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Sequence Number: 11-14-23  
Rule ID(s): 9960  
File Date: 11/21/2023  
Effective Date: 2/19/2024

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

**Agency/Board/Commission:** State Board of Education  
**Division:** N/A  
**Contact Person:** Angie Sanders  
**Address:** 500 James Robertson Parkway, 8<sup>th</sup> Floor  
**Zip:** 37243  
**Phone:** 615-253-5707  
**Email:** Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

☒ Amendment ☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ New ☐ Content is identical to the emergency rule  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-15-01	Public Records Requests
Rule Number	Rule Title
0520-15-01-.01	Public Records Requests Generally
0520-15-01-.02	Definitions
0520-15-01-.03	Making Public Records Requests
0520-15-01-.04	Responding to Public Records Requests
0520-15-01-.05	Records Custodian
0520-15-01-.06	Redaction
0520-15-01-.07	Inspection of Records
0520-15-01-.08	Copies of Records
0520-15-01-.09	Fees and Charges
0520-15-01-.10	Aggregation of Frequent and Multiple Requests

## **AMENDMENT**

**AMEND** the rules of the State Board of Education Chapter 0520-15-01 Public Records Requests, so that as amended, the revised Chapter shall read:

### **RULES OF THE STATE BOARD OF EDUCATION**

#### **CHAPTER 0520-15-01 PUBLIC RECORDS REQUESTS**

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##### **0520-15-01-.01 PUBLIC RECORDS REQUESTS GENERALLY.**

- (1) In accordance with the Tennessee Public Records Act (TPRA), T.C.A. § 10-7-503 et seq., the State Board's public 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 or federal law. Accordingly, the public records of the State Board are presumed to be open for inspection unless an exemption is otherwise provided by law.
- (2) Personnel of the State Board shall provide access and assistance to Tennessee citizens requesting access to public records, in accordance with the provisions of the TPRA and this Chapter. No provision of this Chapter shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the State Board, shall be protected as provided by current law. Concerns about the provisions or enforcement of this Chapter should be addressed to the State Board's Public Records Request Coordinator (PRRC) or to the Tennessee Office of Open Records Counsel (OORC).
- (3) The TPRA grants Tennessee citizens the right to access public records that exist at the time of the request. Nothing in the TPRA or this Chapter shall be construed as requiring a Records Custodian or the PRRC to sort through files to compile information into a new record or to create or recreate a record that does not exist.
- (4) In accordance with the TPRA and this Chapter, State Board personnel will respond promptly to public record requests upon proof of Tennessee citizenship by presentation of a validly issued Tennessee driver's license or Tennessee-issued photo identification that includes the Requestor's address. If the Requestor does not possess photo identification, then other forms of identification evidencing the Requestor's identity and Tennessee citizenship may be accepted.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.02 DEFINITIONS.**

- (1) "Public 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. Public records do not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record.
- (2) "Public Records Request Coordinator" or "PRRC" means the individual, or individuals, identified in this Chapter who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The PRRC may also be a records custodian.
- (3) "Records Custodian" means the office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (4) "Redacted Record" means a public record otherwise open for public inspection from which protected or confidential information is removed or obscured prior to release or inspection.
- (5) "Requestor" means a Tennessee citizen requesting access to a public record, whether for inspection or duplication.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.03 MAKING PUBLIC RECORDS REQUESTS.**

