

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

No. 587 MD 2014

**PETITIONERS' OPPOSITION TO  
RESPONDENT SCARNATI'S MOOTNESS APPLICATION**

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## INTRODUCTION

Petitioners—parents, school districts, and two statewide organizations—filed this lawsuit over three years ago alleging that the General Assembly had violated its constitutional obligations by adopting an inadequate and inequitable school funding scheme that deprives children of the basic resources they need and the quality education they are guaranteed under the Pennsylvania Constitution.

In the intervening years, the situation has only grown worse. State funding available for classroom costs has *declined* since 2014, and the Petitioner school districts still lack sufficient funding to hire desperately needed teachers and support staff, repair crumbling facilities, or provide critical educational programming. The vast funding gaps between low- and high-wealth school districts also remain, and in many cases have widened. Despite taxing their residents at increasingly higher rates than wealthy districts, low-wealth districts still cannot close those gaps or provide their students with an equal opportunity to obtain an adequate education.

Nevertheless, Respondents contend that Petitioners' constitutional claims should be dismissed as moot in light of Act 35, which adopted a new formula for distributing a very modest portion of state education funds. But while such an argument might have merit if Act 35 had actually remedied Respondents' ongoing constitutional violations and solved the funding problems identified in the Petition, Act 35 did no such thing. Indeed, contrary to Respondents' repeated assertions,

Act 35 did not “replace” or “supplant” the school funding scheme. It enshrined the existing scheme’s inadequacy and inequity in perpetuity.

Certainly, Act 35 did not resolve Petitioners’ Education Clause claim—which is based on the overall *inadequacy* of state education funding—because it did not increase statewide education funding *by even a single dollar* or do anything else to address the severe resource deficiencies described in the Petition. As the accompanying affidavits demonstrate, Petitioner school districts and the districts attended by the individual Petitioners still cannot afford the basic resources necessary to educate their students, including a sufficient number of qualified teachers, administrators, and support staff, up-to-date textbooks, remedial programs, technology, and equipment. These deficiencies are reflected in their students’ poor performance on state assessments, failure to master foundational skills, and poor preparation for post-secondary education—which have shown no meaningful improvement since the Petition was filed and Act 35 was enacted. In short, the situation in Pennsylvania schools is no better today than the day the Petition was filed.

Nor did Act 35 resolve Petitioners’ equal protection claim. While Act 35 adopted a formula for distributing any *additional* Basic Education Funding, Act 35 expressly locked in, rather than retreated from, the inequitable 2013-14 funding distribution challenged in the Petition. Indeed, Act 35’s formula currently applies

to *less than 1.4%* of overall education funding in the Commonwealth, and the massive funding gaps between low- and high-wealth school districts have only *increased* in magnitude since the Petition was filed. In other words, the rampant inequality underlying Petitioners' equal protection claim has not been ameliorated by Act 35, and there is no basis to dismiss that claim as moot.

### **PROCEDURAL HISTORY**

In November 2014, six families and six school districts (William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area, and Shenandoah Valley), as well as the Pennsylvania Association of Rural and Small Schools ("PARSS") and the National Association for the Advancement of Colored People ("NAACP") of Pennsylvania (collectively "Petitioners"), filed the Petition against Legislative and Executive Respondents. The Petition alleged that the State's school funding scheme violated Article III, § 14 of the Pennsylvania Constitution (the "Education Clause") and Article III, § 32 of the Pennsylvania Constitution (the "Equal Protection Provision").

In December 2014, Legislative and Executive Respondents filed two sets of Preliminary Objections.<sup>1</sup> On April 21, 2015, this Court held that Petitioners'

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<sup>1</sup> The "Legislative Respondents" include Speaker of the House Michael C. Turzai and President *pro tempore* of the Pennsylvania Senate Joseph B. Scarnati. The "Executive Respondents" include Governor Thomas W. Wolf, the Pennsylvania Department of Education, the Pennsylvania State Board of Education, and Secretary of Education Pedro A. Rivera.

claims were non-justiciable under the binding precedent of *Danson v. Casey*, 399 A.2d 360 (Pa. 1979), and *Marrero v. Commonwealth*, 739 A.2d 110 (Pa. 1999). See *William Penn Sch. Dist. v. Pa. Dep't of Educ. (William Penn I)*, 114 A.3d 456, 464 (Pa. Commw. Ct. 2015). Petitioners appealed, and on September 28, 2017, the Supreme Court issued a comprehensive and thoroughly reasoned decision, which overruled that precedent and held that Petitioners' claims are justiciable. See *William Penn Sch. Dist. v. Pa. Dep't of Educ. (William Penn II)*, 170 A.3d 414, 463 (Pa. 2017) (describing the "irreconcilable deficiencies in the [analytical] rigor, clarity, and consistency" of *Danson* and *Marrero* and concluding "[t]o the extent our prior cases suggest a contrary result, they must yield").

The Supreme Court also held that Petitioners had adequately stated claims under both the Education Clause and Equal Protection provisions, whether viewed as intertwined or distinct. *Id.* at 464. The Court observed that "recitations of the need for local control cannot relieve the General Assembly of its exclusive obligation under the Education Clause," *id.* at 442 n.40, and that such recitations do not preclude consideration of Petitioners' equal protection claim, which the Court found "colorable," *id.* at 464. With regard to both claims, the Court concluded that Petitioner's allegations "suggest a 'gross disparity' that, if true, might sow doubt in the mind of a fact-finder regarding the thoroughness and efficiency of the education that the districts on the short end of the funding stick

can hope to provide.” *Id.* at 443. The Supreme Court reversed this Court’s decision and remanded for further proceedings consistent with its opinion. *Id.* at 464.

Upon remand, Speaker Turzai requested leave from this Court to file supplemental briefing on Respondents’ remaining preliminary objections. (*See* Speaker Turzai’s Appl. to Permit Supp. Briefing & Arg. of Unresolved Prelim. Objs., Stay Time for Answering Pet. & Shorten to Seven Days the Time to Respond to Appl. at 1, filed on December 5, 2017.) Senator Scarnati separately asked the Court to dismiss the Petition on mootness grounds and because it allegedly failed to plead causation. (*See* Appl. in the Nature of a Mot. to Dismiss for Mootness at 1, filed on December 27, 2017; Supplemental Brief of Senator Scarnati in Support of Preliminary Objections at 8-18, filed on January 15, 2018.)

On May 7, 2018, the Court overruled Respondents’ preliminary objections based on sovereign immunity, separation of powers, and failure to plead causation. *William Penn Sch. Dist. v. Pa. Dep’t of Educ. (William Penn III)*, 2018 Pa. Commw. Unpub. LEXIS 249, at \*8-13 (May 7, 2018). The Court also overruled, without prejudice, Speaker Turzai’s preliminary objection to Petitioners’ equal protection claim, which sought to resolve the nature of the constitutional right at

issue and the corresponding level of judicial scrutiny.<sup>2</sup> *Id.* at \*13-15. The Court deferred ruling on Senator Scarnati’s mootness application, instead granting Petitioners sixty days to submit factual support and further written argument against mootness. *Id.* at \*8, 15-16.

### LEGAL STANDARD

Under Pennsylvania law, a lawsuit is moot when changes in the facts or the law “deprive the litigant of the necessary stake in the outcome,” thus eliminating any actual case or controversy. *In re Gross*, 382 A.2d 116, 119 (Pa. 1978) (quoting G. Gunther, *Constitutional Law* 1578 (9th ed. 1975)); *William Penn II*, 170 A.3d at 435 n.33 (mootness “problems arise from events occurring after the lawsuit has gotten under way—changes in the facts or in the law—which allegedly deprive the litigant of the necessary stake in the outcome”).

A party seeking dismissal on mootness grounds must establish that there is no longer a real controversy affecting the opposing party “in a concrete manner so as to provide a factual predicate for reasoned adjudication.” *City of Philadelphia v. Southeastern Pa. Transp. Auth. (SEPTA)*, 937 A.2d 1176, 1179 (Pa. Commw. Ct. 2007). Stated differently, the party seeking dismissal must establish that the determination sought “cannot have any practical effect on the existing

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<sup>2</sup> The Court granted the parties 120 days to conduct discovery, after which “[a]ny party may then file a motion for partial summary relief, [] confined to these issues.” *William Penn III*, 2018 Pa. Commw. Unpub. LEXIS 249 at \*15-16.

controversy.” *Commonwealth v. Nava*, 966 A.2d 630, 632-33 (Pa. Super. Ct. 2009) (emphasis added); *see also In re Gross*, 382 A.2d at 120-21 (case moot where “there was nothing for the lower court to enjoin”); *Chruby v. Dep’t of Corr.*, 4 A.3d 764, 768-69 (Pa. Commw. Ct. 2010) (case moot where plaintiff already received medical care he sought); *Strassburger v. Phila. Record Co.*, 6 A.2d 922, 923 (Pa. 1939) (case moot where meeting sought to be enjoined had already occurred).

Lastly, even where a lawsuit is moot as to the individual parties, there are exceptions to the mootness doctrine for issues that “are of importance to the public interest and ‘capable of repetition yet evading review.’” *William Penn II*, 170 A.3d at 435 n.34 (quoting *Commonwealth v. Cromwell Twp., Huntingdon Cty.*, 32 A.3d 639, 652 (Pa. 2011)); *see also SEPTA*, 937 A.2d at 1180-81 (applying “two recognized exceptions to the mootness doctrine, namely, that the matter involves issues of great importance to the public interest and that the conduct complained of is capable of repetition yet likely to evade review”).

## **ARGUMENT**

Senator Scarnati contends that Petitioners’ claims are moot because Act 35 “supplanted” the education funding scheme described in the Petition. (*See Scarnati*

Supp. Br. at 1.)<sup>3</sup> Senator Scarnati is factually wrong. Act 35 changed little about the funding scheme, and Petitioners’ “stake in the outcome” of this lawsuit remains as strong as ever. *In re Gross*, 382 A.2d at 119-20; *William Penn II*, 170 A.3d at 435 n.33.

**I. PETITIONERS’ EDUCATION CLAUSE CLAIM IS NOT MOOT.**

**A. Act 35 Did Not Increase Statewide Education Funding.**

Petitioners’ Education Clause claim is not based on a specific statute or regulation. Rather, it is based on allegations that Respondents are not providing sufficient funds to maintain a thorough and efficient system of public education, as required by the Education Clause. (*See, e.g.*, Pet. ¶ 304.) “Because of insufficient funding, Petitioner school districts are unable to provide students with the basic elements of an adequate education, such as appropriate class sizes, sufficient experienced and effective teachers, up-to-date books and technology, adequate course offerings, sufficient administrative staff, academic remediation, counseling and behavioral health services, and suitable facilities necessary to prepare students to meet state proficiency standards.” (Pet. ¶ 5.)

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<sup>3</sup> “Act 35” refers to the Act of June 1, 2016, P.L. 252, No. 35, §1, *codified at* 24 P.S. § 25-2502.53. Act 35 was passed during the pendency of Petitioners’ appeal and was discussed at oral argument before the Supreme Court on September 13, 2016.

Act 35 could not possibly have mooted this claim because it did not increase statewide education spending *by even one dollar*. See 24 P.S. § 25-2502.53.<sup>4</sup> Although Act 35 adopted a formula for distributing Basic Education Funding (“BEF”) based on actual student and district needs, the formula applies only to any *new* BEF, should any be appropriated. See 24 P.S. § 25-2502.53(b)(2). The formula does not apply to the \$5.5 billion in existing BEF, nor does it address the question of whether current funding levels are adequate. In fact, the Basic Education Funding Commission, which was tasked with developing Act 35’s formula, took the position that it lacked the authority to even calculate an “adequate level of basic education funding.” (Pet. ¶ 150); *see also* Basic Educ. Funding Comm’n, Rep. and Recommendations at 6 (June 2015) (“Act 51 placed . . . limitations on the work of the Commission. . . . The General Assembly, through the annual appropriate process, shall determine the level of state funding for basic education.”). It is therefore no surprise that the Commission’s formula did nothing to increase statewide education funding levels or “ensure that children in the Commonwealth will receive an adequate education.” (Pet ¶ 150.)

Act 35 also did nothing to ensure that school districts receive funding sufficient to meet their *actual needs*. Instead, Act 35 continues to allocate the vast

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<sup>4</sup> The only funding increase in Act 35 was a \$15 million appropriation to *two* of the Commonwealth’s 500 school districts. See 24 P.S. § 25-2502.54

majority of education funding in an arbitrary manner based on what school districts happened to receive during the 2013-14 school year, without regard to whether those funding levels are sufficient to provide their students with basic educational resources and services. *See* 24 P.S. § 25-2502.53(b)(1) (“For the 2015-2016 school year and each school year thereafter, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of . . . [a]n amount equal to the school district’s basic education funding allocation *for the 2013-2014 school year.*” (emphasis added)). In other words, Act 35 did not “supplant” the prior funding scheme, it locked in the stark inadequacies that already existed when the Petition was filed. (*See* Declaration of Mark Andrew Price (“Price Decl.”) ¶¶ 8, 18-23.)

Intervening legislation like Act 35 cannot render a claim moot if it does not actually address the underlying problem—here, Respondents’ failure to adequately fund public education. Indeed, in those cases where courts have found claims mooted by intervening legislation, the legislation at issue *completely* resolved the underlying issue. *See, e.g., Conti v. Dep’t of Labor and Indus.*, 175 A.2d 56, 57 (Pa. 1961) (claim based on Minimum Wage Law of 1937 was mooted by passage of the Minimum Wage Act of 1961); *Stilp v. Commonwealth*, 905 A.2d 918, 951 (Pa. 2006) (citing *Commonwealth v. Jubelirer*, 614 A.2d 204, 211-12 (Pa. 1992),

for proposition that “where challenged statute is later repealed, judicial consideration of its constitutionality is moot”).

In *In re Gross*, for example, a former patient challenged the Mental Health Act as unconstitutional because it “confer[red] unfettered discretion upon the directors of mental health facilities as to treatment and, therefore violate[d] appellant’s alleged . . . right to refuse treatment.” 382 A.2d at 121. The Supreme Court held that this claim was rendered moot by passage of the Mental Health Procedures Act, which significantly restricted whatever discretion previously existed. *Id.* The Court no longer needed to decide whether the original law conferred unbridled discretion because any discretion previously conferred had been significantly restricted. *Id.*

Here, by contrast, Act 35 has not in any way addressed the inadequacy of Pennsylvania’s school funding scheme. It did not add any additional statewide funding, and children throughout the Commonwealth continue to be deprived of their constitutional right to a thorough and efficient system of public education.

**B. School Districts Still Lack the Resources Necessary to Provide a Thorough and Efficient Education.**

As this Court noted in overruling Respondents’ preliminary objections for failure to allege causation, “[t]he Supreme Court . . . was clearly able to discern . . . the alleged causal link between the alleged constitutional defects to the ‘current funding scheme’ and the harm averred by Petitioners.” *William Penn III*, 2018 Pa.

