

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

TENNESSEE SCHOOL BOARDS	)	
ASSOCIATION,	)	
	)	
Plaintiff,	)	
	)	No.:
v.	)	
	)	
PETER MAHER,	)	
	)	
Defendant.	)	

COMPLAINT FOR DECLARATORY JUDGMENT

COMES NOW the Plaintiff, the Tennessee School Boards Association (the “TSBA”), by and through undersigned counsel, and for its Complaint for Declaratory Judgment against Defendant Peter Maher (“Defendant”) states as follows:

INTRODUCTION

1. This action arises under the Tennessee Public Records Act, Tenn Code Ann. § 10-7-501, *et seq.* (“TPRA”). The TSBA seeks a declaratory judgment pursuant to the Tennessee Declaratory Judgment Act, Tenn. Code Ann. § 29-14-101 *et seq.*, that, due to significant, fundamental, and material factual developments, it is no longer subject to the TPRA and is not required to disclose the records requested by Defendant.

2. On April 15, 2026, Defendant submitted a public records request to the TSBA seeking records relating to:

- a) Records identifying all TSBA members, including member school districts, boards of education, or other governmental entities;
- b) Records related to TSBA membership dues;

- c) Records related to legal services provided to the TSBA by any law firm; and
- d) Records related to annual lobbying activity.

3. On April 16, 2026, Defendant issued another public records request to the TSBA seeking records related to:

- a) Records associated with written public comments regarding any legal analysis, policy decisions, or rationale for not including certain information in the TSBA's Open Meetings Guide;
- b) Records reflecting the TSBA's consideration of remote or hybrid access to school board meetings and any legal or policy bases for limiting school board meetings to in-person attendance under the TSBA's Open Meetings Guide;
- c) Records reflecting any discussions or analyses made by the TSBA regarding how in-person only public meetings affect parents; and
- d) Records related to the TSBA's consideration of school boards using private social media platforms.

4. In a prior action styled *Karrie Marren v. Tennessee School Boards Association*, Case No. 19-1512-I, Davidson County Chancery Court, Chancellor Patricia Head Moskal issued a Memorandum and Order that deemed the TSBA as the functional equivalent of a governmental agency (the "2020 Order"), making the TSBA subject to the TPRA's provisions.

5. Since that 2020 Order, significant, fundamental, and material factual developments have altered the TSBA's obligations under the TPRA. Accordingly, the TSBA seeks a declaration confirming that it is no longer subject to the TPRA.

PARTIES

6. Defendant Peter Maher is a citizen of the State of Tennessee and resident of Haywood County.

7. Plaintiff Tennessee School Boards Association is a private entity that holds a not-for-profit charter issued by the Tennessee Secretary of State under the provisions of T.C.A. § 48-51-101 *et seq.* and has been granted not-for-profit status under the provisions of 26 U.S.C. § 501(c).

8. The Tennessee School Boards Association is located at 525 Brick Church Park Drive, Nashville, TN 37207.

VENUE AND JURISDICTION

9. This Court has subject matter jurisdiction over this matter under Tenn. Code Ann. § 29-14-102.

10. Venue is proper in this Court pursuant to Tenn. Code Ann. § 20-4-101(a), as the events giving rise to this action occurred in Davidson County.

11. This Court has authority to enter a declaratory judgment under Tenn. Code Ann. §§ 29-14-102 and 29-14-103.

FACTS

The 2020 Order:

12. On July 6, 2020, Chancellor Patricia Head Moskal issued an order that held the TSBA was the “functional equivalent” of a governmental educational agency and that the records in the possession of the TSBA, including its training materials, communications regarding legislative agendas, and its position statements on state education law and funding, were public records subject to the provisions of the TPRA. (Attached as **Exhibit 1**) (2020 Order, p. 18).

13. In reaching this conclusion, the Court relied primarily on (1) the level of government funding of the TSBA, (2) the extent of government involvement with the TSBA, and (3) the TSBA's performance of a governmental or public function. (2020 Order, pp. 9-16).

14. Specifically, the 2020 Order placed emphasis on the following facts, which were stipulated at the time:

- a) The TSBA's Contract with the State: At the time of the 2020 Order, pursuant to the prior version of Tenn. Comp. R. & Regs. 0520-01-02-.11, the TSBA had an exclusive contract with the State Department of Education to provide training to school board members through the School Board Academy. The TSBA was the exclusive provider of this training and received reimbursement for providing this training. Tenn. Comp. R. & Regs. 0520-01-02-.11(3).
- b) Public Funding: In 2018, 90.25% of the TSBA's funding came from "public support." (2020 Order, p. 3, ¶ 13).
- c) Government Involvement: The TSBA possessed legislative recognition and designation as the "organization and representative agency of the members of school boards of this state." Tenn. Code Ann. § 49-2-2001. At the time of the 2020 Order, the TSBA also contracted with the state to provide all training modules for the School Board Academy, which is administered by the State Department of Education and approved by the State Board of Education. (2020 Order, p. 4, ¶ 19). Additionally, current and former TSBA employees continue to accrue and/or receive retirement benefits through the local government category within the Tennessee Consolidated Retirement System ("TCRS"). (2020 Order, p. 5, ¶ 40).