- (1) All public record requests shall be made to the PRRC in order to ensure public record requests made pursuant to the TPRA are routed to the appropriate Records Custodian and fulfilled in a timely manner. The designated PRRC for the State Board is the General Counsel, or in the absence of the General Counsel, the Deputy General Counsel or an Associate Counsel, provided, however, that the responsibilities of the PRRC may be delegated to one (1) or more State Board employees under the supervision of the PRRC.
  - (a) The PRRC may be contacted at:  
Tennessee State Board of Education  
Attn: Public Records Request Coordinator  
Davy Crockett Tower, 8th Floor  
500 James Robertson Parkway  
Nashville, TN 37243  
615-741-2966 (phone)  
615-741-0371 (fax)  
SBEPublic.Records@tn.gov
- (2) Requests only for inspection shall be made orally to the PRRC via phone or in-person at the PRRC's contact information noted in paragraph (1)(a) above, or in writing to the PRRC at the PRRC's contact information noted in paragraph (1)(a) above. If a request for inspection is made orally, the PRRC shall request a U.S. mail address or email address from the Requestor in order to provide any written communication required under the TPRA. Requests for copies shall be

made in writing via fax, email, mail, or hand delivery to the PRRC at the contact information noted in paragraph (1)(a) above.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019. Amendments filed December 23, 2019; effective March 22, 2020.

#### **0520-15-01-.04 RESPONDING TO PUBLIC RECORDS REQUESTS.**

- (1) The PRRC shall review public record requests received by the State Board and make an initial determination of the following:
  - (a) If the Requestor has provided evidence of Tennessee citizenship;
  - (b) If the records requested are described with sufficient specificity to identify them; and
  - (c) If the State Board is the custodian of the records requested.
- (2) The PRRC shall acknowledge receipt of the request and take any of the following action(s), as appropriate:
  - (a) Advise the Requestor of this Rule and:
    1. Any determinations regarding proof of Tennessee citizenship;
    2. Applicable fees (and labor threshold and waivers if applicable); or
    3. Aggregation of multiple or frequent requests.
  - (b) Deny the request in writing if an appropriate ground applies, including the basis for the denial, using the Public Records Request Response Form developed by State Board staff. Appropriate grounds for denial include, but are not limited to, the following:
    1. Requestor is not, or has not presented evidence of being, a Tennessee citizen;
    2. Request lacks specificity or needs clarification;
    3. An exemption makes the requested record not subject to disclosure under state or federal law;
    4. The State Board is not the custodian of the requested records;
    5. The requested records do not exist.
  - (c) If appropriate, contact the Requestor to see if the request can be narrowed or clarified.
  - (d) Forward the records request to the appropriate Records Custodian in the State Board with notice of the date the request was received and the deadline for when a response to the request is due.
  - (e) If the requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the Requestor in writing of the correct entity and PRRC for that entity, if known.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.05 RECORDS CUSTODIAN.**

- (1) Upon receiving a public records request forwarded by the PRRC, the Records Custodian shall make requested records available as promptly as practicable in accordance with T.C.A. § 10-7-503, if the requested records are not exempt from disclosure.
- (2) If it is not practicable for the Records Custodian to promptly provide requested records because additional time is necessary to determine whether the requested records exist, to gain access to records, to determine whether the records are open, to redact records, or for other similar reasons, then the Records Custodian shall notify the PRRC who shall, within seven (7) business days from the PRRC's receipt of the request, send the Requestor a completed Public Records Request Response Form developed by State Board staff stating the time reasonably necessary to produce the record or information.
- (3) If the Records Custodian determines that a public record request should be denied, the Records Custodian shall notify the PRRC, and provide the ground(s) for denial. If the PRRC agrees the request should be denied, the PRRC shall deny the request in writing using the Public Records Request Response Form developed by State Board staff. Grounds for denial include, but are not limited to, the following:
  - (a) Requestor is not, or has not presented evidence of being, a Tennessee citizen;
  - (b) Request lacks specificity or needs clarification;
  - (c) An exemption makes the record not subject to disclosure under state or federal law;
  - (d) The State Board is not the custodian of the requested records;
  - (e) The requested records do not exist.
- (4) If the requested records relate to another governmental entity and the PRRC is aware of the correct governmental entity, the PRRC shall advise the Requestor of the correct governmental entity and PRRC for that entity, if known.
- (5) If the Records Custodian reasonably determines production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the Records Custodian or PRRC shall notify the Requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Records Custodian or PRRC should contact the Requestor to see if the request can be narrowed.
- (6) If the Records Custodian discovers records responsive to a records request were omitted from the production, the Records Custodian or PRRC shall promptly contact the Requestor concerning the omission and produce the records as quickly as practicable.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.06 REDACTION.**

- (1) If a record contains confidential information or information that is not open for public inspection, the Records Custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Custodian shall coordinate with the PRRC regarding review and redaction of records. The Records Custodian and the PRRC may also consult with the OORC or the Office of the Attorney General and Reporter.