Commw. Unpub. LEXIS 249, at \*9. Neither Act 35 nor any legislation enacted since has remedied this harm. To the contrary, the severe lack of basic resources and poor student outcomes described in the Petition have continued unabated. (Pet. ¶¶ 153-261.) In fact, matters have only grown worse.

In the four years since the Petition was filed for which data is available (2013-14 to 2016-17), school districts have seen their annual unreimbursed pension expenses (over which they have no control) rise by \$867.6 million. (Price Decl. ¶ 19.) During the same period, the State has increased annual BEF appropriations by only \$501.1 million, Ready to Learn Block Grants by only \$145.4 million, and Special Education funding by only \$65.8 million. (*Id.* ¶ 20.) This means that the total amount of state funding available to school districts for classroom costs has effectively *decreased* by \$155.3 million since 2013—despite the passage of Act 35. (*Id.*)<sup>5</sup>

The results are unsurprising. Petitioner School Districts have seen their already meager resources shrink further, notwithstanding that their property tax burdens have almost universally increased. (*See, e.g.*, Harbert Aff. ¶ 10 (testifying that a “lack of funding forced” additional cuts in the last two years); Kergick Aff.

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<sup>5</sup> The State has not collected full expenditure and revenue data for 2017-18, but the amount of real funding for classroom costs is expected to again decline, with the total increase in Basic Education Funding—\$100 million—not even matching the 2.5% state-certified educational index inflation rate. (Price Decl. ¶ 21.)

¶ 10 (“Regardless of the method of distribution, the reality has only grown worse . . . over the last two years, not better.”); Costello Dec. ¶ 9 (“[A] lack of funding has forced us to cut even more.”); *compare* Pet. ¶¶ 273-78 (setting forth Districts’ equalized millage rates for 2012-13) *with* Harbert Aff. ¶ 19; Kergick Aff. ¶ 3; Rau Aff. ¶ 3; Costello Dec. ¶ 22; Waite Dec. ¶ 13.)

Some specific examples of how conditions in underfunded schools have worsened are reflected in Petitioners’ Affidavits:

- William Penn has been unable to restore the fifty-seven teaching positions, seventeen administrative and support staff positions, and counseling and paraprofessional positions (including reading specialists) that were eliminated in response to the 2011 state budget cuts. (*See* Harbert Aff. ¶¶ 4-6.) Since then, William Penn has had to further eliminate a principal and two vice principals, leaving only one principal overseeing two elementary schools, and reduced its librarian staff, leaving the middle and high schools without a full-time librarian. (*Id.* ¶¶ 11-12.)
- Shenandoah had already “cut any fat in [its] district budget” and for years has “been cutting through bone.” (Waite Dec. ¶ 14.) It still cannot afford to provide transportation to and from school for all students, and as a result, students as young as four must walk,

including on roads without sidewalks. (*Id.* ¶ 6.) Teaching, staff, and librarian positions furloughed in 2012-13 have not been reinstated, and additional positions have since been furloughed—including a science teacher, which eliminated science for 7th and 8th graders. (*Id.* ¶¶ 4-5, 9.)

- Panther Valley has been unable to restore reductions made during the 2010-11 school year of its elementary, middle, and high school teachers and librarians (currently there are no librarians in the district). (Kergick Aff. ¶¶ 5-6.) Nor has it been able to hire much-needed assistant principals and other administrative staff. (*Id.* ¶¶ 11-12.) Panther Valley Intermediate School is also down to one reading specialist for 450 students. (*Id.* ¶ 15.)
- Lancaster has been unable to restore 100 teacher and administrative positions, as well as 15 librarians, that were eliminated after the 2011 budget cuts. (Rau Aff. ¶¶ 6, 8.) Additionally, Lancaster cannot adequately provide services to its growing population of refugees and English language learners, approximately 300 of whom moved to the district within three months of Hurricane Maria and many of whom need trauma-related support services. (*Id.* ¶¶ 13-15, 23 (testifying that

the ratio of social and emotional professionals to students is as much as 600 to 1).)

- Greater Johnstown had to close its middle school because it cannot afford the extensive repairs required. (Arcurio Aff. ¶ 6.) Last year alone it cut five teaching positions, bringing the total eliminated since the 2010-11 school year to 50 teachers, despite the student population remaining steady. (*Id.* ¶¶ 7-8.) Greater Johnstown has also had to eliminate its vocational electrical program. (*Id.* ¶ 11; Pet. ¶ 214.) Greater Johnstown also cannot afford to provide the intensive intervention and trauma therapies it knows would benefit its students, many of whom come from exceptional poverty and are affected by the continuing opioid crisis. (Arcurio Aff. ¶¶ 3, 15.)
- Wilkes-Barre furloughed 37 teachers and 22 secretaries and paraprofessionals for the 2016-17 school year, bringing its total teacher reduction to almost sixty (roughly 10%) since 2011-12 and forcing the district to reduce classes from 55 to 45 minutes. (Costello Dec. ¶¶ 10, 13.) It has also eliminated librarians district-wide. (*Id.* ¶ 14.) And funding for its dual-enrollment program, which allows students to start working toward a college degree while in high school,

has not been restored, meaning economically disadvantaged students still cannot afford to participate. (*Id.* ¶ 7.)

The parent Petitioners have witnessed firsthand the effects of this underfunding. They have watched their children suffer in overcrowded classrooms (Miller Aff. ¶ 13; Armstrong Aff. ¶ 6), in schools without sufficient support staff, including guidance counselors (Hughes Aff. ¶ 7; Miller Aff. ¶ 9, 18; Armstrong Aff. ¶ 10), nurses (Miller Aff. ¶ 14), and librarians (Hughes Aff. ¶ 10; Miller Aff. ¶ 17; Armstrong Aff. ¶ 7, 10). Their children's schools have eliminated remedial programs and reduced course offerings. (Miller Aff. ¶¶ 7, 8, 10, 12, 15; Armstrong Aff. ¶¶ 7, 11-12; Hughes Aff. ¶¶ 6, 8, 13, 15.) And there are not enough textbooks for their children to bring home to do their homework. (Hughes Aff. ¶ 5; Miller Aff. ¶ 6; Armstrong Aff. ¶¶ 6, 8, 14.)<sup>6</sup>

Unsurprisingly, these extreme resource deprivations have prevented the Petitioner School Districts from improving student performance. State assessment scores for students in each of the Petitioner Districts and Attended Districts

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<sup>6</sup> School district superintendents echo these concerns, reporting that their class sizes remain far too high (Harbert Aff. ¶ 13; Rau Aff. ¶ 7; Arcurio Aff. ¶ 8; Costello Dec. ¶ 11), and that they continue to have too few textbooks for their students (Harbert Aff. ¶¶ 16-17 (testifying that some classes use textbooks from the 1990s); Kergick Aff. ¶ 18; Arcurio Aff. ¶ 13; Costello Dec. ¶¶ 19-20; Waite Dec. ¶ 11). They also have not been able to restore, or have further reduced, vitally important remedial and extracurricular programming. (Harbert Aff. ¶ 8; Kergick Aff. ¶¶ 7-8, 14; Rau Aff. ¶¶ 9-10, 20-21; Arcurio Aff. ¶ 9; Costello Dec. ¶¶ 6, 12, 16; Waite Dec. ¶ 5.)

continue to be unsatisfactory, and have changed little since the Petition was filed.

For the 2016-17 Keystone exams, this means:

- 66% of students in William Penn scored below proficient in Algebra I, 53.3% in Literature, and 71.5% in Biology;
- 57% of students in Panther Valley scored below proficient in Algebra I, 45.1% in Literature, and 56.3% in Biology;
- 60.6% of students in Lancaster scored below proficient in Algebra I, 47.8% in Literature, and 66.1% in Biology;
- 66.1% of students in Greater Johnstown scored below proficient in Algebra I, 48.1% in Literature, and 77.8% in Biology;
- 61% of students in Wilkes-Barre scored below proficient in Algebra I, 44% in Literature, and 77% in Biology;
- 55.3% of students in Shenandoah scored below proficient in Algebra I, 56% in Literature, and 54.7% in Biology; and
- 66.3% of students in Philadelphia scored below proficient in Algebra I, 56.4% in Literature, and 68.2% in Biology.

(Price Decl. ¶ 41.)

These poor student outcomes, as well as the overwhelming evidence of ongoing resource, staff, and curriculum deficiencies, lay bare the hollowness of Respondents' mootness argument. Act 35 failed to increase statewide education

funding, failed to provide Petitioners and other school districts with the basic resources they need to provide a thorough and efficient education, and, predictably, failed to meaningfully improve student performance by any measure. Petitioners will continue to maintain a vital “stake” in the outcome of this lawsuit so long as Respondents continue to violate their constitutional duty, *see In re Gross*, 382 A.2d at 119-20, and their Education Clause claim remains just as relevant today as the day the Petition was filed.

## **II. PETITIONERS’ EQUAL PROTECTION CLAIM IS NOT MOOT.**

### **A. Act 35’s Allocation Formula Applies to Only a Small Fraction of Education Funding.**

Like their Education Clause claim, Petitioners’ equal protection claim is not based on a single statute or regulation. Rather, it is based on the General Assembly’s adoption of an irrational and inequitable school funding scheme that creates vast funding disparities between high-wealth and low-wealth districts (*see, e.g.,* Pet. ¶ 310), such that low-wealth districts have “radically less to spend on their students than other districts.” *William Penn II*, 170 A.3d at 459. This scheme “turns the caliber of public education into an accident of geography: Children in property- and income-poor districts are denied the opportunity to receive even an adequate education, while their peers in property- and income-rich districts enjoy a high-quality education.” (*Pet.* ¶ 8.)

Act 35 did not eliminate or reduce these vast funding disparities. To the contrary, as discussed above, Act 35 actually *locked in* the “base” BEF distribution from the 2013-14 school year—the fiscal year before Petitioners filed their Petition—and provided a formula only for distributing any *additional* BEF funds that the General Assembly might appropriate. *See* 24 P.S. § 25-2502.53(b)(1) (“For the 2015-2016 school year and each school year thereafter, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of . . . [a]n amount equal to the school district’s basic education funding allocation *for the 2013-2014 school year.*” (emphasis added)).

As a result, Act 35’s distribution formula currently applies only to increases in BEF appropriations since 2013-14, which total approximately \$538 million through 2018-19.<sup>7</sup> (Price Decl. ¶ 25.) That represents approximately 7.6% of total BEF appropriations and *less than 1.5%* of the State’s overall education spending. (*Id.*) If Act 35’s formula were applied to all state BEF funds, including the “base” BEF appropriations of \$5.542 billion, approximately \$1.2 Billion—or almost 20 percent—would be redistributed among districts. (*Id.* ¶ 26.) But because the

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<sup>7</sup> Act 35 also did not end the General Assembly’s practice of making arbitrary and irrational appropriations to politically favored districts, a practice complained about in the Petition. (Pet. ¶ 293.) For example, at least \$29 million in new, recurring appropriations have been added to the base BEF of three favored districts, without going through the formula. (Price Decl. ¶ 45 (describing \$14 million appropriation to Erie); 24 P.S. § 25-2502.54 (appropriating \$15 million to two politically favored districts).)

BEF “base” is fixed in perpetuity and excluded from the formula, many low-wealth districts will continue to get less than the General Assembly’s own formula holds they are entitled to.

In fact, even redistributing all state education funding according to Act 35’s formula—a process that would effectively redistribute resources from the hungry to the starving—would not resolve the State’s equal protection violations. That is because Act 35 did not address the core problem underlying the vast funding disparities between low- and high-wealth districts: low state funding that results in an overreliance on local property taxes. The State’s contribution to education funding (37% of total funding, with the remainder coming from local and federal sources) remains one of the lowest in the nation, ranking 47th overall.<sup>8</sup> As a result, low-wealth districts continue to pay higher taxes while having radically less to spend on the State’s neediest students.

**B. The Vast Disparities in Education Funding Between Low- and High-Wealth School Districts Have Only Grown Worse.**

Since the Petition was filed, the gap in resources available to high- and low-wealth school districts has only *grown*—despite the passage of Act 35. In 2012-13, a typical wealthy district (defined as the median of the 100 wealthiest in the Commonwealth) in Pennsylvania had \$3,058 more funding per child than a typical

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<sup>8</sup> U.S. Census, Pub. Edu. Finances: 2015, Table 5 (June 2017), *available at* <https://www.census.gov/content/dam/Census/library/publications/2017/econ/g15-aspef.pdf>.

poor district (defined as the median of the 100 poorest in the Commonwealth). (Price Decl. ¶ 30.) By 2016-17, that same gap had grown to \$3,778. (*Id.*)

Act 35's funding formula also makes clear that the disparities between districts are even greater than they appear. The formula calculates relative student need by adjusting a school district's population for certain "weights," including the number of children in poverty, the number of English language learners, and the district's sparsity. (*Id.* ¶ 31.) Those weights are totaled for each district into a "weighted" student count, which is used to calculate differing levels of need among students and the districts that educate them. (*Id.*)

As of 2016-17, the range of district spending per weighted student (excluding expenditures on construction and other financing uses) ranged from \$6,994 per weighted student in Reading to \$26,503 per weighted student in Lower Merion. (*Id.* ¶ 33.) In other words, when accounting for the actual needs of students, the formula reveals that *the wealthiest school district in Pennsylvania spends almost four times as much as the poorest.*

This pattern holds true for the Petitioner districts. Each spends substantially less per weighted student than districts in high-wealth areas, despite taxing their residents at significantly higher rates:

<b>School District</b>	<b>2016-17 Spending per Weighted Student</b>	<b>2016-17 Tax Burden (Equalized Mills)<sup>9</sup></b>
Panther Valley SD	\$9,626	29.5
William Penn SD	\$13,242	33.9
Lancaster SD	\$10,637	24.5
Wilkes-Barre Area SD	\$9,742	22
Philadelphia City SD	\$9,062	20.9
Shenandoah Valley SD	\$8,342	29.7
Greater Johnstown SD	\$9,439	19.6
<b>State Median</b>	<b>\$12,264</b>	<b>18.2</b>
<b>Median of 100 wealthiest Districts</b>	<b>\$15,748</b>	<b>17.7</b>

(*Id.* ¶ 34.)

As these statistics demonstrate, Act 35 has not addressed the vast inequality in Pennsylvania’s school funding scheme and children continue to be deprived of an equal opportunity to obtain an adequate education. Petitioners thus clearly retain a “stake” in having this court resolve their equal protection claim. *In re Gross*, 382 A.2d at 119-20.

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<sup>9</sup> Equalized mills refers to standardized tax rate calculated by dividing a school district’s total taxes collected by the total market value of its property, as certified by the Pennsylvania State Tax Equalization Board. Given that a district’s levied millage rate may or may not be applied to actual market values, equalized mills are used to provide realistic comparisons of actual (*i.e.*, market-value) tax rates across district lines.