15. Based on these factors, the Court determined that the TSBA functioned as a governmental educational entity and was therefore subject to the TPRA.

16. Since the 2020 Order, the landscape surrounding the TSBA's operations has changed significantly, fundamentally, and materially, meriting reconsideration of the 2020 Order.

Termination of State Contract:

17. **The TSBA no longer has any contract with the State of Tennessee**—the exclusive agreement with the School Board Academy expired in June of 2023 and was not renewed. As a result:

- a) The TSBA no longer receives any reimbursement from the State for school board training.
- b) The TSBA is no longer the sole provider of training—any entity may now submit courses for approval by the State Board of Education.
- c) In addition, Tenn. Comp. R. & Regs. 0520-01-02-.11 was amended, effective March 2, 2022, and training course approval is now determined by an independent committee appointed solely by the State Board of Education, with no involvement from TSBA. *See*, Tenn. Comp. R. & Regs. 0520-01-02-.11 (effective March 2, 2022).

18. With the elimination of TSBA's state contract, its role is now voluntary and purely market-driven, eliminating any claim that it performs a governmental function.

19. With the March 2, 2022, amendments to Tenn. Comp. R. & Regs. 0520-01-02-.11, TSBA no longer has any obligation or authority to develop, conduct, or provide training modules to the State Department of Education, further eliminating any claim that it performs a governmental function.

Misinterpretation of Funding Structure:

20. While the TSBA still receives approximately 90% of its funding from public entities, the TSBA respectfully submits that the nature of this funding was misinterpreted in the 2020 Order.

21. The TSBA's public funds do not come from state grants and donations, but rather from membership service fees paid by school boards.

22. In fact, the TSBA's 2024 audit shows that the TSBA did not receive any state grant money in 2024.¹

23. All revenue is derived from membership fees and contract services, not state grants, meaning school boards pay for the TSBA's services just as they would with any private entity.

24. The 2020 Order only assessed the TSBA's Form 990, which aggregates public contributions without distinguishing between state grants and membership fees.

25. A closer look at the TSBA's budget demonstrates that it operates as a private membership organization, not a public agency.

Significant Decrease in Government Involvement:

26. Many of the stipulated facts found in the 2020 Order regarding state oversight, particularly stipulated fact numbers 18 and 20-30, no longer apply as the TSBA is no longer mentioned in Tenn. Comp. R. & Regs. 0520-01-02-.11 (effective March 2, 2022), which governs school board training. (2020 Order, p. 4, ¶¶ 20-30).

27. As a result of the termination of the TSBA's contract with the State, stipulated fact numbers 19 and 32-36 also no longer apply. (2020 Order, pp. 4-45, ¶¶ 19, 32-36).

¹ The TSBA's 2025 audit has not been completed as of this filing, but it will likewise show that the TSBA did not receive any state grant money in 2025.

28. Although the TSBA provides model ethical standards, school districts are under no obligation to adopt them, and there is no penalty for refusing to do so.

29. While the TSBA remains a participant in TCRS, mere participation does not render it a governmental entity, as other private entities participate in the TCRS.

REQUEST FOR DECLARATORY RELIEF

30. The TSBA incorporates by reference the allegations set forth in Paragraph Nos. 1-29 as if fully stated herein.

31. An actual, justiciable controversy exists between the parties regarding whether the TSBA remains subject to the disclosure requirements of the Tennessee Public Records Act, Tenn Code Ann. § 10-7-501, *et seq.* (“TPRA”)

32. Given the substantial, fundamental, and material changes in the TSBA’s operations since the issuance of the 2020 Order, including the termination of TSBA’s exclusive contract with the State, the amendments to Tenn. Comp. R. & Regs. 0520-01-02-.11, and the complete lack of state grants/donations in its funding model, the TSBA respectfully submits that is no longer the functional equivalent of a governmental entity and is not subject to the disclosure requirements of the TPRA.

33. Accordingly, pursuant to the Tennessee Declaratory Judgment Act, Tenn. Code Ann. § 29-14-101 *et seq.*, the TSBA seeks a declaration from this Court that it is not subject to the TPRA and is not required to disclose the records at issue.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff TSBA respectfully requests that this Court enter an order:

34. Declaring that the TSBA is not the functional equivalent of a governmental entity and is not subject to the Tennessee Public Records Act;

35. Declaring that the TSBA is not required to disclose the records requested by Defendant;

36. Awarding the TSBA such further relief as the Court deems just and proper.

Dated this 24th day of April, 2026.

Respectfully submitted,

LEWIS THOMASON, P.C.

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