

## **Facts about the PA School Funding Trial, Starting November 12: *William Penn School District et al. v. Pennsylvania Department of Education et al.***

### **Petitioners**

- *Six school districts:* William Penn SD; Panther Valley SD; School District of Lancaster; Greater Johnstown SD; Wilkes-Barre Area SD; Shenandoah Valley SD
- *Four parents:* Jamella and Bryant Miller, parents of K.M.; Sheila Armstrong, parent of S.A.; Tracey Hughes, parent of P.M.H. These parents are from petitioner districts and the School District of Philadelphia.
- *Two statewide associations:* Pennsylvania Association of Rural and Small Schools; The NAACP-Pennsylvania State Conference

### **Respondents**

- Pennsylvania Department of Education
- Jake Corman, in his official capacity as President Pro-Tempore of the Pennsylvania Senate
- Bryan Cutler, in his official capacity as the Speaker of the Pennsylvania House of Representatives
- Tom W. Wolf, in his official capacity as the Governor of the Commonwealth of Pennsylvania
- Pennsylvania State Board of Education
- Noe Ortega, in his official capacity as the Secretary of Education

### **Case in brief**

In the lawsuit filed in November 2014 by six school districts, two statewide organizations, and several Pennsylvania families, petitioners seek a long-term solution to decades of inadequate, inequitable school funding in Pennsylvania. The state Constitution makes the General Assembly responsible for ensuring a thorough and efficient system of public education, and school districts and parents claim that the state is failing to meet this legal obligation. In addition, the petitioners claim that the state maintains a funding system that discriminates against students in districts with low property values and incomes, violating the Constitution's equal protection provisions by depriving students in these communities of the educational resources they need to succeed. Petitioners are represented by Education Law Center-PA, the Public Interest Law Center, and O'Melveny.

### **Trial Logistics and Schedule**

- Trial will take place in Pennsylvania Judicial Center in Harrisburg – Courtroom 3002
- **The trial will be livestreamed on YouTube. Link will be available at [FundOurSchoolsPA.org/trial](https://www.fundourschoolspa.org/trial)**
- Commonwealth Court Judge Hon. Renée Cohn Jubelirer presiding
- Opening arguments: Nov. 12, 2021
- First witnesses: Nov. 15.
- Court will be closed: Nov. 22-26, Dec. 24-Jan. 2
- Trial is expected to run 5 days/week, 9 am – 5 pm.
- Projected length of trial: 8-10 weeks. Petitioners requested six weeks to present our case.
- Pretrial conference on Nov. 5 will address courtroom protocols (eg, can the public attend).
- Witness schedule: witnesses to be announced on Fridays for the following week.

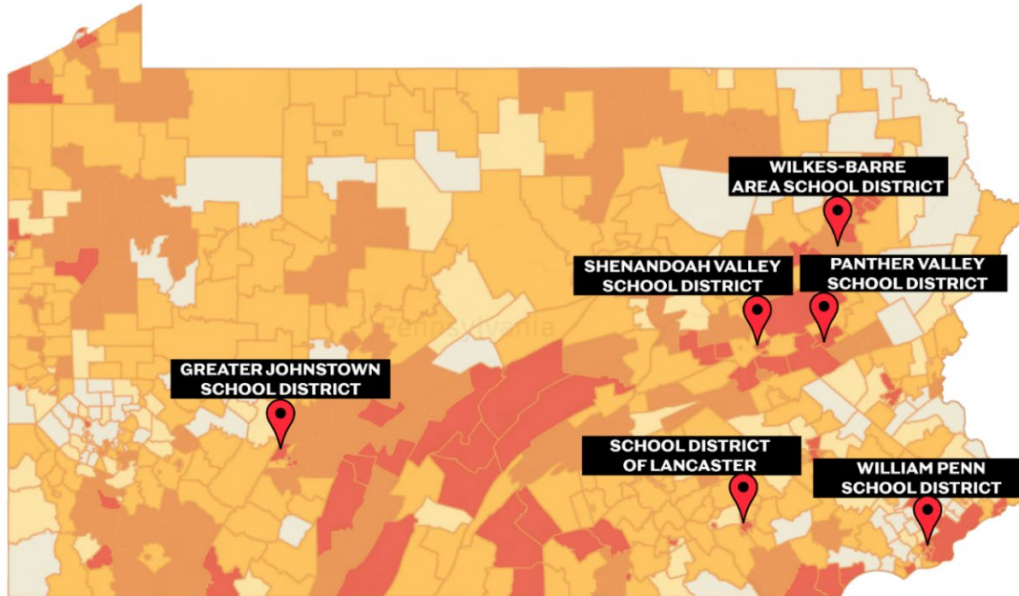
### **Websites for Information on the Case:**