- (2) Whenever a Redacted Record is provided, the Records Custodian or PRRC shall provide the Requestor with the basis for redaction. The basis given for redaction shall not disclose confidential information. A Records Custodian is not required to produce a privilege log.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.07 INSPECTION OF RECORDS.**

- (1) There is no charge to view public records that are subject to inspection under the TPRA, however, any information made confidential by state or federal law shall be redacted prior to making the record available for inspection. Costs associated with redacting records shall be assessed as outlined in Section .09 of this Chapter.
- (2) Inspection of records shall take place at the offices of the State Board of Education. The location for inspection of records within the offices of the State Board shall be specified by the Records Custodian or PRRC.
- (3) A Records Custodian or PRRC may require an appointment for inspection of records that cannot be promptly made available for inspection. A Records Custodian or PRRC may also require inspection of records at an alternate location under reasonable circumstances.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### **0520-15-01-.08 COPIES OF RECORDS.**

- (1) Copies will be available for pickup at the State Board's offices during regular business hours.
- (2) Upon payment for costs of postage, copies will be delivered to the Requestor's home address by the U.S. Postal Service.
- (3) A Requestor will not be allowed to make copies of records with personal equipment. However, a Requestor may use a personal camera to take a photograph of a record.
- (4) If the State Board maintains the requested record(s) in an electronic format, copies of the requested record(s) may be provided to the Requestor in an electronic format as follows:
  - (a) The records may be downloaded to a flash drive (or equivalent storage device) provided by the State Board. The Requestor shall be charged for the flash drive (or equivalent storage device) at the current cost to the State Board. Downloading to a flash drive (or equivalent storage device) provided by the Requestor shall not be permitted.
  - (b) If the requested record exists in an electronic format that may be transmitted by email, the records may be sent via email.
- (5) The Records Custodian shall respond to a request for copies in the most economic and efficient manner practicable.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019. Amendments filed December 23, 2019; effective March 22, 2020.



#### 0520-15-01-.09 FEES AND CHARGES.

- (1) Prior to producing copies of records, the Records Custodian shall provide the Requestor with an estimate of the charges (itemized by per page costs, labor, and other) to be assessed, and may require pre-payment of such charges before producing requested records. If the time required to identify, locate, redact (if applicable), and download or transmit records maintained electronically via methods set forth in Section .08 of this Chapter exceeds the labor threshold identified in paragraph (3) below, the production of the records shall be subject to the same labor charge identified in paragraph (3) below.
- (2) When fees for copies and labor do not exceed \$10.00, the fees shall be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of the State Board and for the public good.
- (3) Fees and charges for copies are as follows, but no more than the safe harbor amount authorized by the OORC Schedule of Reasonable Charges, unless a higher charge can be documented:
  - (a) \$0.15 cents per page for letter and legal-sized black and white copies;
  - (b) \$0.50 cents per page for letter and legal-sized color copies.
  - (c) Labor will be charged when time exceeds two (2) hours and shall be calculated according to the OORC Schedule of Reasonable Charges.
  - (d) If an outside vendor is used, the actual costs assessed by the vendor.
  - (e) Other charges shall be in accordance with the OORC Schedule of Reasonable Charges.
- (4) Payment is to be made in cash, money order, or personal check payable to the Tennessee State Board of Education.
- (5) Payment in advance will be required when costs are estimated to exceed \$100.00.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### 0520-15-01-.10 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) The State Board will aggregate record requests for the purpose of calculating charges for copies of public records in accordance with the Reasonable Charges for Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month, either from a single individual or a group of individuals deemed working in concert.
- (2) If it is determined that records requests submitted to the State Board will be aggregated:
  - (a) Records requests will be aggregated at the agency level.
  - (b) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the Records Custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jordan Mollenhour	X				
Bob Eby	X				
Ryan Holt	X				
Warren Wells	X				
Lillian Hartgrove	X				
Nate Morrow	X				
Darrell Cobbins	X				
Larry Jensen	X				
Krissi McInturff	X				
Laurel Cox				X	
Victoria Harpool, designee for Steven Gentile, Interim Executive Director, Tennessee Higher Education Commission <b>Non-Voting Ex-Officio</b>					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 11/03/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/11/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 10/02/2023

