UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE WILBERFORCE ACADEMY OF KNOXVILLE, *Plaintiff*, v. KNOX COUNTY BOARD OF EDUCATION, *et al.*, *Defendants*.	)	Case No. 3:25-cv-584 Judge Atchley Magistrate Judge Poplin

ORDER

Before the Court is Proposed Intervenor-Defendants Amanda Collins, Rev. Dr. Richard Coble, Kerry Dooley, Elizabeth Porter, and Rev. Dr. Katina Sharp's ("Proposed Intervenor-Defendants") Motion for Leave to Intervene [Doc. 21] seeking to intervene in this matter to defend their interests in the way public-education tax funds are used in Tennessee. For the reasons explained below, Proposed Intervenor-Defendants' Motion to Intervene [Doc. 21] will be **GRANTED**.

I. BACKGROUND

Plaintiff, The Wilberforce Academy of Knoxville ("Wilberforce"), is a religious organization seeking to establish a public charter school in Knox County, Tennessee. [Doc. 10]. Wilberforce's mission is unmistakable: to provide "Christian educational services" by operating a "Christian charter school." [*Id.* at ¶ 31]. As Tennessee law currently provides, however, charter schools are required to operate as "nonsectarian" and "nonreligious." [*Id.* at ¶ 23]; *see also* T.C.A. § 49-12-111(a)(2). For this reason, Wilberforce contends that Defendants Knox County Board of Education and its members, who are responsible for approving or denying charter school

applications, will ultimately deny Wilberforce's application solely on the basis of its religious status. [Doc. 10 at ¶ 25–26].

On November 30, 2025, Wilberforce filed this action against Defendants challenging the nonsectarian requirement of Tennessee's charter-school program, which it believes unlawfully discriminates against religious organizations in violation of the Free Exercise Clause of the First Amendment. [Docs. 1, 10]. Just over a month after filing its initial Complaint, Wilberforce moved for summary judgment, arguing that accelerated summary judgment is appropriate considering the upcoming charter school application deadlines and immense time it takes to open a charter school. [Doc. 14 at 1–2]. In their response, and of particular relevance to Proposed Intervenor-Defendants' instant Motion [Doc. 21], Defendants, while asserting various procedural defenses, acknowledge that they "will most likely not take an official position concerning the constitutionality of the statutory and regulatory scheme addressed in Plaintiff's Complaint." [Doc. 19 at 7].

Now, Proposed Intervenor-Defendants seek to intervene as Defendants in this action, arguing that they must be permitted to intervene as a matter of right under Federal Rule of Civil Procedure 24(a), or in the alternative that they should be granted permissive intervention under Rule 24(b). [Doc. 21]. Each of the Proposed Intervenor-Defendants are Knox County taxpayers who each have children who attend or have attended a Knox County non-charter public school. [*Id.* at 2]. They argue that, as Knox County taxpayers and parents of children who attend Knox County public schools, they each have an interest in "ensuring that their tax funds are not used for religious instruction and are not diverted from secular public schools that their children attend." [*Id.* at 12]. Importantly, because Defendants are not defending the challenged laws and policies on the merits, neither Wilberforce nor Defendants oppose Proposed Intervenor-Defendants' Motion to Intervene. [*See* Doc. 19-2 at ¶14; Doc. 29].

Although the parties do not oppose Proposed Intervenor-Defendants intervention as a matter of right pursuant to Federal Rule of Civil Procedure 24(a), the Court finds it necessary to briefly analyze whether Proposed Intervenor-Defendants' intervention complies with Rule 24.

II. LAW

"Rule 24 is to be broadly construed in favor of potential intervenors." *Midwest Realty Mgmt. Co. v. City of Beavercreek*, 93 F. App'x 782 (6th Cir. 2004) (citing *Stupak-Thrall v. Glickman*, 226 F.3d 467 (6th Cir. 2000). To intervene as a matter of right, a proposing intervenor must establish: "(1) the motion to intervene is timely; (2) the proposed intervenor has a substantial legal interest in the subject matter of the case; (3) the proposed intervenor's ability to protect that interest may be impaired in the absence of intervention; and (4) the parties already before the court may not adequately represent the proposed intervenor's interest." *United States v. Michigan*, 424 F.3d 438, 443 (6th Cir. 2005); Fed. R. Civ. P. 24(a).

