

# *Jay P. Greene's Blog*

## **More on the NV ESA Decision**

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As Matt already noted, today the Nevada Supreme Court ruled that the state's education savings account program is 100% constitutional... except for the funding mechanism. Several media outlets have headlines blaring that the ESAs were struck down, but that's not quite accurate. They won on the merits and lost on a fixable technicality. As the Institute for Justice, which defended the law before the state supreme court, explained:

“The Nevada Supreme Court has unequivocally said that there is no constitutional impediment to fully funding Nevada's ESA program, but unfortunately the Court said that the funding mechanism in the current program cannot be used,” declared Tim Keller, the Institute for Justice's lead attorney defending Nevada's ESA program. “The ball is now in the Governor's and Legislature's court to adequately fund the ESA program for thousands of families who have already applied to participate in it.”

For more details regarding the court's ruling, see my blog post at *Cato-at-Liberty*.

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