

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

William Penn School District; Panther Valley :
School District; The School District of :
Lancaster; Greater Johnstown School District; :
Wilkes-Barre Area School District; Shenandoah :
Valley School District; Jamella and Bryant : Docket No. 587 M.D. 2014
Miller, parents of K.M., a minor; Sheila :
Armstrong, parent of S.A., minor; Tyesha :
Strickland, parent of E.T., minor; Angel :
Martinez, parent of A.M., minor; Barbara :
Nemeth, parent of C.M., minor; Tracey Hughes, :
parent of P.M.H., minor; Pennsylvania :
Association of Rural and Small Schools; and The :
National Association for the Advancement of :
Colored People-Pennsylvania State Conference, :

Petitioners,

v.

Pennsylvania Department of Education; Joseph :
B. Scarnati III, in his official capacity as :
President Pro-Tempore of the Pennsylvania :
Senate; Michael C. Turzai, in his official :
capacity as the Speaker of the Pennsylvania :
House of Representatives; Thomas W. Corbett, :
in his official capacity as the Governor of the :
Commonwealth of Pennsylvania; Pennsylvania :
State Board of Education; and Carolyn :
Dumaresq, in her official capacity as the Acting :
Secretary of Education, :

Respondents.

**RESPONDENT JOSEPH B. SCARNATI III, PRESIDENT *PRO TEMPORE*
OF THE PENNSYLVANIA SENATE’S, ANSWER TO THE PETITION
FOR REVIEW AND NEW MATTER**

Senator Joseph B. Scarnati, III, President *Pro Tempore* of the Pennsylvania Senate (or “Respondent”), by his counsel, submits this Answer to the Petition for Review, along with New Matter. In the Petition for Review, which was filed almost four years ago, Petitioners challenge school funding formulas that were superseded by Act 35 of 2016 (“Act 35”). Although, in September 2017, the Pennsylvania Supreme Court recognized that the claims at hand are “dated, in their particulars if not in their overarching propositions,” and “will *require updating* [*i.e.*, amending] as this litigation proceeds,” *see William Penn School District v. Pennsylvania Department of Education*, 170 A.3d 414, 428 n. 24 (2017) (emphasis added), Petitioners have steadfastly refused to amend their Petition for Review. Instead, they have attempted to use briefs to update the Petition, which is improper.¹ And now they claim that they have never been challenging any particular statute or funding formula, even though the Petition for Review was expressly directed at the Pennsylvania school funding system that was in place in 2014 and, by necessary implication, the statutes that created that funding system.

¹ Factual allegations in a Petition for Review do not automatically “update” themselves and cannot be amended through a brief. *See, e.g., Consumer Party of Pa. v. Commonwealth*, 507 A.2d 323, 336 (Pa. 1986).

What remains is an outdated challenge to the constitutionality of . . . nothing. Because Petitioners disavow that they are challenging the constitutionality of any particular statute, all of the statutes that comprise the school funding “system” must be deemed to be valid exercises of the General Assembly’s broad discretionary authority to establish a public education system “to serve the needs of the Commonwealth.”

To make matters worse, the Petition for Review is a classic example of a shotgun pleading, comprised of 123 pages and 324 numbered paragraphs (most of which are made up of several or more sentences), in which Petitioners make an excessive number of now-outdated and convoluted allegations and repeatedly lump the “Respondents” together, as a single unit, without attempting to differentiate between them. This approach runs contrary to Pennsylvania Rule of Civil Procedure 1019(a), which provides that “[t]he material facts on which a cause of action or defense is based shall be stated in a *concise and summary form.*” (Emphasis added).

With these points as the backdrop, Respondent submits the following Answer. The numbered paragraphs of the Answer correspond to the numbered paragraphs of the Petition for Review.

1. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The Petition for Review's allegations are aimed at the public school basic education subsidy from 2014, when Petitioners commenced this action. Now, in allocating funds that are appropriated for the basic education subsidy, the Commonwealth uses factors that Act 35 of 2016 requires it to use.

2. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

3. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. By way of further answer, Respondents, individually and collectively, lack the authority to enact appropriations or allocation formulas.

4. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the first sentence of this Paragraph and therefore denies them. The remaining allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the allegations in

this paragraph are denied. The allegations are outdated and a combination of hyperbole and distortion. Petitioners conflate the opportunity for education that was offered in school districts with the students who were being educated. All students were offered the opportunity, but not every student took full advantage of the opportunity.

5. No response required in part; denied in part. The allegations in the first sentence of this paragraph are legal conclusions to which no responsive pleading is required. To the extent a responsive pleading is required, Respondent denies the allegations in the first sentence. See the answer to Paragraph 4, above. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the second sentence of this paragraph and therefore denies them.

6. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the first and third sentences of this paragraph and therefore denies them. The allegations in the second fourth and fifth sentences of this paragraph are legal conclusions to which no responsive pleading is required. To the extent a responsive pleading is required, Respondent denies these allegations. See the answer to Paragraph 4, above.

7. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The allegations are outdated and include subjective characterizations that are a matter of personal opinion, conclusions of causation that are unsupported, and comparisons that are irrelevant.

8. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The allegations are outdated. Act 35 of 2016 established a formula for funding that, over time, and with increases in appropriations, has shifted hundreds of millions of dollars to school districts that have financial needs. Throughout the Petition for Review, Petitioners include 65 footnotes that include citations, asides, and additional information. These footnotes are not part of the pleadings, as they are not consecutively numbered paragraphs. *See Pa.R.C.P. 1022.* Unless stated otherwise, the response to the allegations of a particular paragraph in the Petition for Review encompasses any footnote to that paragraph.

9. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The allegations are

outdated. The allocation of funding under Act 35 of 2016 has adjusted for the factors that are alleged in this paragraph, and more.

10. Admitted in part; denied in part; no responsive pleading required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recited Panther Valley's and Lower Merion School District's equalized millage rates in 2012-13. Throughout their Petition for Review, Petitioners refer to data from the Pennsylvania Department of Education's website. Respondent answers Petitioners' allegations to the degree that the information is publically and readily accessible, but reserves the right to contest the accuracy of the data. Denied that, based on data from the Department of Education's website, Petitioners correctly allege that Panther Valley's equalized millage rate was the 27th highest among the Commonwealth's school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

11. Admitted in part, denied in part. Admitted only that, based on data from the Department of Education's website, Petitioners correctly recited Panther Valley's and Lower Merion's combined state and local tax revenue for 2012-13. Denied that the "costing out" study was based on valid methodology or reached correct conclusions. After reasonable investigation, Respondent lacks knowledge

or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

12. Admitted in part; denied in part; no response required in part. Admitted only that Petitioners ask this Court to declare the 2014 school financing arrangement unconstitutional and find that it violates both the Education Clause and the Equal Protection Clause. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of Petitioners' alleged motivation for filing their Petition for Review and therefore all allegations regarding that topic are denied. The remaining allegations in this Paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the remaining allegations in this paragraph are denied. Denied that judicially manageable standards exist for determining the public education system's *thoroughness*. Denied that the academic standards and student performance measures, developed for other purposes, can be equated with a *thorough* system. Denied that those standards and measures are otherwise the equivalent of constitutional standards. Determining the system's *efficiency* requires a district-by-district inquiry into a district's management of its resources. Denied that the Court can second-guess the General Assembly as to whether the system *serves the needs of the Commonwealth*, which is an inherently legislative judgment.

13. Admitted in part, denied in part. This paragraph is admitted only to the extent that it is a statement of intent to seek an injunction in this case. Denied that Petitioners seek the injunction that they describe in this Paragraph. *See* Petition for Review ¶¶ 320-321. Further answering, Respondent denies that there is any legal basis to seek such an injunction or that the Court has the authority to issue such an injunction.

