

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

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Opinion No. 08-62

Tenn. Code Ann. § 36-6-110, Parental Bill of Rights

QUESTION

Does Tenn. Code Ann. § 36-6-110 (a)(4), regarding a non-custodial parent's right to receive school records, also apply to records of daycare centers and after school programs?

OPINION

No. Tenn. Code Ann. § 36-1-110 (a)(4) by its explicit terms applies only to school records.

ANALYSIS

Tenn. Code Ann. § 36-6-110 provides certain rights to non-custodial parents:

Except when the juvenile court or other appropriate court finds it not to be in the best interests of the affected child, upon petition by a non-custodial, biological parent for whom parental rights have not been terminated, the court shall grant the following parental rights:

* * *

The right to receive directly from the child's school copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents, upon written request that includes a current mailing address and upon payment of reasonable costs of duplication.

Tenn. Code Ann. § 36-6-110 (a)(4).¹ On its face, this statute applies only to records "from the child's school." When the language of a statute is clear and unambiguous, it is to be applied in

¹We note that Tenn. Code Ann. §§ 36-6-101 (a)(3)(D), 36-6-104, and 49-6-902 contain very similar language regarding a non-custodial parent's right to school records.

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accordance with its natural and ordinary use. *Calaway, ex rel. Calaway v. Schucker*, 193 S.W.3d 509, 517-518 (Tenn. 2005). Therefore, because the statute specifically mentions school records, and specifically describes records associated with academic school programs, it is the opinion of this Office that it does not apply to daycare or after school programs.

ROBERT E. COOPER, JR.
Attorney General and Reporter

JOSEPH F. WHALEN
Associate Solicitor General

ELIZABETH C. DRIVER
Senior Counsel

Requested by:

Honorable Tim Burchett
State Senator
Suite 310A War Memorial Building
Nashville, TN 37243-0207