[Unified Judicial System of PA docket info](#): Docket number 587 MD 2014 (appellate case)

[Fund Our Schools PA](#): Joint site of the two law centers. Look for Daily Highlights post during trial.

[Public Interest Law Center page on the case](#) | [Education Law Center page on the case](#)

# THE SIX SCHOOL DISTRICTS CHALLENGING PENNSYLVANIA'S SCHOOL FUNDING SYSTEM



Color Key: School funding shortfall per student in a school district, according to a benchmark in state law for adequate funding.



Source: Expert report of Dr. Matthew Kelly, professor, Penn State College of Education

## Greater Johnstown School District

- Cambria County, Southwestern PA
- Superintendent Amy Arcurio
- 2,940 students
  - 85.75% economically disadvantaged
  - 0.99% English learners
  - 41% White, 36% Black, 5% Hispanic, 0.2% Asian <sup>1</sup>
- Needs \$4,194 more per student to reach the state's benchmark for adequate education funding<sup>2</sup>
- Local tax rate: 18 equalized mills (Statewide rank: 276 out of 499)<sup>3</sup>
- \$9,481 current spending per weighted student (Statewide rank: 495 out of 499)<sup>4</sup>
- Graduation rate: 77.27% (Statewide rank: 481 out of 499)<sup>5</sup>

<sup>1</sup> [PA Department of Education \(PDE\) Public School Enrollments 2019-20](#)

<sup>2</sup> [Expert report prepared for petitioners by Dr. Matthew Kelly, professor, Penn State College of Education](#)

<sup>3</sup> [PDE Finances AFR Revenues 2019-20](#)

<sup>4</sup> [PDE 2021-22 Estimated Basic Education Funding](#). Local Effort Capacity index, Column L.

<sup>5</sup> [PDE 2019-20 Pennsylvania 4-Year Cohort Graduation Rates](#)

Greater Johnstown School District, about 50 miles west of Pittsburgh, encompasses the city of Johnstown in Cambria County. Home to 19,000 people—down from a peak population of more than 65,000 in the 1920s—Johnstown was a historic center of steel production. The last local Bethlehem Steel [plants closed in 1992](#).

In Greater Johnstown SD, approximately three-quarters of incoming kindergartners are behind in basic numeracy skills. Due to lack of needed funds, student needs are triaged at all levels. Only a fraction of the students who could benefit from academic and behavioral interventions receives these services. The middle school library is locked, as there is no librarian to staff it.

“Students in districts like mine are not worth any less than students in any other district in Pennsylvania,” said Greater Johnstown School District Superintendent Amy Arcurio. “With this lawsuit, we can end the hunger games that the General Assembly has put on for a generation.”

### **School District of Lancaster**

- Lancaster County, South Central PA
- Superintendent Damaris Rau
- 10,880 students
  - 90.71% economically disadvantaged
  - 19.80% English learners
  - 61% Hispanic, 17% Black, 12% White, 4% Asian
- Needs \$4,510 more per student to reach the state’s benchmark for adequate education funding
- Local tax rate: 24.8 equalized mills (Statewide: rank 74 out of 499)
- \$13,398 current spending per weighted student (Statewide rank: 274 out of 499)
- Graduation rate: 78.64% (Statewide rank: 476 out of 499)

Lancaster is a diverse city of 58,000, located about 40 miles east of Harrisburg. In the heart of Amish farm country, Lancaster has become a gateway for immigrants and refugees from around the world, particularly from Latin America. Like many of Pennsylvania’s mid-sized cities—such as Reading, Allentown, and Erie—Lancaster struggles to raise the needed funds for public education in its large school district from local funding sources.

