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MEMORANDUM

To: Members of the General Assembly
From: Public Interest Law Center and Education Law Center
Date: October 27, 2025
Subject: Increased School Funding Is Constitutionally Required

Recognizing that when tensions are high, rhetoric becomes heated, we write to provide clarity about the decision in *William Penn School District v. Pennsylvania Department of Education*, including the Court's determination that the Commonwealth is unconstitutionally underfunding Pennsylvania's schools.

Put simply, any suggestion that the Court's decision is silent on the need to increase school funding does not merely miss the forest for the trees. Rather, it misses the forest *and* the trees. Unconstitutional underfunding was the central point of the trial, the 786-page opinion, and the compliance process that started last year.

The Court Determined Adequate School Funding Is Constitutionally Required

In the very first page of its opinion, the Court explained that the case was about whether the Commonwealth was "investing enough, particularly in the lower-wealth school districts across the Commonwealth and, as a result, [was] not meeting [its] constitutional duties." *William Penn School District*, Slip Op. ("Op.") 1.

Adequate funding was literally the first element of the system that the Court determined it must measure, holding that "in order to evaluate [the system's] constitutionality" it needed to evaluate the system's inputs, and made plain that "[t]he most obvious input is funding, and the resources provided to students are also inputs, such as courses and curricula, staff, facilities, and instrumentalities of learning. **These resources inevitably are tied to funding** to some degree." Op. at 676 (emphasis added).

The Court Determined Adequate School Funding Is Lacking and Required a Plan to Fix It

The Court then measured that standard against its hundreds of findings about specific deficiencies that resulted from that underfunding, and held the result to be unconstitutional:

The evidence demonstrates that **low-wealth districts like Petitioner Districts**, which struggle to raise enough revenue through local taxes to cover the greater needs of their students, **lack the inputs that are essential elements of a thorough and efficient system of public education – adequate funding**; courses, curricula, and other programs that prepare students to be college and

career ready; sufficient, qualified, and effective staff; safe and adequate facilities; and modern, quality instrumentalities of learning. Op. 705 (emphasis added).

The Court also made clear what needed to come next, providing the Governor and General Assembly “the first opportunity, in conjunction with Petitioners, to devise a plan to address the constitutional deficiencies identified” by the Court. Op. 776. And it made plain what that meant: “any plan devised by Respondents at the Court’s direction will have to provide **all** students in **every** district throughout Pennsylvania, not just Petitioners, with an adequately funded education, *i.e.*, a ‘thorough and efficient’ one.” Op. 608.

Wide Bipartisan Majorities Started that Plan Just Last Year, but It Has Years to Go to Achieve Constitutional Compliance

The next step was for the General Assembly to operationalize the Court’s command. Accordingly, in 2024, overwhelming majorities in the General Assembly responded to the Court’s decision, enacting SB 700. That law used Pennsylvania’s standards and formulas to determine the amount needed for each district to have comparable resources and opportunities already available to students in Pennsylvania’s successful schools.

When fully implemented, the funding delivered by the adequacy formula will allow for many of the things the Court also found missing from the system, through additional staff, technology improvements, and new curriculum.¹ As Leader Pittman explained when passing the legislation last year: “[W]hat we have done is acknowledge what the Commonwealth Court actually told us. The Commonwealth Court told us that the Governor and the General Assembly have to figure this out, and that is what we are trying to do in this legislation.” 34 Sen. Journal 697 (July 11, 2024).

In taking these steps, the General Assembly acknowledged that Pennsylvania schools were underfunded annually by \$4.8 billion, \$4.5 billion of which was the Commonwealth’s responsibility.

The Commonwealth remains far from meeting that ultimate goal, funding only 1/9th of the shortfall last year. And a nine-year timeline is far too slow: a child in Kindergarten will be in high school before the job is done. But it is a start. As Chairman Hughes explained, the law “is the footstool, it is the groundwork, it is the foundation of leading us to resolve this problem.” *Id.* at 702.

In sum, the Court ruled that Pennsylvania’s schools were unconstitutionally underfunded. The General Assembly acknowledged a \$4.5 billion hole, laying out the path to constitutional compliance. Now this body has the responsibility to complete it.

¹ This amount did not include any assessment of facility needs or a comprehensive evaluation of funding needed for all students to receive high-quality pre-school. The Court was clear, however, that both are key elements of a thorough and efficient system. See Op. at 689, 687.