



TENNESSEE
STATE BOARD OF EDUCATION

Open Meetings and Public Records

TISA REVIEW COMMITTEE

APRIL 27, 2026

TISA Review Committee

TENN. CODE ANN. § 49-3-113

TISA Review Committee

- Tenn. Code Ann. § 49-3-113
- Meet at least 4 time per year
- Review TISA base funding, allocations, and outcome incentive dollars
- Prepare and provide an annual report
 - Recommended revisions, additions, deletions
 - Analysis of salary and benefits disparity among LEAs



Open Meetings

TENN. CODE ANN. §§ 8-44-101 – 112

Open Meetings Act

- “The formation of public policy and decisions is public business and shall not be conducted in secret.”
- 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.
- Construed broadly in favor of the public and openness.



Open Meetings Act

- A governing body shall, for each public meeting, **reserve a period for public comment** to provide the public with the opportunity to comment on matters that are **germane to the items on the agenda**.
- **SBE Rule 0520-09-01-.02**
 - Must sign up at least 48 hours in advance
 - May speak for 3 min
 - Germaneness decided by the committee chair
 - Public comment may also be submitted in writing



Open Meetings Act

- Public comment period is not required for a "public meeting" for which there are no actionable items on the agenda.
- This is why you do not see a public comment period on today's agenda.



Open Meetings Act

- **What is a governing body?**

- The members of a public body which consists of 2+ members, with the authority to make decisions for or recommendations to a public body on policy or administration...

- **What is a meeting?**

- The convening of a governing body of a public body to make a decision or to deliberate toward a decision on any matter.

- **What is deliberation?**

- "To examine and consult in order to form an opinion.... to weigh arguments for and against a proposed course of action."



Open Meetings Act FAQs

- **If 2 committee members unexpectedly bump into each other getting coffee in the lobby, can they discuss TISA?**
 - Incidental or unplanned encounters by 2+ members do not inherently violate the law, but can violate the law if they evolve into or are used “to decide or deliberate public business.”
- ***Cannot use “chance meetings” to deliberate public business in circumvention of the Act.***



Open Meetings Act FAQs

- **May committee members get together to discuss TISA at a dinner?**
 - It depends.
- **AG Opinion 12-60**
 - Can members share a meal and casually discuss gov business/issues before their respective bodies if the discussion is for informative purposes only and no decisions are reached or attempts made to obtain commitments?
 - While 2+ members may share a meal together in which public business is discussed, discussion should not constitute deliberations, *i.e.*, “examin[ing] and consulting in order to form an opinion ... weighing arguments for and against a proposed course of action.”



Open Meetings Act FAQs

- **Can't we just discuss this with one another over email?**
 - No - Cannot use email to circumvent the requirements of the law by deciding and *deliberating* public business via email.
 - T.C.A. § 8-44-102(c).
- **What about text?**
 - Same rules and rationale apply to text that apply to email.



Open Meetings Act

- **Curing a Violation**

- Any action taken in violation is null and void.
- Violation may be cured by “new and substantial” reconsideration of the actions; essentially re-do at a public meeting.



TN Public Records Act

TENN. CODE ANN. §§ 10-7-101 – 702

TN Public Records Act

- **What does the law require of state agencies?**
 - “All state, county and municipal records shall, at all times during business hours, , be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.”



TN Public Records Act

- **What is a “public record?”**

- 3 elements:

1. Documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics
2. made or received pursuant to law or ordinance or in connection with the transaction of official business
3. by any governmental agency.

- Includes records in draft form (e.g., draft reports, draft emails, etc.)

- **Texts about government business are not shielded from the law simply because they are sent or received on personal devices.**



Questions?



Thank you!

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