

PENNSYLVANIA BAR ASSOCIATION

EDUCATION LAW SECTION

Whereas, the House of Delegates in 2008 adopted a resolution which stated in part:

“NOW, THEREFORE BE IT RESOLVED THAT the Pennsylvania Bar Association finds that the adequate education of all the Commonwealth's students without regard to the community they live in is a matter of high importance to the welfare of the system of self-government in our Commonwealth, and the administration of justice.”

“BE IT FURTHER RESOLVED THAT the General Assembly is urged to promptly enact a formula for educational funding that provides all districts with adequate resources, in accordance with the Cost of Adequate Education Study, to meet state proficiency standards at a fair local tax rate, that such formula not deprive any district of funding that it currently receives, and that the Commonwealth phase in the funding of the state share within six years.”

And Whereas, The General Assembly, after enacting a formula for educational funding in June 2008 designed to provide public schools (which include charter schools receiving funds from the districts where their students reside) with sufficient resources to enable students to meet state educational standards, utilized that formula for three years before abandoning it; and

Whereas, the Pennsylvania Constitution mandates the General Assembly maintain “a thorough and efficient system” of public education “to serve the needs of the Commonwealth”; and

Whereas, there continues to be wide differences in the level of public spending on a student’s education in public schools depending on where that student lives, ranging from \$8,200 to \$22,500; and

Whereas, school district local property taxes range from 8 mills to 36.9 mills, with poorer districts generally taxing at the higher rates and the districts spending the greatest amounts taxing at the lower rates;

Whereas, state appropriations provide a smaller share of K-12 education costs in Pennsylvania than in all but three other states according to US Census data; and

Whereas, Pennsylvania no longer has a formula for determining the appropriate state share of the cost of education; and

Whereas, the formula distributing the state basic education subsidy last year did not include any weights for higher cost students or other cost factors; and

Whereas, the state education appropriations last year included 12 line items which singled out 21 districts for individual increases totaling \$29 million although there was no legislative record that their needs were any greater than many other districts; and

Whereas, the gap between what the 2007 Costing Out Study found necessary for students to meet proficiency standards and what is available from state and local sources remains substantial; and

Whereas, almost half (49 percent) of the state's public schools are failing to meet their state target of at least 70% of their students proficient or above in Reading and 73% proficient or above in Math¹; and

Whereas, such widespread failure to meet standards created by the State Board of Education in accordance with legislative direction and the vast disparity in public resources available for students around the Commonwealth is inconsistent with a thorough and efficient system of public education.

NOW, THEREFORE BE IT RESOLVED THAT the Pennsylvania Bar Association continues to find that the adequate education of all the Commonwealth's students without regard to the community they live in is a matter of high importance to the welfare of the system of self-government in our Commonwealth, and the administration of justice.

AND BE IT FURTHER RESOLVED THAT the General Assembly is urged to enact legislation establishing a commission to recommend a formula for determining the state share of K-12 educational funding and how to fairly distribute it so that all public schools are provided with adequate resources for their students to meet state proficiency standards at a fair local tax rate.

1. Pennsylvania Department of Education file "Academic Performance Data for SY 2012-2013" found at <http://paschoolperformance.org/Downloads>

*Approved the House of Delegates June
2008*

RESOLUTION SUPPORTING A STATE EDUCATIONAL FUNDING FORMULA
TO PROVIDE ADEQUATE FUNDING FOR STUDENTS IN ALL DISTRICTS

WHEREAS, an adequate system of education is necessary for an informed citizenry able to vote, to serve in the legal system as jurors and to understand and effectively participate in our system of self government;

WHEREAS, lawyers and judges in the legal system are increasingly called upon to deal with children in juvenile court and elsewhere who have dropped out of the education system, are at risk of doing so, or are in need of additional educational services which are beyond the financial capacity of their school districts;

WHEREAS, a high percentage of persons incarcerated in prisons have limited skills in reading and basic math, have failed to graduate high school and are unable to qualify for jobs requiring a high school degree;

WHEREAS, there has been a long term decline in jobs available for persons without an adequate education, leaving such persons unable to provide for their families and placing them at increased risk of criminal behavior or dependency upon others;

WHEREAS, Article III, Section 14 of the Pennsylvania Constitution charges the General Assembly to provide for "the maintenance and support of a thorough and efficient system of public education";

WHEREAS, the Commonwealth's funding formula in effect since 1991 has not taken into account the changing number of students, students with increased educational needs, or other cost factors;

WHEREAS, the General Assembly directed the preparation of a Cost of Adequate Education Study to determine what each school district needs financially in order to meet state and federal proficiency standards for all students;