### **III. EDUCATION FUNDING IS AN ISSUE OF GREAT PUBLIC IMPORTANCE THAT IS CAPABLE OF REPETITION YET EVADING REVIEW.**

Even if Act 35 mooted Petitioners' individual claims (and it did not), the Court should deny Respondents' Application. Under Pennsylvania law, there are three exceptions to the mootness doctrine: (i) the conduct is capable of repetition but likely to evade review; (ii) the case involves issues that are important to the public; and (iii) a party will suffer harm without a decision from the court. *See* Pa. R.A.P. 1972; *Reichley by Wall v. North Penn Sch. Dist.*, 626 A.2d 123, 125-26 (Pa. 1993) (applying public interest/capable of repetition yet evading review exceptions to mootness doctrine); *Flynn-Scarcella v. Pocono Mountain Sch. Dist.*, 745 A.2d 117, 119 (Pa. Commw. Ct. 2000) (same).

Here, the Supreme Court has already found that Petitioners have a “compelling argument” that the Petition raises issues “of importance to the public interest” that are “capable of repetition yet evading review.” *William Penn Sch. Dist.*, 170 A.3d at 435 n.34. The Court further observed that “[a]t the inception of any action such as the one presented—the public importance of which cannot be disputed—there inheres a risk that the General Assembly will move the goalposts by enacting new legislation.” *Id.* That observation is particularly apt with regard to Act 35, which made modest changes to the funding scheme but clearly failed to resolve *any* of the core issues underlying the Petition, including the inadequacy of

statewide education funding or the vast funding disparities between rich and poor districts.

There can be no question that the issue of public education funding is of great public interest. The Supreme Court observed that the importance of public education “cannot be disputed,” *id.*, and Pennsylvania courts have previously described it as “one of the bulwarks of democratic government.” *Teachers’ Tenure Act Cases*, 197 A. 344, 352 (Pa. 1938); *see also Commonwealth v. Bey*, 70 A.2d 693, 695 (Pa. Super. Ct. 1950) (“It is to be remembered that the public has a paramount interest in the virtue and knowledge of its members . . . .”) (quoting *Ex Parte Crouse*, 4 Wharton 9, 11 (Pa. 1839)).

Petitioners’ claims are also quintessentially capable of repetition yet evading review. Respondents are effectively asking the Court to declare Petitioners’ claims moot with the passage of *any* appropriations bill that makes even the *slightest* change to the education funding scheme, no matter how minimal the impact on funding levels or disparities and how significant the evidence of continuing harm.<sup>10</sup> If that argument were accepted, Petitioners’ claims would be mooted with every

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<sup>10</sup> Notably, this is not a case like those Senator Scarnati cites, where an intervening fundamental change in the facts or law made it *impossible* for the court to act. *See In re Gross*, 382 A.2d at 120-21 (“In short, there was nothing for the lower court to enjoin, nor can this Court now order the injunctive relief sought below.”); *Commonwealth v. Packer Twp.*, 60 A.3d 189, 193 (Pa. Commw. Ct. 2012) (“[B]ecause the Ordinance [*sic*] is no longer in effect, there is no need to assess its validity.”).

annual appropriations bill (if not more often) and Respondents could avoid their constitutional obligations in perpetuity.

There is simply no reason to exacerbate the ongoing harm experienced by Pennsylvania schoolchildren—all of which is caused by Respondents’ ongoing constitutional violations—by further delaying these proceedings every time there is a minor change in yearly appropriations.

### **CONCLUSION**

Pennsylvania children living in low-wealth school districts continue to attend crumbling schools with woefully outdated textbooks and technology and limited access to basic resources like nurses, librarians, and middle school science teachers. These children and their school districts continue to have a stake in the outcome of this lawsuit, which aims to remedy those problems and the State’s ongoing constitutional violations. Accordingly, the Court should deny Senator Scarnati’s mootness application and permit this case to move swiftly toward trial.

Dated: July 6, 2018

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## **CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that this Combined Response in Opposition to Respondents' Supplemental Briefs complies with the word count limitation of Pa. R.A.P. 2135 because it contains 5,583 words, exclusive of the exemption portions pursuant to section of this Rule. The 2016 Microsoft Word program that produced the brief provided this word count.

Dated: July 6, 2018

By: /s/ Brad Elias

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**DECLARATION OF MARK ANDREW PRICE**

I, **MARK ANDREW PRICE**, under penalty of perjury, hereby declare as follows:

1. I am an economist by training. In 2005, I received my Ph.D in economics from the University of Utah.

2. Since 2003, I have been employed as a labor economist by the Keystone Research Center, in Harrisburg, Pennsylvania.

3. During my time at the Keystone Research Center I have authored reports and briefing papers on Pennsylvania school funding, Pennsylvania tax policy, Pennsylvania labor markets and pensions, and Pennsylvania wealth and income disparities.

4. My research on Pennsylvania school funding has included publishing briefing papers which examine wealth and funding disparities across school districts, and how legislative proposals would impact these disparities.

5. In the course of my work, I review and analyze Pennsylvania budget and educational data, including data compiled and made available by the Pennsylvania Department of Education. This includes the publicly available, annually updated datasets which are the sole basis for the facts set out in this declaration.

6. My curriculum vitae, attached to this declaration, and which has a full list of my work, is accurate to the best of my knowledge and belief.

7. The most recent comprehensive statewide data available on school district demographics and finances is from the 2016-17 school year. Neither the demographics of Petitioners' students, nor the local tax base available to Petitioners' schools, have meaningfully changed since the 2012-13 school year referenced in the Petition filed in this matter.

8. In the years since this matter was filed, the appropriation and distribution of state funds has not significantly changed the disparities between high-wealth and low-wealth districts in the Commonwealth, nor altered the overall levels of funding identified in the Petition. Indeed, the disparities are more pronounced now than when the Petition was filed.

9. Pennsylvania continues to fund its schools through a combination of state appropriations and locally raised funds. In the 2016-17 school year, state and local funds together accounted for more than 91% of school district revenues. Federal funding (3%) and "other" funds (6%) accounted for remaining district revenues.<sup>1</sup> This is similar to the funding allocations in prior years.

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<sup>1</sup> Pa. Dep't. of Educ., *2003-04 to 2016-17 Summary Level State Revenue Annual Financial Report* (2017), [Microsoft Excel spreadsheet, Tab: 2016-17 Revenue by Source, Cell: I752, K752, M752, & O752], available at: [www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Summary-Level.aspx#.VZvrX2XD-Uk](http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Summary-Level.aspx#.VZvrX2XD-Uk).

10. The Basic Education Funding (BEF) appropriation is the single largest state appropriation to districts. In 2016-17, BEF accounted for \$5.9 billion of the Commonwealth's \$11.3 billion in total state funding.<sup>2</sup>

### **Adoption of Act 35's "Fair" Funding Formula**

11. By Act 51 of 2014, the Commonwealth of Pennsylvania established a Basic Education Funding Commission ("the Commission") to "review and make recommendations related to basic education funding." 24 P.S. §1-123(b).

12. The Commission did not assess the adequacy of funding levels or attempt to determine the actual amount of funding necessary to implement the Commonwealth's prescribed education program. That is, the "Commission's charge [was] not to set a so-called adequacy level of funding."<sup>3</sup>

13. Accordingly, the Commission proposed a relative distribution formula only, examining how to divide whatever amount the Legislature might decide to appropriate for any particular year.

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<sup>2</sup> Pa. Dep't. of Educ., *2003-04 to 2016-17 Detailed State Revenue Annual Financial Report* (2017), [Microsoft Excel spreadsheet, Tab: 2016-17, Cell: E752 & F752], available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Detailed-.aspx#.VZwC6mXD-Uk>

<sup>3</sup> Statement of Rep. Donna Oberlander (Aug. 2, 2014), available at: <http://basiceducationfundingcommission.pasenategop.com/videoaudio>; *see also* Basic Education Funding Commission, Report and Recommendations at 6 (June 2015) (hereinafter BEFC Report and Recommendations) ("Act 51 placed . . . limitations on the work of the Commission. . . . The General Assembly, through the annual appropriate process, shall determine the level of state funding for basic education").

14. The Commission held 15 hearings, heard 112 witnesses, reviewed existing research and conducted its own survey into factors which should be included in a distribution formula. Basic Educ. Funding Comm'n, *Report and Recommendations*, at 7-9 and 16 (June 18, 2015), available: [http://www.pahouse.com/Files/Documents/Appropriations/series/2879/ED\\_BEFC\\_Final\\_Report\\_061815.pdf](http://www.pahouse.com/Files/Documents/Appropriations/series/2879/ED_BEFC_Final_Report_061815.pdf). The Commission heard considerable evidence that students come to schools with differing educational needs, which require differing resources and differing costs. *Id.* at 29-32 and 45-52.

15. The Commission recommended adoption of a new formula with the “main objective . . . to equitably distribute state resources according to various student and school district factors.” *Id.* at 4. The Commission described its recommendation as a “Fair Funding Formula.” *Id.* at 66.

16. The Commission recommended that each student in a district (using the average of the most recent 3-year Annual Daily Membership student count) be given a weight of one, and that specific additional weights be given for: each student in poverty (based on 5-year community poverty census data), each student who is an English Language Learner, students in schools with high levels or concentrations of poverty, and for each student in a charter school. The total of these adjustments provides a “weighted student” count for each district, ostensibly identifying relative student need. The Commission’s proposed formula also took

into account each district's sparsity (to account for costs incurred by rural schools), its capacity to provide funds, and its current tax effort. *Id.* at 66-67. The Commission approved the Report and Recommendations without dissent.

17. Through Act 35 adopted in 2016, the Commonwealth amended the Pennsylvania School Code and enacted the school funding formula proposed by the Commission. 24 P.S. §25-2502.53.

### **Impact of Act 35: No Change in Adequacy**

18. Act 35 did not increase education funding (with the exception of \$15 million targeted to two of the 500 districts), nor did it purport to identify the total amount of funding needed for public schools.<sup>4</sup> That is, Act 35 did nothing to ensure that overall education funding levels in Pennsylvania are sufficient. The Act does not require the legislature to determine how much funding is actually needed nor appropriate any level of funds.

19. In fact, state education funding for classroom costs actually declined since the Petition was filed. For example, for the years 2013-14 through 2016-17, school district expenditures on state-mandated retirement benefits grew by \$2.043 billion. School districts have no control over these costs.<sup>5</sup> Meanwhile, the state

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<sup>4</sup> Act of June 1, 2016, P.L. 252, No. 35 (providing the formula without any appropriation in section 1, and appropriating \$15 million and adds it to the BEF base described below in section 2).

<sup>5</sup> Pa. Dep't. of Educ., *1997-98 to 2016-17 Detailed Object-Level Expenditures Annual Financial Report* (2017), [Microsoft Excel spreadsheet, *compare* Tab: 2016-17, Cell: H772 with Tab:

share of retirement contributions increased by only \$1.176 billion. In other words, from 2012-13 to 2016-17, school districts had to cover an additional \$867.6 million in annual costs.<sup>6</sup>

20. This \$867.6 million growth in unreimbursed pension benefits exceeds by \$ 155.3 million the \$501.1 million increase in BEF payments, \$145.4 million increase in Ready to Learn Block Grants (formerly Pa Accountability Grants), and \$65.8 million increase in Special Education Funding during this period.<sup>7</sup> In other words, since the Petition was filed, the total amount of state funding available to school districts for classroom costs has effectively *decreased* by \$155 million.<sup>8</sup>

21. While the state has not collected full expenditure and revenue data for 2017-18, state appropriations available for classroom costs (BEF, Ready to

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2012-13, Cell: H772], available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Detailed-.aspx#.VZwC6mXD-Uk>.

<sup>6</sup> 2003-04 to 2016-17 Detailed State Revenue Annual Financial Report (2017), n.2, *supra* [Microsoft Excel spreadsheet, *compare* Tab: 2016-17, Cell: AL752 with Tab: 2012-13, Cell: AI752].

<sup>7</sup> *Id.*, *compare* Tab: 2016-17, Cell: F752 with Tab: 2012-13, Cell: F752 (showing the BEF increase); *compare* Tab: 2016-17, Cell: AF752 with Tab: 2012-13, Cell: AB752 (showing the Ready to Learn Block Grant increase); *compare* Tab: 2016-17, Cell: O752 with Tab: 2012-13, Cell: P752 (showing the Special Education Funding increase).

<sup>8</sup> This \$155 million pension funding gap, along with inflation increases, had to be paid by the districts from increased local taxes, district reserve funds to the extent available, or by further reducing classroom and support expenditures.

Learn Grants and Special Education Funding) grew at just 1.7% in 2017-18, lagging behind the 2.5% growth in the state certified index of educational inflation.<sup>9</sup>

22. The budget enacted June 25, 2018 included increases of \$100 million for BEF, \$18 million for Ready to Learn Block Grants, and \$15 million for Special Education. This was an increase of 1.8% for these items, compared to the education inflation base index for 2018-19 of 2.4%<sup>10</sup>

23. Accordingly, since the passage of Act 35, Pennsylvania school districts, including the Petitioner districts in this case, have seen money flow out of their classrooms, not into them, unless they had additional local resources to make up for the shortfall.

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<sup>9</sup>Compare Pa. Office of the Budget, *General Fund Tracking—2017-18 Line Item Appropriation* (2018), available at: [www.budget.pa.gov/PublicationsAndReports/CommonwealthBudget/Documents/2017-18%20Enacted%20Budget/2017-18%20Line%20Item%20Appropriation.pdf](http://www.budget.pa.gov/PublicationsAndReports/CommonwealthBudget/Documents/2017-18%20Enacted%20Budget/2017-18%20Line%20Item%20Appropriation.pdf) with Pa. Dep't. of Educ., *Special Session Act I—Base Index History* (2017), available at: <http://www.education.pa.gov/Documents/Teachers-Administrators/Property%20Tax%20Relief/SSAct1%20BaseIndexHistory%200607-1819.pdf> (showing that if Basic Education Funding from 2016-17 grown at the rate of inflation (2.5%) from a base of \$5.894 billion, BEF funding in 2017-18 would have grown by \$147 million).

<sup>10</sup> See Pa. Office of the Budget, *General Fund Tracking—2018-19 Enacted* (2018), available at: <http://www.budget.pa.gov/PublicationsAndReports/CommonwealthBudget/Documents/2018-19%20Enacted%20Budget/2018-19%20Web%20Track%20-%20ENACTED.pdf> (showing enacted increases). See also Pa. Dep't. of Educ., *Special Session Act I—Base Index History* (2017), n.9, *supra* (showing education inflation rate).