Despite its large population of English learners, the School District of Lancaster is forced to provide the bare minimum of instructional time in English-language development, because the district lacks sufficient staff to provide more. At the start of the 2021 school year this August, three elementary schools and one middle school in the district that can’t afford air conditioning [were dismissed early for two days due to extreme heat](#).

“We know that Pennsylvania has some of the biggest achievement gaps between racial groups, even when controlling for poverty, in the nation,” City of Lancaster Superintendent Damaris Rau [told a reporter for Lancaster Online](#) in July 2021, after Speaker Cutler unsuccessfully sought to block evidence on racial disparities in Pennsylvania public education. “If our school system is not serving all students, it is not living up to the promise of the (Pennsylvania) constitution.”

### **Panther Valley School District**

- Carbon & Schuylkill Counties, Northeastern PA
- Superintendent David McAndrew

- 1,622 students
  - 56.35% economically disadvantaged
  - 1.54% English learners
  - 79% White, 10% Hispanic, 4% Black, 0.4% Asian
- Needs \$5,961 more per student to reach the state’s benchmark for adequate education funding
- Local tax rate: 32.6 equalized mills (Statewide rank: 10 out of 499)
- \$11,942 current spending per weighted student (Statewide rank: 417 out of 499)
- Graduation rate: 81.52% (Statewide rank: 466 out of 499)

Panther Valley School District is a small rural district located primarily in Carbon County. The boroughs it serves all have anthracite coal mining history, including Coaldale and Lansford, both established as company towns of the Lehigh Coal & Navigation Company.

In Panther Valley, low pay and difficult working conditions have led to high teacher turnover, with teachers being poached by neighboring districts that are able to pay higher salaries. The teachers left behind have increasingly large class sizes that are difficult to manage and tailor to their students’ needs.

“We are criticized for the performance of our students on state assessment scores,” former Panther Valley Superintendent Denis Kergick [wrote in a 2018 affidavit](#). “Yet it is the state funding system which prevents us from providing basic resources that our educators know our students need.”

#### **Shenandoah Valley School District**

- Schuylkill County, Northeastern PA
- Superintendent Brian Waite
- 1,079 students
  - 75.44% economically disadvantaged
  - 12.23% English learners
  - 51% Hispanic, 44% White, 4% Black, .5% Asian
- Needs \$7,027 more per student to reach the state’s benchmark for adequate education funding
- Local tax rate: 29.8 equalized mills (Statewide rank: 23 out of 499)
- \$9,814 current spending per weighted student (Statewide rank: 491 out of 499)
- Graduation rate: 87.18% (Statewide rank: 424 out of 499)

Shenandoah Valley School District is a small rural district in Schuylkill County, part of eastern Pennsylvania’s anthracite coal region. Shenandoah is known for Mrs. T’s Pierogis. While the district’s local tax rates are the 23<sup>rd</sup> highest in Pennsylvania, its spending per student, weighted to account for need, is the 8<sup>th</sup> lowest in the state.

As in underfunded school districts across the state, staff at Shenandoah Valley wear many hats out of necessity. The district’s only gifted education teacher doubles as an ELL teacher, and a school psychologist also works as an assistant principal. Lacking universal internet connectivity and devices for every student, the district was unable to provide online learning to all of its students when schools closed in Spring 2020, relying instead on paper packets for curriculum.

“We provided students with those packets because we don’t have so many of the things that districts which are funded fairly do have,” Shenandoah Valley Superintendent Brian Waite said in an April 2021

press conference. “This has exacerbated and increased the gaps in learning between our students and those who have the funding that they need.”

