

BILL

No. 61

An Act respecting Post-Secondary Education and Skills Training and making consequential amendments to other Acts

TABLE OF CONTENTS

1	Short title	9	Audits
2	Definitions	10	Data collection
3	Responsibilities of minister	11	Exemption from taxation
4	Powers of minister	12	Regulations
5	Consultation	13	SS 2000, c P-16.11 repealed
6	Post-secondary education funding	14	SS 1986-87-88, c R-8.1, section 26 repealed
7	Financial plans and reports	15	SS 2014, c S-32.21, section 26 repealed
8	Other plans, reports and information	16	Coming into force

(Assented to)

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

Short title

1 This Act may be cited as *The Post-Secondary Education and Skills Training Act, 2021*.

Definitions

2 In this Act:

“**board**” means the board of governors, board of directors, board of regents or governing council of a post-secondary education institution;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**ministry**” means the ministry over which the minister presides;

“**post-secondary education**” includes post-secondary education and skills training, but does not include a prescribed program, service or activity;

“**post-secondary education institution**” means any person, agency, organization, association, enterprise, institution or body that carries on post-secondary education activities in Saskatchewan, and includes:

(a) the prescribed institutions; and

(b) private vocational schools registered pursuant to *The Private Vocational Schools Regulation Act, 1995*;

“post-secondary education sector” means any person, agency, organization, association, enterprise, institution or body that provides post-secondary education, skills training programs, services or activities or student financial assistance to the people of Saskatchewan;

“prescribed” means prescribed in the regulations.

Responsibilities of minister

3 The minister is responsible for all matters not by law assigned to any other minister, ministry, branch, or agency of the Government of Saskatchewan relating to the post-secondary education sector, including:

- (a) establishing goals and objectives for Saskatchewan’s post-secondary education sector;
- (b) establishing and maintaining a high-quality, coordinated post-secondary education sector;
- (c) taking measures to provide the people of Saskatchewan with the opportunity to participate in the post-secondary education sector and labour market;
- (d) encouraging and stimulating job creation and job development efforts to address labour demand;
- (e) in accordance with this Act and the regulations, allocating moneys appropriated by the Legislature for Saskatchewan’s post-secondary education sector;
- (f) monitoring the finances and governance of post-secondary education institutions that receive grants or funding from the Government of Saskatchewan; and
- (g) reporting information about the post-secondary education sector to the public.

Powers of minister

4 For the purposes of carrying out the responsibilities set out in section 3, the minister may:

- (a) establish priorities and associated evaluation systems for the post-secondary education sector;
- (b) in accordance with the regulations, develop mechanisms to allocate resources amongst post-secondary education institutions;
- (c) develop and implement accountability measures for grants or funding provided to post-secondary education institutions by the Government of Saskatchewan;
- (d) establish and administer policies, programs and other measures of the Government of Saskatchewan with respect to the following:
 - (i) the post-secondary education sector;
 - (ii) the Saskatchewan Apprenticeship and Trade Certification Commission;
- (e) undertake planning, research and investigation with respect to the post-secondary education sector and the labour market in Saskatchewan;
- (f) subject to the regulations, provide programs, services or designations that the minister considers necessary to carry out the intent of this Act;
- (g) prepare and publish information relating to goals, objectives and plans for the present and future of the post-secondary education sector;

-
- (h) subject to the regulations, levy fees and charges for any programs or services provided by the ministry;
 - (i) if authorized by the regulations, establish facilities across Saskatchewan to assist any person, agency, organization, association, enterprise, institution or body in the post-secondary education sector;
 - (j) set building standards and specifications for facilities used for the post-secondary education sector and appoint one or more persons to advise the minister with respect to the minister's approval of plans for those facilities;
 - (k) review capital expenditure projects of a post-secondary education institution that receives grants or funding pursuant to section 6 and establish the manner in which the review will be conducted; and
 - (l) engage in the production, acquisition, sale, lease, distribution, exhibition and handling of materials in support of the post-secondary education sector.

