



TENNESSEE

PUBLIC CHARTER SCHOOL COMMISSION

**ANNUAL REFRESHER:
OPEN RECORDS,
OPEN MEETINGS,
CONFLICT OF INTEREST**

APRIL 1, 2022

OPEN RECORDS

- The Commission adheres to Open Records Act
 - T.C.A. 10-7-503; 10-7-504
- Unless an indicated exception applies, all Commission documents and/or communication are considered open
 - Note: Open Records Act includes emails



ELECTRONIC COMMUNICATIONS

- Emails are subject to the Open Records Act.
- Communication from Commission members to the Chair should be informative only and have no consideration of Commission decisions
- Commission members are encouraged to use state emails.
 - record preservation (e.g., litigation discovery)



OPEN MEETINGS

- The Commission adheres to the Open Meetings Act
 - T.C.A. 8-44-101 et. seq.
- For Commission business, a quorum constitutes 5 members present.
 - Simple majority (of members present) required to adopt a motion
 - T.C.A. 49-13-105(h)
- Requirements of a meeting
 - Notice
 - Agenda
 - Availability of Public Presence
 - Minutes



OPEN MEETINGS

- Public Right of Attendance
 - Members of the public have the right to attend meetings but there is no requirement that the Commission permit participation.
 - Commission must provide “Adequate Public Notice,” which satisfies a three-prong test:
 - Contents must reasonably describe the purpose of the meeting or proposed action to be taken
 - Notice must be posted sufficiently in advance of the meeting to give citizens the opportunity to become aware and attend the meeting
 - Notice must be posted in a location where a member of the community could become aware of such notice
- The Commission has adopted Policy 1.200 to govern public participation
 - Commission discretion is allowed



CONFLICT OF INTEREST

- Occurs when the personal interests, financial or otherwise, of a member actually or potentially diverge with the person's professional obligations
 - Direct Conflict of Interest are prohibited
 - Indirect Conflicts of Interest shall be publicly acknowledged
- All Commission members and staff shall complete a disclosure form annually
- Any appearance of impropriety should be avoided to the best of the members' ability
 - Questions should be directed to the Executive Director and/or General Counsel for discussion





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