

Alberta Education Registrar’s Complaint Process

Alleged Unskilled or Incompetent – Teaching or Leadership Practice

Governing Legislation

The [Practice Review of Teachers and Teacher Leaders Regulation](#) (regulation) governs complaints of unskilled or incompetent practice filed against teachers and teacher leaders employed by private/independent, charter, or First Nation operated school authorities in Alberta, superintendents, deputy superintendents, and teacher leaders who elect out of active membership in the Alberta Teachers’ Association (ATA).

Section 3 of the [Practice Review of Teachers and Teacher Leaders Regulation](#) (regulation) specifies that:

- “(1) Failure to meet the requirements of the [Teaching Quality Standard](#) constitutes unskilled or incompetent teaching.*
- (2) Failure to meet the requirements of the [Leadership Quality Standard](#) constitutes being unskilled or incompetent in carrying out the leadership duties related to a leadership certificate.*
- (3) Failure to meet the requirements of the [Superintendent Leadership Quality Standard](#) constitutes being unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate.”*

Currently, the Registrar at Alberta Education is responsible for overseeing complaints alleging unskilled or incompetent teaching or leadership of teachers and teacher leaders employed by private/independent, charter, or First Nation operated school authorities in Alberta, superintendents, deputy superintendents, teachers and teacher leaders who elect out of active membership in the Alberta Teachers’ Association (ATA).

The ATA is responsible for overseeing competency related complaints filed against their active members, these include Alberta certificated teachers and teacher leaders employed by public, separate, or francophone school authorities, pursuant to the [Teaching Profession Act](#) and its Practice Review Bylaws.

Complaint

Section 11(1) of the regulation states that any individual may make a complaint to the Registrar, regarding allegations that “(a)(i) a teacher or teacher leader is unskilled or incompetent in teaching, or (ii) a teacher leader is unskilled or incompetent in carrying out the leadership duties related to a leadership certificate or a superintendent leadership certificate.

A competency related complaint may be made up to two years after a teacher or teacher leader ceases to engage in teaching, or a teacher leader stops engaging in or carrying out leadership or superintendent leadership duties.

School authorities must notify the Registrar about a teacher or teacher leader whose employment contract is terminated on grounds that a teacher or teacher leader was unskilled or incompetent in teaching or carrying out leadership duties related to a leadership certificate or a superintendent leadership certificate. In these circumstances the Registrar may treat a notice of termination as a complaint.

Section 14 of the regulation authorizes the Registrar to act on a matter in the absence of a complaint.

Registrar’s Actions – Complaint

Steps the Registrar will take upon receipt of a complaint of alleged unskilled or incompetent teaching or leadership:

1st – Acknowledge receipt of the complaint and notify the teacher or teacher leader, and employer, about the complaint.

2nd – Determine if the teacher or teacher leader is still engaged in teaching or carrying out leadership duties to determine if the complaint has been made within the appropriate timelines, and make preliminary inquiries in relation to the complaint.

3rd – Render a decision regarding the complaint to:

- A. Take no further action, if the complaint is considered frivolous, vexatious or without merit; or

- B. Take no further action because a competency related complaint has been made more than two-years after the teacher or teacher leader ceased to engage in the practice of teaching or carrying out leadership duties related to a leadership or superintend leadership certificate.
- C. Direct the complainant address the matter directly with the teacher or teacher leader, the principal of the school where the teacher or teacher leader is teaching (if the principal is not the subject of the complaint), and the school administrator (school superintendent or operator)
- D. Appoint an investigator and direct that the allegation(s) in the complaint be investigated.
 - If the Registrar is aware that a the school authority is investigating matter(s) related to the allegations of unskilled or incompetent teaching or leadership, then the Registrar must appoint an investigator within 30 days after being advised that the local school authority investigation has been concluded.

Investigation

When an investigator is appointed, the investigator will contact the teacher / teacher leader and the investigation into the complaint will begin within thirty (30) days of the investigator's appointment.