## **Impact of Act 35: Existing Inequities Not Fixed**

24. Although Act 35 adopted the Commission’s formula, the Legislature explicitly directed that the formula would not alter the way the state appropriated most of its BEF, locking in the BEF distribution of 2013-14 as a continuing “base” appropriation. *See* 24 P.S. § 25-2502.53(b)(1) (“For the 2015-2016 school year and each school year thereafter, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of . . . [a]n amount equal to the school district’s basic education funding allocation for the 2013-2014 school year.”). This carryover of the base year appropriation, called the “hold harmless” provision, prevents any adjustment for school districts’ changes in demographic conditions.<sup>11</sup>

25. As a result, Act 35’s formula applies only to those BEF appropriations since 2013-14, totaling \$538 million through 2018-19. That amount is approximately 7.6% of the Commonwealth’s basic education appropriations, and

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<sup>11</sup> The base appropriation has actually increased from \$5.523 in 2013-14 to a proposed \$5.556 in 2018-19 primarily because of selective decisions to add to the base for certain favored districts. *See* 24 PS 1-2502.54 and 72 P.S. §1722(c), Act 2017-44 (H.B. 674), § 14.1, approved October 30, 2017. *See 2003-04 to 2016-17 Detailed State Revenue Annual Financial Report* (2017), n.2, *supra* [Microsoft Excel spreadsheet, Tab: 2013-14, Cell: F753] (showing BEF allocation for 2013). *See also* Pa. Dep’t. of Educ., *2018-19 Enacted Basic Education Funding* (2018), [Microsoft Excel spreadsheet, Tab: BEF 2018-19 Estimated June 1, Cell: E503] available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Education%20Budget/Pages/default.aspx> (showing estimated base for 2018-19).

constitutes less than 1.5% of overall district revenues in 2016-17, the last year for which state figures are available.<sup>12</sup>

26. If the funding formula enacted by the General Assembly to “equitably distribute state resources” was applied to the “base” BEF appropriations of \$5.542 Billion, approximately \$1.2 Billion, or 19.4 percent, would be redistributed to districts which are receiving less funding than the formula holds they should.

27. Petitioner districts (including Philadelphia which is attended by student petitioners) would be entitled to the following *additional* amounts if the formula were applied to the 2018-19 base BEF:

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<sup>12</sup> See Pa. Dep’t. of Educ., *2017-18 Final Basic Education Funding* (2017), [Microsoft Excel spreadsheet, Tab: BEF 2017018 Final, Cell: G503 & F503], available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Education%20Budget/Pages/default.aspx> (showing the BEF appropriations distributed per the formula in 2017-18 and the total BEF appropriation). See also Pa. Dep’t. of Educ., *2016-17 Summary Level State Revenue Annual Financial Report* (2016), n.1, *supra* [Microsoft Excel spreadsheet, Tab: 2016-17 Revenue by Source, Cell: E752] (showing the total revenue of the districts in 2016-17).

<b>District</b>	Additional share of 2018-2019 BEF
William Penn SD	\$2,922,447
Greater Johnstown SD	\$8,170,288
Panther Valley SD	\$3,613,704
Lancaster SD	\$36,594,334
Wilkes-Barre Area SD	\$29,316,371
Philadelphia SD	\$344,373,533
Shenandoah Valley SD	\$4,307,720

28. Because the BEF base is fixed in perpetuity, no amount of future spending under Act 35 will alter the fact that some school districts get less than the Legislature’s formula holds they are entitled to, while others get more.

**Impact of the General Assembly’s Continuing High Reliance on Local Funding: Continued and Widening Disparities**

29. The state’s failure to apply Act 35’s distribution formula to all state Basic Education Funding (along with its failure to appropriate funds sufficient to lessen the state’s reliance on local funding) means that the wide disparities in resources available to educate a student continue unabated.

30. In fact, since the petition was filed, the gap separating the resources available to high wealth and low wealth school districts has only grown. In 2012-13, a typical wealthy district (defined as the median of the 100 wealthiest in the Commonwealth) in Pennsylvania had \$3,058 more per child than a typical poor district (defined as the median of the 100 poorest in the Commonwealth.) By 2016-17, that same gap had grown to \$3,778.<sup>13</sup>

31. Act 35's funding formula also makes clear that the disparities in expenditures, revenues, and wealth between districts are even greater than they otherwise appear. As noted above, the formula calculates relative student need by adjusting a school district's population for certain "weights," including the number of children in poverty, the number of English learners, and the sparsity of a school district. Those weights are totaled for each district into a "weighted student" count, which is used to calculate differing levels of need among students and the districts that educate them.

32. An example of the increased disparities is the comparison of taxable wealth between districts. The New Hope-Solebury School District has 21 times as

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<sup>13</sup> These numbers are all calculated from the AFR summaries for Revenues for the years 2012-2013 and 2016-2017. School District wealth is measured by STEB market value per student (ADM). *See Id.* and Pa. Dep't. of Educ., *2012-13 Summary Level State Revenue Annual Financial Report* (2013), [Microsoft Excel spreadsheet, Tab: 2012-13 Revenue by Source, Cell: E752] available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Summary-Level.aspx#.VZvrX2XD-Uk>.

much property wealth as the School District of Reading on a per student (ADM) basis. Yet when factoring in actual need—as defined by the state’s weighted student numbers—those numbers grow even more. New-Hope Solebury has available \$1.68 million per weighted student in property wealth, while the Reading School District has \$49,803. In other words, when also factoring in the formula’s own determination of need, New Hope has *almost 34 times* more wealth available than Reading.<sup>14</sup>

33. The state does not come remotely close to closing those disparities. As of 2016-17, the range of district current spending per weighted student—a figure excluding expenditures on construction and other financing uses—range from \$6,994 per weighted student in Reading to \$26,503 per weighted student in Lower Merion. New Hope-Solebury is second highest with \$22,530 per weighted student.<sup>15</sup>

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<sup>14</sup> Pa. Dep’t. of Educ., *2018-19 Proposed Basic Education Funding* (2018), [Microsoft Excel spreadsheet, Tab: Local Effort Capacity Index, Column: U, and Tab: Student-Weighting, Column: Y] available at: [http://www.education.pa.gov/\\_layouts/download.aspx?SourceUrl=http://www.education.pa.gov/Documents/Teachers-Administrators/School%20Finances/Education%20Budget/2018-19%20Proposed%20BEF.xlsx](http://www.education.pa.gov/_layouts/download.aspx?SourceUrl=http://www.education.pa.gov/Documents/Teachers-Administrators/School%20Finances/Education%20Budget/2018-19%20Proposed%20BEF.xlsx). (derived from dividing Column U by Column Y).

<sup>15</sup> See Pa. Dep’t. of Educ., *2016-17 Summary Level State Expenditure Data* (2017) [Microsoft Excel spreadsheet, Tab: 2016-17 Expenditures, Column H] available at: <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Finances/Finances/AFR%20Data%20Summary/Pages/AFR-Data-Summary-Level.aspx#.VZvrX2XD-Uk> (showing current expenditures). See also Pa. Dep’t. of Educ., *2018-19 Enacted Basic Education Funding* (2018), n.11, *supra* [Microsoft Excel spreadsheet, Tab: Student-Weighting, Column: Y] (showing “weighted students”).

34. These disparities continue for each of the Petitioner districts, each taxing above the state median and each spending at a fraction of wealthier school districts:

School District	2016-17 Spending per Weighted Student	2016-17 Equalized Mills
Panther Valley SD	\$9,626	29.5
William Penn SD	\$13,242	33.9
Lancaster SD	\$10,637	24.5
Wilkes-Barre Area SD	\$9,742	22
Philadelphia City SD	\$9,062	20.9
Shenandoah Valley SD	\$8,342	29.7
Greater Johnstown SD	\$9,439	19.6
State Median	\$12,264	18.2
Median of 100 wealthiest Districts	\$15,748	17.7

**Student Outcomes Remain Unsatisfactory Across the Commonwealth**

35. Since the passage of Act 35, statewide results on academic assessments continue to show that a large number of students are failing to achieve proficiency.

36. On the 2017 Keystone exams<sup>16</sup>, administered to Pennsylvania high school students, 34.4% of students scored below proficient in Algebra I, 27.3% of

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<sup>16</sup> The Keystone Exams are end-of-course assessments designed to assess proficiency in subject areas that include Algebra I, Literature, and Biology. Keystone Exams are a component of

students scored below proficient in literature, and 36.5% of students scored below proficient in Biology. In 2013, the percentage of students not meeting proficiency on the Keystone exams in Algebra 1, Literature, and Biology were 36%, 25%, and 55%, respectively.

37. The statewide 2016-17 results for historically underperforming demographics are even worse. 55.3% of students designated as coming from historically underperforming demographic groups scored below proficient in Algebra I, 46% scored below proficient in Literature, and 57.5% scored below proficient in Biology.

38. The statewide 2016-17 results for economically disadvantaged children were similarly unacceptable. 52.8% of economically disadvantaged students scored below proficient in Algebra I, 43.2% scored below proficient in Literature, and 55.6% scored below proficient in Biology.

39. The statewide 2016-17 results for African-American children were similarly unacceptable. 66.2% of African-American children scored below proficient in Algebra I, 53.3% scored below proficient in Literature, and 68.8% scored below proficient in Biology.

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Pennsylvania's system of high school assessment intended to “help school districts guide students toward meeting state standards.” See Pa. Dep’t. of Educ., *Keystone Exams* (2016), <http://www.education.pa.gov/K-12/Assessment%20and%20Accountability/Pages/Keystone-Exams.aspx>.

40. The statewide 2016-17 results for Hispanic children were similarly unacceptable. 57.8% of Hispanic students scored below proficient in Algebra I, 47.3% scored below proficient in Literature, and 62.6% scored below proficient in Biology.

15. The statewide 2016-17 results for English language learners were even worse. 90.8% of English language learners scored below proficient in Algebra, 91.7% scored below proficient in Literature, and 94.1% scored below proficient in biology.

#### **District Assessment Scores Remain Low**

41. State assessment scores for students in each of the Petitioner School Districts and districts attended by Petitioners (including the School District of Philadelphia) have changed little since the Petition was filed. For the 2016-17 Keystone exams, this means:

- a. 66% of students in William Penn scored below proficient in Algebra I, 53.3% in Literature, and 71.5% in Biology.
- b. 57% of students in Panther Valley scored below proficient in Algebra I, 45.1% in Literature, and 56.3% in Biology.
- c. 60.6% of students in Lancaster scored below proficient in Algebra I, 47.8% in Literature, and 66.1% in Biology.

- d. 66.1% of students in Greater Johnstown scored below proficient in Algebra I, 48.1% in Literature, and 77.8% in Biology.
- e. 61% of students in Wilkes-Barre scored below proficient in Algebra I, 44% in Literature, and 77% in Biology.
- f. 55.3% of students in Shenandoah scored below proficient in Algebra I, 56% in Literature, and 54.7% in Biology.
- g. 66.3% of students in Philadelphia scored below proficient in Algebra I, 56.4% in Literature, and 68.2% in Biology.

### **The “Fair” Funding Formula Is Sometimes Ignored**

42. In the very passage of Act 35 itself, the General Assembly went outside of the formula to make targeted appropriations, providing \$15 million to two school districts only. *See* 24 P.S. § 25-2502.54(a). These payments were added to the base of those districts, guaranteeing them this funding each succeeding year. There was no record that these two districts had any greater need than the many other underfunded districts in the state.

43. Since the adoption of Act 35’s relative distribution formula, this practice has continued, with the General Assembly ignoring the formula to make special, targeted BEF appropriations.

44. The Erie City School District is a low-wealth school district, suffering from the same serious, chronic underfunding as low-wealth school districts across the Commonwealth.

45. In 2017, the Commonwealth provided Erie an additional \$14 million dollars in education funding, or over \$1,000 per student, sent directly to Erie only. This \$14 million appropriation is recurring, added to Erie's "base" of funds. *See* 72 P.S. § 1722-E(c) (directing that Erie's appropriation "shall be deemed to be a part of the school district's allocation amount under section 2502.53(b)(1) of the Public School Code of 1949 for the 2017-2018 school year and each school year thereafter").

46. For 2018-19, Erie's additional \$14 million will come directly from the \$100 million in additional funds the state has appropriated for Basic Education Funding.<sup>17</sup>

47. Put differently, for the 2018-2019 school year, the state will not actually distribute \$100 million in additional funds through the new formula. Instead, it will use the formula to distribute \$86 million, while providing Erie with an additional \$14 million, at the expense of the remaining 499 school districts.

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<sup>17</sup> Compare, 2018-19 Proposed Basic Education Funding, n.9, *supra*, with 2017-18 Final Basic Education Funding, n.12, *supra*.

## **Individual Districts**

48. The demographic characteristics of the Petitioner school districts have remained largely the same since the filing of the Petition.

49. William Penn School District (“William Penn”) is located in Delaware County, and serves students who reside in the Boroughs of Aldan, Colwyn, Darby, East Lansdowne, Lansdowne, and Yeadon. In 2016-17, approximately 71.79 % of William Penn’s students were considered economically disadvantaged, 3.81% were English-language learners, and 15.89% received special education services. William Penn has a tax base of \$197,121 per weighted student, ranking it 434 of 500 school districts in the state.

50. Shenandoah Valley School District (“Shenandoah”) is located in Schuylkill County, and serves students who reside in the Boroughs of West Mahanoy and Shenandoah. According to the 2010 Census, the school district served an estimated population of 7,900. In 2016-17, approximately 65.19% of Shenandoah's students were considered economically disadvantaged, 15.65% required special education, and 10.00% were English-language learners. Shenandoah has a tax base of \$84,324 in market value per weighted student, ranking it 497 out of 500 school districts in the state.

51. Panther Valley School District (“Panther Valley”) is located in Carbon and Schuylkill Counties, and serves students who reside in the Boroughs of

Coaldale (Schuylkill County), Lansford, Nesquehoning, and Summit Hill (Carbon County). According to the 2010 Census, the school district served an estimated total population of 12,600. In 2016-17, approximately 50.9% of Panther Valley's students were considered economically disadvantaged, 17.69% required special education, and 1.56% were English-language learners. Panther Valley has a tax base of \$136,901 in market value per weighted students, ranking it 477 out of 500 school districts in the state.

52. The School District of Lancaster (“Lancaster”) is located in Lancaster County, and serves students who reside in the City of Lancaster. The City of Lancaster is the Commonwealth's eighth-largest city. According to the 2010 Census, the school district served an estimated total population of 75,000. In 2016-17, approximately 90.57% of Lancaster students were considered economically disadvantaged, 16.32% required special education, and 15.95% were English-language learners. Lancaster has a tax base of \$182,347 in market value per weighted student, ranking it 446 out of 500 school districts in the state.

53. Greater Johnstown School District (“Greater Johnstown”) is located in Cambria County, Pennsylvania, and serves students who reside in the Townships of West Taylor and Stonycreek and the city of Johnstown. According to the 2010 Census, the school district served an estimated total population of 27,600. In 2016-17, approximately 86.38% of Greater Johnstown's students were

considered economically disadvantaged, 15.7% required special education, and 1.31% were English-language learners. Greater Johnstown has a tax base of \$140,494 in market value per weighted student, ranking it 474 out of 500 school districts in the state.

54. Wilkes-Barre Area School District (“Wilkes-Barre”) is located in Luzerne County, and serves students who reside in Bear Creek Township, Borough of Bear Creek Village, Borough of Laflin, Buck Township, City of Wilkes-Barre, Laurel Run Borough, Plains Township, and Wilkes-Barre Township. The City of Wilkes-Barre is the Commonwealth's thirteenth-largest city. According to the 2010 Census, the school district served an estimated population of 59,900. In 2016-17, approximately 77.02% of Wilkes-Barre's students were considered economically disadvantaged, 18.36% required special education, and 7.04% were English-language learners. Wilkes-Barre has a tax base of \$242,355 per weighted student, ranking it 392 out of 500 school districts in the state.