14. This paragraph asserts conclusions of law to which no responsive pleading is required.

15. Admitted in part; no response required in part; denied in part. Admitted only that Petitioners in this action include Pennsylvania public school districts and an organization whose members include public school districts. The allegation that Respondents failed to comply with the Education and Equal Protection Clauses in Pennsylvania's Constitution is a legal conclusion to which no responsive pleading is required. To the extent that a responsive pleading is required, the allegation is denied. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

16. This paragraph asserts conclusions of law to which no responsive pleading is required.

17. Admitted in part; denied in part. The first sentence of this Paragraph is admitted. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

18. Admitted in part, denied in part. Respondent admits the allegations in the first sentence of this Paragraph. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

19. Admitted in part; denied in part. The allegations in the first two sentences of this Paragraph are admitted. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

20. Admitted in part; denied in part. The allegations in the first sentence of this Paragraph are admitted. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

21. Admitted in part; denied in part. The allegations in the first sentence of this Paragraph are admitted. After reasonable investigation, Respondent lacks

knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

22. Admitted in part; denied in part. The allegations in the first sentence of this paragraph are admitted. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

23. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

24. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

25. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

26. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

27. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

28. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

29. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

30. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

31. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

32. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

33. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

34. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

35. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

36. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

37. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

38. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

39. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is

required, Respondent denies the allegations in this paragraph. There are many factors that bear upon whether a student is able to attain proficiency on the PSSAs.

40. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

41. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

42. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

43. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

44. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

45. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

46. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

47. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. There are many factors that bear upon whether a student is able to attain proficiency on the PSSAs.

48. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

49. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

50. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

51. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

52. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

53. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

54. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

55. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

56. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. There are many factors that bear upon whether a student is able to attain proficiency on the PSSAs.

57. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

58. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

59. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

60. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

61. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

62. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

63. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

64. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

65. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

66. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Respondents, individually and collectively, lack the authority to enact appropriations or allocation formulas. There are many factors that bear upon whether a student is able to meet state proficiency standards.

67. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

68. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

69. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

70. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

71. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

72. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

73. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Respondents, individually and collectively, lack the authority to enact appropriations or allocation formulas. There are many factors that bear upon whether a student is able to meet state proficiency standards.

74. Respondent admits that, in the Petition for Review, Petitioners use this terminology.

75. Denied. Respondent denies that PARSS is a “membership organization” that was founded in 1985. Based on a corporation search with the Pennsylvania Department of State, PARSS is a non-profit corporation that was founded in 1991. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

76. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

77. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Respondent denies that, for purposes of the claims in the Petition for Review, PARSS sustained legally cognizable harm.

78. Denied in part; no response required in part. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts. The remaining allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this

paragraph. Respondent denies that, for purposes of the claims in the Petition for Review, the member districts sustained legally cognizable harm.

79. After a reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

80. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

81. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

82. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

83. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Respondent denies that, for purposes of the claims in the Petition for Review, PA-NAACP sustained legally cognizable harm.

84. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. There are other agencies that are involved in public school matters. *E.g.*, the Public School Employees Retirement System, the State Board of Education, the Pennsylvania Higher Education Assistance Agency, and 500 local school boards.

85. Admitted in part; no response required in part. Respondent admits that the Department of Education has an office with an address of 333 Market Street, Harrisburg, Pennsylvania 17126. The remaining allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

86. Admitted in part; no response required in part. Respondent admits that he is the President *Pro Tempore* of the Pennsylvania Senate, that he has been sued in his official capacity, and that he has an office located at Senate Box 203025, 292 Capitol Building, Harrisburg, Pennsylvania 17120. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph. Further answering,

the Pennsylvania Constitution is a document that speaks for itself. Respondent denies any characterization of the Constitution.

