



Written by [Warren Mass](#) on August 27, 2014

## Louisiana Governor Jindal Sues Education Dept. Over Common Core

Louisiana Governor Bobby Jindal filed suit in federal court on August 27 arguing that President Obama's Department of Education has violated the 10th Amendment to the U.S. Constitution and federal law by coercing states to adopt Common Core education standards.



The suit states: "The Tenth Amendment to the Constitution of the United States reserves to the States all 'powers not delegated to the United States by the Constitution.' ... The Constitution makes no provision for federal power over education policy."

A press statement released by the governor's office on Wednesday noted that Jindal "argues that the Obama Administration has used federal grants to compel states to enter binding agreements to adopt and fully implement a single set of federally-defined content standards and to utilize assessment products created by a federally-sponsored 'consortia.' "

Jindal said:

The federal government has hijacked and destroyed the Common Core initiative. Common Core is the latest effort by big government disciples to strip away state rights and put Washington, D.C. in control of everything. What started out as an innovative idea to create a set of base-line standards that could be "voluntarily" used by the states has turned into a scheme by the federal government to nationalize curriculum.

... Common Core is about controlling curriculum. Educators know that what's tested is what's taught. Make no mistake — Common Core tests will drive curriculum. Common Core supporters should own up to this fact and finally admit they want to control curriculum. These are big government elitists that believe they know better than parents and local school boards.

Through the federally funded consortia, PARCC [Partnership for Assessment of Readiness for College and Careers], along with Race to the Top grants, the federal government has coerced states into giving up local control of education. The federal government's actions are in violation of the Constitution and federal law and we will continue to fight to protect local control of education.

The lawsuit — *Bobby Jindal, Governor of the State of Louisiana v. The United States Department of Education and Arne Duncan, in his Official Capacity as U.S. Secretary of Education* — seeks a declaration that the U.S. Department of Education has violated federal statutes and the 10th Amendment by requiring, as condition to grant funding under the Race to the Top (RTTT) programs, that states join a consortium of states under federal direction and to adopt Common Core standards and assessment products created by the consortium.



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The suit was filed in the U.S. District Court Middle District of Louisiana, in Baton Rouge.

The suit states that it seeks a permanent injunction enjoining the Department of Education from enforcing the provisions of the RTTT programs, which (under the authority of the American Recovery and Reinvestment Act of 2009 [ARRA]) require states to join a consortium of states under federal direction and, also, to adopt common content standards and assessment products developed by the consortium as a condition to receive RTTT grant funding. The suit also seeks to enjoin Education from taking any action to disqualify or penalize a state from participation in RTTT programs based on a state's refusal to agree to such unlawful actions.

The Department of Education has used a \$4.3 billion grant program and federal policy waivers to "encourage" states to adopt uniform education standards and testing. It is a classic example of the principle that what the federal government finances, the federal government controls.

While the Jindal suit attempts to mitigate the more egregious aspects of the federal government's efforts to control education in the United States, it nevertheless aims to treat the symptoms rather than cure the underlying disease. The suit correctly states that the 10th Amendment reserves to the States all "powers not delegated to the United States by the Constitution," and that "the Constitution makes no provision for federal power over education policy."

That being the case, RTTT programs should not exist. As we have seen, Jindal complains that "the Obama Administration has used federal grants to compel states to enter binding agreements to adopt and fully implement a single set of federally-defined content standards." The suit argues "that the U.S. Department of Education has violated federal statutes and the Tenth Amendment by requiring, as condition to grant funding under the Race to the Top [RTTT] programs, that states join a consortium of states under federal direction and to adopt Common Core standards and assessment products created by the consortium." However, it ignores the point that if federal grants for education did not exist, the threat of withholding them could not be used to blackmail the states into compliance.

In fairness to Jindal and many state and federal officials who must answer to their constituents, it can be said that some of them were not responsible for passing the American Recovery and Reinvestment Act of 2009 (ARRA) — commonly called the Obama administration's "stimulus" program — and that they are merely trying to recover some of the tax money their constituents have sent to Washington. However, since the federal administration of such programs always siphons off massive operating costs, only a fraction of what is collected is ever returned to the states. So attempting to get the money back from the federal government through grants is always a losing proposition. The process was long ago compared to transfusing blood from a patient's left arm to his right arm, through a leaky catheter!

Furthermore, as can be readily seen from this experience with Common Core, accepting federal funds subjects the states to federal control.

If, as Jindal correctly stated, "the Constitution makes no provision for federal power over education policy," then attempting to stop "the executive branch [from implementing] national education reform far beyond the intentions of Congress" (in the words of the suit) is not the solution. The solution is to put pressure on Congress to stop *all* federal involvement in education, including eliminating the Department of Education completely.

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