S T A T E O F T E N N E S S E E
OFFICE OF THE
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April 17, 2006

Opinion No. 06-071

Applicability of the Open Meetings Act to the Tennessee School Boards Association

QUESTION

Are meetings of the board of directors of the Tennessee School Boards Association subject to the Open Meetings Act?

OPINIONS

Yes, if the Tennessee School Boards Association satisfies the provisions of Tenn. Code Ann. 8-44-102(b)(1)(E)(i).

ANALYSIS

1. The Tennessee School Boards Association appears to be a "governing body" subject to the Open Meetings Act.

Tenn. Code Ann. § 8-44-102 declares, "All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee." "Governing body" is defined by Tenn. Code Ann. §8-44-102(b), which states in pertinent part:

> 'Governing body' means:
>
> (E)(i) The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:
>
> (a) Was established for the benefit of local government officials or counties, cities, towns or other local governments or as a municipal bond financing pool;
>
> (b) Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent (30%) of its total annual income; and
>
> (c) Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.

Tenn. Code Ann. § 8-44-102(b)(1)(E)(1). In previous opinions, this Office has assumed that the Tennessee School Boards Association ("TSBA") is a "private non-profit association as described in Tenn. Code Ann. §8-44-102 (b)(1)(E)(i)."[1] We are aware of no changes in the TSBA that would cause us to suspect that the organization no longer fits this description. Because we have no information to suggest otherwise, we continue to believe that the TSBA qualifies as a "governing body" and is subject to the Open Meetings Act.

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[1] See Atty Gen. Op. No. 01-069 and No. 03-042 (copies attached).