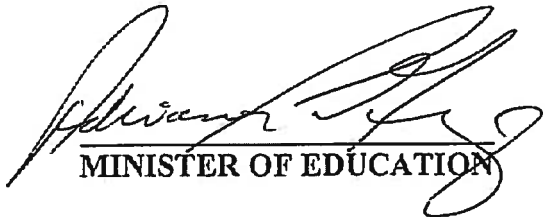


ALBERTA REGULATION 84/2019
FILED ON August 16 2019

GOVERNMENT OF ALBERTA
DEPARTMENT OF EDUCATION
MINISTERIAL ORDER (# 018 / 2019)

I, Adriana LaGrange, Minister of Education, pursuant to Sections 201 and 224 of the **Education Act**, make the Order set out in the attached Appendix, being the *Certification of Teachers and Teacher Leaders Regulation*.

DATED at Edmonton, Alberta August 15, 2019.


MINISTER OF EDUCATION

APPENDIX

Education Act

CERTIFICATION OF TEACHERS AND TEACHER LEADERS REGULATION

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Definitions

1 In this Regulation,

- (a) "Bachelor of Education degree" means a degree in education granted in Alberta by
 - (i) a university as defined in the *Post-secondary Learning Act*, or
 - (ii) a private post-secondary institution, as defined in the *Post-secondary Learning Act*, that offers a basic professional teacher preparation program approved by the Minister;
- (b) "certificate" means a teaching certificate, a leadership certificate or a superintendent leadership certificate;
- (c) "Certification Appeal Committee" means the Certification Appeal Committee appointed under section 4 and where a

panel of the Committee is established a reference to the Committee shall be read as a reference to the panel;

- (d) “complaint” means a complaint under the *Teaching Profession Act* or the *Practice Review of Teachers and Teacher Leaders Regulation*;
- (e) “First Nation school” means a structured learning environment through which an education program is offered in Alberta by
 - (i) a council of a band as defined in the *Indian Act* (Canada),
 - (ii) a person authorized by the council of a band as defined in the *Indian Act* (Canada), or
 - (iii) the Government of Canada;
- (f) “interim professional certificate” means an interim professional certificate issued under section 7 or reissued under section 9;
- (g) “leadership certificate” means a permanent leadership certificate or a temporary leadership certificate;
- (h) “Leadership Quality Standard” means the Leadership Quality Standard adopted by the Minister under section 18(2)(b) of the Act, as amended from time to time;
- (i) “letter of authority” means a letter of authority issued under section 12;
- (j) “officer” means an individual appointed under section 3(1);
- (k) “permanent leadership certificate” means a permanent leadership certificate issued under section 14;
- (l) “permanent professional certificate” means a permanent professional certificate issued under section 10;
- (m) “permanent superintendent leadership certificate” means a permanent superintendent leadership certificate issued under section 15;

- (n) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (o) “practicum” means a student teaching placement in a kindergarten to Grade 12 program supervised by academic staff of an approved basic professional teacher preparation program;
- (p) “Registrar” means the individual appointed under section 2(1);
- (q) “registry” means the registry established under section 21;
- (r) “superintendent leadership certificate” means a permanent superintendent leadership certificate or a temporary superintendent leadership certificate;
- (s) “Superintendent Leadership Quality Standard” means the Superintendent Leadership Quality Standard adopted by the Minister under section 18(2)(b) of the Act, as amended from time to time;
- (t) “teacher” means an individual who holds a teaching certificate or whose teaching certificate has expired or been suspended or cancelled;
- (u) “teacher leader” means a teacher who holds a leadership certificate or a superintendent leadership certificate or whose leadership certificate or superintendent leadership certificate has expired or been suspended or cancelled;
- (v) “teaching certificate” means a permanent professional certificate, an interim professional certificate, a letter of authority or any other authority to teach issued under this Regulation or a predecessor to this Regulation;
- (w) “Teaching Quality Standard” means the Teaching Quality Standard adopted by the Minister under section 18(2)(b) of the Act, as amended from time to time;
- (x) “temporary leadership certificate” means a temporary leadership certificate issued under section 16;

- (y) “temporary superintendent leadership certificate” means a temporary superintendent leadership certificate issued under section 17.

