

***Too Cool For School - Ombudsman's Remarks***  
***André Marin***

When I released my Annual Report a few weeks ago, I spoke about how the current economic situation has intensified the need for strong and effective oversight of government, to protect public dollars and trust. The report I'm releasing today tells the shocking story of what happens when the government fails to protect vulnerable members of the public.

Bestech Academy was a small private career college with a relatively small number of students – but the implications of the government's failure to look out for those students are as big as Ontario itself. Thousands of students attend these colleges, and as more and more people are thrown out of work or forced to seek retraining in new fields, their enrolment will only grow. We simply cannot allow what happened to the Bestech students to happen again.

The Ministry of Training, Colleges and Universities has a duty to regulate private career colleges. In fact, when the *Private Career Colleges Act* was proclaimed in 2006, the then-minister declared it would “ensure that all students enrolled in private career colleges get the education and training they were promised.” But our investigation found that for the students of Bestech, that promise was broken many times over.

We found that the Ministry's handling of Bestech Academy was abjectly inept. The very ministry that was supposed to be policing Bestech's deceitful president was actually paying for students to attend her college, giving her endless chances to comply with rules that she openly flouted, and, days after she shut the place down and left students stranded, the Ministry actually hired her as an employee!

My concern is not just with this one school and the Ministry's complete lack of enforcement against its brazen director, who saw herself as “too cool for school,” or above the law. I'm concerned about its systemic failure to enforce the rules governing private colleges – to the point that Bestech's president told us that she essentially ignored them because so many others were doing the same thing.

The fact is, the Ministry has never laid a charge or prosecuted an illegal college. Its officials told us they didn't want to play “gotcha” games – they wanted to encourage more colleges to obey the law and become registered. But because of their timidity and squeamishness to get tough with unregistered colleges, Bestech's students had no protection – because the assurance fund set up under the Act only applies to registered colleges.

This is not a case of strained government resources. The Ministry was well aware that Bestech was operating illegally for two years, right under its nose.

The good news is that the Ministry has accepted 10 of my 11 recommendations, which will benefit the tens of thousands of students who will entrust their money and their future careers to private colleges this year and in the years to come. I've recommended a "buyer beware" list be put up on the Ministry's website, with much clearer lists of problem colleges, so students will have a fighting chance against rogue operators.

But I'm very disappointed that my recommendation that it find a way to compensate the Bestech students was rejected, because the Ministry refused to think outside the box and do the right thing. This is very unfortunate for this small group of people who had the courage to come forward with their stories. They didn't get the education they were promised, or the protection of their government. But for the lack of due diligence by Ministry officials, many of these students would not have been ripped off by Bestech.

The cost of helping them would have been miniscule, but it will take the Ministry a long time to repay the cost it has incurred to the public trust in this case. We will keep a close eye on the Ministry as it implements my recommendations and reports back to us over the next year.