55. All statements in this declaration are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated:

06/29/18



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Mark Andrew Price

## **MARK ANDREW PRICE**

Labor Economist  
Keystone Research Center  
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Harrisburg, Pennsylvania, 17101  
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### **EDUCATION**

- 2005                      Ph. D., Economics, University of Utah  
*Dissertation: State Prevailing Wage Laws and Construction Labor Markets; Advisor: Peter Philips*
- 1997                      B.S. in Economics & Management, Westminster College of Salt Lake City,  
*Summa Cum Laude*

### **PROFESSIONAL EXPERIENCE**

- 2003-present            Labor Economist  
Keystone Research Center  
Harrisburg, Pennsylvania

### **PUBLICATIONS**

#### *Journal Articles*

- 2010                      Ebru Kongar and Mark Price. "Offshoring of White-collar Jobs in the United States and Gendered Outcomes," *International Journal of Manpower*, Vol. 31, Iss: 8, pp.888 – 907.

#### *Research Reports & Briefing Papers*

- 2018                      Mark Price, Stephen Herzenberg, and Diana Polson. The Pennsylvania Promise: Making College Affordable and Securing Pennsylvania's Economic Future. Harrisburg, PA: Keystone Research Center.
- 2018                      Mark Price. The Pennsylvania Minimum Wage 2018. Harrisburg, PA: Keystone Research Center.
- 2017                      Mark Price & Stephen Herzenberg. The State of Working Pennsylvania 2017. Harrisburg, PA: Keystone Research Center.
- 2017                      Mark Price. The Pennsylvania Jobs Brief (Oct). Harrisburg, PA: Keystone Research Center.
- 2017                      Stephen Herzenberg, Diana Polson, and Mark Price. At Students' Expense: Rising Costs Threaten Pennsylvania Public Universities' Role in Upward Mobility. Harrisburg, PA: Keystone Research Center.
- 2017                      Mark Price. Pennsylvania's Great Working-Class Colleges. Harrisburg, PA: Keystone Research Center.

- 2017 Mark Price. Who Pays for School Property Tax Elimination? An Analysis of School Property Tax Burdens in Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2016 Mark Price and Stephen Herzenberg. The State of Working Pennsylvania 2016. Harrisburg, PA: Keystone Research Center.
- 2016 Estelle Sommeiller, Mark Price, Ellis Wazeter. Income inequality in the U.S. by state, metropolitan area, and county. Washington, DC: Economic Policy Institute
- 2016 Stephen Herzenberg and Mark Price. Who Pays For An Increase in the PIT to 4% on Income From Wealth. Harrisburg, PA: Keystone Research Center.
- 2015 Mark Price. Analysis of School Funding in SB 1073. Harrisburg, PA: Keystone Research Center.
- 2015 Mark Price. Who Pays For An Increase in the Sales Tax: Analysis of the Tax Incidence of an Increase in the Sales Tax from 6% to 7.25%. Harrisburg, PA: Keystone Research Center.
- 2015 Mark Price and Stephen Herzenberg. The State of Working Pennsylvania 2015. Harrisburg, PA: Keystone Research Center.
- 2014 Mark Price, Luis Basurto, Stephen Herzenberg, Diana Polson, Sharon Ward, and Ellis Wazeter. The Shale Tipping Point: The Relationship of Drilling to Crime, Traffic Fatalities, STDs, and Rents in Pennsylvania, West Virginia, and Ohio. Harrisburg, PA: Keystone Research Center.
- 2014 Mark Price, Estelle Sommeiller, Ellis Wazeter and Luis Basurto. Divergent Fortunes: Top Incomes and the Middle Class in Pennsylvania's Counties. Harrisburg, PA: Keystone Research Center.
- 2014 Mark Price, Stephen Herzenberg, and Natalie Sabadish. The State of Working Pennsylvania 2014. Harrisburg, PA: Keystone Research Center.
- 2014 Mark Price and David Cooper. Living on the Edge: Where Very Low-wage Workers Live in Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2014 Diana Polson, Stephen Herzenberg and Mark Price. Measuring the Costs and Benefits of Natural Gas Development in Greene County, Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2014 Sharon Ward, Diana Polson, and Mark Price. Measuring the Costs and Benefits of Natural Gas Development in Tioga County, Pennsylvania: A Case Study. Harrisburg, PA: Keystone Research Center.
- 2014 Estelle Sommeiller and Mark Price. The Increasingly Unequal States of America: Income Inequality by State, 1917 to 2011. Washington, DC: Economic Policy Institute.
- 2014 Mark Price. Increasingly Unequal in Pennsylvania: Income Inequality, 1917 to 2011. Harrisburg, PA: Keystone Research Center.

- 2013 Mark Price. Nickel & Dime in Pennsylvania: The Falling Purchasing Power of the Tipped Minimum Wage. Harrisburg, PA: Keystone Research Center.
- 2013 Frank Mauro, Michael Wood, Michele Mattingly, Stephen Herzenberg, Sharon Ward, and Mark Price. Exaggerating the Employment Impacts of Shale Drilling: How and Why. Harrisburg, PA: Keystone Research Center.
- 2013 Mark Price and Stephen Herzenberg. State of Working Pennsylvania 2013. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price and Michael Wood. Census Data: Number of Americans Without Health Insurance Falls Amid Middle Class Struggles. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price and Stephen Herzenberg. State of Working Pennsylvania 2012. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price and Stephen Herzenberg. Falling Behind on Jobs: By Cutting the Jobs of Teachers and First Responders, Pennsylvania Is Undermining Its Job Growth and Lagging Behind Other States. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price, Jue Wang and Stephen Herzenberg. The Road Less Traveled: States That More Tightly Control the Sale and Distribution of Alcohol Have Lower Alcohol-Related Fatalities. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price and Stephen Herzenberg. Bankrupt by Design: Payday Lenders Target PA Working Families. Harrisburg, PA: Keystone Research Center.
- 2012 Mark Price, Sean Brandon, Teresa Herzenberg and Stephen Herzenberg. Runaway Spending: Private Contractors Increase the Cost of School Student Transportation Services in Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2011 Mark Price and Stephen Herzenberg. State of Working Pennsylvania 2011. Harrisburg, PA: Keystone Research Center.
- 2011 Elaine Weiss, Stephen Herzenberg and Mark Price. Double Bottom Line: Improving Jobs and Reducing Long-term Deficits Through Investment in Better Jobs and Higher Skills for Early Childhood Educators. Harrisburg, PA: Keystone Research Center.
- 2010 Mark Price and Stephen Herzenberg. State of Working Pennsylvania 2010. Harrisburg, PA: Keystone Research Center.
- 2010 Stephen Herzenberg and Mark Price. The Occupational Advantage of Regions: An Alternative Approach to Stimulating Economic Development. Harrisburg, PA: Keystone Research Center.
- 2009 Mark Price and Stephen Herzenberg. The State of Working Pennsylvania 2009. Harrisburg, PA: Keystone Research Center.
- 2009 Mark Price. Unequal Unemployment: Unemployment Disparities in Pennsylvania. Harrisburg, PA: Keystone Research Center.

- 2009 Mark Price. State Recession Economics 101: Why a State Budget That Slashes Spending Will Mean More Joblessness Throughout Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2008 Natalie Sabadish, Tiffany Scott, Mark Price and Stephen Herzenberg. The State of Women in the Pennsylvania Workforce 2008. Harrisburg, PA: Keystone Research Center.
- 2008 Mark Price. The State of Working Pennsylvania 2008 Harrisburg, PA: Keystone Research Center.
- 2008 Mark Price. In the Eye of the Storm: An Update on Pennsylvania Housing Prices. Harrisburg, PA: Keystone Research Center.
- 2008 Mark Price. A Building Storm: The Housing Market and the Pennsylvania Economy. Harrisburg, PA: Keystone Research Center.
- 2007 Mark Price. The State of Working Pennsylvania 2007. Harrisburg, PA: Keystone Research Center.
- 2007 Mark Price and Stephen Herzenberg. The State of Rural Pennsylvania. Harrisburg, PA: Keystone Research Center.
- 2006 Christian E. Weller, David M. Margolis and Mark Price. Rewarding Hard Work: Give Pennsylvania Families A Shot at Middle Class Retirement Benefits. Washington, DC: Center for American Progress.
- 2006 Mark Price and Stephen Herzenberg. The State of Working Pennsylvania 2006. Harrisburg, PA: Keystone Research Center.
- 2006 Stephen Herzenberg and Mark Price. Stuck on the Bottom Rung of the Wage Ladder. Harrisburg, PA: Keystone Research Center.
- 2006 Mark Price and Stephen Herzenberg. Where Pennsylvania Low-Wage Workers Live. Harrisburg, PA: Keystone Research Center.
- 2005 Stephen Herzenberg, Mark Price, and David Bradley. Losing Ground in Early Childhood Education: Declining Workforce Qualifications in an Expanding Industry, 1979-2004. Washington, DC: Economic Policy Institute.
- 2005 Mark Price, Stephen Herzenberg & Howard Wial. Displacement in Appalachia and the Non-Appalachian United States, 1993-2003: Findings Based on Five Displaced Worker Surveys. Harrisburg, PA: Keystone Research Center.
- 2005 Stephen Herzenberg, Mark Price and Peter Wiley. The State of Working Pennsylvania 2005. Harrisburg, PA: Keystone Research Center.
- 2003 Stephen Herzenberg and Mark Price. An Analysis of the R. S. Means New Castle County Assessment of the Economic Impact of Adopting Prevailing Wage Laws on New Castle County Government Construction Projects. Harrisburg, PA: Keystone Research Center.

*Chapters in Edited Volumes*

- 2017 Ebru Kongar and Mark Price. "Gender, Socioeconomic Status, Time-Use of Married and Cohabiting Parents, and the Great Recession in the U.S.". In Rachel Connelly and Ebru Kongar (Eds.) *Gender and Time Use in a Global Context*. New York: Palgrave MacMillan.
- 2007 Peter Philips and Mark Price "Construction Unions in the Midwest," entry in *The American Midwest: an interpretive encyclopedia*, edited by Andrew R. L. Cayton, Richard Sisson, Chris Zacher. Bloomington, IN: Indiana University Press.
- 2005 Mark Price. "Pension and Health Insurance Coverage in Construction Labor Markets." In *The Economics of Prevailing Wage Laws*, edited by Hamid Azari-Rad, Peter Philips, and Mark Prus, pp. 225-234. London: Ashgate Publishing.

**INVITED PRESENTATIONS, CONFERENCE PRESENTATIONS AND WORKSHOPS**

- 2018 Panel discussion: "Postsecondary Education Access and Affordability", The Education Policy and Leadership Center, Harrisburg, Pennsylvania, February 9.
- 2018 Half-hour discussion of "Affordable or free college plan", Radio Smart Talk, WITF, Harrisburg, Pennsylvania. January 30.
- 2018 Presentation "Federal Tax Policy, the Minimum Wage and College Affordability", Bucks County Women's Advocacy Coalition, Newtown, PA. January 26.
- 2018 Chair: Labor Market Changes and Wealth Inequality, Annual Meeting of Allied Social Science Associations, Philadelphia, Pennsylvania, Jan 5.
- 2017 College Affordability, Pennsylvania House Democratic Policy Committee, Harrisburg, Pennsylvania, June 19.
- 2017 Minimum Wage Hearing, Pennsylvania House Democratic Policy Committee, Tobyhanna, Pennsylvania, May 3.
- 2017 Minimum Wage Hearing, Pennsylvania House Democratic Policy Committee, Harrisburg, Pennsylvania, January 30.
- 2016 Minimum Wage Hearing, Pennsylvania House Democratic Policy Committee, Allentown, Pennsylvania, September 6.
- 2015 Chair and Discussant: Labor and Employment Relations Association Papers III: Labor & the Macro and Regional Economies. Annual Meeting of Allied Social Science Associations, Boston January.
- 2015 Minimum Wage Hearing, Pennsylvania Senate Labor and Industry Committee, Harrisburg, Pennsylvania, May 5.
- 2015 Minimum Wage Hearing, Pennsylvania House Democratic Policy Committee, Harrisburg, Pennsylvania, April 2.
- 2014 Minimum Wage Hearing, Pennsylvania House Democratic Policy Committee, Philadelphia, Pennsylvania, January 9.

- 2014 Keynote speaker: The 64th Annual Meeting of the Pennsylvania Sociological Society at Lebanon Valley College, Annville, Pennsylvania, October 25.
- 2014 “Fighting Runaway Inequality: The Minimum Wage Controversy” presentation for the Clarke Forum for Contemporary Issues, Dickinson College, Carlisle, Pennsylvania, October 7.
- 2014 “Trends in the Distribution of Income in Pennsylvania: 1917 to 2011” presentation for the 2014 Pennsylvania State Data Center 2014 Annual Data Users Conference Harrisburg, Pennsylvania, September 23.
- 2014 “Middle class shrinking in PA?” Radio Smart Talk, WITF, Harrisburg, Pennsylvania. September 23.
- 2014 Chair: Labor and Employment Relations Association Changes in State Right-to-Work and Prevailing Wage Laws. Annual Meeting of Allied Social Science Associations, Philadelphia January.
- 2013 The State of Working Pennsylvania 2013, Pennsylvania House Democratic Policy Committee, Philadelphia, Pennsylvania, September 12.
- 2013 Policy Roundtable Discussion on Modernizing the Pennsylvania Liquor Control Board, Pennsylvania Senate Democratic Policy Committee, Philadelphia, Pennsylvania, April 23.
- 2013 “The Impacts of Marcellus Shale on Employment in Pennsylvania” presentation for the 2013 Pennsylvania State Data Center Annual Data Users Conference, Harrisburg Pennsylvania.
- 2012 Falling Behind Jobs, Pennsylvania House Democratic Policy Committee, Harrisburg, Pennsylvania, August 14.
- 2012 “The State of Working Pennsylvania” presentation for the 2012 Pennsylvania State Data Center Annual Data Users Conference, Harrisburg Pennsylvania.
- 2011 House Bill 11, Pennsylvania House Liquor Control Committee, Philadelphia, Pennsylvania, November 30.
- 2010 “The Impact of the Recovery Act on Jobs and the Economy” presentation at the conference Back from the Brink: The Recovery Act One Year Later, Harrisburg Pennsylvania, January 15.
- 2009 The State of the Pennsylvania Economy, Pennsylvania House Labor Relations Committee, Harrisburg, Pennsylvania, March 11.
- 2008 “The Outlook for the Pennsylvania Economy” presentation before the Pennsylvania State Education Association, Annual Strategic Planning Meeting, November 5th, 2008, Harrisburg, Pennsylvania.
- 2007 “Is White the New Blue? Gendered Impact of U.S. Trade in Services and Offshoring of White-Collar Jobs” presented at the 16th Annual International Association for Feminist Economics (IAFFE) Conference, June 29-July 1, Bangkok Thailand.

