

# COMMON CORE CONSORTIUM VIOLATES THE CONSTITUTION

by Nathan MacPherson



Today a Missouri State Court issued a judgment declaring that the “existence and operation” of the Smarter Balanced Assessment Consortium (SBAC) violates the Constitution “as well as numerous federal statutes” and that “Missouri’s participation in [SBAC] as a member is unlawful under state and federal law.”

In other words: payments from Missouri to other states to develop and test education assessments, and the agreements to do so, violate the U.S. Constitution, federal statutes, and state statutes.

Although Governor Palin rejected the Common Core, in the spring of 2013, under the leadership of Governor Parnell and Education Commissioner Hanley, Alaska joined SBAC. “The Smarter Balanced assessment will allow us to compare our students more closely with those around the country and confirm the rigor of Alaska’s standards compared to the Common Core,” stated Commissioner Hanley in defending his actions signing up Alaska to the Common Core consortium, the same consortium today declared unconstitutional and in violation of federal law.

Just over one year ago, Alaska abandoned SBAC in favor of paying the University of Kansas approximately \$5 million per year to create English and math assessments. It would seem that this interstate compact, too, violates the Constitution and federal law, not to mention the Alaska state law, House Bill 278, that prohibits DEED from spending money on the Common Core.

Considering that even the former General Counsel and Deputy General Counsel of the U.S. Department of Education (not to mention Louisiana Governor Jindal in his federal lawsuit) assert that the Common Core violates the Constitution, federal statutes, and Congressional intent by illegally conditioning federal education money on the states’ adoption of the Common Core, one has to wonder why Commissioner Hanley, State Board Chair Cox, and others in the state executive and legislative branches, have ushered in and embraced the Common Core in Alaska. (Note that Commissioner Hanley wrote to the U.S. Department of Education on 1/23/13 that Alaska’s standards are “nearly identical to the Common Core State Standards.”)

In addition to the \$5 million per year Alaska unlawfully and unconstitutionally sends to the University of Kansas, the implementation of the Alaska Common Core standards is costing Alaskans exorbitant amounts of money. Exactly how much, nobody knows: when asked ten days ago by the House Education Committee just how much this is all costing, DEED Chair Cox stated that she “could not possibly answer that question.” Want to cut the budget while helping students? Cut expenditures on the implementation of Common Core – such expenditures are illegal under state law away.

We the People can put a stop to this unconstitutional and illegal activity. The U.S. Supreme Court has made it clear: the federal government has no authority to condition federal money on the adoption of education standards and the states have no authority to consent to such a requirement. Neither the state legislature nor the state executive – such as Commissioner Hanley or Chair Cox – has the right to consent to a violation of the Constitution. Any such action is, according to the Supreme Court, “invalid and cannot be enforced.” Indeed: these elected officials took an oath to defend the Constitution. Now is the time for citizens to hold their local officials accountable and help the same hold the federal government accountable. This is the intent and design of our Constitutional Republic; U.S. Supreme Court precedent agrees.