Administrative Matters

Registrar

- 2(1)** The Minister may, in writing, appoint an individual to act as the Registrar for the purposes of this Regulation.
- (2)** The Registrar may seek advice in any manner the Registrar considers appropriate and may provide remuneration for the advice.
- (3)** The Registrar may delegate to any employee under the Minister’s administration any power or duty conferred on the Registrar by this Regulation.

Officers

- 3(1)** The Minister may, in writing, appoint individuals to act as officers for the purposes of this Regulation.
- (2)** An officer may make recommendations to the Registrar regarding the issuance or reissuance of a certificate or the extension of the term of a certificate.
- (3)** At the request of the Registrar, an officer must collect personal information from teachers and teacher leaders or from other persons that is necessary for the purposes of
- (a)** establishing and maintaining the registry, and
 - (b)** conducting statistical, evaluative and financial analyses and forecasting relating to teachers and teacher leaders,
- and must disclose that information to the Registrar or the Minister.

Certification Appeal Committee

- 4(1)** The Minister may appoint the members of the Certification Appeal Committee and designate one member to act as the chair.
- (2)** The Certification Appeal Committee must have a minimum of 7 members and may have more than 7 members if the Minister considers it appropriate.

Panels of Certification Appeal Committee

- 5(1)** The chair of the Certification Appeal Committee may establish panels of that Committee, each consisting of 7 members of the Committee.
- (2)** The chair may establish as many panels as the chair considers appropriate.
- (3)** If the chair of the Certification Appeal Committee is unable to act as the chair of a panel, the members of the panel must choose a person from among themselves to act as the chair.
- (4)** Four members of a panel constitute a quorum.

Interim Professional Certificates and Permanent Professional Certificates

Application

- 6(1)** An individual may, in the manner and form required by the Minister, apply to the Registrar
 - (a)** for the issuance or reissuance of an interim professional certificate or a permanent professional certificate, or
 - (b)** for an extension of the term of an interim professional certificate.
- (2)** If an application is made under subsection (1) and the Registrar makes a request of the applicant in writing, the Registrar may consider the application to have expired if the applicant does not respond appropriately to the request within one year following the initial date of the application.

Requirements for interim professional certificate

- 7(1)** The Registrar may issue an interim professional certificate to an applicant who
 - (a)** holds
 - (i)** a Bachelor of Education degree, or
 - (ii)** a degree that is acceptable to the Minister in education or in any other field from an institution outside Alberta that is approved by the Minister, if the degree

- (A) includes or is supplemented with a basic professional teacher preparation program that is acceptable to the Minister, and
- (B) meets the requirements for professional teacher certification in the jurisdiction where the degree or the basic professional teacher preparation program was completed,

and

- (b) in the Registrar's opinion, is proficient in at least one of the official languages of Canada.

(2) Notwithstanding subsection (1)(a), the Registrar may issue an interim professional certificate to an applicant who has completed the practicum or course work prescribed by the Registrar at an institution approved by the Minister that, when combined with the applicant's other qualifications, is in the Registrar's opinion equivalent to the requirements of a Bachelor of Education degree.

(3) An application for an interim professional certificate must be accompanied by

- (a) the applicant's written declaration that the applicant has the ability to meet the Teaching Quality Standard, and
- (b) a written statement from a designated officer of an institution in Alberta that is approved by the Minister to offer a basic professional teacher preparation program, indicating that the applicant has completed the requirements for the Bachelor of Education degree and has the ability to meet the Teaching Quality Standard.

(4) An applicant who has not completed a basic professional teacher preparation program in Alberta may provide, in lieu of the written statement referred to in subsection (3)(b),

- (a) proof satisfactory to the Registrar that the applicant holds a teaching authority from the jurisdiction where the applicant initially completed a basic professional teacher preparation program,
- (b) proof satisfactory to the Registrar that the teaching authority has not been suspended or cancelled, and

(c) any other proof that the Registrar requires.

(5) The Registrar may issue an interim professional certificate only to a Canadian citizen or an individual lawfully permitted to work in Canada.

Term of interim professional certificate

8(1) Unless an extension is granted under section 9, an interim professional certificate expires on the earlier of

- (a) August 31 of the 3rd year following the year in which it is issued, or
- (b) a date prescribed by the Registrar at the time of issue of the interim professional certificate.

