

## School Choice Rescued

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Though not yet a complete victory for school choice, a recent decision by the Tennessee Supreme Court constitutes a big win for the Tennessee Education Savings Account Pilot Program.

The court rejected a major claim in a lawsuit filed by Nashville County and Shelby County to challenge the constitutionality of the program, which awards scholarships up to \$7,300 to qualifying students so they can escape failing public schools.



***The Institute for Justice and the Beacon Center of Tennessee, which have been working together on the case, are optimistic about the final outcome.***

The lawsuit contends that the program flouts a rule prohibiting the state legislature from passing local laws that are “applicable to a particular county . . . either in its governmental or its proprietary capacity.”

Judging that school districts aren’t counties and that the ESA program does not impair

the ability of counties to govern themselves, Tennessee’s highest court threw out a determination to the contrary by lower courts and sent the case back down for review of other claims in the lawsuit.

The Institute for Justice and the Beacon Center of Tennessee, which have been working together on the case, are optimistic about the final outcome.

According to IJ attorney Arif Panju, the ruling means that “thousands of Tennessee parents and children trapped in failing school districts can look forward to seeking a better education this fall at a school of their choice.”

In its description of the program, the Tennessee government mentions the lawsuit and expresses the hope that the state will “succeed on appeal” and begin enrolling students in 2022.

This is Common Sense. I’m Paul Jacob.