WHEREAS, that Study found: (1) most districts in the state (471 out of 501), including districts in rural areas, small cities, inner suburbs and large cities, need significantly increased funding to adequately meet those proficiency standards, and (2) there is significant inequality in educational resources available to students because of the high reliance on local funding and the great differences in wealth between districts;

WHEREAS, the state share of educational costs (36%) is lower in Pennsylvania than all but six other states;

WHEREAS, the Governor has proposed addressing each district's need for increased funds found by the Cost of Adequate Education Study through a six year program to provide state funds in accordance with the relative financial capacity of each district and its tax effort, along with accountability measures to assure their effective use;

WHEREAS, the Administration proposal does not reduce existing state funding for any district nor interfere with the existing ability of districts to raise and spend local funds;

AND WHEREAS, the mission of the Pennsylvania Bar Association includes “to promote the administration of justice.”

NOW, THEREFORE BE IT RESOLVED THAT the Pennsylvania Bar Association finds that the adequate education of all the Commonwealth’s students without regard to the community they live in is a matter of high importance to the welfare of the system of self-government in our Commonwealth, and the administration of justice.

BE IT FURTHER RESOLVED THAT the General Assembly is urged to promptly enact a formula for educational funding that provides all districts with adequate resources, in accordance with the Cost of Adequate Education Study, to meet state proficiency standards at a fair local tax rate, that such formula not deprive any district of funding that it currently receives, and that the Commonwealth phase in the funding of the state share within six years.

THEREFORE BE IT FURTHER RESOLVED that the Pennsylvania Bar Association authorizes its president and officers to communicate the content and spirit of this resolution to the Pennsylvania General Assembly, the Governor, the press, PBA members, the general public, and whomsoever they deem appropriate.

Arthur N. Read, Co-Chair
Michael Churchill, Co-Chair
PBA Education Funding Ad Hoc Committee

May 8, 2008

**The PBA Board of Governors discussed this recommendation on June 4, 2008 with the vote resulting in a tie.*

***Approved by the PBA House of Delegates on June 6, 2008.*

Notification to Board Liaison

From: Pam Kance
Sent: Wednesday, April 16, 2014 10:19 AM
To: phyllis@eselaw.com
Cc: Michael Churchill; Robert Datorre; Kelly L. Myers; Tameka L. Altadonna
Subject: PBA Education Law Section
Attachments: School Funding Resolution.docx; 2008 Resolution.pdf

Good Morning Phyllis,

The PBA Education Law Section recently approved the attached resolution which will be presented to the Board and House in May. The resolution received 14 approval votes with 2 abstentions and has been shared with the Administrative Law Section, Children's Rights, Civil & Equal Rights, Minority Bar, Legal Services to the Public and Legal Services for Exceptional Children committees as well as with the Commission on Women in the Profession. Michael Churchill, section chair, intends to present the resolution to the Board and House.

As the Board Liaison to this section, let me know if you have any questions regarding this matter.

Thanks,

~ Pam



Pamela K. Kance

Section Relations Coordinator | Pennsylvania Bar Association

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Notification to the Administrative Law Section, Children's Rights Committee, Civil & Equal Rights Committee, Commission on Women in the Profession, Minority Bar Committee, Legal Services for Exceptional Children Committee and Legal Services to the Public Committee

From: Pam Kance
Sent: Wednesday, April 16, 2014 10:08 AM Maribeth
To: Wilt-Seibert (mwiltseibe@state.pa.us);
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Conrad; Ursula Marks; Louann Bell; David K. Trevaskis; Kelly L. Myers;
Tameka L. Altadonna; Michael Churchill; Robert Datorre
Subject: PBA Education Law Section Resolution
Attachments: School Funding R solution.docx; 2008 Resolution.pdf

Good Morning,

Attached to this email is a Resolution approved on April 15, 2014, by the PBA Education Law Section for submission to the PBA Board of Governors for their meetings in May. Under the PBA bylaws, resolutions so submitted are to be provided to any other PBA entity that is deemed to have any interest whatsoever in the proposal. It was determined that the Administrative Law Section and the Children's Rights, Civil & Equal Rights, Minority Bar, Legal Services to the Public and Legal Services for Exceptional Children Committees as well as the Commission on Women in the Profession might have interest in this recommendation.

As chairs and co-chairs of your committees, commission and section, you are encouraged to share this recommendation with your members and submit comments on behalf of your group, pro or con that you wish the Board and House to see and consider as part of their deliberations on the matter. Comments are not required only invited. If you feel the matter is not of interest to your group to the degree to submit comments, you need do nothing further. If your group does wish to submit comments (comments must be submitted by a group not an individual) please forward them to me no later than April 25 so I may provide them to the Board of Governors and House of Delegates.

Thank you.



Pamela K. Kance
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