

**STUDENT FINANCIAL ASSISTANCE ACT**

R-009-2013

Registered with the Registrar of Regulations

2013-03-26

**STUDENT FINANCIAL ASSISTANCE REGULATIONS, amendment**

The Commissioner, on the recommendation of the Minister, under section 14 of the *Student Financial Assistance Act* and every enabling power, makes the annexed amendment to the *Student Financial Assistance Regulations*, R.R.N.W.T. 1990,c.S-20 as duplicated for Nunavut by section 29 of the *Nunavut Act*.

**1. The *Student Financial Assistance Regulations*, R.R.N.W.T. 1990,c.S-20 as duplicated for Nunavut by section 29 of the *Nunavut Act*, are amended by these regulations.**

**2. Section 1 is amended:**

- (a) **in subsection (1) by repealing the definition of “approved institution” and substituting the following:**

“approved institution” means an institution, whether or not in Canada, approved by the Deputy Minister for the purposes of these regulations that is

- (a) a university or college,  
(b) a school of nursing,  
(c) a teachers’ training college, or  
(d) a technical, occupational, trade or vocational school or college; (*établissement agréé*)

- (b) **in subsection (1) by repealing the definition of “full-time student” and substituting the following:**

“full-time student” means a person who is enrolled as a student in a program of studies at an approved institution for at least 12 weeks during which he or she will be taking at least

- (a) 40% of a full course load of studies, if the student has a permanent disability, or  
(b) 60% of a full course load of studies, if the student does not have a permanent disability;  
(*étudiant à temps complet*)

- (c) **in subsection (1) by repealing the definition of “program of studies” and substituting the following:**

“program of studies” means a course or program that

- (a) leads to a certificate, diploma or degree,  
(b) is intended for learners beyond secondary school,  
(c) includes at least 60% of the program content at the post-secondary level,  
(d) is approved by the Deputy Minister for the purposes of these regulations, and  
(e) is at least 12 weeks in duration; (*programme d’études*)

- (d) **in subsection (1) by adding the following definitions in alphabetical order:**

“permanent disability” means a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at the post-secondary level and that is expected to remain with the person for the person’s life; (*incapacité permanente*)

“serving reservist” means a person who ceases to be a full-time student or upgrading student in order to enter into service in a designated operation in accordance with section 31.1; (*réserviste en service*)

- (e) **by repealing paragraph 2(b) and substituting the following:**

- (b) for the period he or she attends an elementary or secondary school outside Nunavut, where a parent who has the care and control of the person is
  - (i) actually resident in Nunavut, or
  - (ii) ordinarily resident in Nunavut and attends an approved institution outside Nunavut; and

**3. Section 6 is amended:**

- (a) in subsection (1) by striking out “to cover an academic year”;
- (b) in paragraph (1)(b) by adding “in a program of studies” after “registration”;
- (c) in subsection (2) by striking out “an academic year” wherever it appears and substituting “a year”;
- (d) in the English version of subsections (5) and (6) by striking out “Notwithstanding” and substituting “Despite”; and
- (e) in subsection (5) by striking out “each academic year” and substituting “the period”.

**4. Paragraph 7(1)(c) is repealed and the following substituted:**

- (c) those amounts approved by the Deputy Minister for travel of the student to and from his place of residence to either
  - (i) an approved institution in Nunavut that offers the program of study to which the grant relates, or
  - (ii) whichever of the cities of Ottawa, Montreal, Winnipeg or Edmonton that is closest to the approved institution outside Nunavut that offers the program of study to which the grant relates.

**5. Section 8 is repealed.**

**6. The English version of subsection 9(3.1) is amended by striking out “Notwithstanding” and substituting “Despite”.**

**7. The following is added after section 11:**

Students with permanent disabilities

**11.1** (1) The provision of study grants under this section to persons described in subsection (2) is an affirmative action program for the amelioration of the conditions of those persons through post-secondary school education.

(2) Subject to these regulations, a person who has a permanent disability is eligible for a study grant to cover approved extraordinary expenses to participate in post-secondary school education if he or she fulfils the eligibility criteria for a basic grant to the extent provided for in subsection 6(1) and provides to the Deputy Minister a medical or learning ability assessment, from a qualified professional acceptable to the Deputy Minister, of the person’s permanent disability and the manner in which it restricts the person’s ability to participate fully in post-secondary education.

