



COLLABORATIVE FOR
**STUDENT
SUCCESS**

To: Interested Parties
From: Karen Nussle, Executive Director, The Collaborative for Student Success
Date: August 29, 2014
Re: Nine Need-to-Know Facts about Bobby Jindal's Common Core Lawsuit

This week Louisiana Governor Bobby Jindal filed suit in federal court in an attempt to derail Common Core in the state of Louisiana and boost his political prospects in the Republican primary for president.

Below are nine important facts about Bobby Jindal's federal lawsuit on Common Core:

The development of Common Core began long before 'Race to the Top' was announced.

Formal work on developing the Common Core was well in hand long before RTTT was even announced, and the federal government only got involved after it became clear broad appetite for the reform existed among the states. In April of 2009, the National Governor's Association and the Council of Chief State School Officers convened to discuss the creation of the Common Core State Standards Initiative – and based on states' interest, development of the standards began in May. The Governors and State School Chiefs from 48 states (including Louisiana) and the District of Columbia then signed on to a memorandum of agreement to develop the Common Core on **June 1, 2009**. The 'Race to the Top' competition was announced nearly two months later on **July 24**.

Bobby Jindal signed Louisiana's 'Race to the Top' application four different times over a period of several years.

Phase 1: Signature page available at U.S.DOE

Phase 2: See the Governor's signature on 5/25/10 (<http://goo.gl/j3bLiV>)

Phase 3 (2 step process): See the Governor's signature on 11/18/11: (<http://goo.gl/xeBx1u>) and see the Governor's signature on 4/20/12 (<http://goo.gl/1Xgx21>)

"We are excited about the opportunity for our schools to 'Race to the Top' and attract more funding to help students succeed," announced Jindal in a November 5, [2009 press release](#). "The strategies promoted in this competitive grant are a step in the right direction... While **participation in this initiative is voluntary**, the Department of Education is encouraging local school boards and superintendents across the state to strongly consider this opportunity to provide flexible funds to our schools." [Emphasis added]

Adoption of College- and Career-Ready Standards (such as the Common Core) satisfied less than 10 percent of the requirements on the 'Race to the Top' application.

Criteria (B)(1) of the 'Race to the Top' application asked states to demonstrate their commitment to adopting a common set of high-quality standards. This commitment was worth 40 points out

of a possible 500. Thus, a state's decision to adopt Common Core in order to meet this part of the application played only a minor role in the competitive scoring process, **making up just 8 percent** of an individual state's score.

Nearly half the states adopted and continue to implement Common Core despite having never been awarded 'Race to the Top' funds.

'Race to the Top' Phase I winners were announced on 3/29/10; Phase II winners were announced on 8/24/10; and Phase III winners were announced on 12/22/11. Below are the rounds each state competed in as well as the dates each of these states adopted Common Core.

West Virginia Phase I (6/2/10), **Michigan** Phase I & II (6/15/10), **Missouri** Phase I & II (6/15/10), **Wyoming** Phase I (6/16/10), **Nevada** Phase II (6/22/10), **Mississippi** Phase II (6/28/10), **Connecticut** Phase I & II (7/7/10), **Arkansas** Phase I & II (7/12/10), **New Hampshire** Phase I & II (7/13/10), **Wisconsin** Phase I & II (7/14/10), **Iowa** Phase 1 & II (7/29/10), **California** Phase 1 & II (8/2/10), **Utah** Phase 1 & II (8/8/10). **Minnesota** Phase I (9/27/10, only ELA), **Kansas** Phase 1 (10/12/10), **New Mexico** Phase 1 & II (10/20/10), **Oregon** Phase 1 (10/28/10), **Alabama** Phase 1 & II (11/18/10), **South Dakota** Phase 1 (11/29/10), **Idaho** Phase 1 (1/24/11), **Maine** Phase II (4/1/11), **Washington** Phase II (7/20/11), and **Montana** Phase II (11/4/11).

** Note: Only Phase II finalists were eligible for Phase III*

** Note: Minnesota adopted ELA only.*

** Note: Missouri has CCSS in place but also a process to develop new standards.*

Several states dropped out of the testing consortia, yet they retained their 'Race to the Top' Funds.

Georgia, Florida, Kentucky, and Tennessee, all current 'Race to the Top' recipients (phase 1, 2, and 3), of their own volition, opted not to move forward with either the PARCC or SBAC assessment consortia. Despite this, not one of these four states have had their 'Race to the Top' grants rescinded. If these states were in fact coerced into joining the national testing consortium, as Jindal's suit alleges, why were they not subjected to penalties for backing out of the testing consortia?

**Note: GA had funds withheld for not maintaining commitments to its performance compensation strategy.*

The 'Race to the Top' District Competition (RTT-D) awarded funds to school districts in states that did not adopt Common Core State Standards.

Beginning in December 2013, the U.S. Department of Education awarded funds in The Race to the Top-District competition, which invited applicants to demonstrate how they could personalize learning for all students. Among others, RTT-D grants were awarded to three districts in **Texas – a state that never adopted the Common Core.**

States that chose not to adopt the Common Core or to join one of the two testing consortia received flexibility waivers for the 'Elementary and Secondary Education Act' or 'No Child Left Behind.'

Neither Texas nor Virginia adopted Common Core State Standards, yet both states received Elementary and Secondary Education Act (ESEA) flexibility waivers from certain federal education requirements. This could not have happened if the crux of Governor Jindal's suit –

that states were coerced by the federal government to adopt Common Core – were accurate. Similarly, Indiana and Minnesota also received these waivers without ever joining either PARCC or SBAC.

'Race to the Top' occurred five years ago, and the No Child Left Behind waivers were granted three years ago.

Even if you accept the faulty premise that RTT or waivers constitute federal overreach or “duress” as the Governor claims in his lawsuit, in Louisiana’s case that was 2009 and 2011 respectively. Yet, on August 27, 2014, Governor Jindal said, “The federal government has hijacked and destroyed the Common Core initiative...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.”

The Governor’s logic suggests that for five consecutive years after the RTT grants were awarded, there was no cause for alarm. But now, **just 16 months before the kickoff of the Iowa Caucuses**, there is suddenly a Constitutional case to be made against the Common Core.

Governor Jindal filed this lawsuit after losing several legal challenges in his own state.

Governor Jindal was recently dealt a series of legal blows in his own state. In fact, one Judge stated that the Governor’s actions did “[irreparable damage](#)” to schools. On August 18, the District Court of Baton Rouge lifted the Jindal administration’s suspension of state testing contracts. On August 12, the District Court refused to grant a Jindal request to dismiss a lawsuit filed by pro-common core parents and teachers. On August 15, the district court also rejected calls for a preliminary injunction blocking the continued implementation of Common Core.

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1-855-779-6384