---

**SCHOOL FINANCE - TENNESSEE**

## Metropolitan Government of Nashville and Davidson County v. Tennessee Department of Education

**Supreme Court of Tennessee - May 18, 2022 - S.W.3d - 2022 WL 1561546**

Municipality and county brought declaratory judgment action against Governor and Department of Education, asserting that the Education Savings Account Pilot Program (ESA Act) was unconstitutional under the Home Rule Amendment and under the due-process and education clauses.

The Chancery Court entered judgment finding ESA Act unconstitutional under Home Rule Amendment. The Court of Appeals affirmed. Governor and Department applied for permission to bring interlocutory appeal, which was granted.

The Supreme Court held that:

- Municipality and county asserted a sufficient palpable injury to support standing, but
- ESA Act was not "applicable" to municipality or county and therefore did not implicate the Home Rule Amendment.

Municipality and county asserted a sufficient palpable injury to support standing at motion-t--dismiss stage of their declaratory judgment action against Governor and Department of Education, asserting that the Education Savings Account Pilot Program (ESA Act) was unconstitutional under the Home Rule Amendment, where municipality and county asserted an injury to local control of local affairs, which the Home Rule Amendment was enacted to protect.

Education Savings Account Pilot Program (ESA Act), allowing a limited number of students to directly receive their share of state and local education funds, which would ordinarily be provided to the public-school system they attended, and use such funds to pay for a private school education, was not "applicable" to municipality or county and therefore did not implicate the Home Rule Amendment, even though municipality and county might be affected by Act; facially, Act governed only the conduct of local education agencies (LEAs), not of municipality or county, and financial connections between LEAs and municipality or county did not change fact that entities were distinct from each other.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com