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Advisory: Court to Hear Final Oral Argument on Tuesday, July 26 in Pa. School Funding Case

Parties Will Present Their Divergent Arguments on Legal Issues

What: Post-trial oral argument in Pa. school funding lawsuit

When: Tuesday, July 26, 9:30 a.m.

Where: Courtroom 3001, Pennsylvania Judicial Center; the argument will also be livestreamed by Commonwealth Court on the court's [YouTube page](#). **Recording and broadcast of this livestream is prohibited by court rules.**

Who: Attorneys for petitioners, legislative respondents, executive respondents and State Board of Education

All the parties in Pennsylvania's historic school funding trial will convene in a Harrisburg courtroom for a final time on Tuesday to argue the legal issues in the case, including whether or not the Pennsylvania State Constitution guarantees students the right to a high-quality public education.

Oral argument on July 26 will start at 9:30 am in Courtroom 3001 of the Pennsylvania Judicial Center in Harrisburg and is expected to last several hours. The argument [will be livestreamed by Commonwealth Court on their YouTube page](#); broadcast is prohibited. Judge Renée Cohn Jubelirer continues to preside in the case. Her final decision in the case could come several months after oral argument, which is the last scheduled proceeding in the case.

Attorneys for petitioners and superintendents of several petitioner school districts will be available for interview following the conclusion of oral argument. Contact [Jonathan McJunkin](#) if you are interested in setting up an interview.

A decision could have a significant effect on school funding in Pennsylvania, which currently relies on local funding more than almost any other state, [leading to steep inequality](#). According to an analysis of state data presented during trial by petitioners, [low-wealth districts have \\$4,800 less per student to spend](#) than their wealthy counterparts, and school districts statewide are collectively [\\$4.6 billion short of a benchmark for adequate funding](#) written in state law.

[The school districts and parents who brought the case are asking for](#) sustained, substantial new investments in state funding for public education, distributed based on need, so that local wealth no longer determines whether Pennsylvania students receive a quality public education.

Attorneys for the petitioners will present their legal arguments first on Tuesday. Then the attorneys for the State Board of Education and for the executive respondents will have an opportunity to present arguments. Attorneys for the legislative respondents, Sen. Corman and Speaker Cutler, will then present their arguments. Finally, petitioners will have an opportunity to respond. The judge will have an opportunity to ask questions of the parties throughout the argument. The press contact for the court is [Stacey Witalec](#).

The legal arguments in this post-trial phase focus on fleshing out the meaning of the Pennsylvania State Constitution’s education clause—“The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth”—and on the State Constitution’s equal protection provisions.

The post-trial legal briefs submitted by the petitioners and legislative respondents [present two contrasting visions](#) of Pennsylvania’s system of public education:

- Petitioners argue that the State Constitution requires “a high-quality contemporary education that prepares children for self-sufficiency and civic participation.” Legislative respondents propose a constitutional standard requiring only a “standard basic” or “minimum basic” education.
- Petitioners argue that the State Constitution provides a fundamental right to children in every community to have access to high-quality public education. Legislative respondents argue there is no constitutional right to an education at all.
- Petitioners argue that local control “does not excuse the deprivations suffered by children in Pennsylvania’s low-wealth districts,” and these deprivations violate the Constitution’s guarantee of equal treatment under the law, discriminating against students in low-wealth districts. Legislative respondents argue that local control justifies the vast disparities in the system.

Petitioners are represented by attorneys from the Public Interest Law Center, Education Law Center, and O’Melveny.

Here are the post-trial legal briefs that have been filed in the case since June 1:

[Petitioners’ principal legal brief](#)

[Brief from Sen. Corman](#)

[Brief from Speaker Cutler](#)

[Brief from executive respondents](#), including Gov. Wolf

[Brief from State Board of Education](#)

[Petitioners’ Omnibus Reply Brief](#)

For more on the case, William Penn et al. v. PA Dept. of Education et al., visit FundOurSchoolsPA.org, a joint online project of the Education Law Center-PA and the Public Interest Law Center.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness. For more information, visit elc-pa.org or [@edlawcenterpa](https://twitter.com/edlawcenterpa) on Twitter.