SUPREME COURT OF ARKANSAS

Erika Lara, Katie Parrish, and Nikita Glendenning v. Gwen Faulkenberry, Special Renee Sanders, Anika Whitfield, and Kimberly Crutchfield

2025 Ark. 205 (Ark. 2025) · No. CV-24-754 · Decided December 11, 2025

SUMMARY

The Arkansas Supreme Court held that parents participating in the Arkansas Education Freedom Account program had a recognized, legally protectable interest in litigation challenging the program's constitutionality. The court further held that state actors did not adequately represent the parents' narrower interests and therefore reversed and remanded the denial of intervention as of right.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Barbara W. Webb, Justice; Bud Cummins, Special Justice
JURISDICTION	Supreme Court of Arkansas
DECIDED	December 11, 2025
DOCKET	CV-24-754
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from an order of the Pulaski County Circuit Court denying the appellants' motion to intervene as of right and, alternatively, for permissive intervention in an action challenging the constitutionality of part of the LEARNS Act.
STANDARD OF REVIEW	De novo review applies to a circuit court's decision denying intervention as a matter of right.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Erika Lara, Katie Parrish, Nikita Glendenning v. Gwen Faulkenberry, Special Renee Sanders, Anika Whitfield, Kimberly Crutchfield

TOPICS

intervention · appellate procedure · standard of review · constitutional law · civil procedure

PRACTICE AREAS

Civil procedure · Appellate procedure · Constitutional law · Administrative law

QUESTIONS PRESENTED

1. Whether parents eligible for the Arkansas Education Freedom Account program have a direct, substantial, and legally protectable interest sufficient to intervene as of right in a constitutional challenge to the program.
2. Whether disposition of the constitutional challenge may practically impair or impede the parents' ability to protect that interest.
3. Whether the interests of the parents are adequately represented by the state actors defending the program.

HOLDINGS

1. The appellants established a recognized interest because invalidation of the program would cause them economic loss, including the loss of approximately $6,600 available for private-school tuition or home-schooling expenses, and the requested clawback directly threatened their resources.
2. The state actors did not adequately represent the appellants' interests because the state defendants had a broad focus on Arkansas's public-education system, while the appellants had a narrower personal interest in the education of their own children and could provide evidence relevant to the equitable consequences of the requested relief.
3. The appellants were entitled to intervene as a matter of right under Arkansas Rule of Civil Procedure 24(a)(2).

KEY QUOTATIONS

> *"A "recognized interest" arises when, as a result of a ruling on a governmental regulation, the putative intervenor would suffer "economic damage.""* (at 3)

> *"In our de novo review, we conclude that the Appellants are entitled to intervene as a matter of right."* (at 5)

FACTUAL BACKGROUND

The Arkansas General Assembly enacted Act 237, known as the LEARNS Act, and created the Arkansas Children's Education Freedom Account program, which provides funds to help parents pay for private-school tuition or approved home-schooling expenses. Appellees challenged the program's constitutionality and sought to halt payments and claw back funds already distributed. The appellants, parents of eligible children, sought intervention based on their financial interest in retaining access to the program and their concern that state defendants could not adequately present their narrower, personal interests.

PROCEDURAL HISTORY

Appellees filed suit against state actors in their official capacities, alleging that the Arkansas Education Freedom Account program was an unconstitutional public-funds illegal exaction and seeking to stop future payments and recover funds already provided. Parents whose children were eligible for the program moved to intervene as of right and alternatively for permissive intervention. The circuit court denied the motion, and the parents filed a timely interlocutory appeal. The Supreme Court of Arkansas reversed and remanded after holding that the parents were entitled to intervene as a matter of right.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for further proceedings consistent with the opinion, including allowing the appellants to intervene as a matter of right. The court did not address permissive intervention because its ruling on intervention as of right made that issue unnecessary.

CASES CITED

- Certain Underwriters at Lloyd's, London v. Bass, 2015 Ark. 178, 461 S.W.3d 317
- Cherokee Nation Businesses, LLC v. Gulfside Casino Partnership, 2021 Ark. 17, 614 S.W.3d 811
- UHS of Ark., Inc. v. City of Sherwood, 296 Ark. 97, 752 S.W.2d 36 (1988)
- Matson, Inc. v. Lamb & Assocs. Packaging, Inc., 328 Ark. 705, 947 S.W.2d 324 (1997)
- Arkansas Department of Education v. Faulkenberry, 2025 Ark. ___
- Board of Trustees of the University of Arkansas v. Andrews, 2018 Ark. 12, 535 S.W.3d 616