



Province of Alberta

SCHOOL ACT

CERTIFICATION OF TEACHERS REGULATION

Alberta Regulation 3/1999

With amendments up to and including Alberta Regulation 10/2019

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Office Consolidation

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(Consolidated up to 10/2019)

ALBERTA REGULATION 3/99

School Act

CERTIFICATION OF TEACHERS REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “Bachelor of Education degree” means a degree in education granted in Alberta by
 - (i) a university as defined in the *Post-secondary Learning Act*;
 - (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;
- (c) “certificate” means a provisional certificate, an interim professional certificate, a permanent professional certificate or any other authority to teach issued under this Regulation or a predecessor to this Regulation;
- (d) “Certification Appeal Committee” means the Certification Appeal Committee appointed under section 4;

- (d.1) “complaint” means a complaint filed under the *Teaching Profession Act* or the *Practice Review of Teachers Regulation* (AR 4/99);
- (e) “officer” means an individual appointed under section 3 to act as an officer for the purposes of this Regulation;
- (e.1) “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;
- (f) “Registrar” means the individual appointed under section 2 to act as the Registrar for the purposes of this Regulation;
- (g) “teacher” means an individual who holds a certificate or whose certificate has expired or been suspended or cancelled.

AR 3/99 s1;213/2003;10/2019

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 re-issuance of a certificate or the extension of the term of a certificate.
- (3)** At the request of the Registrar, an officer shall collect personal information from teachers or from other persons that is necessary for the purposes of
 - (a) establishing and maintaining the registry referred to in section 15, and

- (b) conducting statistical, evaluative and financial analyses and forecasting relating to teachers,

and shall disclose that information to the Registrar or the Minister.

AR 3/99 s3;213/2003

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 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 Certification Appeal 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.

Applications to the Registrar

Application

6(1) An individual must apply to the Registrar in the manner and form required by the Minister

(a) for the issuance or re-issuance of a certificate, or

(b) for an extension of the term of a 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.

AR 3/99 s6;213/2003

Requirements for interim professional certificate

7(1) The Registrar may issue an interim professional certificate to an applicant who

- (a) holds a Bachelor of Education degree, or
- (b) holds 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
 - (i) includes or is supplemented with a basic professional teacher preparation program that is acceptable to the Minister, and
 - (ii) meets the requirements for professional teacher certification in the jurisdiction where the degree or the basic professional teacher preparation program was completed.

(2) Notwithstanding subsection (1), 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 completed the requirements for that certificate as prescribed by Ministerial Order No. 016/97, *Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta*, 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 the requirements for that certificate as prescribed by Ministerial Order No. 016/97, *Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta*.

(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.

AR 3/99 s7;213/2003;106/2010

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.

AR 3/99 s8;213/2003

Re-issuance 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 certificate be re-issued or that the term of the certificate be extended.

(2) The Registrar may re-issue 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 continues to meet the requirements for that certificate as prescribed by Ministerial Order No. 016/97, *Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta*.

(3) An interim professional certificate may be re-issued 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 re-issued or its term may be extended as many times as the Registrar considers appropriate.

AR 3/99 s9;213/2003

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 56 of the Act,
 - (i) of full-time teaching experience in a setting where the courses, education programs and instructional materials are prescribed, authorized or approved by the Minister pursuant to section 39(1) 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 has completed the requirements for that certificate as prescribed by Ministerial Order No. 016/97, *Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta*, and
- (c) provides the Registrar with a recommendation under section 11 indicating that the applicant has completed the requirements for that certificate as prescribed by Ministerial Order No. 016/97, *Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta*.

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

AR 3/99 s10;206/2001;251/2001;213/2003;106/2010;10/2019

Recommendation

11(1) In this section, “institution” means a board as defined in the Act and includes a person providing an early childhood services program, an operator of an accredited private school and an operator of a charter school.

(2) Where an individual has completed the requirements of section 10(1)(a), the officer for the institution at which the individual completed those requirements must provide to the individual and to the Registrar a recommendation in the form required by the Minister.

