

# PA School Funding Lawsuit Decision Talking Points

February 16, 2023



## TOPLINES

- The decision declaring Pennsylvania’s school funding system unconstitutional is a historic victory for the children of Pennsylvania.
- The court decision recognized what educators know: all children can learn and succeed when given the tools.
- The court recognized that education is a fundamental right guaranteed by the Pennsylvania Constitution to all children.
- The court recognized that students in low-wealth districts are currently denied that right because their districts cannot raise sufficient local resources, and the funding system discriminates against these communities in violation of their right to equal protection under the law.
- The court recognized that our schools require additional state funding to meet our constitution's mandate—a **comprehensive, effective, and contemporary** public education that **gives every child a meaningful opportunity to succeed academically, socially, and civically**.
- A decision that finally recognizes the need for adequate funding for schools.
- Now it’s the legislature’s job to come up with the necessary funding so that all students, whether or not they live in a wealthy community, can receive the quality public education guaranteed in our state constitution.
- It would be wrong for the legislature to continue to deny students their constitutional right to education.
- The legislature should take the necessary steps NOW to ensure that every child has access to the education that the Pennsylvania Constitution entitles them to.
- Doing so will change the future for millions of families so that children are no longer denied the education they deserve.

## What happens now?

From the ruling:

*The court found that “All witnesses agree that every child can learn. [and held that] It is now the obligation of the Legislature, Executive Branch, and educators, to make the constitutional promise a reality in this Commonwealth.” (778)*

Now it’s the legislature’s job to come up with the necessary funding so that all students, whether or not they live in a wealthy community, can receive the quality public education guaranteed in our state constitution. **There’s no reason to delay**. Complying with this ruling will change the future for millions of families, so that children are no longer denied the education they deserve.

## How much more money will the state have to spend to resolve the issues in this case?

The General Assembly must come up with a plan to fund public schools in every community so that they have adequate funding to give students the support they need to prepare for life in the 21st century. This will require sustained increases in state funding over several years. Using a measure written in state law, during the trial plaintiffs found that Pennsylvania public schools are \$4.6 billion short of the target for adequate funding.

Though the court did not name a specific dollar amount required to provide a constitutional public education in every community, the decision is clear that low-wealth districts are shortchanged by insufficient state funding. The court found that these districts lack “adequate funding; courses, curricula, and other programs that prepare students to be college and career ready” and other “essential elements of a thorough and efficient system of public education.” The court found that “educators credibly testified to lacking the very resources state officials have identified as essential to student achievement, some of which are as basic as safe and temperate facilities in which children can learn.”

The bottom line is that schools in low-wealth districts are unable to provide the supports they know their students need because of lack of funding – supports that high-performing districts are able to offer. In a constitutional system, that would not be the case.

When you look at spending per weighted student, factoring student need, schools in low-wealth districts have so much less per student than their wealthy neighbors – more than \$7,000. Those gaps need to be closed.

State investments in public education to fulfill students’ constitutional rights in Pennsylvania will be worth it. We pay for the inequality and deprivation of our current school funding system every day—in strained local property taxpayers in poor communities, in opportunity and achievement gaps that lead the nation with the short-changed potential of thousands of students.

From the ruling:

*The options for reform are virtually limitless. The only requirement, that is imposed by the Constitution, is that every student receives a meaningful opportunity to succeed academically, socially, and civically, which requires that all students have access to a comprehensive, effective, and contemporary system of public education. (777)*

### **Where will the state money come from to pay for all this?**

The state has a \$5.5 billion surplus that has been rapidly growing, as well as a rainy day fund with \$5 billion in it. Long-term, investing money in education will have a financial payoff to the state when Pennsylvania starts to graduate substantially more students who are capable, self-sufficient citizens.

### **Given that it is likely to be appealed, what’s the significance of this ruling?**

This is historic. It is the first time Pennsylvania courts have found the funding system to be unconstitutional. It affirms in great detail the deep deprivations that students in low-wealth districts have faced for decades. It orders the state legislature to end an inadequate funding status quo that divides communities by their wealth. Though it is likely that legislators will appeal, their obligation to meet the constitution’s standard is now clearly established. They could decide instead to get to work on a real solution for hundreds of thousands of students in Pennsylvania.

The powerful evidentiary record the plaintiffs assembled in this case will be what the Pennsylvania Supreme Court will consider in any appeal.

