

ACCESS TO EDUCATION ACT

CHAPTER 1

Assented to March 29, 2001

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Preamble

WHEREAS a well educated citizenry and highly skilled workforce are important to British Columbia's economic success;

AND WHEREAS British Columbians should have opportunities to develop the skills and knowledge needed to succeed in a knowledge based economy;

AND WHEREAS post-secondary education and training is critical for British Columbians to acquire the necessary skills and knowledge;

AND WHEREAS the government of British Columbia is committed to providing affordable and accessible post-secondary education to British Columbians and to supporting post-secondary institutions in continuing to provide quality post-secondary education;

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

Definitions

1 In this Act:

“**fiscal year**” means a period beginning on April 1 in one year and ending on March 31 in the next year;

“**mandatory ancillary fee**” means a fee a student must pay a post-secondary institution in order to complete a graduate, undergraduate, career, technical, vocational or developmental program, but does not include

(a) a tuition fee,

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- (b) a student organization fee,
- (c) a fee charged to an international student, or
- (d) a fee charged for a continuing education program;

“post-secondary institution” means a university, college or other institution established under the *University Act*, the *University of Northern British Columbia Act*, the *Royal Roads University Act*, the *Technical University of British Columbia Act*, the *College and Institute Act*, the *Institute of Technology Act* or the *Open Learning Agency Act*;

“reference period” means the fiscal year beginning on April 1, 2000;

“tuition fee” means a fee a student must pay a post-secondary institution for the provision of instruction in a graduate, undergraduate, career, technical, vocational or developmental program, but does not include

- (a) a student organization fee,
- (b) a fee charged to an international student, or
- (c) a fee charged for a continuing education program.

Tuition fee freeze

- 2 (1) Subject to the regulations, a tuition fee charged by a post-secondary institution for a program provided during the period beginning on April 1, 2001 and ending on August 31, 2001 must not exceed the tuition fee charged for the program at the time it was provided during the reference period.
- (2) Subject to the regulations, a tuition fee charged by a post-secondary institution for a new program provided during the period beginning on April 1, 2001 and ending on August 31, 2001 must not exceed the tuition fee charged by the institution for a similar existing program.

Tuition fee reduction

- 3 (1) Subject to the regulations, a tuition fee charged by a post-secondary institution for a program provided after August 31, 2001 must be an amount that is at least 5% less than the tuition fee charged for the program at the time it was provided during the reference period.
- (2) Subject to the regulations, a tuition fee charged by a post-secondary institution for a new program provided after August 31, 2001 must not exceed the tuition fee charged by the institution for a similar existing program.

Mandatory ancillary fee freeze

- 4 (1) A mandatory ancillary fee charged by a post-secondary institution after March 31, 2001 must not exceed the amount of the mandatory ancillary fee charged by the institution during the reference period.

- (2) A mandatory ancillary fee charged by a post-secondary institution for a new program provided after March 31, 2001 must not exceed a similar mandatory ancillary fee charged by the institution for a similar existing program.
- (3) A post-secondary institution must not charge a new mandatory ancillary fee after March 31, 2001 except in relation to a new program that is begun after that date.

Government funding related to tuition fee reduction

- 5 The government must establish, for each fiscal year, the amount of government funding to be allocated to post-secondary institutions, in addition to any other government funding, to compensate for the difference between
 - (a) the total amount of tuition fees, as estimated by the minister, to be paid to post-secondary institutions during that fiscal year, and
 - (b) the total amount of tuition fees, as estimated by the minister, that would have been paid to post-secondary institutions during that fiscal year if the tuition fees for the reference period applied.

Government funding related to cost increases

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 - (1) The government must establish, for each fiscal year, the amount of government funding to be allocated to post-secondary institutions, in addition to any other government funding, to compensate for the portion of the projected increased operating costs of the institutions for the fiscal year that the minister estimates would be paid for by tuition fees and mandatory ancillary fees if this Act did not apply to that fiscal year.
 - (2) For the purposes of subsection (1), the “**projected increased operating costs**” means the projected increased operating costs as estimated by the minister.

Government funding for additional student spaces

- 7 The government must establish, for the fiscal year beginning on April 1, 2001, the amount of government funding to be allocated to post-secondary institutions, in addition to any other government funding, that, in the opinion of the minister, is sufficient to enable post-secondary institutions to increase the number of spaces for full time students or the equivalent of full time students during the fiscal year by a total of 5 025 for all post-secondary institutions.

Power to allocate funds

- 8 Sections 5 to 7 do not affect the discretion of the minister with respect to the allocation of funds referred to in those sections among post-secondary institutions.

This Act and the regulations prevail

- 9 In the event of a conflict between this Act or the regulations and section 27 of the *University Act*, section 19 of the *College and Institute Act*, section 14 of the *Institute of Technology Act* or section 7 of the *Open Learning Agency Act*, this Act and the regulations prevail.

Section 10

Power to make regulations

- 10 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) applying provisions of this Act to the particular circumstances of individuals, programs and post-secondary institutions or to classes of individuals affected by this Act;
 - (b) defining a word or expression used but not defined in this Act;
 - (c) establishing a method for determining the amount of tuition fees in the case of any uncertainty respecting the application of sections 2 and 3;
 - (d) determining the applicable tuition fee for a program that continues for more than one period referred to in section 2 or 3.

Commencement

- 11 This Act is deemed to have come into force on April 1, 2001 and is retroactive to the extent necessary to give it effect on and after that date.