Date: 11/17/2023

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-15-01

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


  
Jonathan Skrmetti  
Attorney General and Reporter  
Nov. 17, 2023  
Date



**Department of State Use Only**

Filed with the Department of State on: 11/21/2023

Effective on: 2/19/2024

  
\_\_\_\_\_  
Tre Hargett  
Secretary of State

**RECEIVED**

Nov 21 2023, 11:22 am

Secretary of State  
Division of Publications

### **Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Chapter 0520-15-01 on October 2, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding this rule.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule does not affect small businesses.

**Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments.

### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

State Board of Education (State Board) Rules Chapter 0520-15-01 was originally approved in 2019 in compliance with T.C.A. § 10-7-503 and sets forth rules governing the process by which Tennessee citizens may request to inspect or copy public records maintained by the State Board.

Major edits to this Chapter include:

- Updating language to comply with the law regarding acceptable types of identification for purposes of verifying a requestor is a Tennessee citizen.
- Updating the titles of State Board staff who serve as the Public Records Request Coordinator (PRRC).
- Updating the contact information for the PRRC to include the State Board's new office address and a dedicated email address for public records requests.
- Clarifying the process for providing copies of records that are maintained electronically.
- Clarifying that charges may be assessed for requests to inspect records if redaction is necessary.
- Lowering the labor threshold for charging fees from four (4) hours to two (2) hours.

Other minor typographical and clarifying edits were made.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 10-7-503(g)(2) requires all state government entities to promulgate rules governing public records requests.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules have a direct effect on the State Board and the State Board urges adoption. These rules also have a direct effect on Tennessee citizens who may request public records from the State Board. The State Board did not hear from any citizens urging adoption or rejection of the rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)



Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Angie Sanders (State Board of Education)  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Angie Sanders  
State Board of Education  
500 James Robertson Parkway, 8th Floor  
Nashville, TN 37243  
(615) 253-5707  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James  
State Board of Education  
500 James Robertson Parkway, 8th Floor  
Nashville, TN 37243  
(615) 532-3528  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES  
OF  
THE STATE BOARD OF EDUCATION

CHAPTER 0520-15-01  
PUBLIC RECORDS REQUESTS

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**0520-15-01-.01 PUBLIC RECORDS REQUESTS GENERALLY.**

- (1) In accordance with the Tennessee Public Records Act (TPRA), T.C.A. § 10-7-503 et seq., ~~all state, county, and municipal~~ the State Board's public 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 or federal law. Accordingly, the public records of the State Board are presumed to be open for inspection unless an exemption is otherwise provided by law.
- (2) Personnel of the State Board shall provide access and assistance ~~in a timely and efficient manner to persons to Tennessee citizens~~ requesting access to public records, in accordance with the provisions of the TPRA and this Chapter. No provisions of this ~~Chapter~~ rule shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the State Board, shall be protected as provided by current law. Concerns about the provisions or enforcement of this ~~Chapter~~ rule should be addressed to the State Board's Public Records Request Coordinator (PRRC) or to the Tennessee Office of Open Records Counsel (OORC).
- (3) The TPRA grants Tennessee citizens the right to access public records that exist at the time of the request. Nothing in the TPRA or this Chapter shall be construed as requiring a Records Custodian or the PRRC to sort through files to compile information into a new record or to create or recreate a record that does not exist.
- (43) In accordance with the TPRA and this Chapter, State Board personnel will respond promptly to public record requests upon proof of Tennessee citizenship by presentation of a validly issued Tennessee driver's license or Tennessee-issued photo identification that includes the Requestor's address. If the Requestor does not possess photo identification, then other forms of identification evidencing the Requestor's identity and Tennessee citizenship may be accepted.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