(3) The Deputy Minister may, in determining whether to award a study grant and the amount of the study grant to be awarded,

- (a) take into consideration the necessity for the extraordinary expense; and
- (b) limit the amount of the study grant to the amount normally charged for the item or service to which the extraordinary expense relates.

(4) The maximum amount of a study grant that a person may receive under subsection (2) is

- (a) \$8,000 per academic year if he or she is a full-time student; or
- (b) \$1,000 per academic year if he or she is eligible to receive a reimbursement in accordance with sections 32 and 33 and does not receive any other study grant under this section.

**8. Section 12 and the heading preceding it are repealed.**

**9. Section 17 is repealed and the following substituted:**

**17.** Subject to these regulations, a person is eligible for a needs assessed loan in an amount not exceeding the maximum approved by the Deputy Minister if he or she is of the opinion that the person needs additional financial assistance to attend the approved institution, after taking into account:

- (a) the financial position of the person and his or her dependants, and
- (b) the financial assistance the person will receive to attend the approved institution for which he or she is accepted for registration.

**10. Section 23 is amended in subsections (1) and (2) by adding “or a serving reservist” after “upgrading student” wherever it appears.**

**11. Section 24 is amended in subsections (1) and (3) by adding “or a serving reservist” after “upgrading student” wherever it appears.**

**12. Section 25 is amended:**

- (a) **in subsection (1) by striking out the word “Where” and substituting “Subject to subsection (1.1), where”;**
- (b) **by adding the following after subsection (1):**

(1.1) Where a borrower to whom subsection (1) applies becomes a serving reservist, the time for entering into consolidated agreement under that subsection shall be calculated in accordance with subsection 23(2).

**13. Section 29 is amended:**

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

(1) Subject to these regulations, no interest is payable by a borrower on a loan in respect of:

- (a) a period during which he or she is a full-time student, a serving reservist or an upgrading student;
- (b) the period beginning on the day on which he or she ceases to be a full-time student or an upgrading student and ending on the last day of the sixth month after the month in which that day occurred;
- (c) a period beginning on the day on which he or she ceases to be a serving reservist and ending on the day on which he or she becomes a full-time student or upgrading student, but only if the period is less than six months.

- (b) **in subsection (2) by striking out “in the periodic publication entitled the *Bank of Canada Review*”.**

- (c) **adding the following after subsection (2):**

(3) Interest payable by a borrower on a loan shall be calculated using the simple interest method.

**14. Section 30 is amended:**

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

(1) A loan granted under these regulations is written off and a borrower's obligations in respect of that loan are extinguished on the day any of the following occurs:

- (a) the borrower dies;
- (b) the borrower disappears in circumstances that, in the opinion of the Commissioner, raise beyond a reasonable doubt a presumption that the borrower is dead; or
- (c) the borrower becomes severely and permanently disabled and the Commissioner is satisfied that the borrower is unable to repay the loan and will never be able to repay it.

- (b) **in subsection (2) by adding “, as soon as practicable,” after “shall”.**
- (c) **by adding the following after subsection (2):**

(2.1) For the purposes of determining that a borrower is severely and permanently disabled and unable to repay a loan, the borrower shall, as soon as practicable, provide the Commissioner with a medical assessment from a qualified professional acceptable to the Commissioner that provides

- (a) evidence of the disability; and
- (b) evidence satisfactory to the Commissioner of the present and future inability of the borrower to repay the loan.

- (d) **by striking out subsection (4) and substituting the following:**

(4) When a borrower’s obligations are extinguished in accordance with subsection (1), a security taken by the Secretary from the borrower under subsection 28(2) shall be cancelled or transferred to the borrower or his or her estate, as the case may be.

**15. The following is added after section 31:**

Reservists

**31.1** (1) In this section

“designated operation” means an operation that is designated for the purposes of paragraph 247.5(1)(a) of the *Canada Labour Code*; (*opération désignée*)

“reserve force” has the same definition as in subsection 2(1) of the *National Defence Act* (Canada); (*force de réserve*)

(2) This section applies in respect of a person who is a member of the reserve force.