Consultation

5 In carrying out the minister's responsibilities set out in section 3 and exercising the minister's powers as set out in this Act, the minister may consult with, and seek the advice of, post-secondary education institutions and any other person that the minister considers appropriate.

Post-secondary education funding

6(1) For the purposes of carrying out the responsibilities set out in section 3, the minister may:

- (a) receive, allocate, and distribute capital and operating funds and any other moneys appropriated by the Legislature for the support of a prescribed post-secondary education institution in Saskatchewan and students of that institution;
- (b) with the approval of the Lieutenant Governor in Council, distribute capital and operating funds and any other moneys appropriated by the Legislature for the support of any other post-secondary education institution and students of that institution;
- (c) subject to the regulations, make awards and issue bursaries, scholarships, or prizes to students out of moneys appropriated by the Legislature for Saskatchewan's post-secondary education sector;
- (d) subject to the regulations and for the purpose of establishing accountability measures, enter into agreements with post-secondary education institutions with respect to grants or funding provided by the minister to those institutions and students of those institutions; and
- (e) subject to this Act and the regulations and for the purpose of establishing accountability measures, impose terms and conditions on grants or funding provided by the minister to post-secondary education institutions and students of those institutions.

(2) If the minister is satisfied that a post-secondary education institution is in breach of any requirement of this Act, the regulations, any term or condition imposed on a grant or funding, an agreement with the minister or a minister's approval, the minister may:

- (a) cease making any payment, or any part of a payment, that would otherwise be made to that institution until the minister is satisfied that the institution has complied with this Act, the regulations, the terms or conditions of the grant or funding, the agreement or the approval; and
- (b) retain the amounts of any payments mentioned in clause (a).

Financial plans and reports

7(1) Subject to subsection (3), for the purposes of carrying out the responsibilities set out in section 3, the minister may request the following information from any post-secondary education institution that receives funding pursuant to section 6:

- (a) any plans or reports prepared by an auditor, including, for greater certainty, any plans or reports produced in an audit required by the minister pursuant to section 9;
- (b) annual revenue and expenditure budgets that have been approved by the post-secondary education institution's board;
- (c) annual reports of the operations of the post-secondary education institution, including audited financial statements, that have been approved by the post-secondary education institution's board;
- (d) any other financial or expenditure plans, reports, proposals or documents that the minister considers necessary.

(2) Subject to subsection (3), a post-secondary education institution that receives a request pursuant to this section must provide the information requested in the form and within the period specified by the minister.

(3) If the minister considers it appropriate to do so, the minister may exempt any post-secondary education institution from any or all requirements of this section.

Other plans, reports and information

8(1) Subject to subsection (3), for the purposes of carrying out the responsibilities set out in section 3, the minister may request the following information from any post-secondary education institution that receives a grant or funding pursuant to section 6:

- (a) plans considered necessary by the minister, including capital plans and other plans respecting matters that the minister identifies as being of importance to the Government of Saskatchewan;
- (b) reports considered necessary by the minister, including reports related to the post-secondary education institution's plans, operations, performance and outcomes and other reports respecting matters that the minister identifies as being of importance to the Government of Saskatchewan; and
- (c) any other information that the minister considers reasonably necessary for the purpose for which it is being requested.

(2) Subject to subsection (3), a post-secondary education institution that receives a request pursuant to this section must provide the information requested in the form and within the period specified by the minister.

(3) If the minister considers it appropriate to do so, the minister may exempt any post-secondary education institution from any or all requirements of this section.

Audits

9(1) For the purposes of this section, “**person**” includes an agency, organization, association, enterprise, institution or other body.

(2) The minister may require a post-secondary education institution or other person that receives a grant or funding from the minister pursuant to this Act or any other Act to comply with any audit requirements specified by the minister.