**0520-15-01-.02 DEFINITIONS.**

- (1) "Public ~~R~~ecords": means a 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 ~~agency~~ entity. Public records do not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record ~~or state record~~.

- (2) Public ~~R~~records ~~R~~request ~~C~~oordinator" or "(PRRC" means: ~~(T~~he individual, or individuals, identified in this ~~R~~ule ~~C~~hapter who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The ~~PRRC public records request coordinator~~ may also be a records custodian.
- (3) "Records ~~C~~ustodian" means: ~~(T~~he office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (4) "Redacted ~~R~~ecord" means: ~~a~~ public record otherwise open for public inspection from which protected or confidential information is removed or obscured prior to release or inspection.
- (5) "Requestor" means: ~~a~~ Tennessee citizen requesting access to a public record, whether for inspection or duplication.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### 0520-15-01-.03 MAKING PUBLIC RECORDS REQUESTS.

- (1) All public record requests shall be made to the PRRC in order to ensure public record requests made pursuant to the TPRA are routed to the appropriate ~~R~~ecords ~~C~~ustodian and fulfilled in a timely manner. ~~The designated PRRC for the State Board is the General Counsel, or in the absence of the General Counsel, the Deputy General Counsel or an Associate Counsel, provided, however, that the responsibilities of the PRRC may be delegated to one (1) or more State Board employees under the supervision of the PRRC.~~
- (a) ~~The PRRC may be contacted at: Requests for inspection shall be made orally or in writing addressed as follows:~~  
Tennessee State Board of Education  
Attn: ~~General Counsel~~Public Records Request Coordinator  
Davy Crockett Tower, 85th Floor  
500 James Robertson ~~Pkwy~~Parkway  
Nashville, TN 37243  
615-741-2966 (phone)  
615-741-0371 (fax)  
~~Angela.e.sanders~~SBEPublic.Records@tn.gov
- (2) ~~Requests only for inspection shall be made orally to the PRRC via phone or in-person at the PRRC's contact information noted in paragraph (1)(a) above, or in writing to the PRRC at the PRRC's contact information noted in paragraph (1)(a) above. If a request for inspection is made orally, the PRRC shall request a U.S. mail address or email address from the Requestor in order to provide any written communication required under the TPRA. Requests for copies or requests for inspection and copies shall be made in writing via fax, email, mail, or hand delivery to the PRRC using at the contact information noted in section paragraph (1)(a) above.~~

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019. Amendments filed December 23, 2019; effective March 22, 2020.