#### **Wilkes-Barre Area School District**

- Luzerne County, Northeastern PA
- Superintendent Brian Costello
- 7,310 students
  - 80.16% economically disadvantaged
  - 7.55% English learners
  - 40% Hispanic, 34% White, 18% Black, 1% Asian
- Needs \$3,797 more per student to reach the state’s benchmark for adequate education funding
- Local tax rate: 22.7 equalized mills (Statewide rank: 109 out of 499)
- \$9,969 current spending per weighted student (Statewide rank: 488 out of 499)
- Graduation rate: 83.27% (Statewide rank: 457 out of 499)

Wilkes-Barre Area School District serves Wilkes-Barre and other nearby Wyoming Valley communities. Wilkes-Barre, a city of 44,000 on the banks of the Susquehanna River, was a center of early industrialization. More than a quarter of Wilkes-Barre residents live in poverty.

The school district lacks sufficient counselors, librarians, and remediation staff. Even simple problems among students, like bullying, become difficult to address, lacking sufficient interventions. Tracey Hughes, a parent whose son is a graduate and attended the district throughout his time in school, is a parent petitioner in the case. While a student, her son experienced libraries so cold he had to wear mittens and a coat, outdated and scarce textbooks that couldn’t be taken home, and science labs without enough up-to-date equipment for all students to participate—among other challenges caused by inadequate resources in the district.

“It made [my son and his classmates] feel like they were inadequate,” Ms. Hughes said in an April 2021 press conference, “which is not what we as parents try to instill in them. They all matter, and it should not depend on our ZIP code, what we get for funding.”

#### **William Penn School District**

- Delaware County, Southeastern PA
- Superintendent Eric Becoats
- 4,916 students
  - 57.85% economically disadvantaged
  - 4.62% English learners
  - 88% Black, 4% Hispanic, 4% White, 1% Asian
- Needs \$4,836 more per student to reach the state’s benchmark for adequate education funding
- Local tax rate: 35 equalized mills (Statewide rank: 2 out of 499)
- \$14,000 current spending per weighted student (Statewide rank: 222 out of 499)
- Graduation rate: 77.92% (Statewide rank: 478 out of 499)

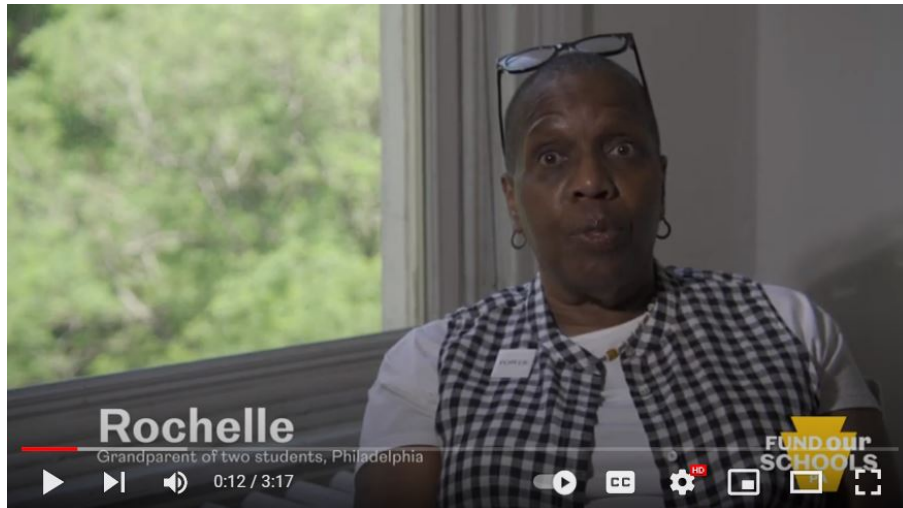
William Penn School District serves rapidly growing suburban communities in Delaware County, just outside Philadelphia, such as Darby, Lansdowne, and Yeadon. Despite immense local efforts to provide the needed funds for public education—district residents pay the highest school tax rates in Delaware

County and among the highest tax rates in the state—William Penn still falls short of state benchmarks for adequate funding by more than \$4,800 per student.

