

Education

U.S. Dept. of Education actions labeled 'unlawful'

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A U.S. senator has told the Secretary of Education he can't force states to comply with administration-backed reforms in exchange for No Child Left Behind waivers.

Senator Marco Rubio (R-Florida) has written Secretary of Education Arne Duncan expressing concern that the Department's actions are breaking the law. The senator also told Duncan that forcing administrative reforms on to states in exchange for waivers would inhibit meaningful education reforms.

Neal McCluskey, associate director of the [Cato Institute](#) Center for Educational Freedom, explains Rubio's concern.

"There are several federal education laws that have clauses that say that the federal government can do nothing to try and strong-arm states or school districts into adopting any particular curriculum," McCluskey says. "Clearly this is what's being done by saying you must sign on to national standards."

McCluskey says Senator Rubio's letter is reflective of what many in Washington are thinking, including groups on the right, in the center, and even on the left.

"I do think that there is very broad sentiment that the federal government has gone too far," McCluskey contends. "You are seeing a renewed offensive to [push the federal government out of education](#), where constitutionally it doesn't belong."