**0520-15-01-.04 RESPONDING TO PUBLIC RECORDS REQUESTS.**

- (1) The PRRC shall review public record requests received by the State Board and make an initial determination of the following:
  - (a) If the Rrequestor has provided evidence of Tennessee citizenship;
  - (b) If the records requested are described with sufficient specificity to identify them; and
  - (c) If the State Board is the custodian of the records requested.
- (2) The PRRC shall acknowledge receipt of the request and take any of the following -action(s), as appropriate:
  - (a) Advise the Rrequestor of this Rule and ~~the elections made by the State Board regarding:~~
    1. Any determinations regarding pProof of Tennessee cCitizenship;
    2. Applicable fFees (and labor threshold and waivers if applicable); or
    3. Aggregation of multiple or frequent requests.
  - (b) Deny the request in writing if an appropriate ground applies, including the basis for the denial, using the Public Records Request Response Form developed by ~~the OORC~~State Board staff. Appropriate grounds for denial include, but are not limited to, the following:
    1. Requestor is not, or has not presented evidence of being, a Tennessee citizen;
    2. Request lacks specificity or needs clarification;
    3. An eExemption makes the requested record not subject to disclosure under ~~the state or federal law~~TPRA;
    4. The State Board is not the custodian of the requested records;
    5. The requested records do not exist.
  - (c) If appropriate, contact the Rrequestor to see if the request can be narrowed or clarified.
  - (d) Forward the records request to the appropriate Records Custodian in the State Board with notice of the date the request was received and the deadline for when a response to the request is due and ~~advise the Rrequestor of such action.~~
  - (e) If the requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the Rrequestor in writing of the correct entity and PRRC for that entity, if known.
- (3) ~~The designated PRRC(s) for the State Board is the General Counsel and, in the absence of the General Counsel, either a staff attorney or the Director of Policy and Research. Contact information is available on the State Board's website.~~



**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

**0520-15-01-.05 RECORDS CUSTODIAN.**

- (1) Upon receiving a public records request ~~forwarded by the PRRC~~, the ~~R~~ecords ~~C~~ustodian shall make requested ~~open-public~~ records available as promptly as practicable in accordance with T.C.A. § 10-7-503, ~~if the requested records are not exempt from disclosure.~~
- (2) If it is not practicable for the ~~R~~ecords ~~C~~ustodian to promptly provide requested records because additional time is necessary to determine whether the requested records exist, to gain access to records, to determine whether the records are open, to redact records, or for other similar reasons, then the ~~R~~ecords ~~C~~ustodian shall notify the PRRC who shall, within seven (7) business days from the ~~records custodian's-PRRC's~~ receipt of the request, send the ~~R~~equestor a completed Public Records Request Response Form developed by ~~the OORC~~State Board staff stating the time reasonably necessary to produce the record or information.
- (3) If the ~~R~~ecords ~~C~~ustodian determines that a public record request should be denied, ~~he or she~~the Records Custodian shall notify the PRRC, ~~who shall deny the request in writing using the Public Records Request Response Form developed by the OORC~~ and provide the ground(s) for denial. ~~If the PRRC agrees the request should be denied, the PRRC shall deny the request in writing using the Public Records Request Response Form developed by State Board staff, in writing, Grounds for denial including, but are not limited to, the following:~~
  - (a) Requestor is not, or has not presented evidence of being, a Tennessee citizen;
  - (b) Request lacks specificity ~~or needs clarification~~;
  - (c) ~~An e~~Exemption makes the record not subject to disclosure under state or federal law~~them~~ TPRA;
  - (d) The State Board is not the custodian of the requested records; ~~or~~
  - (e) The requested records do not exist.
- (4) ~~If the requested records relate to another governmental entity and the PRRC is aware of the correct governmental entity, the PRRC shall advise the R~~requestor of the correct governmental entity and PRRC for that entity, if known.
- (5) ~~If the R~~ecords ~~C~~ustodian reasonably determines production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the ~~R~~ecords ~~C~~ustodian ~~or PRRC~~ shall notify the ~~R~~equestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the ~~R~~ecords ~~C~~ustodian ~~or PRRC~~ should contact the ~~R~~equestor to see if the request can be narrowed.
- (6) ~~If the R~~ecords ~~C~~ustodian discovers records responsive to a records request were omitted ~~from the production~~, the ~~R~~ecords ~~C~~ustodian ~~or PRRC~~ shall promptly contact the ~~R~~equestor concerning the omission and produce the records as quickly as practicable.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.