- 2007 House Bill 1680, Pennsylvania House Labor Relations Committee, New Castle, Pennsylvania, August 27.
- 2006 “The Characteristics of the Early Childhood Education Workforce”, presentation and panelist, Translating Professional Development Research to Policy and Practice, 2006 National Child Care Bureau Conference: Diverse Perspectives-Common Goals (Washington DC) August 8.
- 2005 “Losing Ground in Early Childhood Education: Declining Workforce Qualifications in an Expanding Industry 1980-2004.” Presentation before the Early Childhood Leadership Institute at the University of the District of Columbia, Washington DC, November 7.
- 2005 “Losing Ground in Pennsylvania Early Childhood Education: Declining Workforce Qualifications in an Expanding Industry 1980-2004.” Presentation before Success by Six, United Way of Cumberland County, Carlisle, Pennsylvania, October 11.
- 2005 Business Matters. Televised (WFMZ–TV, Allentown, PA) panel discussion of proposals before the Pennsylvania general assembly to raise the state minimum wage.
- 2004 “Manufacturing and Layoff Aversion.” Presentations at three planning sessions on developing a network of workforce and economic development officials aimed at detecting and preventing manufacturing job loss: December 1st, 2004 (Scranton, PA). December 7th, 2004 (Youngwood, PA). December 10th, 2004 (Harrisburg, Pennsylvania).
- 2003 “The State of the Pennsylvania Economy” Three presentations at town meetings on trade: December 10, 2003 at Harrisburg Community College. February 18th, 2004 at Butler County Community College, and March 24th, 2004 at Pennsylvania State College.
- 2003 “Pension and Health Insurance Coverage in Construction Labor Markets: The Role of Collective Bargaining and State Prevailing Wage Laws.” Eastern Economic Association Annual Meetings., New York City, February 22.
- 2002 “Race to the Bottom: The impact of the repeal of little Davis-Bacon on the payment of pension and health benefits for construction workers.” Center to Protect Workers' Rights. Economic Research Network Meeting. October 24-25.

## **AWARDS AND GRANTS**

- 2006 Honorable Mention Thomas A. Kochan and Stephen R. Sleigh Best Dissertation Awards Competition sponsored by the Labor and Employment Relations Association.
- 2002-2003 Marriner S. Eccles Fellow, University of Utah.
- 2001-2002 Marriner S. Eccles Fellow, University of Utah.
- 1998-1999 Rasmussen Outstanding Teaching Assistant Award, Department of Economics, University of Utah, 1998-1999
- 1998-2001 Teaching Assistantship, Department of Economics, University of Utah.

## **MEDIA COVERAGE**

New York Times  
USA Today  
Financial Times  
The Guardian  
WTF  
Pennsylvania Cable Network  
CSPAN  
Patriot-News  
Philadelphia Inquirer  
Pittsburgh Post-Gazette  
Times Leader  
Times-Tribune  
Centre Daily Times

## **PROFESSIONAL AFFILIATIONS**

Labor and Employment Relations Association  
American Economics Association

## **ADJUNCT TEACHING AND INTERN SUPERVISION**

2012 Penn State University, Labor Studies and Employment Relations, Adjunct Instructor, Labor Market Analysis (online course), Fall.

2010 Penn State University, Labor Studies and Employment Relations, Adjunct Instructor, Labor Market Analysis (online course), Spring.

2009 Penn State University, Labor Studies and Employment Relations, Adjunct Instructor, Labor Market Analysis (online course), Fall.

2008 Dickinson College, Adjunct Instructor, Introductory Macroeconomics, Spring.

2005 Dickinson College, Adjunct Instructor, Introductory Microeconomics, Spring.

2003 Dickinson College, Adjunct Instructor, Introductory Microeconomics, Fall.

2002 University of Utah, Adjunct Instructor, Public Policy Towards Labor (Masters Level), Summer.

2002 University of Utah, Adjunct Instructor, Collective Bargaining & Labor Law, Summer.

2002 University of Utah, Adjunct Instructor, Labor Economics, Fall.

2002 University of Utah, Adjunct Instructor, Labor Economics, Spring.

2000 University of Utah, Adjunct Instructor, Intermediate Macroeconomics, Fall.

2002 Westminster College of Salt Lake City, Instructor Elementary Macroeconomics, Spring.

- 2001 Westminster College of Salt Lake City, Instructor Elementary Macroeconomics, Fall.
- 2001 University of Utah, Adjunct Instructor, Macroeconomic Principles, Summer.
- 2000 Westminster College of Salt Lake City, Instructor Elementary Macroeconomics, Summer.
- 2000 University of Utah, Adjunct Instructor, Macroeconomic Principles, Spring.
- 2000 University of Utah, Adjunct Instructor, Macroeconomic Principles, Summer.
- 1999 University of Utah, Adjunct Instructor, Macroeconomic Principles, Fall.
- 1999 University of Utah, Teaching Assistant, Macroeconomic Principles, Spring.
- 1998 University of Utah, Teaching Assistant, Microeconomic Principles, Fall.
- 1997 Westminster College of Salt Lake City, Student Instructor, Elementary Macroeconomics, Spring
- 1996 Westminster College of Salt Lake City, Student Instructor, Elementary Macroeconomics, Fall

*Intern Supervision:*

My work at the Keystone Research Center has also included the opportunity to supervise the research activities of a diverse group of domestic and international students from Howard University, Carnegie Mellon, Penn State, Susquehanna University, and Dickinson College.

- 2014 Luis Basurto, University of Texas – Pan American, EARN network intern, Summer
- 2014 Ellis Wazeter, Cornell University, intern, Spring-Summer
- 2014 Natalie Sabadish, M.S. in Public Policy and Management Carnegie Mellon University, research fellow, Summer
- 2013 Rosemary Nduta Mwaura, Howard University, EARN network intern, Summer
- 2012 Alan Bowie, Howard University, EARN network intern, Summer
- 2012 Pak Man Lam, Penn State University, intern, Spring-Summer
- 2011 Chaquyenya Johnson, Howard University, EARN network intern, Summer
- 2011 Jue Wang, Dickinson College, intern, Spring-Summer
- 2010 Sean Brandon, Franklin & Marshall College, intern Spring-Summer

- 2010 Daniel Cokes, Howard University, EARN network intern, Summer
- 2008-2009 Tiffany Scott, Howard University, EARN network intern, Summer
- 2008 Natalie Sabadish, University of Delaware, intern, Spring-Summer
- 2007 Brian Cox, Howard University, intern, EARN network intern, Summer
- 2007 Anton Stoyanov, Dickinson College, intern, Spring-Summer
- 2005 Mathew Yancheff, Susquehanna University, intern, Spring-Summer

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**AFFIDAVIT OF JANE ANN HARBERT**

I, Jane Ann Harbert, hereby declare as follows:

1. I am the Superintendent of the William Penn School District (WPSD).
2. The Pennsylvania school funding system continues to deprive WPSD of the resources necessary to provide every child, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.
3. WPSD repeatedly makes choices based on what we can afford during a particular year, rather than on what our students need.
4. In response to the 2011 state budget cuts, WPSD was forced to eliminate fifty-seven teaching, five administrative, and twelve support staff

positions. As a result of these cuts, among other things, class sizes increased and due to a lack of funding; we were never able to restore those positions.

5. As a result of the 2011 budget cuts, we were forced to reduce our counseling staff and due to a lack of funding; we were unable to restore these positions. As a result, we are unable to provide full time guidance counselors in our elementary schools. Counselors divide their time across multiple schools, visiting them on different days.

6. We were also forced to eliminate many of our reading specialists and instructional coaches in 2011-12, professionals that help bring struggling students up to speed. Due to a lack of funding, we were unable to restore these positions. We have gone from a peak of twenty-six instructional facilitators, specialists, and coaches to approximately ten. This means, among other things, that we cannot provide instructional coaches at our high school, despite the fact that our struggling students would greatly benefit from them.

7. Similarly, as a result of the 2011-12 budget cuts, we were forced to eliminate block scheduling for at-risk students, which provided them with concentrated instructional time in subjects in which they needed extra attention. Due to a lack of funding, we were unable to restore that programming.

8. As a result of the budget cuts, almost all after-school remedial

programs were eliminated. Due to a lack of funding, we were never able to restore those programs.

9. I am aware that two years ago the Commonwealth passed a funding formula, which changed the way the state distributed a small amount of basic education funding. That the formula only applies to “new” funding has a drastic impact on WPSD. According to the Pennsylvania Department of Education’s proposed budget distribution for 2018-19, the refusal to apply the formula to all basic education funding lessens our share of basic education funding by approximately \$3.46 million.

10. Regardless of the method of distribution, the reality has worsened for WPSD in the last two years as a lack of funding has forced us to cut even more.

11. For example, in the last two years we were forced to eliminate a principal and two vice-principals. As a result, we have a single principal, with no vice-principals, split between two different elementary schools, miles apart from each other. This impacts our ability to properly oversee best practices at our schools.

12. While we were forced to eliminate a librarian in 2012, we recently (2017) had to eliminate another. As a result, neither our high school nor our middle school has a full-time librarian, and as a result, our libraries are often closed to

students.

13. As a result of teacher layoffs, our class sizes remain far too high. For example, we currently have forty-six classrooms in our elementary schools that have over thirty students in them.

14. Our athletic facilities are crumbling. For example, WPSD's track teams have won multiple championships; however, we cannot host track meets at any of our schools, because our facilities do not meet the basic athletic requirements.

15. We do not have basic instructional equipment that we need, including sufficient amounts of projectors, white boards, or up-to-date furniture.

16. We remain unable to buy textbooks on any normal schedule. In one class, we use writing textbooks from 1994. In another, we use French language textbooks from 1997.

17. A number of our textbooks are not in alignment with the Pennsylvania Core standards. Moreover, even when we purchase books, we cannot afford to buy enough books to let our students take them home.

18. Meanwhile, our debt service is growing, while our fund balance is shrinking lower and lower, to a current balance of approximately \$1.6 million.

19. Our tax rate is 33.9 equalized mills, the fifth highest of

Pennsylvania's five hundred school districts, and the highest of any school district in any county in the Philadelphia metro area. Our community tries to raise sufficient funding for our schools, but we do not have the wealth to do so.

20. I believe that our students have normalized their deprivation. That should not continue.

21. The programing and professionals that we cannot provide because of a lack of funding impacts all of our students, but particularly those who need the most help.

22. All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: Jane Ann Harbert  
Jane Ann Harbert

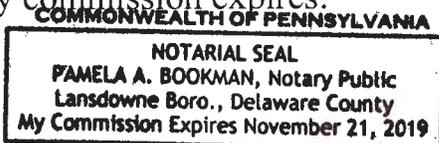
State of Pennsylvania  
County of Delaware

Signed and sworn to (or affirmed) before me on June 26, 2018 (date) by

Jane Ann Harbert

Pamela A Bookman  
Notary Public

My commission expires:



**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Docket No. 587 MD 2014

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

**AFFIDAVIT OF DENNIS KERGIK**

I, Dennis Kergick, hereby declare as follows:

1. I am the Superintendent of the Panther Valley School District.
2. The Pennsylvania school funding system continues to deprive our district of the resources necessary to provide all children, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.
3. Our community tries, but it does not have the wealth to provide sufficient funding for our schools. We tax at a rate of 29.5 equalized mills, higher than 478 of Pennsylvania's 500 school districts. Across the two counties in which our district sits—Carbon and Schuylkill counties—there is only one district with a

comparable tax rate: the Shenandoah Valley School District, another petitioner in this matter.

4. With a lack of funding, we repeatedly have to make choices based on what we can afford during a particular year, rather than on what our students need.

5. As a result of state budget cuts during the 2010-11 school year, we had to make a number of cuts in our district. Chief among them were reductions to our elementary school, middle school, and high school teaching staff. Due to a lack of funding, these positions were never restored.

6. As a result of state budget cuts, we also had to eliminate our district librarians. Due to a lack of funding, these positions were never restored.

7. As a result of state budget cuts, we had to eliminate a number of supports for our most at-risk students, including tutoring and reading specialists, remedial classes, PSSA and Keystone coaches, and an SAT preparation course. Due to a lack of funding, these supports were never restored.

8. As a result of state budget cuts, we had to eliminate multiple sports, including swimming, golf, and cross country. Due to a lack of funding, these sports were never restored.

9. I am aware that two years ago the Commonwealth passed a funding formula, which changed the way the state distributed a small amount of basic

education funding. That that the formula only applies to “new” funding has a drastic impact on Panther Valley. According to the Pennsylvania Department of Education’s proposed budget distribution for 2018-19, the refusal to apply the formula to all basic education funding lessens our share of basic education funding by approximately \$3.35 million, or \$1,922 per student.

10. Regardless of the method of distribution, the reality has only grown worse for Panther Valley over the last two years, not better.

11. For example, we cannot afford assistant principals, even though we know such positions would help us improve teacher effectiveness.

12. We similarly cannot afford an assistant superintendent, a curriculum coordinator, or sufficient truancy staff.

13. Our special education population is growing, and the incidences of students with high-cost disabilities is growing with it, far outstripping any small increases in state funding. This causes a great reduction in our general education budget.

14. We continue to reduce programming due to a lack of funding. This year, for example, we were forced to reduce music instruction for our elementary school students. Cutting music and arts programming is particularly difficult to do, because these are the types of programs that often give struggling children a reason

to come to school in the first place.

15. Rather than providing more children with the reading specialists to help them catch up, the lack of funding has forced us to reduce reading specialists. At Panther Valley Intermediate School, for example, we have a single reading specialist for 450 students.

16. Due to a lack of funding, we pay teachers less than virtually every nearby school district. As a result, our teachers often start more inexperienced than teachers in neighboring districts, and teacher turnover is high.

17. Next year, the lack of funding will force us to reduce our language programming at our high school.

18. Due to a lack of funding, we cannot follow a basic replacement schedule for books, resulting in outdated, damaged materials for our students. For example, our elementary school continues to use a reading series from 2007, which is badly in need of replacing. We cannot afford the \$130,000 to replace it, and are instead investigating whether we can borrow funds to make this purchase. We similarly need to update our math, science, and social studies textbooks.

19. We continue to face challenges educating a growing ELL student population. Because of financial constraints, we are unable to provide our teachers with sufficient professional development, technology, and curricular resources to

support our students and ELL program.

20. We desperately need to improve the physical condition of our facilities, but cannot afford to do so. For example, our elementary school continues to need a new roof, and our high school badly needs improvements to the cafeteria.

21. Our fund balance is dropping dangerously low, as the balance is being used to fill holes in the budget. In 2011, our fund balance was \$5.7 million. This upcoming year it will be less than \$1 million.

22. We are criticized for the performance of our students on state assessment scores. Yet it is the state funding system which prevents us from providing basic resources that our educators know our students need.

