



Louisiana Governor Sues Feds over Common Core

By Melinda Deslatte
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BATON ROUGE, La. (AP) -- In a move certain to bolster his national standing with conservatives, Republican Gov. Bobby Jindal sued the Obama administration Wednesday, hoping to strike a blow against the controversial Common Core education standards and raising his profile as he builds a likely presidential campaign.

Jindal's lawsuit accuses the Department of Education of illegally manipulating federal money and regulations to force states to adopt Common Core by dangling \$4.3 billion in grants and policy waivers that encouraged them to adopt uniform standards and testing.

"The federal government has hijacked and destroyed the Common Core initiative," Jindal said in a statement. "Common Core is the latest effort by big government disciples to strip away state rights and put Washington, D.C., in control of everything."

While even supporters of the lawsuit question its likelihood for success, the legal challenge represents a new attack on the multistate standards, with Jindal at the forefront of the dispute between conservatives and President Barack Obama.

And the lawsuit comes as opposition to Common Core grows nationally, particularly with Republicans.

The Common Core standards are math and English benchmarks describing what students should know after completing each grade. They were developed by states to allow comparison of students' performance. More than 40 states, including Louisiana, have adopted them.

A PDK/Gallup Poll released Aug. 20 found 60 percent of those surveyed don't support the standards. Among Republicans, opposition was 76 percent.

Jindal's lawsuit says the federal education department's policy "effectively forces states down a path toward a national curriculum" in violation of the state sovereignty clause in the Constitution and federal laws that prohibit national control of education content.

The lawsuit, obtained first by The Associated Press, was filed in the federal court based in Baton Rouge.

Praise quickly poured in for the legal challenge from conservative groups.

"Gov. Jindal is defending the liberties of citizens and the constitutional structure intended to protect those liberties," Emmett McGroarty, education director of the Washington-based American Principles Project, said in a statement.

When the Louisiana education board embraced the standards in 2010, Jindal supported them, saying they would help students prepare for college and careers. He reversed course earlier this year, calling the standards an effort by the Obama administration to meddle in state education policy.

The governor's change of heart is not shared by state lawmakers, the education board or his hand-picked education superintendent. They refuse to jettison Common Core from Louisiana's classrooms. Jindal tried to derail use of the standards by suspending testing contracts, but a state judge lifted that suspension.

Turning to federal court represents a new tactic, and Common Core supporters quickly accused the governor of playing politics in court.

"This certainly looks like a frivolous lawsuit that's geared more toward publicity than substance," said Barry Erwin, president of the Council for A Better Louisiana, a nonpartisan organization that has previously worked with Jindal on his education policy initiatives.

U.S. Education Secretary Arne Duncan has criticized the governor's opposition to Common Core as politically driven. Duncan's spokeswoman Dorie Nolt didn't directly comment on the lawsuit Wednesday.

"The most important thing is that children in Louisiana have gone back to school this year with high academic standards in place in their classrooms to help prepare them to succeed in college, career and life," she said in a statement.

Louisiana's education department defended its use of the standards.

"The Common Core State Standards have been fundamental expectations in Louisiana for four years because our kids are just as smart and capable as any in America. The courts have ruled, and it is time to move on," state education department spokesman Barry Landry said in a statement.

The Obama administration embraced the standards and encouraged states to adopt them as part of the application process for the Race to the Top grant program. Two state testing consortia - the Partnership for Assessment of Readiness for College and Careers, or PARCC, and the Smarter Balanced Assessment Consortium - received \$330 million from the grant program to develop standardized testing material tied to Common Core.

Louisiana received more than \$17 million from Race to the Top and joined the PARCC consortium. It also received a waiver from certain federal education requirements.

Neal McCluskey, of the libertarian-leaning Cato Institute's Center for Educational Freedom, said he doesn't expect the lawsuit to be successful, even though he agrees with its premise. Historically, states haven't had many victories in arguing against rules tied to federal funding, he said. Rules for the grant program and waiver policy were written to give the administration "wiggle room," he added.

"They've definitely got a steep hill to climb on this lawsuit," McCluskey said.