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Contact: Jonathan McJunkin, Public Interest Law Center, 267-546-1305,
jmcjunkin@pubintl.org
Paul Socolar, Education Law Center-PA, 215-906-1250, psocolar@elc-pa.org

School Funding Lawsuit Will Proceed, Commonwealth Court Rules

In an opinion released today, the Commonwealth Court overruled various preliminary objections to the Pennsylvania school funding lawsuit.

In a victory for students across Pennsylvania, the Commonwealth Court today [overruled various preliminary objections](#) to Pennsylvania's landmark school funding lawsuit. The ruling was an important step to ensure that the suit, *William Penn School District v. Pennsylvania Department of Education*, will move forward towards a full trial. The Education Law Center and the Public Interest Law Center represent the families, school districts, and statewide organizations that have petitioned for relief.

Among the objections that the Court overruled was the claim that the petitioners had not established that the current funding scheme caused the injuries they suffered. Ruling that the objection had "no merit," the Court noted the Supreme Court was already "clearly able to discern" the nature of petitioners' claims.

"This is a clear victory for public school students across the Commonwealth," said Maura McInerney Legal Director at the Education Law Center. "There is no doubt that Pennsylvania's schoolchildren continue to suffer extraordinary harm due to severe underfunding and gross inequalities. We look forward to proving our case at trial."

In the next stage of the case, the petitioners will need to address two remaining arguments put forward by legislative leaders before students can have their day in court. First, Representative Turzai argued that the petitioners have failed to state an equal protection claim; he asserts that education is not an important or fundamental right. The Court overruled Turzai's objection but allowed for continued discovery on this issue.

"The legislature seeks to argue that education is not an important right," said attorney Michael Churchill of the Public Interest Law Center. "They make that argument in the face of everything families know to be true. In fact, the state Constitution singles out education so that it cannot be treated just as any other service."

Second, Senator Scarnati continues to assert that the entire case is moot, [arguing that](#) the funding formula adopted in 2016 has fixed Pennsylvania’s chronic school funding problem. The new formula, while an improvement over the old system of distributing state education funding, only applies to increases in funding—a tiny fraction of the state’s total education budget.

“Anyone who doubts that low-wealth schools and their students continue to suffer from this state’s lack of investment needs only to visit one. The harm caused is obvious: crumbling buildings, overcrowded classes, and a lack of technology that does not befit the dignity of the children of this Commonwealth,” said Michael Churchill. “It seems like the only people who can’t see that are in the legislature.”

“In the coming months, we’re going to prove two things that are clear to everyone in the Commonwealth: education is an important right, and the failure to adequately and equitably fund education is harming our students,” said Maura McInerney, legal director of the Education Law Center-PA.

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 of Pennsylvania’s legislature to adequately and equitably fund public education and provide students with the resources they need to succeed academically. 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 of Pennsylvania. In the fall of 2017, in a landmark ruling, the Pennsylvania Supreme Court determined there are judicially manageable standards for courts to review school funding issues. The state’s highest court remanded the case to Commonwealth Court for a full trial.

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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.pubintlaw.org or follow on Twitter @PubIntLawCtr.