(2) The issuance of a permanent professional certificate to a teacher cancels the teacher's interim professional certificate.

Reissuance or extension of interim professional certificate

9(1) Where a teacher's interim professional certificate has expired or is about to expire, an officer may recommend to the Registrar that the interim professional certificate be reissued or that the term of the interim professional certificate be extended.

(2) The Registrar may reissue an interim professional certificate or extend the term of an interim professional certificate only if the application is accompanied by a statement from the officer who made the recommendation under subsection (1) indicating that the officer is satisfied that the applicant has the ability to meet the Teaching Quality Standard.

(3) An interim professional certificate may be reissued or its term may be extended to August 31 of the 3rd year following the year in which it was issued.

(4) An interim professional certificate may be reissued or its term may be extended as many times as the Registrar considers appropriate.

Requirements for permanent professional certificate

10(1) The Registrar may issue a permanent professional certificate to an applicant who

- (a) while holding an interim professional certificate, has completed the equivalent of 2 school years, as described in section 60 of the Act,
 - (i) of full-time teaching experience in a setting where the courses, programs of study and learning and teaching resources are prescribed, authorized or approved by the Minister pursuant to section 18 of the Act in
 - (A) a school in Alberta,
 - (B) an institution operated or approved by the Minister, or
 - (C) a comprehensive community college, polytechnic institution or private post-secondary institution as defined in the *Post-secondary Learning Act*,
 - or
 - (ii) of related professional experience that is acceptable to the Registrar,
- (b) declares in writing that the applicant meets the Teaching Quality Standard, and
- (c) provides the Registrar with a recommendation under section 11 indicating that the applicant meets the Teaching Quality Standard.

(2) The Registrar may issue a permanent professional certificate only to a Canadian citizen or an individual lawfully permitted to work in Canada.

Recommendation respecting permanent professional certificate

11(1) Where an individual has completed the requirements of section 10(1)(a),

- (a) the designated officer for the school, institution, comprehensive community college, polytechnic institution or private post-secondary institution at which the individual completed the requirements, in the case of the requirements of section 10(1)(a)(i), or

- (b) a person satisfactory to the Registrar, in the case of the requirements of section 10(1)(a)(ii),

must provide to the individual and to the Registrar a recommendation in the form required by the Minister.

(2) A recommendation under this section must indicate

- (a) that the individual meets the Teaching Quality Standard, or
- (b) that the individual does not meet the Teaching Quality Standard and must include reasons.

(3) A recommendation under this section must be provided by August 31 of the year in which the individual completes the requirements of section 10(1)(a).

(4) A recommendation relating to an individual who has completed the requirements of section 10(1)(a)(ii) must indicate how the professional experience obtained by the individual is related to the quality of teaching provided by the individual to students.

(5) This section applies whether or not an individual who has completed the requirements of section 10(1)(a) applies to the Registrar for a permanent professional certificate.

Letter of Authority

Letter of authority

12(1) The Registrar may issue a letter of authority in the manner and form determined by the Registrar to or in respect of an individual who

- (a) has academic and professional qualifications or technical and professional qualifications that are acceptable to the Minister,
- (b) in the Registrar's opinion, is proficient in at least one of the official languages of Canada, and
- (c) subject to subsection (3), is a Canadian citizen or lawfully permitted to work in Canada.

(2) The Registrar may issue a letter of authority under subsection (1)

- (a) on the recommendation of an officer,
 - (b) pursuant to a decision of
 - (i) the Certification Appeal Committee, or
 - (ii) the Minister,
- or
- (c) on the Registrar's own initiative.

(3) The Registrar may waive the requirement set out in subsection (1)(c) if the Registrar is satisfied that the individual is not and will not be employed as a teacher in Canada during the term of the letter of authority.

(4) The Registrar may attach to a letter of authority any terms or conditions that the Registrar considers appropriate.

Permanent Leadership Certificates and Permanent Superintendent Leadership Certificates

Application

13(1) An individual may, in the manner and form required by the Minister, apply to the Registrar for the issuance of

- (a) a permanent leadership certificate, or
- (b) a permanent superintendent leadership certificate.