(3) If a post-secondary education institution or other person that receives a grant or funding from the minister fails to comply with any audit requirement specified by the minister or if the audit shows evidence that the grant or funding was not used in accordance with its intended purpose, the minister may:

- (a) declare that grant or funding to be an overpayment; and
- (b) recover that overpayment in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

Data collection

10(1) In this section, “**student information**” means, with respect to a student of a post-secondary education institution:

- (a) personal information as defined in *The Freedom of Information and Protection of Privacy Act*; and
- (b) personal health information as defined in *The Health Information Protection Act*, but only respecting any disability that the student may have.

(2) For the purposes of carrying out the responsibilities set out in section 3, the minister may, subject to subsection (3) and the regulations:

- (a) collect, use and disclose, or cause to be collected, used and disclosed, information with respect to the development of the labour market in Saskatchewan and the post-secondary education sector; and
- (b) collect, use and disclose, or cause to be collected, used and disclosed, individual student information of a post-secondary education institution.

(3) The information mentioned in clause (2)(b) may only be collected, used or disclosed if the minister is satisfied that the information is necessary for, and will only be used in relation to, one or more of the following purposes:

- (a) to examine student participation, retention and completion;
- (b) to understand and track patterns of student progress, mobility and employment outcomes;
- (c) to monitor progress towards increasing student participation, retention and completion with respect to certain demographic groups;
- (d) to understand connections among high schools, post-secondary education institutions and other education providers;
- (e) to understand and anticipate trends in program choices among students;
- (f) to develop policies for the post-secondary education sector;
- (g) to identify conditions or barriers that limit student participation, progress, completion and transition to employment or future education opportunities;
- (h) to carry out any other prescribed purpose.

-
- (4) The minister may enter into agreements with post-secondary education institutions for the purposes of exercising any power or function pursuant to this section.
- (5) Nothing in this Act limits the authority of the minister to collect, use and disclose individual student information if authorized or required to do so by law, including pursuant to any Act.

Exemption from taxation

11 Neither a prescribed post-secondary education institution nor the land, buildings and improvements owned and operated by that institution for purposes related to post-secondary education are liable to taxation for municipal or school purposes, including special taxes and special assessments for local improvements levied by a municipality.

Regulations

12 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing programs, services and activities for the purposes of the definition of “post-secondary education” in section 2;
- (c) prescribing post-secondary education institutions for the purposes of the definition of “post-secondary education institution” in section 2;
- (d) respecting the allocation of moneys appropriated by the Legislature for Saskatchewan’s post-secondary education sector for the purposes of clauses 3(e) and 4(b);
- (e) respecting programs, services or designations that the minister may provide for the purposes of clause 4(f);
- (f) respecting any fees or charges to be levied for programs or services for the purposes of clause 4(h);
- (g) respecting the establishment of facilities for the purposes of clause 4(i);
- (h) prescribing post-secondary education institutions for the purposes of clause 6(1)(a);
- (i) respecting the making of awards and issuing of bursaries, scholarships or prizes for the purposes of clause 6(1)(c);
- (j) respecting agreements with respect to grants or funding for the purposes of clause 6(1)(d);
- (k) respecting terms and conditions on grants or funding for the purposes of clause 6(1)(e);
- (l) respecting the collection, use and disclosure of information for the purposes of subsection 10(2);
- (m) prescribing purposes for which individual student information may be used for the purposes of clause 10(3)(h);
- (n) prescribing post-secondary education institutions that are not liable to taxation for the purposes of section 11;

(o) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(p) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

SS 2000, c P-16.11 repealed

13 *The Post-Secondary Education and Skills Training Act* is repealed.

SS 1986-87-88, c R-8.1, section 26 repealed

14 Section 26 of *The Regional Colleges Act* is repealed.

SS 2014, c S-32.21, section 26 repealed

15 Section 26 of *The Saskatchewan Polytechnic Act* is repealed.

Coming into force

16 This Act comes into force by order of the Lieutenant Governor in Council.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 61

An Act respecting Post-Secondary Education and Skills
Training and making consequential amendments
to other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Gene Makowsky