#### 0520-15-01-.06 REDACTION.

- (1) If a record contains confidential information or information that is not open for public inspection, the Records Custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Custodian shall coordinate with the PRRC General Counsel of the State Board for regarding review and redaction of records. The Records Custodian and the PRRC may also consult with the OORC or the Office of the Attorney General and Reporter.
- (2) Whenever a Redacted Record is provided, the Records Custodian or PRRC shall provide the Requestor with the basis for redaction. The basis given for redaction shall not disclose confidential information. A Records Custodian is not required to produce a privilege log.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### 0520-15-01-.07 INSPECTION OF RECORDS.

- (1) There is no charge to view for inspection of open public records that are subject to inspection under the TPRA, however, any information made confidential by state or federal law shall be redacted prior to making the record available for inspection. Costs associated with redacting records shall be assessed as outlined in Section .09 of this Chapter.
- (2) Inspection of records shall take place at the offices of the State Board of Education. The location for inspection of records within the offices of the State Board shall be specified by the Records Custodian or PRRC.
- (3) A Records Custodian or PRRC may require an appointment for inspection of records that cannot be promptly made available for inspection. A Records Custodian or PRRC or may also require inspection of records at an alternate location under reasonable circumstances.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### 0520-15-01-.08 COPIES OF RECORDS.

- (1) Copies will be available for pickup at the State Board's offices during regular business hours.
- (2) Upon payment for costs of postage, copies will be delivered to the Requestor's home address by the U.S. Postal Service.
- (3) A Requestor will not be allowed to make copies of records with personal equipment. However, a Requestor may use a personal camera to take a photograph of a record. If copies are to be downloaded to a storage device, the requestor shall supply their own storage device or the records custodian may charge the actual out-of-pocket costs for storage devices on which electronic copies are provided.
- (4) If the State Board maintains the requested record(s) in an electronic format, copies of the requested record(s) may be provided to the Requestor in an electronic format as follows:
  - (a) The records may be downloaded to a flash drive (or equivalent storage device) provided by the State Board. The Requestor shall be charged for the flash drive (or

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equivalent storage device) at the current cost to the State Board. Downloading to a flash drive (or equivalent storage device) provided by the Requestor shall not be permitted.

(b) If the requested record exists in an electronic format that may be transmitted by email, the records may be sent via email.

~~(3)(5)~~ The ~~R~~records ~~C~~eustodian shall respond to a ~~public-record~~ request for copies in the most economic and efficient manner practicable.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019. Amendments filed December 23, 2019; effective March 22, 2020.

#### 0520-15-01-.09 FEES AND CHARGES.

- (1) Prior to producing copies of records, the ~~R~~records ~~C~~eustodian shall provide the Rrequestors with an estimate of the charges (itemized by per page costs, labor, and other) to be assessed, and may require pre-payment of such charges before producing requested records. If the time required to identify, locate, redact (if applicable), and download or transmit records maintained electronically via methods set forth in Section .08 of this Chapter exceeds the labor threshold identified in paragraph (3) below, the production of the records shall be subject to the same labor charge identified in paragraph (3) below.
- (2) When fees for copies and labor do not exceed \$10.00, the fees ~~may~~ shall be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of the State Board and for the public good.
- (3) Fees and charges for copies are as follows, but no more than the safe harbor amount authorized by the OORC Schedule of Reasonable Charges, unless a higher charge can be documented:
  - (a) \$.15 cents per page for letter and legal-sized black and white copies;
  - (b) \$.50 cents per page for letter and legal-sized color copies.
  - (c) Labor will be charged when time exceeds fourtwo (24) hours and shall be calculated according to the OORC Schedule of Reasonable Charges.
  - (d) If an outside vendor is used, the actual costs assessed by the vendor.
  - (e) Other charges shall be in accordance with the OORC Schedule of Reasonable Charges.
- (4) Payment is to be made in cash, money order, or personal check payable to the Tennessee State Board of Education, ~~and presented to the State Board General Counsel.~~
- (5) Payment in advance will be required when costs are estimated to exceed \$100.00.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