(2) If an application is made under subsection (1) and the Registrar makes a request of the applicant in writing, the Registrar may consider the application to have expired if the applicant does not respond appropriately to the request within one year following the initial date of the application.

Requirements for permanent leadership certificate

14(1) The Registrar may issue a permanent leadership certificate to an applicant who

- (a) holds a permanent professional certificate, and
- (b) has successfully completed educational requirements approved by the Minister at an institution approved by the Minister.

(2) Subject to subsection (5), the Registrar may issue a permanent leadership certificate to an applicant who meets the requirements of subsection (1)(a) but does not meet the requirements of subsection (1)(b) if the applicant was

- (a) designated to be a principal under the Act, other than an acting principal, for all or part of a school year ending in 2019,
- (b) assigned to be an acting principal of a school under the Act for a school year ending in 2019 and served in that role for at least half of that school year,
- (c) appointed as a superintendent of schools under the Act for a period that includes all or part of a school year ending in 2019,
- (d) appointed as an acting superintendent of schools under the Act for a period that includes a school year ending in 2019 and served in that role for at least half of the school year ending in 2019, or
- (e) employed in a position designated by the Registrar, on the recommendation of an officer, as a qualifying position for the purposes of this section, in
 - (i) a First Nation school,
 - (ii) a funded private school as defined in the *Private Schools Regulation*, or
 - (iii) an institution approved by the Ministerfor all or part of a school year ending in 2019.

(3) Subject to subsection (5), the Registrar may issue a permanent leadership certificate to an applicant who meets the requirements of subsection (1)(a) but does not meet the requirements of subsection (1)(b) or (2) if the applicant

- (a) was employed by a board, an operator of a charter school, a Francophone regional authority, a First Nation school, a funded private school as defined in the *Private Schools Regulation* or an institution approved by the Minister in a position

- (i) in respect of which the applicant was required to hold a teaching certificate as a condition of employment, and
 - (ii) that has been designated by the Registrar, on the recommendation of an officer, as a qualifying position for the purposes of this section,
- for all or part of a school year ending in 2019, and
- (b) has successfully completed in-service training approved by the Minister with a service provider approved by the Minister.
- (4) An application for a permanent leadership certificate must be accompanied by
- (a) the applicant's written declaration that the applicant has the ability to meet the Leadership Quality Standard, and
 - (b) in the case of an applicant who has met the requirements referred to in subsection (1)(b) or (3)(b), a written statement from a designated officer of the approved institution or from the service provider indicating that the applicant
 - (i) has completed the educational requirements or in-service training approved by the Minister, as the case may be, and
 - (ii) has the ability to meet the Leadership Quality Standard.
- (5) The Registrar must not issue a permanent leadership certificate under subsection (2) or (3) after August 31, 2021.

Requirements for permanent superintendent leadership certificate

15(1) The Registrar may issue a permanent superintendent leadership certificate to an applicant who

- (a) holds a permanent leadership certificate,
- (b) meets the requirements set out in section 2(1)(a), (b) and (d) of the *Superintendent of Schools Regulation*, and

- (c) has successfully completed educational requirements approved by the Minister at an institution approved by the Minister.

(2) Subject to subsection (5), the Registrar may issue a permanent superintendent leadership certificate to an applicant who meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) if the applicant was

- (a) appointed as a superintendent of schools under the Act for a period that includes all or part of a school year ending in 2019,
- (b) appointed as an acting superintendent of schools under the Act for a period that includes a school year ending in 2019 and served in that role for at least half of the school year ending in 2019, or
- (c) employed by a First Nation school or a funded private school as defined in the *Private Schools Regulation*, in a position designated by the Registrar, on the recommendation of an officer, as a qualifying position for the purposes of this section for all or part of a school year ending in 2019.

