

**ALABAMA STATE TENURE COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 890-X-1
PROCEDURE AND PRACTICE**

TABLE OF CONTENTS

890-X-1-.01	Purpose
890-X-1-.02	Rules Of Order
890-X-1-.03	Transfer Appeals
890-X-1-.04	Cancellation Appeals
890-X-1-.05	Direct Appeals
890-X-1-.06	Extension Requests
890-X-1-.07	Rehearing Appeals
890-X-1-.08	Waiver Of Service

890-X-1-.01 Purpose.

The Alabama State Tenure Commission adopts the following rules and regulations governing procedure and practice, hereby rescinding all prior written rules adopted by the commission. The purpose of these rules is to facilitate the commission's effective performance of its statutory duties.

Author:

Statutory Authority: Code of Ala. 1975, §16-24-35.

History: Effective August 6, 1981.

890-X-1-.02 Rules Of Order.

(1) The teacher's representative will be allowed to argue first, followed by the board of education. The presentation of each party should be limited to thirty (30) minutes, a part of which may, at the option of the party, be reserved for rebuttal. Variances from the time prescriptions for oral argument may be granted by the commission at its discretion.

(2) A party's failure to appear before the commission on the date and at the time scheduled for the hearing will be considered a waiver of oral argument. Hearings may be rescheduled, with the consent of the chairman of the commission, upon the agreement of both parties to a continuance of the hearing.

Author:

Statutory Authority: Code of Ala. 1975, §16-24-35.

History: Effective August 6, 1981.

890-X-1-.03 Transfer Appeals.

(1) In appeals taken under Code of Ala. 1975, §16-24-7, (transfer cases), nine copies of a bound record on appeal shall be delivered to the Tenure Commission at its address at P. O. Box 4177, Montgomery, Alabama, 36130, and one additional copy to the teacher by the employing board within thirty (30) days from the filing of the notice of appeal.

(2) A written brief of the teacher shall be filed with the Tenure Commission within seven (7) days of the filing of the record of the proceedings before the employing board. A written brief of the board of education shall be filed with the Tenure Commission within fourteen (14) days of the filing of the record on appeal. A copy of each party's brief shall be submitted to counsel for the opposing party within the same time provided for the filing of the brief with the commission. Briefs mailed to opposing counsel shall be by certified mail. Failure on the part of the teacher to file a brief timely will not serve to postpone the time for filing the board's brief. A brief falling due on a weekend or legal holiday will be due the following business day. Any brief which is not timely filed with the commission will not be considered.

(a) Briefs in transfer cases should, in addition to any legal arguments which counsel desire to make, specifically point out, with appropriate references to page numbers of the transcript, such evidence that the party submitting the brief considers relevant; as, for example, the presence or absence of personal or political reasons for the transfer (if such is contended), or how or how not the transfer resulted in loss of status or violation of contract (if such is contended).

Author:

Statutory Authority: Code of Ala. 1975, §§16-24-7, 16-24-35.

History: Effective August 6, 1981.

890-X-1-.04 Cancellation Appeals.

(1) In appeals taken under Code of Ala. 1975, §16-24-10, (cancellation cases), nine (9) copies of a bound record on appeal shall be delivered to the Tenure Commission at its address at P. O. Box 4177, Montgomery, Alabama, 36130, and one additional copy to the teacher by the employing board within thirty (30) days from the filing of the notice of appeal.

(2) A written brief of the teacher shall be filed with the Tenure Commission within seven (7) days of the filing of the record of the proceedings before the employing board. A written brief of the board of education shall be filed with the Tenure Commission

within fourteen (14) days of the filing of the record on appeal. A copy of each party's brief shall be submitted to counsel for the opposing party within the same time provided for the filing of the brief with the commission. Briefs mailed to opposing counsel shall be by certified mail. Failure on the part of the teacher to file a brief timely will not serve to postpone the time for filing the board's brief. A brief falling due on a weekend or legal holiday will be due the following business day. Any brief which is not timely filed with the commission will not be considered.

(a) Briefs in cancellation cases should, in addition to any legal arguments which counsel desire to make, deal specifically with each of the charges set out by the board of education in its notice of proposed cancellation, pointing out with appropriate references to page numbers of the transcript, how such charge is or is not supported by the evidence. If it is contended by the teacher that the cancellation is made for personal or political reasons, briefs of both parties should point out with specificity, with appropriate reference to page numbers of the transcript, the presence or absence of evidence of such personal or political reasons.

Author:

Statutory Authority: Code of Ala. 1975, §§16-24-10, 16-24-35.

History: Effective August 6, 1981.

890-X-1-.05 Direct Appeals.

(1) Appeals taken under Code of Ala. 1975, §16-24-37, (direct appeals), will be considered and decided by the Tenure Commission without a hearing before the commission. The board of education may file an answer to the appeal no later than fourteen (14) days after the filing of the appeal.

(2) Briefs of parties are optional.

(a) If the teacher elects to submit a brief, it shall be filed within seven (7) days of the filing of the appeal. Allegations of fact contained in the teacher's brief but not included in the appeal itself will not be considered by the commission to supplement, or substitute for, facts stated in the appeal.

(b) If the board elects to submit a brief, it shall be filed within seven (7) days of the board's answer to the teacher's appeal. A brief of the board will not be considered to supplement or substitute for an answer to the allegations of fact set out in the teacher appeal.

Author:

Statutory Authority: Code of Ala. 1975, §§16-24-35, 16-24-37.

History: Effective August 6, 1981.

890-X-1-.06 Extension Requests.

Extensions for the filing of transcripts and/or briefs may be granted where both parties agree to such an extension and notify the commission in writing of their agreement or may otherwise be granted at the discretion of the commission.

Author:

Statutory Authority: Code of Ala. 1975, §16-24-35.

History: Effective August 6, 1981.

890-X-1-.07 Rehearing Appeals.

The Tenure Commission will not entertain applications for rehearing.

Author:

Statutory Authority: Code of Ala. 1975, §16-24-35.

History: Effective August 6, 1981.

890-X-1-.08 Waiver Of Service.

Service of process on behalf of the commission may be waived only by the Tenure Commission's legal counsel.

Author:

Statutory Authority: Code of Ala. 1975, §16-24-35.

History: Effective August 6, 1981. **Amended:** Effective November 10, 1981.