

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

March 31, 2014

Opinion No. 14-39

Qualifications for Constables

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**QUESTION**

Is a diploma from a correspondence school a high-school diploma for purposes of meeting the qualifications for election or appointment as a constable under Tenn. Code Ann. § 8-10-102(a)(1)?

**OPINION**

No. A diploma from a correspondence school is not a high-school diploma for purposes of Tenn. Code Ann. § 8-10-102(a)(1)(C)(ii).

**ANALYSIS**

Among the qualifications to be elected or appointed to the office of constable is the possession of a high-school diploma or general educational development certificate (GED). Tenn. Code Ann. § 8-10-102(a)(1)(C)(ii).<sup>1</sup> In 1998, this Office opined that a correspondence-school diploma is not a high-school diploma for purposes of meeting the qualifications to be elected or appointed as a sheriff under Tenn. Code Ann. § 8-8-102. *See* Tenn. Att’y Gen. Op. 98-071 (Mar. 26, 1998); *see also* Tenn. Att’y Gen. Op. 89-29 (Feb. 23, 1989) (reaching a similar conclusion with respect to the qualifications for police officers under Tenn. Code Ann. § 38-8-106).<sup>2</sup> There is no reason to reach a different conclusion with respect to the qualifications for constables.

Indeed, there is good reason not to. In 2001, the legislature amended the statute setting forth the qualifications for police officers to provide that “a high school equivalency degree obtained from a correspondence school” satisfied the requirement that the person be “a high-school graduate or possess its equivalency.” 2001 Tenn.

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<sup>1</sup> This requirement applies only to persons elected or appointed on or after July 1, 2011; it does not apply to persons holding the office of constable on or before June 30, 2011. *Id.* § 8-10-102(a)(1)(C)(i), (ii). Also, the qualification requirements do not apply to Fentress County. Tenn. Code Ann. § 8-10-102(a)(2).

<sup>2</sup> In 2009, the legislature enacted Tenn. Code Ann. § 1-3-118, which expressly recognizes high-school diplomas awarded by church-related schools under § 49-50-801 and by home schools under § 49-6-3050.

Pub. Acts, ch. 42, § 1. But the same legislation provided that it would cease to be effective after one year. *Id.* § 2. “At such time a high school degree or general educational development (GED) certificate shall be required to satisfy § 38-8-106(3).” *Id.* A high-school diploma or GED certificate is also required to satisfy § 8-10-102(a)(1)(C)(ii).<sup>3</sup> This requirement for constables was added in 2011, *see* 2011 Tenn. Pub. Acts., ch. 481, § 1, and the legislature has demonstrated that it would have made specific allowance for a correspondence-school diploma if it had wished to do so.

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Requested by:

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<sup>3</sup> In 2012, legislation was passed to provide a means other than the GED test to obtain a high-school-equivalency credential. *See* 2012 Tenn. Pub. Acts., ch. 787, § 2; Tenn. Code Ann. § 4-3-1422.