

TENNESSEE NEW SCHOOL BOARD MEMBER ORIENTATION

FRIDAY, OCTOBER 2, 2026 · 1:15-2:15 PM · RENAISSANCE NASHVILLE

Ready for the Room

A practical playbook for new Tennessee school board members.
Open records. Conflicts of interest. Ethics.

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LEARN | LEAD ²⁰/₂₆
RIGHT | RIGHT

Legal Disclaimer

This presentation is for general educational purposes only and is not legal advice. No attorney-client relationship is created by this presentation or any related discussion. Because laws and their application may vary by district and circumstance, school board members should consult their board attorney or other qualified counsel regarding specific legal questions. I am speaking in my personal capacity, and this engagement fits my employer's outside-activity policy.



Lindsay “Elle” Johnson



ADMITTED TO PRACTICE

TN

NC

DC

Attorney · Corporate legal leader · Civic builder



Associate General Counsel, Ovation Healthcare

Advises executive leadership on corporate, transactional, healthcare regulatory, employment, and enterprise risk matters. Leads AI and legal technology initiatives.



Founder, Citizen Activate

Citizen Activate turns local government and campaigns into clear, practical paths to run, volunteer, and serve.



J.D., Wake Forest University School of Law

Chairwoman, Honor Council · Development Editor, Journal of Business & IP Law · B.A. cum laude, UNC-Chapel Hill

Three numbers to take home

7

BUSINESS DAYS

To respond to a public records request. Produce the records, deny the request in writing, or provide a written estimate.

T.C.A. § 10-7-503(a)(2)(B)

10

YEARS

You can be barred from the same or a similar office after a conflict-of-interest violation.

T.C.A. § 12-4-102

Jan 31

EVERY YEAR

Your deadline to file a Statement of Interests with the Tennessee Ethics Commission.

T.C.A. § 8-50-504

The next 60 minutes

1:15	Welcome and why it matters	 4 min
1:19	Connect the dots: open meetings to open records	 2 min
1:21	01 Open records	 14 min
1:35	02 Conflicts of interest	 11 min
1:46	03 Ethics and disclosure	 7 min
1:53	Five habits to take with you	 2 min
1:55	Your questions	 20 min

BY 2:15, YOU CAN:

- ✓ Handle a records request, even one for your own texts, with confidence.
- ✓ Spot a direct or indirect conflict before the vote, not after.
- ✓ Meet your ethics duties, including district policy, gift rules, and the January 31 filing.

Meetings create records

We covered the Open Meetings Act at 11:15. Now let's connect those rules to the records you create.



Texts can become a meeting

Chance encounters, informal gatherings, and electronic messages cannot be used to deliberate or decide board business outside a properly noticed meeting.

T.C.A. § 8-44-102



Minutes make the record

Minutes must show who attended, every motion, and every vote. Record roll calls by name. Secret ballots are not allowed.

T.C.A. § 8-44-104



NEW IN 2026

More room for the public

School boards must allow public comment on any matter within the board's jurisdiction, not just agenda items. They must also make agendas available in advance.

Pub. Ch. 620 and 699 (2026) · §§ 8-44-110, -112

Open Meetings Act · Key text

T.C.A. § 8-44-102

“No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.”

T.C.A. § 8-44-104

“The minutes of a meeting...shall be promptly and fully recorded...open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call.”

“All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed .”



Bottom line for board members: Do not deliberate by text or email, and make sure votes and minutes are fully public.



MODULE 01 · 1:21-1:35 PM · 14 MIN

Open records

The Tennessee Public Records Act: what counts, who can ask, and how quickly the district must respond.

T.C.A. § 10-7-501 et seq.

Content counts, not the device

A public record is material made or received
*“in connection with the transaction
of official business.”*

T.C.A. § 10-7-503(a)(1)(A)

Board business stays board business, whether it lives on
a district account or your personal phone.

Open is the starting point. Keeping a record confidential
requires a specific legal exception.

ANY OF THESE CAN BE PUBLIC RECORDS



District email



Personal email



Text messages



Social posts and
DMs



Handwritten
notes



Voicemail and
photos

Public records · What counts

T.C.A. § 10-7-503(a)(1)(A)

“Public record or records...means all 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, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity.”

DECK TAKEAWAY CARRIED FORWARD:

A public record is material made or received “in connection with the transaction of official business.” (id.)



Bottom line for board members: If it relates to official board business, treat it as potentially public whether it is on a district account or personal device.

