

Alabama State Tenure Commission

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of Alabama State Tenure Commission

Sources of Information

Representatives of the Alabama Education Association
Code of Alabama, 1975, Sections 16-24-30 to 16-24-38 (Repealed by Act 2004-566, p.1330, no.3, effective July 1, 2004)
Alabama Administrative Code, Chapter 890-X-1-0.1 to 890-X-1-0.8
Alabama Government Manual (1998) page 247
Alabama State Tenure Commission Audit Reports

Historical Context

The commission was established in 1959 (Acts 1959, No. 643, p. 1557) and abolished in 2004 by the Legislature (Acts 2004, No. 566, p. 1330). After 2004, the Legislature created a new arbitration process for teachers to appeal contract decisions.

Agency Organization

The Alabama State Tenure Commission has seven members. One member, who is not a member of the teaching profession, is appointed by the governor. The president of the Alabama Association of School Boards appoints one member from members of city and county boards of education. The State Superintendent of Education appoints two members – one from city and county superintendents of education and one who is employed, at the time of appointment, as a certified principal or certified supervisor. The president of the Alabama Congress of Parents and Teachers appoints one member who cannot be a member of the teaching profession. The Alabama Education Association appoints two members who are employed as certified classroom teachers and who have attained continuing service status under the Teacher Tenure Law. No more than one member of the commission may come from each congressional district. Members serve seven-year staggered terms. The commission meets at times and places determined by the chair of the commission or by a majority of its members. Five members constitute a quorum.

Members of the commission elect a chairman and vice-chairman from among their numbers. Those officers serve for one year. The executive secretary of the Alabama Education Association is *ex officio* secretary of the commission. The attorney general assigns an assistant from his office as legal adviser to the commission.

Agency Function and Subfunctions

The mandated function of the Alabama State Tenure Commission is to hear and determine appeals

from decisions of local boards of education on cancellation or transfer of a tenured teacher's contract. In the performance of its mandated functions, the commission may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Code of Alabama, Section 16-24-35, the commission may adopt all necessary rules, regulations, and orders as may be necessary to carry out its functions.
- **Reviewing and Determining Teachers' Appeals.** Code of Alabama, Section 16-24-36 mandates the commission to "hear and determine appeal cases as provided in Code of Alabama, Section 16-24-10." A teacher who has attained continuing service status and has been denied a hearing before the local board of education as required by Code of Alabama, Section 16-24-6 or Section 16-24-9 shall have the right to appeal directly to the commission for relief. The commission reviews the teacher's request, the local board's answer, and determines, with or without a hearing, whether or not the local board of education has complied with the Code provisions. Based on its findings, the commission may order a hearing before the local board, determine that the teacher has been transferred or dismissed in violation of the law and rescind the action taken by the local board, or sustain the action taken by the local board. The decision made by the commission is final and conclusive to the extent provided under the enabling law for any other action of the commission. If needed, the teacher may address his/her case to the court.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within

the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record-Keeping System and Records Appraisal of the Alabama State Tenure Commission

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama State Tenure Commission: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. The following are some examples of temporary records created by the agency:

- **Teacher Appeal Case Files.** These records provide documentation of appeal cases filed by tenured teachers and decisions made by the commission on these appeals. A typical file may contain, either originals or copies, written briefs filed by teachers or their attorneys, hearing transcripts and exhibits, correspondence, memoranda, and other related supporting documents and reference materials. The decision made by the commission is final and conclusive to the extent provided under the enabling law for any other action of the commission. If needed, the teacher may address his/her case to the court within 4 months after the decision. To meet legal and reference needs, the files should be maintained for 7 years after creation. Summarized information on the teacher appeal process is available in the commission's minutes.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

Permanent documentation of this subfunction is found in the Code of Alabama and the Alabama Administrative Code.

Reviewing and Determining Teachers' Appeals

- **Meeting Agendas, Minutes, and Packets of the Alabama State Tenure Commission.** This series contains information on proposed and executed proceedings of the commission. In addition to minutes, this series may also include meeting agendas and other supporting or reference documents. The meeting minutes of the commission provide important documentation of the commission's actions that may not be found elsewhere. (RDA page 3-2) (**Bibliographic Title: Meeting Agendas, Minutes, and Packets of the Alabama State Tenure Commission**)
- **Roster of Teachers' Appeal Cases.** The commission maintains a roster of all appeal cases

that have been filed before the commission. Organized in chronological order, the roster lists the teacher's name, the local board of education, and the decision of the commission on the case. The roster covers information from 1961 to 2004 and should be preserved as a quick ready reference for the appeal cases. (RDA page 3-2) **(Bibliographic Title: Rosters of Teachers' Appeal Cases)**

Permanent Records List
Alabama State Tenure Commission

Reviewing and Determining Teachers' Appeals

1. Meeting Agendas, Minutes, and Packets of the Alabama State Tenure Commission
2. Roster of Teachers' Appeal Cases

Alabama State Tenure Commission Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama State Tenure Commission. The RDA lists records created and maintained by the Alabama State Tenure Commission in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama State Tenure Commission to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama State Tenure Commission records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other short-term records that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; and (2) transitory records, which are temporary records created for internal purposes that may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities. They may be disposed of without documentation of

destruction. Other items that may be disposed of without destruction documentation include: (1) catalogs, trade journals, and other publications received that require no action and do not document government activities; and (2) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama State Tenure Commission and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions.

■ Reviewing and Determining Teachers' Appeals

MEETING AGENDAS, MINUTES, AND PACKETS OF THE ALABAMA STATE TENURE COMMISSION

Disposition: PERMANENT RECORD.

ROSTER OF TEACHERS' APPEAL CASES

Disposition: PERMANENT RECORD.

Teacher Appeal Case Files

Disposition: Temporary Record. Retain 7 years after the end of the year in which the records were created.

■ Administering Internal Operations

Managing Finances:

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Under the Code of Alabama 1975, Section 41-13-21, "no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission." This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama State Tenure Commission (hereafter referred to as the agency) as stipulated in this document.

The State Records Commission adopted this records disposition authority on April 23, 2008.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date