to comply with the *PCCA, 2005*. Academy of Teaching & Training must also provide written confirmation signed by a person with authority to bind the school, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered by registered mail or courier to my attention **by October 5, 2009**.

Academy of Teaching & Training:

1. has stopped operating as a private career college;

2. has stopped advertising unapproved vocational programs;
3. has stopped enrolling students in unapproved vocational programs;
4. has attached a list including the names and addresses of all current students enrolled in unapproved vocational programs;
5. is holding student files and will make them available for the Superintendent's staff to review if need be; and
6. a) will not continue offering unapproved vocational programs, OR
b) will not continue offering unapproved vocational programs until and unless it is properly registered as a private career college and has obtained approval for all vocational programs as required under the *PCCA, 2005*.

If Academy of Teaching & Training will continue offering vocational programs only following registration and approval as set out in item 8. b), above, you must also **by October 5, 2009** do the following:

7. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
8. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
9. Explain in writing why Academy of Teaching & Training was advertising, offering, and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of Academy of Teaching & Training by the Superintendent.

Further information regarding applications for registration and approval is found in Schedule B, attached.

Consequences of Failure to Comply with this Order

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel Academy of Teaching & Training to comply;
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, is subject to a fine of up to \$25,000, a prison term of up to one year, or both.

Obtaining a Copy of the *PCCA, 2005*

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Sincerely,

ORIGINAL SIGNED BY

Noah Morris
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision
 Schedule B – Compliance with the *PCCA, 2005*

Schedule A – Detailed Reasons for Decision

Background

On September 2, 2009, Ministry staff visited Academy of Teaching & Training to determine if the institution was offering TESL (Teaching English as a Second Language), which is considered a vocational program under the *PCCA, 2005*.

Legal and Operating Names

Academy of Teaching & Training is the operating name of this school. The school is registered as a business in Ontario under the name Academy of Teaching & Training Inc. as per a corporate search dated August 31, 2009.

Contravention of sections 7 and 8 of the PCCA, 2005 – Operating an Unregistered Private Career College and Delivering Unapproved Programs

On September 2, 2009 Ministry staff attended at the address given for Academy of Teaching & Training but found the PCC was operating out of a shared rented premises and did not have a designated suite of offices. No PCC staff or students were on the premises at the time. The receptionist provided the PCC owner's cell phone to Ministry staff and the property manager showed Ministry staff the boardroom which was rented by the PCC for classes.

The PCC's website advertising for the Foundational and Advanced TESOL programs states that both programs: "Qualif(y) you to teach English overseas and in Canada." The PCC's website lists different course lengths and tuition fees, with current information for 2009 TESL and TESOL programs advertised on the school's website.

A subsequent telephone conversation with the Academic Director and owner of the PCC, Irene Lardizabal confirmed that the Foundational and Advanced TESOL programs are being offered to students.

Therefore the Academy of Teaching & Training needs to be registered as a Private Career College and needs to seek approval for both the Foundational and Advanced TESL/TESOL programs.

The institution, therefore, is in contravention of sections 7 and 8 of the *PCCA, 2005*.

Please note that in order to offer a TESL/TESOL program in Ontario, an institution must deliver the TESL Canada or TESL Ontario program, and be recognized by them as an approved trainer. A copy of the Superintendent's Policy Directive on the delivery of TESL programs is attached. The TESL/TESOL

Programs offered at the Academy of Teaching & Training must meet this standard.

Contravention of section 9 of the *PCCA, 2005* – Charging a Fee in Respect of an Unapproved Program at an Unregistered School

Fees are listed on the school's website.

As the Foundational and Advanced TESL/TESOL programs are not approved, Academy of Teaching & Training is in contravention of section 9 of the *PCCA, 2005*.

Contravention of Subsections 11(1) and (2) of the *PCCA, 2005* – Advertising Unregistered Private Career College and Unapproved Programs

Academy of Teaching & Training's website advertises the Foundational and Advanced TESL/TESOL programs. Therefore, the institution is in contravention of Subsections 11(1) and (2) of the *PCCA, 2005*.

Contravention of Subsection 11(3) of the *PCCA, 2005* – Soliciting Enrolment of Students

In citing the inclusion of the program on the Academy of Teaching & Training's website, the institution is therefore in contravention Subsection 11(3) of the *PCCA, 2005*.

Schedule B – Compliance with the *PCCA, 2005*

If you wish to operate a private career college, the first step towards ensuring compliance with the *PCCA, 2005* is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

As reflected in the Restraining Order attached, you must not operate, advertise, collect fees from or enrol students until and unless your private career college is registered and your programs are approved. If you have been operating, you must stop all unapproved vocational programs and wait for the registration and approval.

All private career college registration forms and guidelines can be found at www.serviceontario.ca. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*.

A CD-Rom with an instruction manual for registering your institution and a hard copy list of on-line and hard copy documentation required to complete registration is included in this correspondence.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.