Seven business days. One clear process.



Request arrives

Any Tennessee citizen may ask. Inspection requests can be verbal. The district may require photo ID and a written request for copies.



Route it

Send the request to the Public Records Request Coordinator named in the district's written records policy.



Respond within 7 business days

Produce the records, deny the request in writing with the legal basis, or provide a written estimate of the time needed.



Charge fairly

Inspection is free. Copies cost 15 cents per black-and-white page and 50 cents per color page. Labor may be charged after the first hour.



Your role: forward it. Do not fulfill it. Do not search, redact, or answer on your own. Preserve every record related to the request.

T.C.A. § 10-7-503 • Office of Open Records Counsel, Schedule of Reasonable Charges

Public records · Response process

T.C.A. § 10-7-503(a)(2)(A)

"All state, county and municipal records shall, at all times during business hours, ... be open for personal inspection by any citizen of this state..."

T.C.A. § 10-7-503(a)(2)(B)

"The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly made available for inspection, the custodian shall, within seven (7) business days :

- (i) Make the public record requested available to the requestor;
- (ii) Deny the request in writing...The response should included the basis for the denial; or
- (iii) Furnish the requester in writing...the time reasonably necessary to produce the record or information..."

T.C.A. § 10-7-503(g)

Requires a written public records policy and a public records request coordinator for every county and covered governmental entities. Policy shall cover the process for making requests for information/records, process for responding to such requests, a statement of fees charged for copies and billing and payment.



Bottom line for board members: Forward requests immediately. Do not answer, redact, or produce records on your own.

Start open. Close only when the law says so.

500+

Statutory exceptions to the
Public Records Act
The state counted 538 in 2018.

**If no exception applies, the
record is open.**

Office of Open Records Counsel



Student records

§ 10-7-504(a)(4)

Public school student records are confidential. FERPA adds federal requirements.



Employee personal information

§ 10-7-504(f)

Home addresses, personal phone numbers and emails, Social Security numbers, bank details, and family information.



School safety plans

§ 49-6-804

Building and district security plans, along with meetings about them, stay closed.



Legal advice

Attorney-client privilege

Privileged communications with the board's attorney about pending or likely litigation.

Public records · Common school-related exceptions

T.C.A. § 10-7-504(a)(4)

Student records are confidential.

T.C.A. § 10-7-504(f)

Protects categories of sensitive personal information for public employees, including items such as home address, phone number, Social Security number, bank information, and family information.

T.C.A. § 49-6-804

Security and safety plans are protected, and meetings about those plans may be closed under the statute's limits.



Bottom line for board members: Start from openness, but do not release student information, protected employee data, or school safety material without counsel or the records custodian reviewing it.

Five habits that build trust and lower risk

- 1 Use your district account.** Keep board business off personal email and text messages.
- 2 Keep pending business out of reply-all.** Two or more members deliberating by message can create an illegal meeting.
- 3 Forward requests the same day.** Your records coordinator owns the seven-business-day response.
- 4 Preserve, do not curate.** Follow the district's retention schedule. Never delete records to get ahead of a request.
- 5 Ask before you release.** Let the board attorney determine exceptions and redactions.

IF IT GOES WRONG



Court petition

A denied requester can sue in chancery or circuit court. (§ 10-7-505)



Attorney's fees

A willful refusal can make the district responsible for the requester's legal fees. (§ 10-7-505(g))