(3) A recommendation under this section must indicate

- (a) that the individual has completed the requirements for a permanent professional certificate as prescribed by order of the Minister, or
- (b) that the individual has not completed the requirements for a permanent professional certificate as prescribed by order of the Minister and must include reasons.

(4) 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).

(5) 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.

(6) 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.

Refusal to issue, re-issue or extend

12(1) The Registrar may refuse to issue or re-issue 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 that 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 issued in Alberta or elsewhere 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 re-issuance of an interim professional certificate or extension of the term of an interim professional certificate,
- (v) in the Registrar's opinion, is not proficient in at least one of the official languages of Canada, or
- (vi) 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 re-issue 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) if the applicant does not meet the requirements of this Regulation for that certificate, or
- (b) if the Registrar believes that it is not appropriate to issue a permanent professional certificate.

(3) The Registrar may refuse to issue a certificate, re-issue a certificate or to 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, the subject of a complaint.

AR 3/99 s12;213/2003

Letter of authority

12.1(1) On the recommendation of an officer or the Certification Appeal Committee, or on the Registrar's own initiative, 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, and
- (b) is a Canadian citizen or lawfully permitted to work in Canada.

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

(3) A letter of authority is considered to be a certificate.

AR 213/2003 s10;106/2010

Written decision

13 On reviewing each application under section 6, the Registrar shall make a written decision that includes reasons and shall provide a copy of the decision to the applicant.

Powers of the Registrar**Power to investigate and collect information**

14(1) The Registrar may look into and collect information about any matter relating to 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 pardons and any other information and records the Registrar considers relevant, and
- (b) conduct interviews and keep records.

Registry

15(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 elsewhere that has expired or been suspended or cancelled.

(2) A teacher wishing to be known by another name while holding a certificate must provide the Registrar with evidence of that change in the form prescribed by the Registrar.

(3) A teacher must, on the request of and in the form prescribed by the Registrar, provide to the Registrar any information about the teacher that is necessary to maintain the accuracy and completeness of the Registry.

AR 3/99 s15:213/2003

Information about teacher development

16(1) The Registrar may collect and disclose non-identifying information about teacher preparation and teacher professional development in Alberta, and that information must be kept separate from

- (a) the registry referred to in section 15, 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.

Ability to disclose information

17(1) The Registrar may disclose

- (a) to an investigator or a panel or committee appointed under this Regulation or the *Practice Review of Teachers Regulation* (AR 4/99) information, including personal information, and records that, in the Registrar’s opinion, should be submitted to the investigator, panel or committee,
- (b) to an investigator appointed under the *Teaching Profession Act* 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 a certificate, the type of certificate and whether
 - (i) the certificate is in good standing, has expired and may be re-issued or has been suspended or cancelled and the reasons for suspension or cancellation, or
 - (ii) there is a report filed under section 109.1 of the Act, a complaint or a proceeding pending or underway that may result in the certificate being suspended or cancelled or not being re-issued,
- (d) to an employer or prospective employer who is required under the Act to employ teachers, information, including personal information, about a teacher’s qualifications, major areas of specialization, graduate diplomas or degrees, vocational training or years of teaching experience and whether

- (i) the teacher's certificate is in good standing, has expired and may be re-issued or has been suspended or cancelled and the reasons for suspension or cancellation, or
- (ii) there is a report filed under section 109.1 of the Act, a complaint or a proceeding pending or underway that may result in the teacher's certificate being suspended, cancelled or not being re-issued,

and

- (e) on the written request of a teacher, to the appropriate authority in a jurisdiction outside Alberta, a statement of standing, including personal information, about whether an individual has applied for, holds or once held a certificate, the type of certificate and whether
 - (i) the certificate is in good standing, has expired and may be re-issued or has been suspended or cancelled and the reasons for suspension or cancellation, or
 - (ii) there is a report filed under section 109.1 of the Act, a complaint or a proceeding pending or underway that may result in the certificate being suspended or cancelled or not being re-issued.

