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Parents, school districts urge courts to intervene in school funding crisis

Harrisburg, Pa. –Parents and school districts challenging Pennsylvania’s school funding system told the state Supreme Court Monday that it should decide the case on the merits and reject the state’s plea to toss the case because of its complexity and difficulty. In a reply brief filed Monday the petitioners defended their position that the courts can and must examine claims that the state is failing its constitutional obligations to adequately fund “a thorough and efficient system of public education” in a manner which does not discriminate against low-wealth districts.

Parents and districts submitted the reply brief as part of their appeal to the Pennsylvania Supreme Court in *William Penn School District vs. Pennsylvania Dept. of Education*. The lawsuit, which was filed in November 2014, claims that the state’s system of funding public education is so inadequate and unequal that it violates the education and equal protection provisions of the Pennsylvania Constitution. In April, the Commonwealth Court dismissed the case, relying on older cases which it believed prevent courts from considering any school funding issues, thereby leaving such questions solely in the hands of the political process.

Parents and districts involved include: seven parents of children in underfunded public schools, six school districts including William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area and Shenandoah Valley, the Pennsylvania Association of Rural and Small Schools (PARSS), and the NAACP Pennsylvania State Conference. The Public Interest Law Center and the Education Law Center-Pennsylvania represent these petitioners.

“Without judicial oversight, the legislative process has severely underfunded schools across the state and our children are paying the price,” said Maura McNerney, senior attorney with the Education Law Center. “The legislative and executive branches have argued that the courts are powerless to consider these issues, but we believe the judicial branch’s duty does not disappear merely because education funding issues are complex and politically charged. In 28 other states court-mandated reforms have had a direct and positive impact on increasing sustained education funding and improving academic outcomes.”

In briefs filed earlier this month, the legislative and executive branches claimed that all education funding decisions — no matter how extreme, irrational, or arbitrary — should be protected from judicial review. According to the reply brief filed today, substantial changes since the last school funding case was dismissed in 1999 pave the way for the court to evaluate the constitutionality of the current funding scheme. These changes include the adoption of content-based state standards, testing assessments, graduation exams and a costing out study.

“The briefs filed by state officials ask the Court to give the legislature complete immunity from any judicial review, even as our children suffer from unequal and underfunded schools,” said

Jennifer Clarke, executive director of the Public Interest Law Center. “Even if the political process finally results in a budget which includes a one-time allocation of significant funds for this school year, there is no sign that elected officials will make any attempt to create a funding structure that will enable students to meet the standards the legislature itself has established. That is why the courts must step in.”

The Pennsylvania Supreme Court is expected to schedule oral argument in the case in 2016.

All case documents can be viewed here: <https://edfundinglawsuit.wordpress.com/>

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The Education Law Center of Pennsylvania works to ensure that all children in Pennsylvania have access to a quality public education, including poor children, children of color, children with disabilities, children in the foster care and juvenile justice systems, English language learners, and other vulnerable children. For more information visit www.elc-pa.org or follow on Twitter @edlawcenterpa.

The Public Interest Law Center uses high-impact legal strategies to improve the well-being and life prospects of vulnerable populations by ensuring they have access to fundamental resources including a high-quality public education, access to health care, employment, housing, safe and healthy neighborhoods and the right to vote. For more information visit www.pubintl.org or follow on Twitter @PubIntLawCtr.