(3) Subject to subsection (5), the Registrar may issue a permanent superintendent leadership certificate to an applicant who meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (2) if the applicant

- (a) was employed by a board, an operator of a charter school, a Francophone regional authority, a First Nation school or a funded private school as defined in the *Private Schools Regulation* in a position
 - (i) in respect of which the applicant was required to hold a teaching certificate as a condition of employment, and
 - (ii) that has been designated by the Registrar, on the recommendation of an officer, as a qualifying position for the purposes of this section,

for all or part of a school year ending in 2019, and

- (b) has successfully completed in-service training approved by the Minister with a service provider approved by the Minister.
- (4) An application for a permanent superintendent leadership certificate must be accompanied by
- (a) the applicant's written declaration that the applicant has the ability to meet the Superintendent Leadership Quality Standard, and
 - (b) in the case of an applicant who has met the requirements referred to in subsection (1)(c) or (3)(b), a written statement from a designated officer of the approved institution or from the service provider indicating that the applicant
 - (i) has completed the educational requirements or in-service training approved by the Minister, as the case may be, and
 - (ii) has the ability to meet the Superintendent Leadership Quality Standard.
- (5) The Registrar must not issue a superintendent leadership certificate to an applicant under subsection (2) or (3) after August 31, 2021.

Temporary Leadership Certificates and Temporary Superintendent Leadership Certificates

Temporary leadership certificate

- 16(1)** The Registrar may issue a temporary leadership certificate in the manner and form determined by the Registrar to or in respect of an individual who
- (a) holds a teaching certificate, and
 - (b) subject to subsection (3), the Registrar is satisfied
 - (i) is to be designated
 - (A) as a principal under section 202 of the Act,
 - (B) as an acting principal under section 203 of the Act,

(C) as a principal of a funded private school under section 13 of the *Private Schools Regulation*, or

(D) as a principal of an institution approved by the Minister,

or

(ii) is approved to be appointed as a superintendent of schools or acting superintendent under section 222 of the Act.

(2) The Registrar may issue a temporary leadership certificate under subsection (1)

(a) on the recommendation of an officer,

(b) pursuant to a decision of the

(i) Certification Appeal Committee, or

(ii) Minister,

or

(c) on the Registrar's own initiative.

(3) Subsection (1)(b) does not apply in a case in which a temporary leadership certificate is issued on the cancellation of a permanent leadership certificate.

(4) The Registrar may attach to a temporary leadership certificate any terms or conditions that the Registrar considers appropriate.

Temporary superintendent leadership certificate

17(1) The Registrar may issue a temporary superintendent leadership certificate in the manner and form determined by the Registrar to or in respect of an individual who

(a) holds a leadership certificate,

(b) meets the requirements set out in section 2(1)(a), (b) and (d) of the *Superintendent of Schools Regulation*, and

(c) subject to subsection (3), the Registrar is satisfied is to be appointed as a superintendent of schools or acting superintendent under section 222 of the Act.

(2) The Registrar may issue a temporary superintendent leadership certificate under subsection (1)

- (a) on the recommendation of an officer,
- (b) pursuant to a decision of the
 - (i) Certification Appeal Committee, or
 - (ii) Minister,

or

(c) on the Registrar's own initiative.

(3) Subsection (1)(c) does not apply in a case in which a temporary superintendent leadership certificate is issued on the cancellation of a permanent superintendent leadership certificate.

(4) The Registrar may attach to a temporary superintendent leadership certificate any terms or conditions that the Registrar considers appropriate.

General Provisions Respecting Certificates

Refusal to issue, reissue or extend

18(1) The Registrar may refuse to issue or reissue an interim professional certificate or extend the term of an interim professional certificate

- (a) if the applicant
 - (i) does not meet the requirements of this Regulation for an interim professional certificate,
 - (ii) has committed an act that resulted in the applicant's conviction of an indictable offence in Canada or an equivalent conviction in a jurisdiction outside Canada,
 - (iii) held a certificate, or a document equivalent to a certificate issued in another jurisdiction, that has been suspended or cancelled as a result of unprofessional conduct or unskilled or incompetent teaching,

- (iv) has previously been denied the issuance or reissuance of an interim professional certificate or extension of the term of an interim professional certificate, or
- (v) submits an application or accompanying document that is false or misleading,

or

- (b) if the Registrar believes that it is not appropriate to issue or reissue an interim professional certificate or extend the term of an interim professional certificate.

(2) The Registrar may refuse to issue a permanent professional certificate, a leadership certificate or a superintendent leadership certificate

- (a) if the applicant does not meet the requirements of this Regulation for the certificate, or
- (b) if the Registrar believes that it is not appropriate to issue the certificate.

