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In new school funding lawsuit filings, Governor Wolf says more funding is needed, while Senator Scarnati fails to dispute growing disparities

In [a new brief](#) in the landmark case challenging Pennsylvania’s system of school funding, Governor Wolf, a respondent in the case, rejected his fellow respondent Senate President Pro Tempore Joseph Scarnati’s [claim](#) that the adoption of a school funding formula through the passage of Act 35 in 2016 renders the case moot.

In [his brief](#) filed in Pennsylvania Commonwealth Court on August 3 in *William Penn et al. v. PA Dept. of Ed. et al.*, Governor Wolf confirmed that the fair funding formula has not solved the problem.

“While Act 35 established a new, permanent school funding formula and had significant impact on the education funding scheme, unfortunately, as Petitioners’ brief highlights, much work remains to be done before Petitioners’ claims are no longer relevant or capable of adjudication.

Indeed, Act 35’s fair funding formula is only as good as the amount of money behind it. Despite facing considerable head-winds in the General Assembly, the Governor has secured substantial additional funding for needy school districts. More funding is needed to ensure that our system of education is made equal to the promise of our children. In order to fairly and equitably fund all Pennsylvania public schools, especially those struggling and disadvantaged districts, the General Assembly must work with the Governor to increase overall education funding.”

The [brief](#) was filed as a response to [the petitioners’ July 6 Commonwealth Court filing](#), which also rebutted [Senator Scarnati’s claim](#) that the lawsuit is moot. In [their filing](#), the petitioners, represented by the Public Interest Law Center and the Education Law Center, found that the spending gap between wealthy and poor school districts has widened since the lawsuit was filed, and that state funds available for classroom spending have declined.

“Senator Scarnati didn’t dispute that the inequity between wealthy and poor districts continues to grow, or that our school funding system continues to relegate children to understaffed, under resourced schools. Instead he argued that school districts and school children should start the case all over,” said Dan Urevick-Ackelsberg, staff attorney at the Public Interest Law Center. “Governor Wolf said what we all know to be true: a formula is as good as the money that goes through it, and more funding is needed to give students the education to which they are morally and legally entitled.”

In his brief, Governor Wolf asked the court to reject Senator Scarnati’s mootness application and move the case “towards a resolution that may further advancements in education funding.”

“The Governor recognizes that our public schoolchildren continue to suffer the painful consequences of underfunded schools every day. He understands that their need for justice is now,” said Maura McInerney, Legal Director of the Education Law Center. “Senator Scarnati’s approach is to require us to file a new lawsuit every year. It is merely a delay tactic and nothing more. There can be no question that a dispute continues to exist regarding the adequacy and equity of Pennsylvania’s broken school funding system.”

The lawsuit was filed in 2014 on behalf of parents, school districts, and statewide organizations in response to the failure of Pennsylvania’s legislature to adequately and equitably fund public education and provide students with the resources they need to succeed academically. The petitioners in the case are six families, six school districts – William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area and Shenandoah Valley – the Pennsylvania Association of Rural and Small Schools, and the NAACP of Pennsylvania. In the fall of 2017, in a landmark ruling, the Pennsylvania Supreme Court determined that there are judicially manageable standards for courts to review school funding issues. The state’s highest court remanded the case to Commonwealth Court for a full trial. Since that ruling, two respondents – Senator Scarnati and Representative Mike Turzai – have tried to dismiss the case or further delay trial. A May 2018 Commonwealth Court ruling dismissed most of their preliminary objections and directed parties to file briefs on the issue of mootness.

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