87. Denied as stated in part; no response required in part. Respondent denies that Samuel H. Smith is Speaker of the Pennsylvania House of Representatives. Respondent admits, however, that Hon. Mike Turzai is Speaker of the Pennsylvania House of Representatives and that Speaker Turzai has an office located at 139 Main Capitol Building, PO Box 202028, Harrisburg, PA 17120-2028. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph. Further answering, the Pennsylvania Constitution is a document that speaks for itself. Respondent denies any characterization of the Constitution.

88. Denied as stated in part; no response required in part. Respondent denies that Thomas W. Corbett is Governor of Pennsylvania. Respondent admits, however, that the Hon. Tom Wolf is Governor of Pennsylvania and that Governor Wolf has an office located at Office of the Governor, 508 Main Capitol Building, Harrisburg, PA 17120. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in

this paragraph. Further answering, the Pennsylvania Constitution is a document that speaks for itself. Respondent denies any characterization of the Constitution.

89. Admitted in part; no response required in part. Respondent admits that the State Board of Education has an office at 333 Market Street, 1st Floor, Harrisburg, Pennsylvania 17126. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

90. Denied as stated in part; no response required in part. Respondent denies that Carolyn Dumaresq is Acting Secretary of Education for Pennsylvania. Respondent admits, however, that Pedro Rivera is Secretary of Education for Pennsylvania and that he has an office located at 333 Market Street, Harrisburg, Pennsylvania 17126. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph. Further answering, the Pennsylvania Constitution is a document that speaks for itself. Respondent denies any characterization of the Constitution.

91. This paragraph asserts conclusions of law to which no responsive pleading is required.

92. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

93. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

94. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

95. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

96. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The General Assembly did not adopt 22 Pa. Code Ch. 4.

97. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

98. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

99. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

100. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

101. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

102. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Under the Constitution, the General Assembly can act only through a measure that passes both Houses and presentment to the Governor.

103. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

104. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The regulations are not the equivalent of a constitutional standard.

105. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

106. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The General Assembly did not enact Chapter 4.

107. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

108. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

109. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

110. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

111. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

112. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

113. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

114. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

115. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

116. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

117. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

118. This paragraph and all of its subparts assert conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph and its subparts.

119. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

120. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

121. This paragraph asserts conclusions of law to which no responsive pleading is required.

122. Admitted in part; denied in part. Respondent admits only that, in 2006, the State Board chose Augenblick, Palaich, and Associates, Inc. (“APA”) to prepare a costing out study. After reasonable investigation, Respondent lacks

knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them.

123. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this Paragraph and therefore denies them.

124. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Denied that there was a “Pennsylvania Accountability System” and that APA used “a variety of nationally recognized research approaches” to calculate the costs associated with achieving the goals.

125. No response required in part, denied in part. The last sentence of this paragraph asserts a legal conclusion to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in the last sentence of this paragraph. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them. Further answering, the APA costing out study is a document that speaks for itself. Respondent denies any characterization of the APA costing out study.

126. Denied as stated. The APA costing out study is a document that speaks for itself. Respondent denies any characterization of the APA costing out study.

127. Denied as stated. The APA costing out study is a document that speaks for itself. Respondent denies any characterization of the APA costing out study.

128. Denied as stated. The APA costing out study is a document that speaks for itself. Respondent denies any characterization of the APA costing out study.

129. The allegations in this paragraph are legal conclusions to which no responsive pleading is required. To the extent a responsive pleading is required, the allegations in this paragraph are denied. Legislative authorization and appropriation for the costing out study does not mean acceptance of its methodology, conclusions, or past or current relevance.

130. Denied in part; no responsive pleading required in part. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the last sentence of this paragraph and therefore denies them. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent

that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

131. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

132. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

133. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

134. Denied in part; no responsive pleading required in part. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the last two sentences of this paragraph and therefore denies them. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

135. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

136. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

137. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

138. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

139. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

140. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

141. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required,

Respondent denies the allegations in this paragraph. Further answering, the passage of Act 35 of 2016 means that Pennsylvania now has a predictable and long-term school funding formula.