- Under the regulation, the investigator has broad authority to interview individuals in relation to the complaint, request any records and documents relevant to the investigation, keep copies of any information collected, investigate any other matter related to the matter being investigated that arises in the course of the investigation, etc.
- Upon completion of an investigation, the investigator will send the Registrar a written report of the investigation.

Registrar's Actions - Investigation

Steps the Registrar will take upon reviewing a report from the investigator:

- 1st** – Render a decision regarding the complaint to:
 - A. Take no further action: if the complaint is considered frivolous, vexatious or without merit; or if there is insufficient evidence to warrant a hearing. OR

- B. Direct the Chair of the Practice Review General Panel to establish a Practice Review Hearing Committee to hear the matter and refer the complaint to the Practice Review Hearing Committee for a hearing.

2nd – Serve the Registrar's Notice of Decision to the teacher or teacher leader, complainant (if any), and employer.

3rd – Send a copy of the investigation report to the teacher or teacher leader who was the subject of the investigation.

Appeal of Registrar's Decision

The complainant may appeal the Registrar's decision if the Registrar decides not to take any further action on a complaint. Such an appeal must:

- Be made in writing and include reasons why the matter should be referred to a to a hearing; and
- Be delivered to the Chair of the practice review general panel within 15 days of the complainant being served with the Registrar's decision.

Hearing / Appeal Hearing

The Chair of the Practice Review General Panel will establish the appropriate committee (Hearing Committee, Appeal Committee or a Complainant Appeal Committee), and will appoint a Chair to that committee to adjudicate the matter.

In Advance of a Proceeding

The Chair of the appropriate established committee will:

- Set a date, time and location of the proceeding, and notify the involved parties and the teacher's / teacher leader's employer, at least 15 days before the hearing date; and
- Provide involved parties with rules and protocols for the proceeding.

Practice Review Hearings

Practice review hearings will be open to the public and will follow a legislated processes set out in sections 21-28 of the regulation. Section 25 speaks specifically to possible findings of unskilled or incompetent teaching or leadership practice by a Practice Review Hearing Committee, and Section 27 sets out possible recommendations that the hearing committee may make to the Minister.

Hearings may be held in private, at the discretion of the respective committee, based on strict requirements.

Decisions and/or recommendations of the Practice Review Hearing Committee may be appealed by the involved parties. Appeals may be filed by the Teacher / Teacher Leader, or Registrar, in writing, to the Chair of the Practice Review General Panel, within 15 days of the decision being served onto the respective parties involved in the hearing. If no appeal is filed within the allowed timeframe, the decision and recommendation(s) of the Hearing Committee are sent to the Minister of Education for a final decision.

Practice Review Appeals

Practice review appeals will be open to the public and will follow a legislated processes set out in sections 30-32 of the regulation. Appeals may be held in private, at the discretion of the respective committee, based on strict requirements. Decisions and/or recommendation(s) of the Practice Review Appeal Committee are sent to the Minister of Education for a final decision.

Practice Review Complainant Appeals

Practice review complainant appeal hearings will be held in private and will follow a legislated processes set out in sections 17(6)-17(11) of the regulation. These appeals may be filed by the Complainant where the Registrar has made a decision to take no further action regarding a complaint.

Decision of the Minister of Education

Upon receiving the decision and recommendation(s) of the Practice Review Hearing Committee or the Practice Review Appeal Committee, the Minister may examine any evidence and the record of the proceeding; and pursuant to section 33 of the regulation do one or more of the following:

- Dismiss the complaint;
- Serve a letter of reprimand on the teacher / teacher leader;
- Suspend one or more of the certificates of the teacher / teacher leader, with or without conditions;
- Cancel one or more of the certificates of the teacher / teacher leaders or cancel one or more of the certificates and issue one or more certificates of a different class, with or without conditions;
- Order that the teacher / teacher leader be ineligible for one or more certificates for a definite or indefinite period of time, with or without conditions.

The decision of the Minister is final and will be shared, in writing, with the: Teacher / Teacher Leader, Registrar, Complainant (if any), and employer.

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