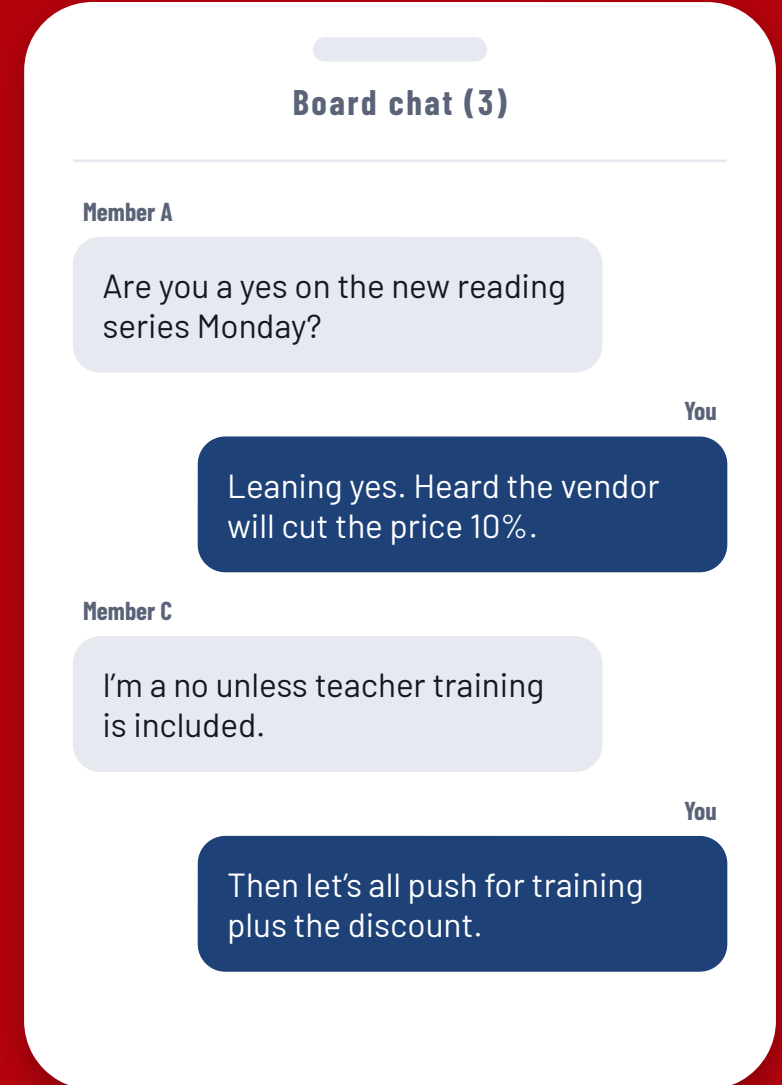
Public trust

The headline is rarely the record. It is the attempt to hide it.

The Friday night text

Three board members text over the weekend about Monday's textbook adoption vote. On Tuesday, a parent asks the district for "all texts between board members about the textbook adoption."

- 1 Does this thread count as a public record?**
- 2 Did these texts create an Open Meetings problem?**
- 3 What is your next move?**



Yes. Likely. Forward it.

YES**Public record**

The texts concern board business. They can be public records even on personal phones. Preserve every message.

§ 10-7-503(a)(1)(A)

LIKELY**Open Meetings problem**

Three members are deliberating toward a decision by text outside a noticed meeting. That is what TOMA prohibits. Actions taken in violation can be voided.

§§ 8-44-102, -105

DO THIS**Handle the request**

Preserve the thread. Send the request to the records coordinator today. Let the board attorney review it. Do not delete, edit, or “clean up” anything.

§ 10-7-503

TAKEAWAY *If you would not say it at the dais, do not text it to a colleague.*



MODULE 02 • 1:35-1:46 PM • 11 MIN

Conflicts of interest

When your money, family, or work meets a board vote,
know your next move.

T.C.A. §§ 12-4-101, 49-2-203, 49-6-2003

Direct or indirect? Know the difference.



PROHIBITED

Direct interest

You are a party to the contract personally, as a sole proprietor or partner, or through a company you control.

Abstaining does not fix it. The contract itself is the problem.

§ 12-4-101(a)



DISCLOSE

Indirect interest

You would benefit financially without being the contracting party, such as through a minority stake or a spouse's business when your finances are shared.

Acknowledge it publicly before the vote. Recusal is the safest course.

§ 12-4-101(b)



Penalties (§ 12-4-102): Forfeit any pay from the contract · Removal from office · Barred from the same or a similar office for 10 years

Conflicts of interest · Core statute

T.C.A. § 12-4-101(a)

It is unlawful for certain public officials to be “directly interested” in contracts over which they have duties to vote, supervise, or let.

T.C.A. § 12-4-101(b)

If an official is “indirectly interested” in such a contract, “the official shall publicly acknowledge such interest.”

T.C.A. § 12-4-102

Provides consequences including forfeiture, ouster, and disqualification from holding the same or similar office for ten years.



Bottom line for board members: Direct interests are prohibited; indirect interests must at minimum be publicly disclosed.

Three rules school board members need to know



No job in your own district

Board members cannot teach or hold paid positions in the system. That includes substitute teaching, even through a staffing agency. Employees who win a seat must resign.

§ 49-2-203



No selling to your schools

You cannot have a direct or indirect interest in supplying books, maps, furniture, or apparatus. One narrow exception allows a relative to compete through sealed bids when you have no say in the process with caveats.