(3) Subject to this section, a person who is a full-time student but ceases his or her program of studies to serve on a designated operation is a serving reservist for the purposes of these Regulations until the later of the day:

- (a) his or her service on the designated operation ends; or
- (b) where he or she is unable to continue full time in a program of studies as a result of an injury or a disease, or an aggravation of an injury or disease, and the injury, disease or aggravation is attributable to or was incurred during the designated operation, the earlier of the day:
  - (i) on which the Deputy Minister determines that the injury or disease, or the aggravation of the injury or disease, no longer precludes the borrower from returning to a program of studies; and
  - (ii) that is two years after the day on which the borrower’s service on the designated operation ended.

(4) In order to be considered a serving reservist for the purposes of these Regulations, the person referred to in subsection (3) shall, no later than 30 days after the receipt of his or her posting message provided by the Department of National Defence, notify the Deputy Minister that he or she will be serving on the designated operation.

(5) Notice under subsection (4) must be in a form approved by the Deputy Minister and must include the following information:

- (a) the borrower’s social insurance number;
- (b) a copy of the posting message;
- (c) a confirmation that the student intends to return to full-time studies following his or her service on the designated operation;
- (d) any further information requested by the Deputy Minister.

(6) The Deputy Minister may extend the period referred to in subsection (4) if circumstances beyond the control of the borrower necessitate a longer period.

**16. The following is added after the heading preceding section 34:**

**33.1** Without restricting the powers of the Deputy Minister with respect to the approval of institutions and programs of study for the purposes of these regulations, the Deputy Minister may withhold or revoke approval of an institution or a program of studies for the purposes of these regulations where the institution or program of studies has inadequate administrative or consumer protection policies.

**17. Section 34.1 is amended:**

- (a) by renumbering section 34.1 as subsection 34.1(1);**
- (b) in subsection (1) by repealing paragraphs (a) to (c) and substituting the following:**

- (a) July 15, in respect of programs starting between August 15 and October 1;
- (b) November 15, in respect of programs starting during the month of January;
- (c) March 1, in respect of programs starting between April 15 and May 31; and
- (d) the day that is six weeks before the day on which the semester begins, in all other cases.

- (c) by adding the following after subsection (1):**

(2) Despite subsection (1), an application for student financial assistance submitted up to 30 days after the relevant date set out in subsection (1) may, in accordance with the directions of the Deputy Minister, be considered in determining whether to award student financial assistance in respect of that semester.

**18. Section 35 is amended by striking out “Student financial assistance” and substituting “Except as provided for in paragraph 11.1(4)(b) and section 32, student financial assistance”.**

**19. The following is inserted after section 35:**

**35.1** (1) Despite any provision of these regulations, a person is ineligible to receive any student financial assistance where that person has more than once abandoned a program of studies for which he or she received student financial assistance.

(2) For the purposes of subsection (1), a person only abandons a program of studies where he or she voluntarily ceases to be enrolled in a program of studies prior to completing all the requirements of the program, unless the person later re-enrolls in the same program of studies or enrolls in another program of studies and at least 80% of the credits earned during the original program of studies are credited toward, or are a prerequisite for, the new program of studies.

**20. Section 38(1) is amended:**

- (a) in the English version of paragraph (a) by striking out “or”;**
  - (b) in paragraph (b) by striking out the period and substituting a “; or”;** and
  - (c) by adding the following after paragraph (b):**
- (c) be advanced to the student on the student submitting the proof referred to in subsection 36(3).

**Transitional**

**21. Despite section 35.1 of the Regulations, any person who is receiving student financial assistance on the coming into force of that section and has more than once abandoned a program of studies for which he or she received student financial assistance prior to the coming into force of that section is eligible for student**

**financial assistance unless he or she abandons a program of studies for which he or she receives student financial assistance after the coming into force of that section.**

**22. Despite anything in these Regulations, and until July 31, 2013, the Regulations as they read immediately prior to the coming into force of these Regulations apply to any person who is receiving student financial aid on the coming into force of these Regulations and would otherwise become ineligible to receive such aid on the coming into force of these Regulations.**