

STATE OF TENNESSEE

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Opinion No. 01-124

Sheriff and Police Qualifications — Minimum Educational Requirements

QUESTION

Will proof of admission to, or a diploma from, a fully accredited state college or university be sufficient to fulfill the requirements for either sheriff or police officer pursuant to Tenn. Code Ann. § 8-8-102 or § 39-8-106(3) if the institution of higher learning is one recognized by the Tennessee State Department of Education and requires a high school diploma or equivalent for admission.

OPINION

The Peace Officer Standards and Training (POST) Commission is required by statute to verify all pre-employment requirements for sheriffs and police officers, including that the applicant have a high school diploma or its equivalent. Whether the POST Commission will accept proof of admission to, or a diploma from, a fully accredited state college or university as satisfying the statutory educational requirement is a matter left to the sound discretion of the Commission.

ANALYSIS

The POST Commission is required to determine whether a sheriff or police officer meets all pre-employment qualifications, including the possession of a high school diploma or its equivalent. To qualify for election or appointment to the office of sheriff, a person must “[b]e a high school graduate or possess [its] equivalency[.]” Tenn. Code Ann. § 8-8-102(a)(3). “Any person seeking the office of sheriff shall file with the [Peace Officer Standards and Training] Commission, either prior to the qualifying deadline for such office, or after filing the qualifying petition for such office . . . [a]n affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section . . .” Tenn. Code Ann. § 8-8-1-2(c)(1). In addition, “[t]he POST commission shall verify POST certification of any person seeking the office of sheriff who meets these requirements.” Tenn. Code Ann. § 8-8-1-2(c)(3).

Similarly, after July 1, 1981, any person employed as a full-time police officer must also “[b]e a high school graduate or possess [its] equivalency[.]” Tenn. Code Ann. § 38-8-106(3). In addition, “[t]he commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes an approved recruit training program.” Tenn. Code Ann. § 38-8-107.

While the POST Commission is required to verify that the sheriff or police officer possesses a high school diploma or its equivalent, the statute does not indicate what is required to demonstrate compliance with this educational requirement. The possession of a diploma from a fully accredited state college or university could be considered by the Commission in its determination of whether the educational requirement has been met, but, ultimately, it is within the discretion of the POST Commission to determine what proof is required. *See Sanifill of Tennessee, Inc. v. Tennessee Solid Waste Disposal Control Bd.*, 907 S.W.2d 807, 810 (Tenn. 1995). The determination of the Commission may be appealed under the Uniform Administrative Procedures Act, and is subject to reversal if a reviewing court determines it was arbitrary or capricious, an abuse of discretion, or unsupported by substantial and material evidence. Tenn. Code Ann. § 4-5-322(h)(4) and (5)(1991).

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