

April 2014



Clifton N. Miller
Attorney at Law

AG ISSUES OPINION RE: SEX OFFENDER'S ATTENDANCE AT SCHOOL EVENTS



Summary: A sex offender may not attend a school function, such as a school sporting event, as the parent or legal guardian of a child who is enrolled in the school. The only pertinent exception is for a parent or guardian attending a conference with school officials.

On March 27, 2014, the Tennessee Attorney General issued Opinion No. 14-37 (attached), which interprets T.C.A. § 40-39-211(d) and addresses whether a sex offender may attend a school function, such as a school sporting event. The AG opined that T.C.A. § 40-39-211(d) prohibits a sex offender from being or remaining on the premises of any public or private school or public athletic field whenever the offender has reason to believe that children under the age of 18 are present.

The statute allows an exception for a parent attending a conference with school officials with the written permission or at the request of the school's principal. T.C.A. § 40-39-211(d)(2)(B). In addition, the statute allows a parent or legal guardian to drop off and pick up a child if the parent or legal guardian has provided written notice of the parent's offender status to the school principal or a school administrator upon enrollment. T.C.A. § 40-39-211(d)(2)(D).

Important Note: In Tenn. Att'y Gen. Op. 09-142 (July 31, 2009), the AG opined that the exception in Tenn. Code Ann. § 40-39-211(d)(2)(B) allowed sex offenders who are parents to be on school grounds while attending scheduled school events where school officials are present. But that opinion was based on a prior version of subdivision (d)(2)(B) that permitted attendance at "an academic conference or other scheduled school event." In 2010, the legislature amended the statute to remove the references to "other scheduled event" from this subdivision and to add the requirement that any attendance at a conference with school officials be with the written permission or at the request of the school's principal. 2010 Tenn. Pub. Acts, ch. 750, § 1.