The majority of incoming kindergartners in the district test behind in reading, and many come to school without pre-K experience, but the district is unable to employ any reading specialists to help them catch up. Victoria Monroe, a recent William Penn graduate, detailed her experience in [a June 2021 op-ed for the Philadelphia Inquirer](#). “There are wires hanging from the ceiling, the cafeteria is overcrowded, and the guidance counselor is only accessible when she isn’t doing another job or dealing with hundreds of other kids,” she wrote. “The library is often locked.”

“I believe that our students have normalized their deprivation,” former William Penn superintendent Jane Harbert wrote [in a 2018 affidavit](#). “That should not continue.”

## Pennsylvanians Speak Out video series



As part of their efforts to raise awareness of the harms caused by the state legislature’s failure to fully and fairly fund Pennsylvania public schools, Fund Our Schools PA—a joint initiative of the Education Law Center–PA and the Public Interest Law Center—has produced a series of candid video interviews with Pennsylvania parents, teachers, and students. They are free to use or embed.

[Download the files for all videos here.](#)

[Pennsylvanians Speak Out: Charlotte](#) – 1:05. A Philadelphia public school teacher describes the extra efforts she and her peers in other underfunded districts have to make to get their students basic resources.

[Pennsylvanians Speak Out: The Schools All Students Deserve](#)—3:18. Public school community members in underfunded districts share what fair funding would mean to them.

[Pennsylvanians Speak Out: Pandemic Inequities](#)—2:08. A Pottstown school board member describes the impact of the COVID-19 pandemic on her community, and the deep disparities it highlighted.

[Pennsylvanians Speak Out: Underfunding in a Pandemic](#)—3:19. A diverse group of Pennsylvanians describes what COVID-19 has been like in underfunded schools, and what students will need as they return to school.

[Pennsylvanians Speak Out: Building Conditions](#)—3:05. Students, parents, and grandparents share what it’s like to go without safe and adequate school buildings, solely because they live in low-wealth communities.

## Expert Witnesses for the Petitioners

*The following expert witnesses may be called to testify by the petitioners in the school funding lawsuit. Here are brief biographies, with information on their areas of expertise.*

**Dr. Steven Barnett.** Dr. Barnett is the Founding Co-Director of the National Institute for Early Education Research and a Board of Governors Professor of Education at Rutgers University. An economist and educational researcher with a focus on early childhood education, Dr. Barnett's expertise includes how adequate funding increases academic achievement and the substantial impact that investments in early childhood education programs have on long-term educational and social outcomes.

**Dr. Clive Belfield.** Dr. Belfield is a Professor in the Economics Department at Queens College, City University of New York, and the Principal Economist for the Center for Benefit-Cost Studies in Education at Teachers College, Columbia University. His research focuses primarily on the economics of education. His areas of expertise include the importance of public education to Pennsylvania's workforce and economy, the economic and social benefits of education, the economic and social burdens of providing an inadequate education, and the results of his Pennsylvania-specific modeling.

**Professor Derek Black.** Professor Black is the Ernest F. Hollings Chair in Constitutional Law at the University of South Carolina School of Law. His expertise includes the history of the Pennsylvania Constitution and the Education Clause, including the debates and context of the Constitutional Convention of 1872-73.

**Dr. Oscar Jimenez-Castellanos.** Dr. Jimenez-Castellanos is a professor at Trinity University, Visiting Scholar at the University of Southern California Rossier School of Education and Founding Director of the Latinx Education Research Center (LERC). His expertise includes the significant educational needs of English learners, the need for additional funding to meet those needs for students in Pennsylvania, and specific evidence-based interventions and investments that improve educational outcomes for English learners.

