



# TENNESSEE

PUBLIC CHARTER SCHOOL COMMISSION

**OPEN RECORDS ACT,  
OPEN MEETINGS ACT,  
CONFLICT OF INTEREST**

**MARCH 22, 2024**

# OPEN RECORDS ACT

- 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.
  - T.C.A. § 10-7-503(2)(A)
- Staff fulfills any records request received pursuant to Commission rule and policy.



# OPEN RECORDS ACT

- **Unless an indicated exception applies, all Commission documents and/or communication are considered open:**
  - Agendas
  - Policies and Procedures
  - Disclosure Forms
  - Appeal Documents
  - Agreements
  - Emails, Letters, Formstacks
    - Could include personal accounts if used in official business



# OPEN MEETINGS ACT

- **All meetings of a governing body must be open to the public**
- Governing Body – any public body consisting of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration
- Exceptions
  - Informational workshops
  - Advisory meetings with General Counsel
- T.C.A. § 8-44-101 et. seq.



# OPEN MEETINGS ACT

- **To ensure compliance**
  - Adequate Public Notice
    - Met by staff action
  - Agenda
    - Met by Director of External Affairs
  - Public Presence
    - Commission Policy 1.200
  - Minutes
    - Maintained by staff action
- If there is a violation of the Open Meetings Act, the decisions are nullified
  - T.C.A. § 8-44-105



# CONFLICT OF INTEREST

- **Each member of the Commission shall review public charter school applications, hear appeals, and carry out the member's duties in a fair and impartial manner**
  - T.C.A. § 49-13-105(e)(1)
- Commissioners should avoid a conflict between the private interests and the official/professional responsibilities of a person in a position of trust



# CONFLICT OF INTEREST

- **Annually complete Conflict of Interest**
  - Disclose any actual or perceived conflicts of interest to Executive Director or General Counsel
    - Direct Conflict of Interest
      - Recusal from vote
    - Indirect Conflict of Interest
      - Public Acknowledgment
  - Appearances of impropriety shall be avoided to the best of Commissioner's ability





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