142. Denied. Respondent denies the allegations in the first and last sentences of this paragraph. Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them. Further answering, under Act 35 of 2016, a number of factors are taken into account, including the district's wealth, current tax effort, size, population density, number of children who live in poverty, number of children who are English language learners, and number of children who are enrolled in charter schools. *See* 24 P.S. § 25-2502.53(b)(2) & (d).

143. Denied in part; no responsive pleading required in part. The allegations in the last sentence of this paragraph are denied. The remaining allegations in this paragraph assert conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

144. Denied in part; no responsive pleading required in part. After a reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the last sentence of this paragraph and therefore denies them. The remaining allegations in this paragraph

are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

145. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

146. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

147. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

148. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

149. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

150. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

151. Denied.

152. Denied.

152 (A). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded William Penn's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (B). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Panther Valley's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (C). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Lancaster's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (D). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Greater Johnstown's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (E). Admitted in part; no response required in part. Respondent admits that, based on data from the Department of Education's website, Petitioners correctly recorded Wilkes-Barre's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To

the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (F). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Shenandoah's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (G). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Philadelphia's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (H). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Lower Merion's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to

which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (I). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Radnor Township's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (J). Admitted in part; no response required in part. Admitted that, based on data from the Department of Education's website, Petitioners correctly recorded Tredyffrin-Easttown's 2008-2009 spending. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

152 (K). Respondent incorporates his answers to Paragraph 152 (A) to (J).

153. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

154. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

155. The allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Petitioners' allegations in this paragraph, which predicted the state of affairs in 2017, are incorrect.

156. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

156 (A). Denied in part; no responsive pleading required in part. Respondent denies that, based on data from the Department of Education's website, the allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required.

To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (B). Admitted in part; denied in part; no responsive pleading required in part. Respondent admits only that, based on data from the Department of Education's website, Petitioners correctly stated the percentage of students at Panther Valley who did not score proficient or above in Biology on the 2013 Keystone Exam. Respondent denies that, based on data from the Department of Education's website, the other allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (C). Denied in part; no responsive pleading required in part. Respondent denies that, based on data from the Department of Education's website, the allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (D). Admitted in part; denied in part; no responsive pleading required in part. Respondent admits only that, based on data from the Department of Education's website, Petitioners correctly stated the percentage of students at Panther Valley who did not score proficient or above in Algebra I on the 2013 Keystone Exam. Respondent denies that, based on data from the Department of Education's website, the other allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (E). Denied in part; no response required in part. Respondent denies that, based on data from the Department of Education's website, the allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (F). Admitted in part; denied in part; no responsive pleading required in part. Respondent admits only that, based on data from the

Department of Education's website, Petitioners correctly stated the percentage of students at Shenandoah who did not score proficient or above in Algebra I on the 2013 Keystone Exam. Respondent denies that, based on data from the Department of Education's website, the other allegations in the first sentence of this paragraph are accurate. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

156 (G). After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

157. Denied. Respondent denies the allegations in the last sentence of this paragraph. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

158. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

159. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

160. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

161. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

162. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and the accompanying map and therefore denies them.

163. Admitted in part; denied in part. Respondent admits only that, based on data from the Department of Education's website, Petitioners have accurately stated the PSSA data for ELL students during the 2010-2011 and 2011-2012 school years. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

164. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them. The cited web page was not found.

165. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

166. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them. Further answering, Petitioners have not specified which test scores, or which grade levels' scores, are being recited in this paragraph and its subparts. To the degree that Petitioners are purporting to set forth PSSA test scores for all students in the Petitioner School Districts, they have inaccurately stated the relevant test scores, based on data from the Department of Education's website. For this additional reason, Respondent denies the allegations in this paragraph and all of its subparts.

167. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

168. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

169. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

170. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them. The cited web page was not found.

171. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them.

172. Denied.

173. Denied. Respondent denies that there are “problems with Pennsylvania’s current school financing arrangement[.]” After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and therefore denies them.

174. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

175. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

176. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

177. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

178. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

179. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

180. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

181. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

182. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

183. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

184. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

185. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them.

186. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

187. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

188. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

189. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

190. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

191. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

192. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

193. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

194. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

195. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

196. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

197. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them.

198. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them.

199. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

200. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

201. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

202. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

203. Denied. Respondent denies that there are “problems with Pennsylvania’s current school financing arrangement[.]” After reasonable investigation, Respondent lacks knowledge or information sufficient to form a

belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

204. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

205. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

206. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

207. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

208. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

209. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

210. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

211. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

212. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

213. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

214. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

215. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

216. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

217. : After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

218. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

219. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

220. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

221. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

222. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

223. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

224. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

225. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

226. Denied. Respondent denies the implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

227. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

228. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

229. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

230. Denied.

231. No response required in part; denied in part. The allegation that having access to the identified resources is “an integral part of a thorough and efficient system of education” is a legal conclusion to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegation. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

232. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

233. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

234. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

235. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

236. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

237. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

238. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

239. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

240. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

241. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

242. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

243. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

244. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

245. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

246. Denied. Respondent denies the implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable

investigation, Respondent lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and therefore denies them.

247. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and all of its subparts and therefore denies them.

248. Denied. Respondent denies the implication that the Commonwealth provides “inadequate” funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and all of its subparts and therefore denies them.

249. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

250. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

251. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them. The cited web page was not found.

252. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

253. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

254. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school programs. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

255. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school programs. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

256. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school programs. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a

belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

257. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

258. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

259. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school programs. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

260. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school programs. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

261. Denied. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts or programs. After

reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

262. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

263. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. State, local, and federal funding ratios are variable.

264. Denied. Respondent denies that the allegation in the first sentence of this paragraph is accurate. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the second and third sentences of this paragraph and therefore denies them.

265. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Appropriations for basic education are provided in accordance with Act 35 of 2016.

266. Admitted in part; denied in part; no responsive pleading required in part. It is admitted that, in paragraphs 266(A)-(B) and 266(C), Petitioners correctly recited data from the Department of Education's website, except for Shenandoah's market value/personal income aid ratio. It is denied that, in paragraph 266(C), Petitioners correctly recited data from the Department of Education's website with regard to Shenandoah's market value/personal income aid ratio. To the degree that this paragraph purports to provide examples of the allegations in Paragraph 265, it asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations that purport to provide the examples.

267. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Appropriations are allocated in accordance with Act 35 of 2016.

268. Admit in part; denied in part. Admitted that, in paragraphs 268(A)-(D), (F), and (H)-(J), Petitioners correctly recited data from the Department of Education's website. Denied that, in paragraphs 268(E) and (G), Petitioners correctly recited data from the Department of Education's website.

269. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

270. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

271. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

272. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

273. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

274. Admitted in part; denied in part. Denied that, based on data from the Department of Education's website, Panther Valley School District's equalized millage rate was the 27th highest in the Commonwealth. Admitted that, in this paragraph, Petitioners otherwise correctly recited data from the Department of Education's website.

275. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

276. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

277. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

278. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

279. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

280. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

281. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

282. Admitted that, in this Paragraph, Petitioners correctly recited data from the Department of Education's website.

283. Respondent incorporates his answers to Paragraphs 273 to 282.

284. Denied. Respondent denies any implication that the Commonwealth provides "inadequate" funding to certain school districts. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a

belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies them.

285. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in this paragraph and therefore denies them.

286. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

287. Denied in part; no response required in part. Respondent denies any implication that the Commonwealth provides “inadequate” funding to certain school districts. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

288. Denied.

289. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

290. Denied. Appropriations for basic education are allocated in accordance with Act 35 of 2016.

291. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Further answering, Petitioners' allegations in this Paragraph help to illustrate why this case is moot, based on the passage of Act 35 of 2016. Petitioners, in particular, are challenging a legal state of affairs that no longer exists. For example, in addition to requiring the Commonwealth to pay each school district an annual amount equal to the "school district's basic education funding allocation for the 2013-2014 school year," 24 P.S. § 25-2502.53(b)(1), the Act 35 funding formula *expressly considers* all of the factors that Petitioners mention in this Paragraph (and more). *See* 24 P.S. § 25-2502.53(b)(2) & (d) (definitions).

292. Denied. Further answering, even if Petitioners are claiming that the 2014 funding arrangement was inadequate, Act 35 of 2016 supplanted that arrangement.

293. Denied in part; no responsive pleading required in part. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the second sentence of this paragraph and therefore denies them. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining

allegations in this paragraph. In any event, the allegations regarding past years' appropriations are outdated, because of the enactment of Act 35 of 2016.

294. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

295. Admitted in part; no responsive pleading required in part. Admitted only that, based on data from the Department of Education's website, the Petitioners correctly stated the equalized millage rates for Panther Valley and Lower Merion in 2012-13. The remaining allegations in this paragraph are conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the remaining allegations in this paragraph.

296. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

297. Denied in part; no responsive pleading required in part. The first, second and last sentences of this paragraph assert conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in the first, second and last sentences of this paragraph. After reasonable investigation, Respondent lacks knowledge or

information sufficient to form a belief about the truth of the remaining allegations in this paragraph and therefore denies them.

298. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

299. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

FIRST CAUSE OF ACTION

300. Respondent incorporates his answers to paragraphs 1 to 299.

301. This paragraph asserts conclusions of law to which no responsive pleading is required. Respondent denies any characterization of the Education Clause, which speaks for itself.

302. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Respondents have not enacted anything. The General Assembly enacted the Public School Code of 1949 and has amended it from time to time.

303. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

304. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

305. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The references to “current levels” and “allocation,” which were pleaded in 2014, are out-of-date.

306. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. The “public school financing arrangement” that existed in 2014, when the Petition for Review was filed, is no longer in effect.

SECOND CAUSE OF ACTION

307. Respondent incorporates his answers to paragraphs 1 to 306.

308. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

309. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

310. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph. Since the enactment of Act 35 of 2016, the General Assembly has allocated basic education funding with due consideration for incomes and property values of residents of school districts and other equitable factors.

311. This paragraph asserts conclusions of law to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in this paragraph.

Paragraphs 312-324: These paragraphs comprise Petitioners' Prayer for Relief, to which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent denies the allegations in these paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Respondent Senator Joseph B. Scarnati, III, President *Pro Tempore* of the Pennsylvania Senate, prays that the Court:

- (1) enter judgment in favor of Respondents; and
- (2) award him his costs and expenses, including attorneys' fees.

NEW MATTER
Directed to Petitioners

1. The answers to Paragraphs 1 to 324 of the Petition for Review are incorporated herein.

A. Additional Material Facts

2. When Petitioners commenced this matter in 2014, the Pennsylvania General Assembly was meeting any obligation that Article III, Section 14 of the Pennsylvania Constitution (the “Education Clause”) placed on it. And the General Assembly continues to meet any such obligation.

3. When Petitioners commenced this matter in 2014, the Pennsylvania General Assembly was not violating Article III, Section 32 of the Pennsylvania Constitution (the “Equal Protection Clause”). And the General Assembly continues not to be in violation of the Equal Protection Clause.

4. In the Petition for Review, Petitioners challenged the school funding arrangement that was in place when they commenced this matter on November 10, 2014.

5. In the Petition for Review, Petitioners did not challenge future events, but rather the state of affairs that was in place when they commenced this matter.

6. Since the time when Petitioners commenced this matter, the passage of Act 35 of 2016 significantly altered the school funding system in Pennsylvania.