(3) The Registrar may refuse to issue a certificate, reissue a certificate or extend the term of a certificate if the Registrar is aware of any conduct on the part of the applicant that is, at the time the Registrar is reviewing the application under section 6 or 13, or is otherwise considering issuing a certificate, the subject of a complaint.

Written decision

19 The Registrar must make a written decision that includes reasons and must provide a copy of the decision to the applicant

- (a) with respect to an application under section 6 or 13, or
- (b) on otherwise issuing or refusing to issue or extend the term of a certificate, including issuing a certificate of a different class than the certificate requested.

Powers of the Registrar

Power to investigate and collect information

20(1) The Registrar may look into and collect information about any matter in the course of carrying out the Registrar's powers and duties under this Regulation.

- (2) In the course of acting under subsection (1), the Registrar may
- (a) request and collect personal information, records of credentials, records of criminal convictions and information about record suspensions and pardons and any other information and records the Registrar considers relevant, and
 - (b) conduct interviews and keep records.

Registry

21(1) The Registrar must establish and maintain a registry of information, including personal information, in respect of individuals who

- (a) apply for a certificate,
 - (b) request an evaluation of their credentials,
 - (c) are officers,
 - (d) hold a certificate, or
 - (e) held a certificate in Alberta or a document equivalent to a certificate issued in another jurisdiction that has expired or been suspended or cancelled.
- (2) A teacher or teacher leader who has changed the teacher's or teacher leader's name while holding a certificate must provide the Registrar with evidence of the change in name in the form prescribed by the Registrar.
- (3) A teacher or teacher leader must, on the request of and in the form prescribed by the Registrar, provide to the Registrar any information about the teacher or teacher leader the Registrar considers necessary to maintain the accuracy and completeness of the registry.

Information about teacher and teacher leader development

22(1) The Registrar may collect and disclose non-identifying information about teacher preparation, teacher leader preparation, teacher professional development and teacher leader professional development in Alberta, and that information must be kept separate from

- (a) the registry, and
- (b) any other information maintained by the Registrar about an individual.

(2) In this section, “non-identifying information” means information from which it is impossible to ascertain the identity of the individual who is the subject of the information.

Disclosure of information

23(1) The Registrar may disclose

- (a) to the Certification Appeal Committee or a committee established under the *Practice Review of Teachers and Teacher Leaders Regulation* information, including personal information, and records that, in the Registrar’s opinion, should be submitted to the Certification Appeal Committee or committee,
- (b) to an investigator appointed under the *Teaching Profession Act* or the *Practice Review of Teachers and Teacher Leaders Regulation* information, including personal information, and records that, in the Registrar’s opinion, should be submitted to the investigator,
- (c) to the appropriate authority in a jurisdiction outside Alberta information, including personal information, about whether an individual has applied for, holds or once held one or more certificates, the type of certificates and whether
 - (i) the certificates are in good standing, have expired and may be reissued or have been suspended or cancelled and the reasons for suspension or cancellation, or
 - (ii) there is a report filed under section 218 of the Act, a complaint or a proceeding pending or underway that may result in one or more of the certificates being suspended or cancelled or not being reissued,
- (d) to an employer or prospective employer who is required under the Act to employ teachers or teacher leaders information, including personal information,

- (i) with respect to the certificates held by the teacher or teacher leader,
- (ii) about a teacher's or teacher leader's qualifications, major areas of specialization, graduate diplomas or degrees, vocational training and years of teaching or leadership experience,
- (iii) with respect to whether one or more of the teacher's or teacher leader's certificates are in good standing, have expired and may be reissued or have been suspended or cancelled and the reasons for suspension or cancellation, and
- (iv) with respect to whether there is a report filed under section 218 of the Act, a complaint or a proceeding pending or underway that may result in one or more of the teacher's or teacher leader's certificates being suspended or cancelled or not being reissued,

and

- (e) on the written request of a teacher or teacher leader, to the appropriate authority in a jurisdiction outside Alberta a statement of standing, including personal information, about whether the teacher or teacher leader has applied for, holds or once held one or more certificates, the type of certificates and whether
 - (i) the certificates are in good standing, have expired and may be reissued or have been suspended or cancelled and the reasons for suspension or cancellation, or
 - (ii) there is a report filed under section 218 of the Act, a complaint or a proceeding pending or underway that may result in one or more of the certificates being suspended or cancelled or not being reissued.