23. All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

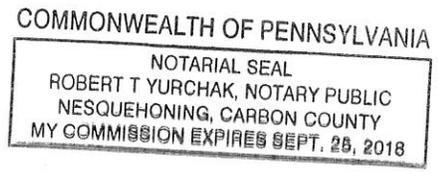
Dated:  6-28-2018

State of Pennsylvania  
County of CARBON

Signed and sworn to (or affirmed) before me on June 28, 2018 (date) by  
Dennis KERGICK.

  
Notary Public

My commission expires:



**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Docket No. 587 MD 2014

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

**DECLARATION OF DR. BRIAN COSTELLO**

I, Dr. Brian Costello, hereby declare as follows:

1. I am the Superintendent of the Wilkes-Barre Area School District.
2. The Pennsylvania school funding system continues to deprive our district of the resources necessary to provide every child, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.
3. We repeatedly have to make choices based on what we can afford during a particular year, rather than on what our students need.
4. We are a district with a high rate of poverty, and a high rate of children with disabilities. These children need more resources, but the state fails to provide them. For example, last year we spent approximately \$18 million on

special education services, but the state provided us with only \$4.9 million in special education funding.

5. The lack of funding has impacted us for many years. For example, as a result of the 2011-12 state budget cuts, we were forced to reduce the number of teachers in our district, and eliminate several instructional support positions. Due to a lack of funding, these positions were never restored.

6. As a result of 2011-12 state budget cuts, we were forced to eliminate or reduce remedial programs for at-risk students, especially at the elementary school level. This includes the elimination of our elementary summer school, which helped economically disadvantaged students catch up to their peers, as well as prevent regression during the summer. Due to a lack of funding, this program was never restored.

7. As part of our Young Scholars program, we previously received funding for students to dual enroll in high school and in a local university or college, giving our children a head start on the path to a college degree. As a result of the 2011-12 state budget cuts, funding has been eliminated for that program, and we have never been able to restore it. This means that in a school district where the large majority of children are economically disadvantaged, only students with the means to pay for the enrollment themselves can participate.

8. I am aware that two years ago the Commonwealth passed a funding

formula, which changed the way the state distributed a small portion of basic education funding. That the formula only applies to “new” funding has had a drastic impact on Wilkes Barre. According to the Pennsylvania Department of Education’s proposed budget distribution for 2018-19, the refusal to apply the formula to all basic education funding lessens our share of basic education funding by approximately \$29.3 million, or \$3,905 per student.

9. Regardless of the method of distribution, the reality has only grown worse for our district in the last two years, not better, as a lack of funding has forced us to cut even more.

10. Due to a lack of funding, in the 2016-17 school year alone we were forced to furlough 37 teachers, along with 22 secretaries and paraprofessionals. In total, since 2011-12, a lack of funding has forced us to reduce our teaching staff by almost sixty teachers, or approximately ten percent of our teaching workforce.

11. In turn, class sizes in our elementary grades have greatly increased, with many classes of twenty-six to twenty-seven students. While research has established it would be beneficial to our students to lower these ratios, we cannot afford to do so.

12. The lack of teachers has also forced us to eliminate art for elementary and junior high students, family and consumer science, and industrial arts.

13. To compensate for having less teachers, we have also shortened our

class periods from fifty-five to forty-five minutes, and then added in another class period, allowing fewer teachers to cover more classes. Our teachers have responded to this all creatively and with good spirit, but shorter class periods reduce the amount of time teachers have for one-on-one instruction, impacting our most at-risk students.

14. Due to a lack of funding, we have eliminated all librarians district-wide.

15. Due to a lack of funding, we have reduced our administrative staff to skeletal size. This impacts our ability to provide effective oversight, curriculum development, teacher feedback, and implementation of best practices.

16. Although elementary school students receive some remedial services through Title I, those services are inadequate to meet the needs of our most needy student populations. For example, many of our incoming kindergarten students test at below benchmark. We do not have funding to provide sufficient specialists and coaches to catch these children up.

17. Due to a lack of funding, we are unable to provide our students with basic, up-to-date facilities. For example, at Meyers High School, age and funding-related deferred maintenance has caused the brick and façade to decay, creating a danger of falling debris. We cannot afford to make repairs to fix this problem. Accordingly, to keep students and staff safe, we have had to cordon off the entire

façade with metal fencing. We then installed protective sheds by our entrances so that everyone could enter and exit safely.

18. Our buildings also need a considerable amount of other repairs, including electrical systems, mechanical systems, and roofs. Due to a lack of funding, we cannot make them.

19. Due to a lack of funding, we have insufficient materials and technology. We have no replacement schedule for books, and have been unable to make any significant book purchases in the past five years.

20. Moreover, our books are aging and outdated, often predating current curricular requirements. In some classes, we don't have sufficient books to allow students to take them home.

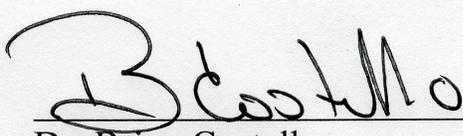
21. Our in-classroom technology also suffers as a result of a lack of funding, and in multiple ways, is getting worse. In previous years the state provided grant funding allowing us to purchase projectors and interactive whiteboards for our classrooms. But that funding has ended, the bulbs for the projectors are too expensive for us to replace, and the smartboards are aging and breaking down. As a result, our in-classroom technology is often non-existent, and often worse than when this case was originally filed.

22. Our tax rate is 22 equalized mills, well-above the state median, and the highest in our county. Our community tries to raise sufficient funding for our

schools, but we do not have the wealth to do so.

23. All statements in this Declaration are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 6/29/18



Dr. Brian Costello

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**AFFIDAVIT OF DAMARIS RAU**

I, Dr. Damaris Rau, hereby declare as follows:

1. I am the Superintendent of the School District of Lancaster.
2. The Pennsylvania school funding system continues to deprive our district of sufficient funds to provide every child, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.
3. Our community tries to raise sufficient funding for our schools, but we do not have the wealth to do so. Our community has increased taxes in recent years. Our tax rate is 24.5 equalized mills, significantly higher than the average Pennsylvania school district.
4. We use our resources efficiently, and regularly look for ways to save funds, including asking our professional staff to make sacrifices. For example, our

teachers have made significant contract concessions in two consecutive contract negotiations that have saved the district money, while increasing our teachers' out-of-pocket expenses.

5. Despite our best efforts, and our community's best efforts, we often must make choices based on what we can afford, rather than on what our students need, particularly those students with the highest needs.

6. Many of the cuts we made as a result of the 2011 budget cuts were never restored. For example, as a result of those cuts we eliminated 100 teaching positions and administrative positions. Due to a lack of funding, we were never able to restore the vast majority of those positions.

7. That reduction in teachers increased the ratio of students to teachers in high schools to thirty to one, elementary and middle school classes to twenty-eight to one, and kindergarten through second grade have an average student-teacher ratio of twenty-five to one. While research has established it would be beneficial to our students to lower these ratios, we cannot afford to do so, and we do not have the space to do so. We know that many better funded districts in the state are able to have smaller class sizes in order to improve learning.

8. As a result of the 2011 budget cuts, we reduced our librarians from twenty to five. Due to a lack of funding, we were unable to restore these positions. Our remaining librarians split their time between as many as four schools per

week, diminishing their ability to provide instruction to our students.

9. As a result of the 2011 budget cuts, we cut summer remedial programs and credit recovery for secondary school students, leaving these programs only available to high school students and a small number of elementary school students. Due to a lack of a funding, these programs were never restored to their original size.

10. As a result of the 2011 budget cuts, we were forced to reduce access to student electives, such as drama, journalism, or elementary school foreign languages. These electives are often what keep struggling kids coming to school each day, but due to a lack of funding, we could not restore them.

11. Our furniture remains in poor condition for too many students. In one school, many of the desks, chairs, and tables are from the 1970s.

12. I am aware that two years ago the Commonwealth passed a funding formula, which changed the way the state distributed a portion of the state's basic education funding. That the formula only applies to "new" funding has a drastic impact on our school district. According to the Pennsylvania Department of Education's proposed budget distribution for 2018-19, the failure to apply the formula to all basic education funding lessens our share of basic education funding by approximately \$36.6 million, or \$3,197 per child.

13. We are a district with significant and growing needs. For example,

we have a large and growing refugee population and a large and growing group of English Language Development (ELD) students. Getting these students up to speed takes considerable extra resources.

14. Our ELD population is growing all the time, even within the school year itself. Within three months of Hurricane Maria, for example, we added approximately 300 children from Puerto Rico, of all school ages, virtually all of whom spoke Spanish as their first language. Many of the students who arrived had little in the way of belongings, and had just experienced significant trauma.

15. We have added three professionals just to handle intake and triage for our refugee students and English language learners, helping them get enrolled, evaluated, and cared for in the shortest amount of time possible.

16. These children are incredibly important to us, and they need significant additional assistance. We have seventy-eight ELD teachers currently, but in order to get these children on an accelerated path, we need more teachers and specialists to provide individualized instruction to them. Due to a lack of funding, however, we cannot afford to hire them.

17. We have other challenges. For example, our youngest students often start with serious deficits. Approximately eighty percent of the kindergartners who do not come through our Pre-K program test as not ready for Kindergarten.

18. We know expanding our Pre-K program, which currently serves

approximately 400 children, would help our students academically. The children who come through our Pre-K program are far more likely to be assessed as ready for Kindergarten. Yet as a result of insufficient funding, we cannot afford this expansion, and have approximately 500 children on a waitlist.

19. Once these children get to Kindergarten, we do not have sufficient support staff to ensure each of them gets up to his or her grade level as quickly as possible. For example, we need to place at least one paraprofessional in each large Kindergarten class, allowing for far more attention for our children, but we cannot afford to do so.

20. We need to expand our summer programs. When our students are out of school for months, they often regress academically. Our summer program serves 300 students currently, but with sufficient funding, we would quadruple it in size, keeping far more of our children on track.

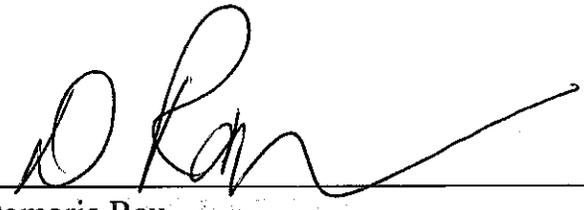
21. Moreover, due to a lack of funding, we also cannot afford nearly enough summer enrichment programs, which help children learn in creative ways, and open new paths for them. We have to use our limited funds for remedial programs.

22. We need to add more reading specialists, to help children get up to reading levels faster. But due to a lack of funding, we cannot afford to do so.

23. We need additional staff to support the serious social and emotional

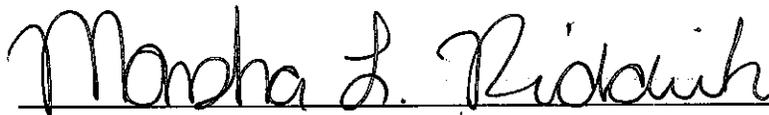
needs of our children. While we have added some staff in this area, the ratio of these professionals to our students is as much as 600 to 1. This is far too high.

24. All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

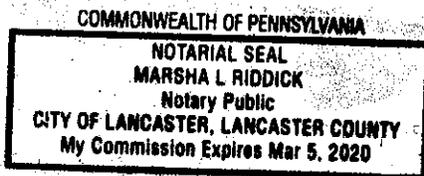
Dated: 6/26/18   
Dr. Damaris Rau

State of  
County of

Signed and sworn to (or affirmed) before me on June 26, 2018 (date) by  
Marsha L. Riddick.

  
Notary Public

My commission expires: march 5, 2020



**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Docket No. 587 MD 2014

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

**DECLARATION OF BRIAN K. WAITE**

I, Brian K. Waite, hereby declare as follows:

1. I am the Superintendent at the Shenandoah Valley School District.
2. The Pennsylvania school funding system continues to deprive our district of the resources necessary to provide every child, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.
3. We repeatedly have to make choices based on what we can afford during a particular year, rather than on what our students need.
4. During the 2012-13 school year, our district was forced to furlough ten teachers and five staff members due to a loss of funds. Due to a lack of

funding, we were never able to restore those positions.

5. During the 2012-13 school year, we were also forced to cut art and physical education for our elementary school students, eliminate our librarians and our gifted education teacher, and cut after-school tutoring for struggling students. Due to a lack of funding, we were never able to restore those positions.

6. During the 2012-13 school year, we were forced to eliminate transportation to school for children in the Borough of Shenandoah. As a result, children as young as four years old are forced to walk to school, including on the sides of roads that have no sidewalks. Due to a lack of funding, we were never able to restore that service.

7. I am aware that two years ago the Commonwealth passed a funding formula, which changed the way the state distributed a small amount of basic educational funding. That this formula only applies to “new” funding has a drastic impact on Shenandoah Valley. According to the Pennsylvania Department of Education’s proposed budget distribution for 2018-19, the refusal to apply the money to all basic education funding lessens our share of basic education funding by approximately \$3.51 million, or \$3,512 per child each year.

8. Regardless of the method of distribution, the reality has only grown worse for our districts in the last two years, not better, as a lack of funding has

forced us to cut even more.

9. For example, in 2016-17 we were forced to furlough a science teacher, eliminating science for 7<sup>th</sup> and 8<sup>th</sup> grade students. We were also forced to eliminate a disciplinarian who supervised students receiving in school suspensions. As a result, we have no choice but to send those children home, despite our belief that they are better served in school, where their issues can be addressed, and where they will lose far less classroom time.

10. Similarly, in 2017-18 we needed to hire a school psychologist, but could not afford it. Instead, we asked an assistant principal to serve in that role, forcing her to split her time between two positions where we need full time staff.

11. Our school books are often old, damaged, and outdated. For example, we use one set of math books in our high school that are from the 1990s. Those books and others that we must still rely upon are not aligned with the Pennsylvania Core Standards.

12. We have resource needy students, including high levels of students in poverty and learning English. Our English language learner (ELL) population in particular has grown dramatically, from 15 students in 2000-01, to 66 in 2008-09, to 108 students in 2016-17. Despite the fact that the Commonwealth has acknowledged that students learning English need more resources, we have been

provided very little to account for this increase, including after the enactment of the new formula. In order to provide more services for these students we must reduce important educational programs elsewhere.

13. Our community tries to raise sufficient funding for our schools, but we do not have the wealth to do so. Our tax rate is 29.7 equalized mills, higher than 479 of Pennsylvania's 500 school districts. The only district with a tax rate even close to us in our county is the Panther Valley School District, another petitioner in this matter.

14. We have long since cut any fat in our district budget. For many years now, we instead have been cutting through bone. This impacts all of our students, but particularly those struggling and at-risk students who most need the help to catch up to their peers.

15. All statements in this Declaration are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 7/2/18

  
\_\_\_\_\_  
Brian K. Waite

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**AFFIDAVIT OF AMY ARCURIO**

I, Amy Arcurio, hereby declare as follows:

1. I am the Assistant Superintendent of the Greater Johnstown School District.

2. The Pennsylvania school funding system continues to deprive our district of the resources necessary to provide all children, no matter their background, with an education that allows them to meet state standards, grow to the best of their capacity and potential, and become productive members of society.