§ 49-6-2003



Family on the payroll

A spouse may work for the district. If you share finances, votes affecting their job or pay can create an indirect interest. Disclose it and get advice first.

§ 12-4-101(b)

School board-specific conflict rules

T.C.A. § 49-2-203

Addresses school board governance and is cited for the rule that a board member may not serve in a compensated position in the same school system. (id.)

T.C.A. § 49-6-2003

Prohibits certain direct or indirect interests in supplying “books, maps, school furniture, or apparatus,” subject to a narrow exception referenced in the deck. (id.)

T.C.A. § 12-4-101(b)

Indirect-interest disclosure rule applies when shared household finances or similar ties create a financial interest.



Bottom line for board members: Do not hold paid district employment while serving, and scrutinize any family or business connection to district purchasing.

Four steps before you vote



Spot it

Could I, my spouse, or a business I am tied to gain or lose money from this vote?



Disclose it

Disclose the interest on the record before discussion begins, not after the vote.



Act on it

Direct interest: you cannot be in the contract at all.
Indirect interest: disclose it and recuse when in doubt.



Record it

Make sure the minutes reflect your disclosure and any recusal.

When in doubt, call the board attorney before the meeting, not from the dais.

The HVAC bid

The district is replacing HVAC units at two middle schools. The lowest bid comes from a company your spouse co-owns with a 25% stake. The contract is on next month’s consent agenda.

BID TABULATION

HVAC replacement · 2 middle schools

Bidder A	\$412,800
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Low bid · Spouse owns 25%

Bidder B	\$438,150
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Bidder C	\$451,900
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1 Is it a direct or indirect interest?

2 Can you vote on it?

3 What changes if you hold a controlling stake?

Disclose. Step back. Get advice.

INDIRECT

Your spouse holds 25%

Your spouse's minority stake is not a contract with you or a company you control. If your finances are shared, it is an indirect interest.

§ 12-4-101(b)

YES, BUT

Can you vote?

The statute requires public acknowledgment. It does not, by itself, bar the vote. Best practice is to disclose, recuse, and ask for the item to come off the consent agenda.

Local ethics policy

DIRECT

If you hold control

A controlling stake is a direct interest. Being in the contract is unlawful. Abstaining does not fix it. Raise the issue before the district awards the contract.

§ 12-4-101(a)

TAKEAWAY *Disclose before discussion. Recuse when in doubt. Call counsel before the meeting.*



MODULE 03 • 1:46-1:53 PM • 7 MIN

Ethics and disclosure

The form you file. The policy you follow. The standard the public expects.

T.C.A. §§ 8-17-101 et seq., 8-50-501 et seq.

Know what to file and when



NEXT ANNUAL DEADLINE

January 31

2027, then every January 31 while you serve

T.C.A. § 8-50-504



What it is

A public disclosure of your major sources of income, investments, and business interests. It shows the ties that could affect your decisions.



When

Candidates file within 30 days after the qualifying deadline. Appointees file within 30 days of appointment. After that, file every year by January 31.



Where

File online with the Tennessee Ethics Commission at apps.tn.gov/conflict.



If you are late

Late fees begin at \$25 per day. Civil penalties can reach \$10,000.

Know the law. Build public trust.



THE LAW REQUIRES

Your district has ethics standards.

Every school district had to adopt standards covering gifts and disclosure of personal interests. (§ 8-17-103)

Your policy is public.

Many districts adopted the TSBA model. Either way, the Ethics Commission knows which policy applies. (§§ 8-17-104, -105)

Gift rules are local.

Limits and thresholds vary by district. Read yours this week.



PUBLIC TRUST EXPECTS

Run the front-page test.

Would you be comfortable reading about the decision in your local paper?

Speak for yourself.

Do not speak for the board unless the board has authorized you.

Keep confidential matters confidential.

Legal advice from executive session stays in the room.

Local ethics standards · Required by law

T.C.A. § 8-17-103

Requires covered local entities to adopt ethical standards addressing at least gifts and disclosure of personal interests.

T.C.A. §§ 8-17-104 to 8-17-105

Address public inspection of those standards and adoption of model or locally developed ethics policies.



Bottom line for board members: Your district's ethics policy is not optional reading – it is part of the legal framework you serve under.

The vendor invite

An ed-tech company has a contract renewal coming before the board this spring. It invites you to a national conference and offers to cover registration and a steak dinner.

That night, you post about the renewal on Facebook. Two board colleagues join the comments.

