



Arizona Department of Education
Office of Superintendent of Public Instruction John Huppenthal

Press Release

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Empowerment Scholarship Accounts upheld by appeals court School choice tool survives legal challenge

(Phoenix, Ariz.) In a unanimous decision, the Arizona Court of Appeals upheld the Superior Court of Maricopa County's determination that the Empowerment Scholarship Account (ESA) program, which provides public funds to parents to educate their children outside of public schools, does not violate the Arizona Constitution.

The legislature authorized the ESA program in 2011 to serve as a resource for special needs students and expanded the program in 2012 to include foster children, active-duty military families and students in schools receiving a grade of D or F. The legislation requires the Arizona Department of Education (ADE) to administer the ESA program.

"This is the decision we were expecting," said State Superintendent of Public Instruction John Huppenthal. "The courts in Arizona have a history of recognizing school choice as a fundamental parental right. School choice has been the center of my education policy for more than two decades. I applaud this decision by the court."

The ESA program's main purpose is to provide options for parents to freely choose how and where to educate their children. The program can be delivered in a setting other than a public school—but parents can purchase individual public school classes. Some parents have used a combination of online resources, home-based instruction and private tutors to customize their own approach to educating their children.

Parents of qualifying children must complete an application that the Arizona Department of Education provides. The child must have been enrolled for 100 days in a public school the previous school year to qualify. Each scholarship amount is unique to

the child and is based upon the school funding formula, which is the same formula used for funding public school students. For the current school year, more than \$10 million dollars were awarded to more than 750 students.

For additional information about the ESA program, please visit www.azed.gov/esa or contact Mary Marshall, 602-364-2425.

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