Permissive intervention is warranted upon timely motion when a movant "has a claim or defense that shares with the main action a common question of law or fact." Fed R. Civ. P. 24(b)(1)(B). A court may not permissively grant intervention to a proposed intervenor who does not have a claim or defense that shares with the main action a common question of law or fact that can be resolved in the existing action. *See Buck v. Gordon*, 959 F.3d 219, 223 (6th Cir. 2020). However, "[a] district court operates within a 'zone of discretion' when deciding whether to allow intervention under Rule 24(b)[.]" *Buck*, 959 F.3d at 224. The strong interest in judicial economy and desire to avoid multiplicity of litigation wherever and whenever possible supports permissive intervention. *Id*.

III. ANALYSIS

a. Intervention of Right

Proposed Intervenor-Defendants argue that their position and circumstances satisfy all four elements required by Rule 24(a) for intervention as of right. [Doc. 22 at 5–12]. Plaintiff nor Defendants oppose. [Doc. 19-2 at ¶14; Doc. 29]. The Court will now analyze the four elements needed for intervention as of right in turn.

1. **Timeliness**

First, there is no question that the Proposed Intervenor-Defendants' Motion was timely. The Motion was filed on January 27, 2026 [Doc. 21], just under two months since Wilberforce filed its initial Complaint [Doc. 1]. As such, nothing of substance has occurred in this case. Proposed Intervenor-Defendants' intervention will neither disrupt the orderly progression of this case nor will it prejudice any of the existing parties. Accordingly, the Court finds the timeliness element satisfied.

2. **Substantial Legal Interest**

Second, a proposed intervenor must demonstrate a "significant legal interest in the subject matter of the litigation." *Jansen v. Cincinnati*, 904 F.2d 336, 341 (6th Cir. 1990). The Sixth Circuit has taken an "expansive notion of the interest sufficient to invoke intervention of right." *Michigan State v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997). That expansiveness, however, is not without limits. *See Coalition to Defend Affirmative Action v. Granholm*, 501 F.3d 775, 783–84 (6th Cir. 2007) (denying intervention as of right because the proposed intervenor was an advocacy group with merely an "ideological interest" in the lawsuit). Although a proposed intervenor need not have the same standing necessary under Article III, the interest must, at the very least, be "significantly protectable to rise to the level of substantial." *Miller*, 103 F.3d at 1245; *Wineries of*

the Old Mission Peninsula Ass'n v. Twp. of Peninsula, 41 F.4th 767, 772 (6th Cir. 2022). As such, "the inquiry into the substantiality of the claimed interest is necessarily fact-specific." *Miller*, 103 F.3d at 1245.

Here, Proposed Intervenor-Defendants argue that their status as municipal taxpayers and public-school parents provide them with "significantly protectable" interests in ensuring that public spending is not used to support religion. [Doc. 22 at 8–9]. They assert that their local tax dollars, primarily collected through property and sales tax, contribute directly to Tennessee charter schools. [*Id.*]. And, as their argument continues, permitting tax dollars to fund religious charter schools would not only result in public funds supporting religion, but would also diminish the quality of their children's education by diverting resources away from non-religious schools. [*Id.* at 8–10]. As such, Proposed Intervenor-Defendants contend that they have a concrete and legally cognizable stake in this litigation sufficient for Article III standing purposes. [*Id.*].

While a plaintiff's mere status as a taxpayer is generally insufficient to confer a legally cognizable interest under Article III, there are exceptions to the general rule, particularly in cases involving municipal taxpayers and Establishment Clause violations. *See Smith v. Jefferson County Bd. of Sch. Comm'rs*, 641 F.3d 197, 211 (6th Cir. 2011) ("On that basis, a municipal taxpayer has standing to challenge any unconstitutional appropriation or expenditure, regardless of whether more money would have been spent had the government remained within constitutional bounds."); *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 145 (2011) ("If an establishment of religion is alleged to cause real injury to particular individuals, the federal courts may adjudicate the matter.").

Regardless of whether Proposed Intervenor-Defendants' interest is sufficient to confer Article III standing, the Court finds that they have at least demonstrated a substantial legal interest

in this litigation based on the unique circumstances of this case.[1] Proposed Intervenor-Defendants, as Knox County taxpayers and parents of children who attend Knox County public schools, have demonstrated direct and concrete interests in (1) preventing the potential unlawful use of taxpayer funds to establish religion and (2) ensuring that their children's education is not diminished by the diversion of funds to religious schools. These interests, taken together, are surely weightier than an advocacy group with merely an ideological interest. *See Northland Fam. Plan. Clinic, Inc. v. Cox,* 487 F.3d 323, 344–45 (6th Cir. 2007) (public interest group denied intervention as of right because it merely opposed legal challenges to a state's regulation of abortion practices).