(2) A decision of the Registrar to disclose information under subsection (1)(a) to (d) may not be appealed under section 25.

(3) A decision of the Registrar not to disclose information under subsection (1)(e) must

- (a) be in writing,

- (b) include reasons, and
- (c) be provided to the teacher or teacher leader who is the subject of the information

and the decision may be appealed under section 25.

Referral of discipline matter

24 Where in the Registrar's opinion it is appropriate to do so, the Registrar may refer a matter to the executive secretary of The Alberta Teachers' Association.

Appeal to Certification Appeal Committee

Appeal to Certification Appeal Committee

25(1) Subject to section 23(2), an applicant for a certificate or a teacher or teacher leader who is directly affected by a decision of the Registrar may appeal the decision by providing a written notice of appeal to the chair of the Certification Appeal Committee.

(2) A notice of appeal must be received by the chair of the Certification Appeal Committee not more than 30 days after the date on which the decision of the Registrar is provided to the appellant.

(3) A notice of appeal must

- (a) describe the decision being appealed, and
- (b) state the reasons for the appeal.

(4) Payment of the prescribed fee must accompany the notice of appeal.

(5) The chair of the Certification Appeal Committee must set the date, time and location of the appeal.

(6) At least 15 days before the date of the appeal, the chair of the Certification Appeal Committee must

- (a) serve on the appellant and provide to the Registrar a notice setting out the date, time and location of the appeal, and
- (b) notify

- (i) the appellant and the Registrar of their right to make written and oral representations to the Certification Appeal Committee, and
- (ii) the appellant that the appeal may proceed in the appellant's absence if the appellant does not appear.

(7) No appeal may be commenced under this section

- (a) if there is an investigation or proceeding pending or underway in Alberta or elsewhere that may result in a certificate or a document equivalent to a certificate issued in another jurisdiction held by the appellant being suspended or cancelled or not being reissued,
- (b) where the Registrar's decision is based on the failure by the appellant to provide
 - (i) the statement referred to in section 7(3)(b), 14(4)(b) or 15(4)(b), or
 - (ii) proof referred to in section 7(4)or on the insufficiency of the statement or proof, or
- (c) where the Registrar's decision is based on a finding or recommendation of a practice review hearing committee or practice review appeal committee under the *Practice Review of Teachers and Teacher Leaders Regulation*.

**Proceedings before the Certification
Appeal Committee**

26(1) At a hearing before the Certification Appeal Committee, the appellant and the Registrar

- (a) may appear and be represented by counsel or any other individual, and
- (b) may make written or oral submissions.

(2) A hearing before the Certification Appeal Committee must be open to the public unless, in the opinion of the Committee, the interests of any person other than the appellant may be detrimentally affected if the hearing is not held in private.

(3) Evidence may be given before the Certification Appeal Committee in any manner that the Committee considers

appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(4) The Certification Appeal Committee may grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Committee.

(5) The Certification Appeal Committee may, on proof of service of the notice referred to in section 25(6)(a), proceed with the hearing in the absence of the appellant.

(6) The Certification Appeal Committee may uphold, overrule or vary, with or without conditions, a decision or recommendation of the Registrar.

Decision on appeal

27(1) The Certification Appeal Committee must make a written decision that includes reasons.

(2) The chair of the Certification Appeal Committee must forthwith provide a copy of the decision to the appellant, the Registrar and the Minister.

Decision final

28 The decision of the Certification Appeal Committee is final.

Implementing decisions

29 The Registrar must take whatever action the Registrar considers appropriate to implement a decision of the Certification Appeal Committee.

Costs

30 The appellant is responsible for the payment of all costs incurred

- (a) by the appellant and the appellant's counsel or other representative,
- (b) by witnesses appearing on behalf of the appellant, and
- (c) in the production of documents, papers, notes, records and other materials or things produced on behalf of the appellant.

Powers of the Minister

Powers relating to certificates

31 If the Minister considers it appropriate to do so, the Minister may, with or without conditions,

- (a) issue or reissue a certificate or extend the term of a certificate,
- (b) refuse to issue or reissue a certificate or to extend the term of a certificate,
- (c) suspend or cancel a certificate, or
- (d) reinstate a cancelled or suspended certificate.

