

# THE TENNESSEAN

## Education savings account pilot program is back on track | Opinion

By Colleen Hroncich

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*School choice through ESAs and other scholarship programs is expanding throughout the country as parents push for more say over their children's education.*

Parents in Davidson and Shelby counties received encouraging news recently. A judge lifted an injunction preventing the state from launching the education savings account pilot program enacted in 2019. Families and schools can visit the [Tennessee Department of Education's ESA website](#) to indicate intent to participate.

The ESA program will create accounts worth up to \$7,300 per student to be used for approved educational expenses, such as tuition, transportation and tutoring, for students who enroll in a private school. Only students in the Metro Nashville and Memphis-Shelby County school districts who are in households earning less than 200% of the federal free lunch program are eligible for accounts. For the first year, enrollment is capped at 5,000 students.

Despite the program's small size and designation as a pilot program – and despite Tennessee having [a similar program](#) for students with special needs – Davidson County, Shelby County and the Metropolitan Nashville Board of Public Education filed a lawsuit in early 2020 claiming the ESA pilot violates the Tennessee Constitution. Davidson County Chancellor Anne Martin blocked the program in May 2020, ruling it violated the home rule provision in the Tennessee Constitution.

By halting implementation of the program, the lawsuit caused local kids to miss out on two years' worth of educational opportunities. This is all the more frustrating considering what the program could have meant for students during the upheaval around the COVID-19 pandemic and schools.

Fortunately, two mothers worked with the Institute for Justice to defend the program. Both mothers are unsatisfied with their local assigned district schools and wanted to use the ESAs to send their children to private schools. By stepping up to defend the program, they didn't just help their own children; they helped thousands of children who need better educational options.

In May, the Tennessee Supreme Court ruled against the home rule challenge. In response to the ruling, Martin lifted her previous injunction, allowing the governor's office to move forward with the pilot program.

Gov. Bill Lee, who signed the 2019 legislation creating the program, said in a July 13 statement, "Today the court removed the final roadblock to getting Memphis and Nashville families additional options for high-quality education." He added, "Starting today, we will work to help

eligible parents enroll this school year, as we ensure Tennessee families have the opportunity to choose the school that they believe is best for their child.”

Several private schools were ready to welcome new students for the new school year. Before the program was paused in 2020, Catholic school leaders had been educating families about the ESA and had 120 students in the process enrolling.

“We are actively reaching out to state officials to determine the process which will guide the implementation of ESAs in our Catholic schools,” said Dr. Rebecca Hammel, superintendent of schools for the Diocese of Nashville. “We have seen tremendous interest among parents seeking the many advantages of Catholic education for their children, and we look forward to welcoming new students through this program.”

School choice through ESAs and other scholarship programs is expanding throughout the country as parents push for more say over their children’s education. While the Tennessee program is small, it’s likely to be expanded as families see other families having more educational options for their children. This is good news for the kids who are eligible today and those who will benefit in the future.

*Colleen Hroncich is a policy analyst with Cato’s Center for Educational Freedom. A mother of four—whose children have experienced public, private, cyber, and home education—Colleen was well-versed in school choice long before she began working to advance it.*