#### 0520-15-01-.10 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) The State Board will aggregate record requests for the purpose of calculating charges for copies ~~or duplicates~~ of public records in accordance with the Reasonable Charges for Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month, either from a single individual or a group of individuals deemed working in concert.
- (2) If it is determined that records requests submitted to the State Board will be aggregated:
  - (a) Records requests will be aggregated at the agency level.
  - (b) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the ~~R~~ecords ~~C~~ustodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

**Authority:** T.C.A. § 10-7-503. **Administrative History:** Original rules filed June 25, 2019; effective September 23, 2019.

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Sequence Number: 01-14-24  
Rule ID(s): N/A  
File Date: 1/23/2024  
Effective Date: 1/23/2024

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Doug Garrett
Address:	425 Rep. John Lewis Way, North; Suite 926; Nashville, TN
Zip:	37243-0059
Phone:	615-741-9523
Email:	doug.garrett@capitol.tn.gov

Type of Action on Rule:

☒ Stay of Effective Date of Rules

Rule Filing Date: 11/21/2023  
Rule Original Effective Date: 02/19/2024  
Length of Stay (not to exceed 75 days): 45 days  
New Effective Date of Rule Filing: 04/04/2024

☐ Notice of Withdrawal of Stay

Stay Filing Date: (mm/dd/yyyy)  
Stay Effective Date: (mm/dd/yyyy)  
New Effective Date of Rule Filing: (mm/dd/yyyy)

☐ Notice of Withdrawal of Rules

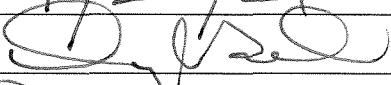
Rule Filing Date: (mm/dd/yyyy)  
Rule Effective Date: (mm/dd/yyyy)

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-15-01	Public Records Requests
Rule Number	Rule Title
0520-15-01-.01	Public Records Requests Generally
0520-15-01-.02	Definitions
0520-15-01-.03	Making Public Records Requests
0520-15-01-.04	Responding to Public Records Requests
0520-15-01-.05	Records Custodian


0520-15-01-.06	Redaction
0520-15-01-.07	Inspection of Records
0520-15-01-.08	Copies of Records
0520-15-01-.09	Fees and Charges
0520-15-01-.10	Aggregation of Frequent and Multiple Requests



Date: 1/22/24  
Signature:   
Name of Officer: Doug Garrett  
Title of Officer: Legislative Attorney

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Secretary of State

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Sequence Number: 02-14-24  
Rule ID(s): N/A  
File Date: 2/22/2024  
Effective Date: 2/22/2024

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 8 <sup>th</sup> Floor
<b>Zip:</b>	37243
<b>Phone:</b>	615 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Type of Action on Rule:**

☐ **Stay of Effective Date of Rules**

Rule Filing Date: (mm/dd/yyyy)  
Rule Original Effective Date: (mm/dd/yyyy)  
Length of Stay (not to exceed 75 days): \_\_\_\_\_  
New Effective Date of Rule Filing: (mm/dd/yyyy)

☐ **Notice of Withdrawal of Stay**

Stay Filing Date: (mm/dd/yyyy)  
Stay Effective Date: (mm/dd/yyyy)  
New Effective Date of Rule Filing: (mm/dd/yyyy)

☒ **Notice of Withdrawal of Rules**

Rule Filing Date: 11/21/2023  
Rule Effective Date: 04/04/2024

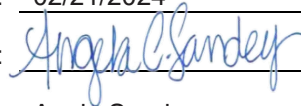
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0520-15-01-.08	Copies of Records
0520-15-01-.09	Fees and Charges
0520-15-01-.10	Aggregation of Frequent and Multiple Requests

Date: 02/21/2024

Signature:



Name of Officer: Angie Sanders

Title of Officer: General Counsel

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