**Dr. Edward Fuller.** Dr. Fuller is an Associate Professor of Education Policy Studies at Pennsylvania State University, the Director of the Center for Evaluation and Education Policy Analysis, and the Associate Director of Policy and Advocacy for the University Council for Educational Administration. Dr. Fuller's expertise includes how the Commonwealth's inadequate education funding system creates and sustains a shortage of quality teachers and how that shortage impedes the ability of poorer districts and districts enrolling greater percentages of economically disadvantaged students to educate their students. His expertise also covers the adverse effect the Commonwealth's funding system has on the districts' ability to recruit and retain not only teachers but administrators, counselors, librarians, and other non-instructional staff.



**Dr. Rucker Johnson.** Dr. Johnson serves as the Chancellor’s Professor of Public Policy in the Goldman School of Public Policy at the University of California, Berkeley and faculty research associate at the National Bureau of Economic Research. As a labor economist, Dr. Johnson specializes in the economics of education and the role of poverty and inequality in school finance. Dr. Johnson’s expertise includes knowledge of (i) the leading and most current research on the academic and economic impact of school-finance reform; (ii) misconceptions about the impact of school resources on student success; and (iii) policies for designing funding formulas to ensure equitable educational opportunities. Dr. Johnson is knowledgeable about studies identifying Pennsylvania as having one of the largest education-related spending disparities between rich and poor districts of any state, in addition to having wide disparities in per-pupil spending by race. He is also knowledgeable about research that highlights why school-funding inequities contribute to learning opportunity gaps that begin in early elementary school grades and grow cumulatively over a student’s lifespan. And Dr. Johnson’s own research concerns the positive impact of increased school funding on improving academic outcomes, expanding employment opportunities, and generating increased revenue for a state.

**Dr. Matthew Gardner Kelly.** Dr. Kelly is an Assistant Professor of Education at Pennsylvania State University. His expertise includes the structure of Pennsylvania’s school funding system, Pennsylvania’s high reliance on local taxes to pay for its schools, the irrationalities of the current school funding scheme, and the inequities caused by this system. Dr. Kelly is knowledgeable on how (i) differences in the characteristics of each school district and its students impact costs and how much revenue a district needs to meet state academic goals and standards; (ii) school districts with the greatest financial need according to the Commonwealth have the lowest ability to generate revenue to meet those needs, the least amount of funding, and are the furthest from meeting state academic goals; (iii) there is a large funding gap between wealthy and poor districts, which cannot be explained by local tax effort; (iv) there is a large performance gap between wealthy and poor districts, which cannot be explained by the concentration of low-income students; (v) economically disadvantaged students succeed at higher rates when they attend schools in wealthier districts; (vi) students attending school in the poorest districts are less college and career ready; (vii) graduation rates are substantially lower in the poorest districts; (viii) funding from the Commonwealth to the districts is distributed unequally, inefficiently, and irrationally; and (ix) overall funding levels are inadequate in Pennsylvania under the Commonwealth’s own definition of adequacy and has not kept pace with growing costs.

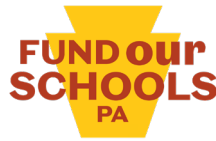
**Dr. Pedro Noguera.** Dr. Noguera serves as the Emery Stoops and Joyce King Stoops Dean of the University of Southern California Rossier School of Education. Dr. Noguera’s research focuses on the ways in which schools are influenced by social and economic conditions, as well as by demographic trends in local, regional and global contexts. Dr. Noguera’s expertise includes the range of significant developmental and learning needs that students living in poverty have that require sufficient school resources to address. He is knowledgeable that Pennsylvania schools educating high percentages of students living in poverty fail to receive sufficient and appropriate resources to meet their considerable needs, and that given the necessary resources to invest in evidence-based supports, services, and interventions, schools can mitigate the

effects of poverty and improve academic outcomes, enabling low-income children to achieve at high levels.