Powers subsequent to hearing under Teaching Profession Act

32 The Minister may accept, reject or vary, with or without conditions, a recommendation of

- (a) a hearing committee under section 42(1) of the *Teaching Profession Act*,
- (b) the Professional Conduct Appeal Committee under section 56 of the *Teaching Profession Act*,
- (c) a Professional Practice Review Hearing Committee under the *Teaching Profession Act*, or
- (d) a Professional Practice Review Appeal Committee under the *Teaching Profession Act*

that the Minister cancel or suspend a certificate.

Cancellation on request

33 The Minister may cancel a certificate on receiving from the holder a written request that sets out the reason for requesting the cancellation.

Decision final

34 A decision of the Minister under section 31, 32, 33 or 35 is final.

Implementing decisions

35 The Minister may take whatever action the Minister considers appropriate

- (a) to implement a decision under this Regulation, or
- (b) to make public a decision under this Regulation.

Fees

36(1) The Minister may set fees

- (a) for services provided by the Registrar,
- (b) for the filing of appeals, and
- (c) for any other services relating to certificates.

(2) The Minister may waive or reduce a fee referred to in subsection (1).

(3) The Minister may decide by whom a fee referred to in subsection (1) is to be paid.

General

Prescribed leadership certificates and superintendent leadership certificates

37(1) The following leadership certificates are prescribed for the purposes of sections 202(1.1) and 203(1.1) of the Act:

- (a) temporary leadership certificate;
- (b) permanent leadership certificate.

(2) The following superintendent leadership certificates are prescribed for the purposes of section 222(1.1) and (1.2) of the Act:

- (a) temporary superintendent leadership certificate;
- (b) permanent superintendent leadership certificate.

Signature on certificates

38(1) A certificate must be signed

- (a) by the Minister or the Deputy Minister, and
- (b) by the Registrar.

(2) The signatures required under subsection (1) may be mechanically or electronically reproduced on a certificate.

Service

39(1) When this Regulation requires that a document or notice be served on an individual, the document or notice is sufficiently served

- (a) if it is served personally on the individual or sent to the individual by recorded mail,
 - (i) in the case of a teacher or teacher leader, at the address last shown for the teacher or teacher leader on the registry, or
 - (ii) in the case of any other individual, at the individual's last known address,

or

- (b) if it is sent to the individual at an address the individual has provided as an address to which information or data may be transmitted by electronic means and
 - (i) the electronic means used results in the receipt of a document in a form that is usable for subsequent reference, and
 - (ii) the sender obtains or receives a confirmation that the transmission to the address of the person to be served was successfully completed.

(2) Service is effected under subsection (1)(b) when the sending electronic agent obtains or receives confirmation of the successfully completed transmission.

(3) In this section,

- (a) "electronic" means electronic as defined in the *Electronic Transactions Act*;
- (b) "electronic agent" means electronic agent as defined in the *Electronic Transactions Act*;
- (c) "recorded mail" means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing.

Corresponding certificates

40(1) The Registrar may issue to a teacher or teacher leader who holds a teaching certificate listed in Column 1 of the Schedule the corresponding teaching certificate listed in Column 2 of the Schedule.

(2) The Registrar may extend the range of grades that may be taught by a teacher or teacher leader who holds a teaching certificate listed in Column 2 of the Schedule.

Repeal and Expiry

Repeal

41 The *Certification of Teachers Regulation (AR 3/99)* is repealed.

Expiry

42 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2024.

Coming into Force

Coming into force

43 This Regulation comes into force on September 1, 2019.

Schedule

Teaching Certificates

Column 1	Column 2
Class of Teaching Certificate Issued under the Predecessors to this Regulation	Equivalent Teaching Certificate
Elementary and Intermediate Certificate (Permanent)	Permanent Junior E Certificate
Senior Elementary and Intermediate Certificate (Permanent)	Permanent Standard E Certificate
Junior Certificate for High School (Permanent)	Permanent Standard S Certificate
First Class Certificate (Permanent)	Permanent Standard E and Standard S (with teaching privileges extended to Grade XII)
Permanent Academic Certificate	Permanent Professional Certificate
Permanent High School Certificate	Permanent Professional Certificate
Permanent First Class Certificate with Degree	Permanent Professional Certificate