3. We have a student body that comes from exceptional levels of poverty. Many of them deal with the impact of an opiate crisis that has ravaged our community. Our children often come to school hungry, and suffering from ongoing trauma. Because of a lack of funding, we cannot provide everything these children

need to catch up to their peers.

4. We tax at above the state median, but our community does not have the wealth to provide sufficient funding for our schools. As a result, we repeatedly have to make choices based on what we can afford during a particular year, rather than on what students need.

5. I am aware that two years ago the Commonwealth passed a funding formula, which changed the way the state distributed a small amount of basic education funding. That that the formula only applies to “new” funding has a drastic impact on Greater Johnstown. According to the Pennsylvania Department of Education’s proposed budget distribution for 2018-19, the refusal to apply the formula to all basic education funding lessens our share of basic education funding by approximately \$9.16 million, or \$2,880 per student.

6. Regardless of the method of distribution, the reality has only grown worse for Greater Johnstown in the last two years, not better, as we continue to make cuts and reductions to our budget to try to stay afloat. Last year, for example, we were forced to close our aging middle school altogether, rather than repair it.

7. This year, due to a lack of funding, we were forced to eliminate five teachers, along with maintenance staff, and support staff.

8. In fact, since the 2010-11 school year, we have had to eliminate approximately fifty teachers, despite our student body staying approximately the

same size. Class size has increased as a result, and supports for at-risk children have decreased. We now have about six students per class too many in our elementary schools.

9. Teachers are not the only thing we have had to cut. We run afterschool and summer programs for our children, to make sure, among other things, that our students have safe places to be during non-instructional time, and so we can ensure children have dinner to eat. This year, due to a lack of funding, we were forced to eliminate these afterschool programs for elementary school students, and reduce our summer program for elementary school students from two months to one.

10. Seventy percent of our incoming kindergartners test as not academically ready to begin Kindergarten. Yet due to a lack of funding, we cannot provide most children with high-quality 4-K to help them before they reach us, and cannot provide them with sufficient supports, like reading specialists, after they reach us, to help them catch up.

11. A lack of funding also prevents us from providing sufficient technical education to our children. For example, this year we were forced to eliminate a vocational program which helps our students on a path towards a career as electricians.

12. During the 2012-13 school year, we were forced to eliminate some

library services. Due to a lack of funding, those services were never restored. But the problem has grown worse. Our middle school now has no librarian at all. As a result, the library is generally closed.

13. Due to a lack of funding, we cannot buy all the books we need. We have various classes where children cannot take books home, because we do not have enough.

14. One way we have stayed afloat is by drawing upon our fund balance each year. That balance, however, is dangerously low, shrinking from approximately \$12 million in 2012-13 to a projected balance of \$1.2 million in 2018-19.

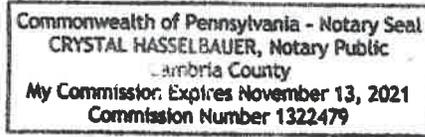
15. We know a numbers of programs that are proven to work for our children, from intensive interventions and trauma informed therapy, to smaller class sizes and adequate counselors. But we don't provide them, for one reason only: a lack of funding.

16. All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated:

*Amy Arcurio*  
Amy Arcurio

State of  
County of



Signed and sworn to (or affirmed) before me on JUNE 26, 2018 (date) by

CRYSTAL HASSELBAUER

*Crystal Hasselbauer*

Notary Public

My commission expires: 11-13-2021

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Docket No. 587 MD 2014

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

**AFFIDAVIT OF JAMELLA MILLER**

I, Jamella Miller, hereby declare as follows:

1. I am a Petitioner in this matter along with my husband Bryant Miller.
2. We live in Lansdowne, Pennsylvania, within the boundaries of Petitioner William Penn School District. Our children are enrolled at William Penn School District.
3. At the time the Petition was filed in 2014, our daughter K.M. attended Ardmore Avenue Elementary School; she completed Kindergarten through sixth grade at Ardmore. She attended Penn Wood Middle School in seventh and eighth grade. K.M. just completed ninth grade at Penn Wood High School.
4. Our younger child, B.M., is currently in second grade at Ardmore Avenue Elementary School.

5. The schools in our District that our children attend continue to be significantly underfunded. This has resulted in a continuing lack of basic resources to meet the educational needs of our children.

6. For example, throughout K.M.'s years in elementary school and continuing to our son B.M.'s experience today, Ardmore Elementary School has not been able to provide any dedicated, full-time teachers in areas such as music, library. These teachers are shared across multiple schools within our district. There is no assistant principal or dean of students to help with behavior issues at the elementary school level. My son B.M. cannot bring textbooks home to study or help with homework; he only brings home worksheets. In addition, the school has one guidance counselor three days a week and a social worker a half-day each week.

7. K.M. needed remedial tutoring during elementary school, but Ardmore did not have sufficient funds to provide this extra support, or buses to take students home if they were to participate in such programs. We had to spend our own money on a tutor for help with K.M.'s education. Working with a tutor just one hour each week during fifth grade year helped K.M. reach proficient scores on her PSSA.

8. At Penn Wood Middle School, the school's few electives are oversubscribed due to limited resources. K.M. wanted to take music but there were not enough instruments, so she had to just listen rather than play along in class.

9. Penn Wood Middle School has two guidance counselors for approximately 730 students; they were overworked and hardly ever available. K.M.'s ability to learn was impacted by a lot of behavior issues that were exacerbated by overcrowded classes.

10. K.M. was eligible to take Spanish II in eighth grade, but the middle school could not offer it so K.M. tried to take the course online. She was supposed to sit in the library to take the course, but this arrangement often fell apart because the librarian was shared with another school and was not always present at Penn Wood Middle School.

11. The facilities at the middle school, and the bathrooms in particular, are in very bad condition. Certain bathrooms get locked because they are in such poor condition, with rust and broken fixtures that make them unusable.

12. The elementary and middle schools do not have the resources to provide writing instruction and support. As her parents, we are concerned that K.M. does not have the foundation she needs to write essays and complete more complicated coursework.

13. K.M.'s classes in ninth grade were often crowded with thirty to thirty-two students in a classroom. K.M. was once removed from a computer class because the class was overcrowded.

14. The school nurse is only present at the ninth grade building for two days each week. One day, when K.M. was injured at school, a nurse from another school had to be called over to provide care for the concussion she received. The delay in obtaining a school nurse to address the situation could have placed my daughter at risk.

15. Our schools don't have the money needed for updated literacy programs and remedial support. There is only limited access to computers. The librarian is shared part-time between multiple school buildings.

16. K.M. will attend the Green Avenue Campus as a tenth grader in the fall. For several years the buildings have been in disrepair. Many of the student bathrooms are unusable. Students have to be careful using the sinks as the taps offer either incredibly hot water, freezing cold water, or no water at all. There are not enough janitors to clean the bathrooms, and many of the toilets are rusted out and need replacement.

17. At the Green Avenue Campus where my older daughter recently graduated, there are also staff shortages. The nurse, the librarian and music teacher

are all part-time. Last year, the biology teacher left in September and students were taught by substitute teachers for the entire year.

18. There are not enough guidance counselors to help all the high school students. SAT prep is offered as a class only for eleventh and twelfth graders, which is too late for students to qualify for scholarships or pre-college prep programs. It can be hard to get into one of the few AP classes that makes a student competitive for college admission.

19. Outside of the classroom, K.M. was excited to participate in the award-winning Penn Wood High School track team. The students have no access to a track so they run through the hallways of the school building to practice. Many of the students were cut from participation because they did not have enough money for uniforms for all the students interested in participating. This is across many of the sports at Penn Wood High School and Middle School where students need to be cut from the team because of lack of uniforms and students also share uniforms. Students will complete their sport then pass the uniform to another student.

20. As residents of the District, we pay high taxes and our property taxes are increasing again in 2019.

21. Since the filing of this lawsuit, our children have continued to suffer as a direct result of the underfunding of our school district. Despite the best efforts

of District administrators, teachers, and staff, our children continue to be denied the basic resources they need to obtain an adequate education that will prepare them for life after school.

All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 27 June 2018

Signed:

  
Jamella Miller

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**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**AFFIDAVIT OF SHEILA ARMSTRONG**

I, Sheila Armstrong, hereby declare as follows:

1. I am a Petitioner in this matter.
2. I currently live in Philadelphia, Pennsylvania, within the boundaries of the School District of Philadelphia ("District").
3. My children S.A. and S.G.A. attend schools in the District.
4. The schools my children attend in the District have been and continue to be significantly underfunded. This has resulted in a continuing lack of basic resources to meet my children's educational needs.
5. My son S.A. is currently sixteen years old and just completed tenth grade at Mastbaum High School. From kindergarten through fourth grade, he attended William Henry Harrison School, but was forced to transfer when the

district closed the school due to budget cuts. S.A. attended Spring Garden School for fifth grade through eighth grades.

6. My youngest son, S.G.A. recently completed third grade at Spring Garden School, and I still regularly visit that school. Spring Garden is in the same condition as it was when S.A. attended the school: it is an eighty-year-old building in significant disrepair. There is no auditorium that can seat all students, and classrooms are too small to comfortably fit class sizes that reach as many as thirty-two students. The school does not have working bathrooms on every floor. It has old computers and so few textbooks that students cannot take them home. The school also needs updated textbooks, which it cannot afford.

7. Spring Garden school continues to suffer from reductions in school staff. Budget cuts resulted in the loss of noon-time aides and a dean who had handled student discipline. There is no music teacher, only an itinerant strings teacher who comes to the school for a half-day every other week. The school has no librarian or foreign language teachers. The school was only recently able to hire one counselor for the school's approximately 278 students, and a nurse who is present only three days a week.

8. Like my older son S.A., my younger child S.G.A. cannot take books home to study and currently struggles with learning and focusing in overcrowded classes at school.

9. S.A. was evaluated under the Pennsylvania System of School Assessment (PSSA) during 3rd, 4th, 5th, and 6th grades. He never attained proficiency in math, and failed to attain proficiency in reading in three of the four years. S.A. and his classmates failed to receive remedial help they needed.

10. My son S.A. attended Mastbaum last year and I regularly visit that school. Class sizes are generally between twenty-five to thirty students. The school does not have any assistant principals or social workers, and currently an English teacher serves in a dual role as a dean for behavior issues. There is only one guidance counselor, who focuses on seniors and does not have time to meet with other students. There are too few foreign language teachers. There is no librarian.

11. There is no support or tutoring available for students who are struggling. S.A. has never seen a classroom aide in the school, and they are needed. His school lacked the resources S.A. needed to be successful, including special education supports and services.

12. No music or art classes are offered at Mastbaum. SAT prep courses have very limited space and are only available to students whose GPA is above a certain level.

13. There are no air conditioners so Mastbaum is hot in the summer, and the old building is hard to heat in the winter too. Paint is peeling or missing on many of the walls, and pipes leak in the hallways.

14. S.A. cannot bring textbooks home from Mastbaum. In class, students may have to share textbooks because some of the copies are so old and worn they are unusable.

15. Outside of school, there are no afterschool programs to support students, and to help keep kids off the streets and out of trouble.

16. As a parent, it is tiring and sad to have my children attend the same schools for years while nothing improves. I worry about S.A.'s ability to truly learn what he needs to succeed on his own.

All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 6/29/18

Signed:   
\_\_\_\_\_  
Sheila Armstrong

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM PENN SCHOOL DISTRICT,  
*et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF  
EDUCATION, *et al.*,

Respondents.

Docket No. 587 MD 2014

**AFFIDAVIT OF TRACEY HUGHES**

I, Tracey Hughes, hereby declare as follows:

1. I am a Petitioner in this matter.
2. I live in Wilkes-Barre, Pennsylvania, within the boundaries of the Petitioner Wilkes-Barre Area School District.
3. My son P.M.H. is enrolled in Wilkes-Barre Area School District and attends E.L. Meyers Junior/Senior High School, which he has attended since seventh grade. Previously, he attended Dr. David W. Kistler Elementary School which is also in the Wilkes-Barre Area School District. P.M.H. just completed eleventh grade at E.L. Meyers Senior High School.
4. The schools in our District continue to be significantly underfunded. This has resulted in a continuing lack of basic resources to meet the educational needs of my child.

5. Because of funding cutbacks, school books are shared between classes and P.M.H. is not able to bring books home to study or do homework. The books in school are old and outdated, and there is currently no plan to replace them.

6. Wilkes-Barre is unable to provide P.M.H. any tutoring during or after school, and it has no free summer school program. A peer assistance program is offered weekly, but its student tutors only attend periodically.

7. There are not enough guidance counselors to help all the high school students and they have not supported P.M.H.'s preparation or plans for college. Meyers Senior High School has only one guidance counselor for all high school students in the school, and there is only one guidance counselor for all junior high school students across the District. They are overworked and hardly ever available.

8. P.M.H.'s school has limited electives, and those it has are continually at risk of being eliminated for lack of funding.

9. The facilities at the high school are in bad condition. Meyers Senior High School is a beautiful old building, but due to deferred maintenance it has decayed into dangerous conditions. The District cannot afford to undertake basic repairs or updates. Other schools in the District have closed off areas of the building for safety reasons and even hold classes in the hallways.

10. There are no librarians in any school in Wilkes-Barre Area School District. P.M.H. does not have access to any literary programs or support. I have concerns that he is not ready for more complicated coursework and the demands of post-secondary school.

11. Due to funding cuts, the District eliminated art for all schools. It recently restored art to P.M.H.'s school – but only with one art teacher - and elementary school students still have no access to art.

12. P.M.H. does not have access to a computer at school outside of the computer science elective, which is limited to a small number of students. Students are not provided with any technology to assist with their learning and teachers do not have up-to-date technology to use in the classroom.

13. Many of the students who graduate from Wilkes-Barre Area School District have to take remedial classes when they go to college because the District does not have the resources to prepare them. As P.M.H.'s parent, I am worried that he will also not be prepared to perform at the college level.

14. P.M.H. enrolled in an SAT prep class as an elective in his 10<sup>th</sup> grade year, but given funding limitations it was a small class only available to a few students. P.M.H. struggled to benefit from the prep course because the school had not yet taught him many of the foundational subjects tested on the SAT.

15. It can be hard to get into one of the few AP classes that make a student competitive for college admission. A limited number of students have the opportunity to enroll in a dual high school and local college program, but it requires strong parent advocacy to be admitted and parents must pay for it. The District used to receive a grant to support dual enrollment, but this was eliminated with the budget cuts.

16. As a resident of Wilkes-Barre, we pay high taxes and the District has raised local property taxes to the state maximum every year since the lawsuit was filed. Our property taxes are increasing again in 2019.

17. Since the filing of this lawsuit, my child continues to suffer as a direct result of the underfunding of his school district. Despite the best efforts of District administrators, teachers, and staff, my child continues to be denied the basic resources needed for an adequate education that will prepare him for the future.

All statements in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 06/28/2018

Signed: Tracey Hughes  
Tracey Hughes