**Dr. Jesse Levin.** Dr. Levin is a research economist whose work focuses on analyzing school finance equity, adequacy, and resource allocation to support educational effectiveness. He has conducted studies of school finance systems, funding adequacy, and resource allocations in several states and directed national studies of school district weighted funding systems and Title I resource allocations. Dr. Levin's expertise includes how school funding impacts educational outcomes and the value and use of costing-out studies. He has also analyzed the performance of Pennsylvania students on the NAEP.

**The Public Interest Law Center** uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure their access to fundamental resources and services in the areas of public education, housing, health care, employment, environmental justice and voting. For more information, visit [www.pubintl.org](http://www.pubintl.org) or follow on Twitter @PubIntLawCtr.

**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](http://elc-pa.org) or @edlawcenterpa on Twitter.



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## Why We Are in Court: Key Facts About School Funding in PA

**Pennsylvania's state share of K-12 education funding is less than in almost all other states.** PA contributes only **38%**, which ranks **45<sup>th</sup>** in the country. The national average is **47%**. The majority of funding falls to local taxpayers, fueling gaps between wealthy and poor communities.

**Pennsylvania is underfunding its public schools** – by more than **\$4.6 billion**.

- Inadequate funding affects most students and school districts: **428 of 500** school districts lack the resources they need to meet academic standards, according to a benchmark written in state law.
- **86%** of students are in school districts that are inadequately funded.
- In **277** school districts, the gap between what the district is spending and should be spending is more than **\$2,000** per student. The gaps are biggest in school districts with limited local wealth.

**Inequality is growing.** On average, the wealthiest school districts spend **\$4,800** more per student than the poorest districts. This gap grew by **\$1,037** in a decade, even after taking inflation into account.

**The gap is growing even though the average tax rate in the state's poor districts is higher** by **14%** than it is in the wealthiest districts – higher by **2.54 equalized mills**.

**Lack of funding disproportionately impacts Black and Brown students.** The 20% of school districts with the lowest wealth educate **50%** of the state's Black students and **40%** of its Latinx students.

**The Fair Funding formula hasn't significantly reduced the inequities.** Only **14%** of state basic education funding is distributed through the formula.

**Funding increases have not kept pace with inflation.** Total basic education funding grew by only **13.5%** over 11 years, failing to keep pace with inflation (**27.5%**).

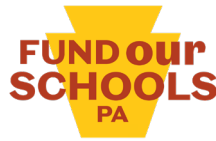
**State funding increases haven't kept up with increased mandated costs,** leaving districts less money for classrooms. Over a decade, mandated retirement costs increased by **\$1.2 billion** more than state aid.

**The state share of special education costs has declined** from **32% to 22%** over 10 years as costs rose.

- Costs grew by **66%** but state funding increased by only **11%** between 2008-09 and 2018-19.
- The annual special ed cost covered by PA districts grew by **\$1.9 billion** from 2008-09 to 2018-19.

**Money makes a difference and will improve educational and life outcomes.**

- In wealthy school districts, **94%** of students graduate in four years. In poor school districts, **74%** of students graduate on time.
- Students in the poorest districts scored **30 percentage points** lower in math and **28 percentage points** lower in language arts on standardized tests than students in the wealthiest districts.
- 50% of students who did not complete high school were in the 20% of districts with the lowest wealth.
- But low-income students who graduate from wealthy school districts have college graduation rates more than **10 percentage points** higher than low-income students from the state's poorest districts.



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## **Pennsylvania's School Funding Lawsuit – Frequently Asked Questions**

### **Q: What is the lawsuit about?**

A: Hundreds of thousands of students across the state lack basic education resources – conditions that harm their learning and prevent them from meeting state academic standards. Pennsylvania also has one of the widest funding gaps between low-wealth and high-wealth districts in the country. In the lawsuit filed by the Public Interest Law Center, Education Law Center-PA, and the law firm O'Melveny, we seek a long-term solution to decades of inadequate, inequitable school funding in Pennsylvania.