(2) A decision of the Registrar to disclose information under subsection (1)(a) to (d) may not be appealed under section 19.

(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 who is the subject of the information

and the decision may be appealed under section 19.

AR 3/99 s17;213/2003

Referral of discipline matter

18 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.

AR 3/99 s18;213/2003

Appeal to Certification Appeal Committee

Appeal to Certification Appeal Committee

19(1) An applicant for a certificate or a teacher who is directly affected by a decision of the Registrar under this Regulation 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 under section 13.

(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 the appellant and the Registrar of their right to make written and oral representations to the Certification Appeal Committee.

(7) No appeal may be commenced under this section

- (a) if there is an investigation or proceeding pending or under way in Alberta or elsewhere that may result in the certificate held by the appellant being suspended or cancelled or not being re-issued,
- (b) where the Registrar's decision is based on the failure by the appellant to provide the statement or other proof referred to in section 7(3)(b) or (4) or on the insufficiency of the statement or other proof, or
- (c) where the Registrar's decision is based on a finding or recommendation of a practice review panel or practice

review appeal committee under the *Practice Review of Teachers Regulation* (AR 4/98).

Proceedings before the Certification Appeal Committee

20(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 19(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

21(1) The Certification Appeal Committee shall make a written decision, which includes reasons.

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

Decision final

22 The decision of the Certification Appeal Committee is final.

Implementing decisions

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

Costs

24 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**

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

- (a) issue or re-issue a certificate or extend the term of a certificate,
- (b) refuse to issue or re-issue 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

26 The Minister may accept, reject or vary, with or without conditions, a decision of

- (a) a hearing committee under section 42(1) of the *Teaching Profession Act*, or
- (b) the Appeal Committee under section 55 of the *Teaching Profession Act*.

AR 3/99 s26;251/2001

Cancellation on request

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

AR 3/99 s27;213/2003

Decision final

28 A decision of the Minister under section 25, 26, 27 or 30 is final.

29 Repealed AR 213/2003 s15.

Implementing decisions

30 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.

Delegation

31 The Minister may delegate any authority under this Regulation to a person under the Minister's jurisdiction except the authority to suspend or cancel a certificate.

Fees

32(1) The Minister may set fees

- (a) for services provided by the Registrar;
- (b) for the filing of appeals;
- (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.

AR 3/99 s32;213/2003

Extension of time

33 The Minister may extend any time period set out in this Regulation.

General

Signature on certificates

34(1) Where a certificate must be signed, it 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.

AR 3/99 s34;106/2010

Service

35 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 registered mail,
 - (i) in the case of a teacher, at the address last shown for the teacher on the registry referred to in section 15, 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 by electronic means that results in a printed copy of the document or notice being received by the individual.

36 Repealed AR 213/2003 s17.

Corresponding certificates

37(1) The Registrar may issue to a teacher who holds a certificate listed in Column 1 of the Schedule the corresponding certificate listed in Column 2 of the Schedule.

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

Provisional certificate

- 38(1)** Where a provisional certificate was issued before the coming into force of this Regulation and the holder of the certificate does not meet the requirements of section 7, the Registrar may extend the term of the certificate for one year.
- (2)** The holder of the provisional certificate must submit with the application for an extension evidence satisfactory to the Registrar of the completion of further academic work toward qualifying for an interim professional certificate.
- (3)** The application for an extension must be accompanied by a recommendation from an officer indicating that, on the basis of the applicant's satisfactory teaching service, the term of the provisional certificate should be extended.
- (4)** The Registrar may extend the term of a provisional certificate 3 times beyond the initial 3-year term of the certificate.

Repeal and Expiry**Repeal**

39 The *Certification of Teachers Regulation* (AR 261/90) is repealed.

Expiry

40 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, 2021.

AR 3/99 s40;213/2003;92/2008;106/2010;231/2012;
133/2015;136/2016;28/2018

Schedule**Certificates**

Column 1	Column 2
Classes of Certificates Issued under the Predecessors to this Regulation	Equivalent Certificates
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



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