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Parents, School Districts Ask Pennsylvania Supreme Court to Hear School Funding Lawsuit

Harrisburg, Pa. – In a brief filed Friday, public school parents, school districts, and two statewide associations continued their legal challenge of Pennsylvania’s broken school funding system, telling the Pennsylvania Supreme Court that the availability of a high-quality public education in Pennsylvania will continue to be a “function of community wealth rather than a constitutional guarantee” unless the Court agrees to hear the legal challenge.

The petitioners are asking the court to send the case to a full trial and allow them to present evidence that the state legislature has failed to adequately and equitably fund the state’s public schools, thereby violating the legislature’s constitutional requirement to provide a “thorough and efficient system of public education” and to prohibit discrimination in state programs and services.

The brief filed today advances the appeal to the Pennsylvania Supreme Court, following the Commonwealth Court’s decision last April to dismiss the *William Penn School District, et al., v. Department of Education, et al.* case. In their filing, parents and schools districts contend that the Commonwealth Court erred in dismissing the lawsuit against legislative leaders and state education officials on grounds that it presents a political question that cannot be addressed through the court system. Yet, courts in the vast majority of other states with similar constitutional provisions have ruled that such claims must be heard. Decades of inequitable school funding have weakened schools that serve the most vulnerable students and continue to put the state’s poorest children at a great disadvantage relative to their more affluent peers in better-funded schools.

“Pennsylvania’s constitution guarantees to all children a ‘thorough and efficient system of public education’ and equal protection under the law. Students in poor school districts

are denied these rights by an irrational, unpredictable school finance scheme that is overly reliant on local property taxes and deprives students of the basic resources they need to meet state academic standards.” said Maura McInerney, senior attorney at the Education Law Center of Pennsylvania. “The legislature claims that as long as it keeps school doors open and lights on, it has met its constitutional obligation and that the courts have no role to play in interpreting the constitution. It is now up to the Supreme Court to address this unconscionable claim. Our state constitution is clear: the court cannot close its doors to the children of Pennsylvania.”

William Penn School District, et al. was brought last November by seven parents, the Pennsylvania Association of Rural and Small Schools (PARSS), the NAACP Pennsylvania State Conference, and six school districts from urban, rural, and suburban communities, including William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area and Shenandoah Valley.

“We are asking Pennsylvania courts to exercise their weighty responsibility to ensure that state officials abide by Constitutional commands, just as courts in many other states have done.” said Jennifer Clarke, executive director of the Public Interest Law Center. “We hope that this Supreme Court will step up because the disparities between wealthy and poor school districts in Pennsylvania are the greatest in the country, with the wealthiest school districts spending 33% more per-pupil than the poorest. All Pennsylvanians will benefit if the Court acts to ensure a quality education is available to all students.”

The brief can be viewed here:

<https://edfundinglawsuit.files.wordpress.com/2015/09/william-penn-vs-pde-sup-court-brief.pdf>

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The Education Law Center-PA 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.