

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Tim Allen; Maura Dwyer; Christianne  
Kapps; Robin Roberts; Christine Plush;  
Shirley Johnson; Bianca Eberhardt;  
Parents United for Public Education,

*Petitioners,*

v.

Docket No. 474 MD 2014

Carolyn Dumaresq, in her capacity as  
Acting Secretary of the Pennsylvania  
Department of Education,

*Respondent.*

**ANSWER TO RESPONDENT'S PRELIMINARY OBJECTIONS**

Petitioners, through their counsel and pursuant to Rules 1516(b) and 1517 of the Pennsylvania Rules of Appellate Procedure and Rules 1028 and 1029 of the Pennsylvania Rules of Civil Procedure, hereby submit the following responses to the averments in the Preliminary Objections of Respondent to the Petition for Review.

**RESPONSES**

1. Admitted.

2. Admitted.
3. Admitted that the seven individual Petitioners allege that they are parents of students enrolled in the School District of Philadelphia (“District”). The remainder of the averments in paragraph 3 are conclusions of law to which no response is required and are deemed denied.
4. Admitted that the eighth Petitioner is Parents United for Public Education, and admitted that Parents United for Public Education is an organization with activities that include advocating for funding for the District. To the extent the averments in paragraph 4 characterize the organization as *solely* advocating for funding for the District, they are denied.
5. The averments in paragraph 5 incompletely summarize the Petition, which speaks for itself. To the extent a response is required, they are denied.
6. The averments in paragraph 6 incorrectly characterize the Petition’s Prayer for Relief, which speaks for itself. To the extent a response is required, they are denied.
7. The averments in paragraph 7 are conclusions of law to which no response is required and are deemed denied.
8. The averments in paragraph 8 are conclusions of law to which no response is required and are deemed denied; to the extent the averments imply the Petition challenges discretionary actions, they are specifically denied.

9. The averments in paragraph 9 are conclusions of law to which no response is required and are deemed denied.
10. The averments in paragraph 10 are admitted to the extent that 22 Pa. Code § 4.81 applies to “allegations of curriculum deficiencies.” They are denied to the extent that they assert the Petition does not contain allegations of curriculum deficiencies. To the extent they are conclusions of law, no response is required and they are deemed denied.
11. The averments in paragraph 11 are conclusions of law to which no response is required and are deemed denied.
12. The averments in paragraph 12 are conclusions of law to which no response is required and are deemed denied.
13. The averments in paragraph 13 are conclusions of law to which no response is required and are deemed denied.
14. The averments in paragraph 14 are conclusions of law to which no response is required and are deemed denied.

WHEREFORE, the Court should overrule the preliminary objections of Respondent.

Respectfully submitted,

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