### **Q: Who is responsible for ensuring high-quality education?**

A: The state. Our state Constitution makes the General Assembly responsible for ensuring a thorough and efficient system of public education. The General Assembly, along with the Governor, the Secretary of Education, and State Board of Education, must enable all students to receive a quality education – regardless of their community's level of local wealth.

### **Q: What are our legal claims?**

A: First, the state is failing to meet its legal obligation to provide “a thorough and efficient system of public education” that serves all Pennsylvania students. Second, the state maintains a funding system that discriminates against students in districts with low property values and incomes. Pennsylvania's irrational funding disparities violate our state Constitution's equal protection provisions by depriving students in these low-wealth communities of the school resources they need to succeed.

### **Q: Who is bringing this case?**

A: Petitioners include six school districts: William Penn School District, the School District of Lancaster, Panther Valley School District, Greater Johnstown School District, Shenandoah Valley School District, and Wilkes-Barre Area School District; the Pennsylvania Association of Rural and Small Schools; the NAACP Pennsylvania State Conference; and families with children who are in or graduated from underfunded, under-resourced schools.

### **Q: Who is being sued?**

A: Leaders of the Pennsylvania House and Senate, the Secretary of Education and the Department of Education, the State Board of Education, and the Governor.

### **Q: What are you asking for in the lawsuit?**

A: We want the court to declare the current school funding system unconstitutional and order the legislature to create a new, well-funded system: One that will enable all students to fulfill their potential, meet state academic standards, become college- and career-ready, and participate in society as an engaged, informed citizen – a new system that does not discriminate against low-wealth school districts.

*Read on. --->*

**Q: What is the current status of the case?**

A: Trial is scheduled to begin on Nov. 12, 2021, in Commonwealth Court in Harrisburg, with Judge Renée Cohn Jubelirer presiding. Sessions will be livestreamed.

**Q: What has happened in the case so far?**

A: The lawsuit was filed in 2014, but Commonwealth Court dismissed the case in 2015. On appeal, the Pennsylvania Supreme Court ruled in 2017 that claims challenging the school funding system as unconstitutional are subject to judicial review and sent the case back to Commonwealth Court, where it has been proceeding toward trial.

**Q: How do you know added money will make a difference?**

A: Research shows funding matters in boosting student achievement and changing life outcomes. [A 2015 study](#) reviewing national research on education spending found that more money consistently meant better outcomes for students — not just increased graduation rates and educational attainment but higher wages as adults.

**Q: Didn't revisions to the funding formula in 2016 solve this problem?**

A: No. The school funding formula adopted by the legislature in 2016 was a positive step toward more fair distribution, but the formula applies to only a small fraction of the education budget – currently about 14%. Moreover, the formula does not determine whether there is enough funding – it merely distributes whatever the Commonwealth appropriates. In reality, there is still not enough current state funding to support public schools in financially struggling districts.

**Q: What will be the impact of this lawsuit on property taxes?**

A: Our lawsuit highlights that, on average, taxpayers in low-wealth districts bear the burden of higher property tax rates than taxpayers in high-wealth districts – but still have less funding for their students. Our case does not seek to eliminate property taxes.

**Q: If you win in Commonwealth Court, can state officials appeal?**

A: Yes. Appeal to the Pennsylvania Supreme Court is possible, but we are hopeful the General Assembly and Governor will weigh the evidence, listen to their constituents, and fix the problem.

**Q: What can I do to help?**

A: Spread the word about the case. Join [PA Schools Work](#), a non-partisan coalition seeking full, fair school funding in our state. Submit a letter to the editor to your local newspaper. Urge your school board, religious, or community group to pass a resolution in support of more, fairer state funding. Make plans to attend this historic trial this fall to show your support. Remember that the state legislature has the power right now to change the way our state funds schools. Your advocacy with elected officials can help make that change happen.

**Q: How can I get more information about the case and the trial?**

The law centers operate a website, [FundOurSchoolsPA.org](#), focused on the school funding lawsuit. Sign up there to receive daily updates during the trial.