### **In other states cases like this dragged on for years. Is that what we expect?**

We certainly want to avoid that, and it would be wrong for the legislature to continue to deny students their constitutional right to education. The legislature should heed the court's order and take the necessary steps now to ensure that every child has access to the education that the Pennsylvania Constitution entitles them to. Doing so will change the future for millions of families so that children are no longer denied the education they deserve.

### **When will we see any change actually implemented?**

The governor and the General Assembly will be adopting a new budget in June 2023. They should be guided by this ruling and act with urgency.

### **What does the ruling mean for districts benefiting from "hold harmless"?**

The plaintiffs have argued that the state's contribution to education is too small and that simply redistributing the current state dollars using the current funding formula would not be sufficient and would hurt some districts that are severely underfunded.

From the ruling:

*As Mr. Splain described, hold harmless is "sort of like rearranging . . . the deck chairs on the Titanic [and w]e're all going in the wrong direction" because while "[w]e can change things around," "if we're not changing the direction with the funding that's available, we're headed in the wrong path when it comes to meeting the needs of our students and of our schools to support those students." (FOF ¶ 1700.) The concerns that underlie the perceived need for the hold harmless provision provide further support for the existence of the funding shortfalls. (679) **However, there is nothing in Petitioners' prayer for relief that would remove funding from any other entity.**" (610)*

*"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." (705)*

### **What does the decision mean for property taxes?**

Pennsylvania's school funding system has put a heavy burden on local property taxpayers and an especially unfair tax burden on low-wealth communities, where taxpayers pay much higher tax rates than taxpayers in high-wealth communities. In a constitutional school funding system, having the necessary resources for quality education will be less dependent on local wealth.

From the ruling:

*"While the Court does not intend to detract from the strides made in state educational funding, the fact remains that public schools are heavily reliant on local funding. While approximately one-third of school funding revenue comes from the state, more than half generally comes from local sources, primarily in the form of local property taxes. (FOF ¶¶ 296, 377-379, 1875.) As a result of this heavy reliance on local funding, low-wealth districts are negatively impacted." (677)*

### **How will the ruling impact wealthy districts? Will they have to pay more?**

Petitioners did not argue in this case that there should be any kind of cap on spending in wealthy communities, and, as the court noted, did not seek to take away funding from any district.

### **Will Pennsylvania's funding formula change as a result of this decision?**

The court did not dictate what funding system should be used. That is the legislature's job.

### **Why are some people saying that this decision supports more "school choice"?**

This decision makes it crystal clear that more state funding for public education in low-wealth districts is absolutely essential for students to receive the comprehensive, effective, and contemporary public education guaranteed by our state constitution. Attempts to suggest otherwise are pure spin.

The word "voucher" does not appear in the nearly 800-page document and at no point does the court call for the expansion of taxpayer funding for private schools.

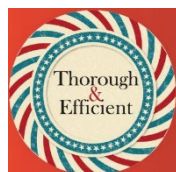
What the court does say is that every child in Pennsylvania has the right to receive a comprehensive, effective, and contemporary public education, but this right has been denied to thousands of students in low-wealth districts because of a funding system that relies heavily on local wealth. This must change, and the general assembly must fund public schools in every corner of commonwealth to "make the constitutional promise a reality in this Commonwealth."

### **BACKGROUND**

The case William Penn School District et al. v. Pennsylvania Department of Education et al. was filed in 2014 by six Pennsylvania school districts (William Penn, Greater Johnstown, Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre Area), the Pennsylvania Association of Rural and Small Schools, the NAACP-PA State Conference, and a group of public school parents. They filed suit in Pennsylvania Commonwealth Court against state legislative leaders, state education officials, and the governor for failing to uphold the General Assembly's constitutional obligation to provide a "thorough and efficient" system of public education. Petitioners also assert that the massive inequality this system fuels between poor and wealthy school districts discriminates against students in low-wealth communities, violating their right to equal protection in the state Constitution.

The school districts and other petitioners in the case are represented by the Education Law Center - PA, the Public Interest Law Center, and O'Melveny. During a four-month trial before Judge Cohn Jubelirer that concluded in March, witnesses explained in detail the deficiencies of the current system and the extreme, egregious disparities between school districts in Pennsylvania.

For more on the case, visit [www.FundOurSchoolsPA.org](http://www.FundOurSchoolsPA.org), a joint online project of the Education Law Center-PA and the Public Interest Law Center.



[www.ThoroughandEfficient.org](http://www.ThoroughandEfficient.org)