1 Can you accept the trip?

2 Is your post a public record?

3 Is the comment thread a problem?



YOU'RE INVITED

EdTech Leaders Summit

Registration plus dinner
Compliments of your district's vendor

RSVP YES

Three calls: decline it, keep it, leave the thread.

DECLINE

The trip

A vendor with business pending before you is the hardest case under any district gift policy. Pay your own way or decline. Ask counsel if you are unsure.

Local ethics policy • § 8-17-103

YES

The post

A post about board business can be a public record, even on a personal page. Keep the post and the comments. Do not delete either.

§ 10-7-503(a)(1)(A)

RISKY

The thread

Board members debating a pending item in the comments can be deliberation outside a meeting. Do not reply. Save the conversation for the dais.

§ 8-44-102

TAKEAWAY *Pending business plus anything of value is the combination to avoid.*

Five moves before your next meeting

- ✓ Save two contacts: your records request coordinator and your board attorney.
- ✓ Move board business to your district email account and keep it there.
- ✓ Read your district's ethics policy, especially the gift rules.
- ✓ Put January 31 on your calendar for your Statement of Interests.
- ✓ Run the four-step conflict check on every agenda before you walk in.



Strong Communities. Strong Nation.

go@citizenactivate.com

Ask away.

Let's talk through a rule, a gray area, or a real situation you are working through. The more specific the question, the better.

A FEW QUESTIONS TO GET US STARTED:

- 1 My spouse teaches in the district. Can I vote on the budget?
- 2 Are my notes from a board retreat public records?
- 3 Can two members have coffee or exchange scheduling texts?

SHARE IT LIVE OR SEND IT HERE:

✉ go@citizenactivate.com



READY FOR THE ROOM

You're ready. Let's keep going.

NEXT STEP

Keep learning at **citizenactivate.com**

The playbook, updates, and clear paths to run, volunteer, and serve.

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This presentation provides general education on Tennessee law as of October 2026. It is not legal advice. Talk with your board attorney about specific situations.



SCAN TO VISIT

citizenactivate.com

Your one-page statute guide

AREA	TOPIC	RULE	CITE (T.C.A.)
Open records	What is a public record?	Anything made or received in connection with official business	§ 10-7-503(a)(1)(A)
	Who may request records?	Tennessee citizens	§ 10-7-503(a)(2)(A)
	What is the deadline?	Within 7 business days, produce the records, deny the request in writing, or estimate the time needed	§ 10-7-503(a)(2)(B)
	Which records are confidential?	Student records, employee personal information, and school safety plans	§§ 10-7-504(a)(4), (f); 49-6-804
	How is the law enforced?	Court petition and attorney's fees for a willful refusal	§ 10-7-505
Open meetings	Can board members deliberate by message?	Not outside a properly noticed meeting	§ 8-44-102
	What about agendas and public comment?	Post agendas in advance. Allow comment on any matter within the board's jurisdiction.	§§ 8-44-110, -112
Conflicts	Direct and indirect interests	Direct interests are prohibited. Indirect interests must be publicly acknowledged.	§ 12-4-101
	Penalties	Forfeiture, removal, and a 10-year bar	§ 12-4-102
	District employment	No paid district position, including substitute teaching	§ 49-2-203
	School supplies	No interest in supplying books, furniture, or apparatus	§ 49-6-2003
Ethics	District ethics standards	Rules governing gifts and disclosure of personal interests	§§ 8-17-103 to 105
	Statement of Interests	File annually by January 31	§ 8-50-504

Keep learning. Keep asking.



Tennessee Comptroller, Office of Open Records Counsel

comptroller.tn.gov

Public Records Act FAQs · Exceptions to the Public Records Act · 2025 Open Records Legislative Update



UT County Technical Assistance Service

ctas.tennessee.edu

Recent Changes to the Open Meetings Act, June 2026 · Schools: Conflict of Interest · General Conflict of Interest Law



UT Municipal Technical Advisory Service

mtas.tennessee.edu

Tennessee Public Records Act · Open Meetings Law



Tennessee Ethics Commission

tn.gov/tec · apps.tn.gov/conflict

Statement of Interests FAQ · Form SS-8005 · Online filing



Tennessee Code Annotated, Title 8, Chapter 17

sos.tn.gov

Ethical standards for local governments and school districts



Tennessee School Boards Association

tsba.net

Open Meetings Guide, 2025 · Model ethics and public-comment policies