Proposed Intervenor-Defendants' interest in this litigation is bolstered by the fact that, if they were not allowed to intervene in this matter, there will likely be no party in this lawsuit to defend the constitutionality of Tennessee's law. Defendants have already indicated that they will not take an official position on the merits of Wilberforce's claim. [Doc. 19 at 7]. Moreover, it is unclear whether the Tennessee Attorney General will seek to intervene in this matter, particularly given that he has issued an opinion arguing that Tennessee's prohibitions against religious charter schools violate the U.S. Constitution. [Doc. 21 at 11 (citing Tenn. Att'y Gen. Op. No. 25-019 (Nov. 25, 2025))]. The Court recognizes that this case raises significant constitutional questions with the potential to reshape First Amendment jurisprudence in the educational context. Given the stakes, it would not serve the interest of either the parties or this Court to litigate these issues without vigorous advocacy on both sides. Absent intervention, Proposed Intervenor-Defendants

[1] Because the Court concludes that Proposed Intervenor-Defendants have satisfied the requirements for intervention under the Sixth Circuit's standard, it declines to decide whether their asserted interests would independently satisfy the concrete injury requirement under Article III. Although Proposed Intervenor-Defendants have advanced substantial arguments in support of Article III standing, resolution of that question is unnecessary given the absence of opposition and the limited briefing on the issue.

would have no meaningful opportunity to protect their asserted interest.

Therefore, the Court finds that Proposed Intervenor-Defendants have demonstrated a substantial legal interest in this litigation.

3. **Impairment**

Third, "[t]o satisfy [the impairment] element of the intervention test, a would-be intervenor must show only that impairment of its substantial legal interest is possible if intervention is denied. This burden is minimal." *Miller*, 103 F.3d at 1247 (citing *Purnell v. Akron*, 925 F.2d 941, 948 (6th Cir. 1991)). "The rule is satisfied whenever disposition of the present action would put the movant at a practical disadvantage in protecting its interest." *Wineries*, 41 F.4th at 774 (internal citation omitted).

Proposed Intervenor-Defendants have certainly established the element of impairment. Here, an adverse ruling would impair Proposed Intervenor-Defendants interests as taxpayers and parents of Knox County school children by potentially diverting public funds from Knox County public schools to religious charter schools. *See Grutter v. Bollinger*, 188 F.3d 394, 399–400 (6th Cir. 1999) (applicants to University of Michigan would have their interests impaired if they could not defend the university's use of race in admissions because it could lead to decreased enrollment).

The Court finds that Proposed Intervenor-Defendants have met their minimal burden for the impairment element.

4. **Inadequate Representation**

Finally, a prospective intervenor must show that "its interest is not adequately protected by the existing parties to the action." *Miller*, 103 F.3d at 1247. "However, the proposed intervenors are 'not required to show that the representation will in fact be inadequate.' Indeed, 'it may be

enough to show that the existing party who purports to seek the same outcome will not make all of the prospective intervenor's arguments.'" *Grutter*, 188 F.3d at 400 (quoting *Miller*, 103 F.3d at 1247).

Here, not only will Defendants not make the same prospective arguments as Proposed Intervenor-Defendants, but the lack of any argument regarding the merits of the case undoubtedly demonstrates that Defendants' representation will in fact be inadequate. Moreover, even if the Tennessee Attorney General seeks to intervene at a later time, it is unlikely that he would assert the same arguments as Proposed Intervenor-Defendants, considering its position on Tennessee's prohibitions against religious charter schools.

Because no other party in this lawsuit is likely to assert the same arguments as Proposed Intervenor-Defendants, the Court finds that they have met their burden as to the fourth element.

Under the circumstances of this case, the Court finds that Proposed Intervenor-Defendants have satisfied the four elements found in Fed. R. Civ. R. 24(a) and is entitled to intervention as of right.

IV. CONCLUSION

As explained above, Proposed Intervenor-Defendants demonstrate that they are entitled to Rule 24(a) intervention as of right.[2] Accordingly, their Motion to Intervene [Doc. 21] is **GRANTED**.

SO ORDERED.

/s/ *Charles E. Atchley, Jr.*
CHARLES E. ATCHLEY JR.
UNITED STATES DISTRICT JUDGE

[2] As the petition for Rule 24(a) intervention as of right is being granted, the Court need not consider the petition for permissive intervention under Rule 24(b).