

## PENNSYLVANIA SCHOOL FUNDING LITIGATION

### Frequently Asked Questions

#### **Q: What is the problem?**

A: The state has failed to ensure that essential resources are available for all of our public school students to meet state academic standards. Hundreds of thousands of students throughout the state lack basic educational supports and services – functioning school libraries, up-to-date textbooks and curriculum materials, reasonable class sizes, guidance counselors, school nurses, voc-ed and college prep classes, academic tutoring programs, the list goes on.

The state funding system also is unfair, the most unfair in the country. Because most school funding comes from local property taxes, there is a huge gap between the amount of money available for the education of children in low property wealth districts and the amount for children in high property wealth districts. This irrational system means that children in low wealth districts don't have the same access to the resources they need to succeed in school.

The state must ensure that every student receives these primary elements of education, not only those living in select zip codes. And despite the tireless efforts of dedicated school leaders, teachers, support staff, and parents, the diminishing resources in too many of our schools prevent too many Pennsylvania students from meeting the academic standards set by the State, including the PSSAs and the Keystone graduation exams. Our state provides a smaller share of the cost of education than almost all other states.

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#### **Q: Who is responsible?**

A: The state constitution makes the General Assembly responsible for putting in place a school funding system that delivers the essential resources all students need to be successful in school, including additional help for students at risk of academic failure. Although the constitution gives the General Assembly the responsibility, we believe the courts have a role in making sure that the General Assembly meets its constitutional role. The state has consistently failed to meet this basic responsibility. Across the state, in urban and rural communities alike, the state is not providing our schools with the necessary resources and tools principals and teachers must have to educate our children for the Pennsylvania of the 21st Century.

#### **Q: Why now?**

A: We simply cannot wait any longer to start fixing a system where students do not have basic educational supports and services, such as functioning school libraries, up-to-date textbooks and curriculum materials, reasonable class sizes, guidance counselors, school nurses, voc-ed and college prep classes, and academic tutoring programs. Every year they go without the resources they need is a year lost they cannot get back. We cannot wait any longer for our government leaders to fulfill their responsibilities to Pennsylvania's children while, in fact, the under-funding of our schools continues to get worse and student performance continues to go down. We must act now.

#### **Q: Does this case become moot if the Governor and Legislature agree to add additional basic education dollars to the education budget?**

A: No. If additional dollars are allocated to this year's and/or next year's budget, districts still will not receive adequate funding to meet the needs of the students. A one or two year budget proposal is not long-term assurance. Our children need a long-term guarantee and a systemic solution. That is why we are continuing to pursue this lawsuit.

#### **Q: What is the legal claim?**

A: There are two claims.

First, the state has a legal obligation under the PA Constitution to "provide for the maintenance and support of a thorough and efficient system of public education" for all students. A "thorough and efficient" public education is one that is adequately supported, effective, and efficient so that all of Pennsylvania's children have the opportunity to meet state academic standards. The state has set academic standards that define what is required for a "thorough and efficient" public education, but it has failed to maintain and support the system with enough funding to ensure that every school district has the essential resources for students to meet those standards.

Second, the current method of funding has resulted in significant resource disparities that discriminate against students living in districts with low property values and incomes. This irrational funding disparity violates the Equal Protection Clause of our state constitution because children in low-wealth districts are being denied the opportunity to receive an adequate education, while their peers in high-wealth districts are receiving a high-quality education.

**Q: Who is bringing this case?**

A: Six school districts: William Penn School District, the School District of Lancaster, Panther Valley School District, Greater Johnstown School District, Shenandoah Valley School District, and Wilkes-Barre Area School District. All of these districts have a high proportion of children in poverty and are unable to raise enough local property taxes to make up for the lack of adequate state funding.

In addition, the Pennsylvania Association of Rural and Small Schools, a group of approximately 150 small and rural school districts and 13 Intermediate Units across PA, families whose children attend under-funded and under-resourced schools in Philadelphia, William Penn, Lancaster, Greater Johnstown and Shenandoah Valley school districts, and the NAACP – Pennsylvania State Conference are bringing the case.

**Q: Who is being sued?**

A: The leaders of the House and Senate, the Secretary of Education and Department of Education, the State Board of Education, and the Governor. They are called “indispensable parties” under the law and must be included in the lawsuit. The lawsuit previously named Governor Corbett and Secretary Dumesq as defendants. As a technical matter, Governor Wolf and acting Secretary Rivera have been substituted as defendants.

**Q: Does the appointment of Pedro Rivera as acting Secretary of Education have any effect on the case?**

A: It has no substantive effect. The Lancaster School District, of which he was the Superintendent, remains as a plaintiff. His name will be substituted for Secretary Dumesq on the pleadings.

**Q: What are you asking for in the lawsuit?**

A: We’re asking the court to:

- (1) Declare that the current system of funding our schools does not comply with the state constitution; and
- (2) Order the defendants to cease using a funding system that does not provide adequate funding where students can meet state standards and which discriminates against low wealth districts.
- (3) Order the defendants to create and maintain a constitutional school funding system that will enable all students to meet state academic standards and does not discriminate against low-wealth school districts.

**Q: Wasn’t there a previous lawsuit?**

A: The last case was decided fifteen years ago, in 1999. In that case, the court ruled that it could not address problems with school funding because, at that time, it did not have any manageable academic and other standards by which to measure what students needed to learn and whether they were meeting those standards. Since the 1999 ruling, the situation has changed. The state has adopted strict academic standards, including the PSSAs for grades 3 through 8, and the newly-implemented Keystone graduation exams. We are not asking the court to change its 1999 ruling. Instead, we are showing the court that those manageable standards now exist.

**Q: What is the current status of the lawsuit?**

A: In April 2015, the Commonwealth Court decided to dismiss the case on the grounds that it presents a political question that cannot be addressed through the court system. In September 2015, the petitioners filed a brief asking the Supreme Court to send the case to a full trial. They contend that the Commonwealth Court erred in dismissing the lawsuit against legislative leaders and state education officials. The appeal is now fully briefed by all parties, and the high court is expected to hear argument in the case in 2016.

This information comes from [www.edfundinglawsuit.wordpress.com](http://www.edfundinglawsuit.wordpress.com), a joint effort between the Education Law Center of Pennsylvania and the Public Interest Law Center of Philadelphia. Materials for the Pennsylvania school funding litigation case, filed Nov. 10, 2014 in Commonwealth Court, reside on the site, as well as a list of supporters, media clips, and related materials. This was updated on February 26, 2016.