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Pa. Supreme Court Delivers Major Victory for Schoolchildren across the Commonwealth in School Funding Case

Justices say school funding subject to judicial review, order trial

HARRISBURG – **SEPTEMBER 28, 2017** – The Pennsylvania Supreme Court today delivered a major victory to hundreds of thousands of Pennsylvania students by ordering the Commonwealth Court to hold a trial on whether state officials are violating the state’s constitution by failing to adequately and equitably fund public education.

The lawsuit – *William Penn School District, et al. v. Pennsylvania Dept. of Education, et al.* – was filed in 2014 on behalf of parents, school districts, and statewide organizations in response to the failure in Harrisburg to adequately fund public education and provide students with the resources they need to succeed academically.

In a sweeping decision, the Court agreed that it has a clear duty to consider the case and ensure legislative compliance with the state’s Education Clause, which requires the General Assembly to “provide for the maintenance and support of a thorough and efficient system of public education” for Pennsylvania’s schoolchildren. The Court also found no basis to deny consideration of claims by parents and school districts that the legislature’s grossly unequal funding discriminates against children based on where they live and the wealth of their communities.

“Judicial review stands as a bulwark against unconstitutional or otherwise illegal actions by the two political branches,” Justice David N. Wecht wrote in his majority opinion. “It is fair neither to the people of the Commonwealth nor the General Assembly itself to expect that body to police its own fulfillment of its constitutional mandate.”

“Today’s ruling ensures that our schoolchildren across Pennsylvania will finally have their day in court,” said Deborah Gordon Klehr, executive director of Education Law Center – PA, which brought the suit along with the Public Interest Law Center and pro bono counsel from O’Melveny & Myers LLP. “We look forward to presenting extensive evidence proving that decades of underfunding and inequity in our public education system violate Pennsylvania’s Constitution.”

“The Pennsylvania Supreme Court’s landmark decision today vindicates the principle that adequate and fair school funding is a constitutional mandate, not a political issue,” said Michael Churchill, an attorney with the Public Interest Law Center. “Now that the court has ruled that education funding is subject to judicial review, we hope the Governor and legislature will work with us and our partners to bring Pennsylvania into constitutional compliance by ensuring that every school has adequate resources.”

“We are gratified by the Supreme Court’s decision and the opportunity to take this case to trial, and we hope it will be a turning point for Pennsylvania’s public education system,” said Brad Elias, an attorney with O’Melveny & Myers who serves as pro bono counsel for the petitioners. “Our goal is to ensure that all children in Pennsylvania have equal access to a thorough and efficient education, and this decision brings us one step closer to achieving that.”

The case now heads back to Commonwealth Court for a full trial, which will permit advocates to present evidence proving their claims. Lawyers on the case will ask the court to expedite the trial, given the importance of the case.

Pennsylvania’s Commonwealth Court dismissed the case in 2015, relying on an older Pennsylvania Supreme Court decision and saying that education funding was not subject to judicial review. Today the state’s highest court reversed that decision, and overruled that earlier precedent, agreeing with advocates that school children and school districts must be able to seek relief from the Courts to protect their rights to a quality education.

“Judicial oversight must be commensurate with the priority reflected in the fact that for centuries our charter has featured some form of educational mandate,” Justice Wecht wrote. “Otherwise, it is all but inevitable that the obligation to support and maintain a ‘thorough and efficient system of public education’ will jostle on equal terms with non-constitutional considerations that the people deemed unworthy of embodying in their Constitution. We cannot avoid our responsibility to monitor the General Assembly’s efforts in service of its mandate and to measure those effects against the constitutional imperative, ensuring that non-constitutional considerations never prevail over that mandate.”

The petitioners in the case are six families, six school districts – William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area and Shenandoah Valley – the Pennsylvania Association of Rural and Small Schools, and the NAACP Pennsylvania State Conference.

“Today’s ruling represents a major victory for civil rights across Pennsylvania,” said Pennsylvania NAACP President Dr. Joan Duvall-Flynn. “For too long, access to a quality education has been limited to those who live in the right ZIP code, leading to vast disparities that disproportionately impact African-American and Latino families. This decision presents an opportunity to dismantle barriers that prevent children of color from getting the education they need to succeed in the 21st century economy.”

“While our children struggle in schools without adequate technology, dedicated arts, music, library or physical education teachers, students several miles away attend school in modern buildings with the latest course offerings,” said Jamella and Bryant Miller, public school parents who live in Landsdowne and who are plaintiffs in the lawsuit. “The court’s decision means that it’s time for our elected officials to address these devastating disparities by providing the funding our schools require to provide a quality education to our children.”

Given the dire situation many schools face, lawyers on the case will work to bring it to trial as soon as possible. Many schools have yet to recover from the drastic funding cuts of 2011 and

still lack basic resources, including updated textbooks, modern curricula and school counselors. Compounding this issue, only 6 percent of the state's education budget is being distributed through the basic education funding formula, which was adopted by the legislature in 2015 in an attempt to distribute funds based on actual student needs. Finally, modest investments in education over the past few years remain inadequate and the legislature has abandoned setting any goal for adequate funding.

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The Education Law Center-PA (“ELC”) is a non-profit, legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, trainings, and policy advocacy, ELC advances the rights of vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English language learners, LGBTQ students, and children experiencing homelessness. For more information visit <http://www.elc-pa.org/> or follow on Twitter @edlawcenterpa.

The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure their access to fundamental resources and services in the areas of public education, housing, health care, employment, environmental justice and voting. For more information visit www.pubintl.org or follow on Twitter @PubIntLawCtr.