7. As Governor Wolf noted, Act 35 “materially amended” the funding scheme that Petitioners challenged in the Petition for Review. Supplemental Brief of Governor Wolf (Sept. 9, 2016) in *William Penn Sch. Dist. v. Pa. Dep’t of Educ.*, No. 46 MAP 2015, at 1.

8. In the words of Governor Wolf, “Act 35 is new, relevant legislation that changed the legislative scheme that is being challenged in the Petition for Review.” *Id.*

9. Governor Wolf noted that “[t]he impact of Act 35 is substantial.” *Id.* at 3.

10. Act 35 established a new school funding formula that applies to the 2015-2016 school year and each school year afterwards. *See* 24 P.S. § 25-2502.53(b).

11. Given that Act 35 was passed almost two years after Petitioners commenced this matter, they did not challenge that statute in the Petition for Review.

12. The new funding formula, as embodied in Act 35, provides that “the Commonwealth shall pay to each school district a basic education funding allocation” that consists of “[a]n amount equal to the school district’s basic education funding allocation for the 2013-2014 school year” along with a “student-based allocation[.]” 24 P.S. § 25-2502.53(b)(1) & (2).

13. The student-based allocation takes into account numerous factors, including, among others, a school district's wealth, current tax effort, size, population density, number of children who live in poverty, number of children who are English language learners, and number of children who are enrolled in charter schools. 24 P.S. § 25-2502.53(b)(2) & (d) (definitions).

14. Under the student-based allocation formula, the Commonwealth has provided basic education funding in an amount that has risen to \$550,000,000 for the 2018-2019 fiscal year.

15. In every year since the enactment of Act 35, the student-based allocation has grown, making it a larger portion of state funding with time.

16. The level of overall basic education funding for Pennsylvania school districts in the 2018-2019 fiscal year has risen by approximately 9% relative to the 2014-2015 fiscal year.

17. The entirety of this 9% increase in basic education funding has been allocated under the student-based allocation formula.

18. Larger percentage increases in basic education funding are evident in the student-based allocation funds that the Commonwealth has provided to the School District Petitioners.

19. A significant portion of the School District Petitioner's state funding is comprised of student-based allocation funds.

20. Student-based allocation funds have been or will be provided to William Penn in the following amounts: \$670,043 (FY 2015-16); \$1,561,530 (FY2016-17); \$1,854,141 (FY 2017-18); and, \$2,281,713 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents a **9.97% increase** in basic education funding received by William Penn, relative to what it received in FY2014 when the Petition for Review was filed. In total, William Penn will have received more than **\$6.3 million** in student-based allocation funds after FY2018-19.

21. Student-based allocation funds have been or will be provided to Panther Valley in the following amounts: \$316,098 (FY 2015-16); \$731,657 (FY2016-17); \$917,161 (FY 2017-18); and, \$1,093,403 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents a **12.48% increase** in basic education funding received by Panther Valley, relative to what it received in FY2014 when the Petition for Review was filed. In total, Panther Valley will have received more than **\$3 million** in student-based allocation funds after FY2018-19.

22. Student-based allocation funds have been or will be provided to Lancaster in the following amounts: \$2,637,903 (FY 2015-16); \$6,091,153 (FY2016-17); \$7,720,209 (FY 2017-18); and, \$8,765,086 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents

a **14.01% increase** in basic education funding received by Lancaster, relative to what it received in FY2014 when the Petition for Review was filed. In total, Lancaster will have received more than **\$25 million** in student-based allocation funds after FY2018-19.

23. Student-based allocation funds have been or will be provided to Greater Johnstown in the following amounts: \$573,081 (FY 2015-16); \$1,327,950 (FY2016-17); \$1,690,880 (FY 2017-18); and, \$2,417,352 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents a **12.6% increase** in basic education funding received by Greater Johnstown, relative to what it received in FY2014 when the Petition for Review was filed. In total, Greater Johnstown will have received more than **\$6 million** in student-based allocation funds after FY2018-19.

24. Student-based allocation funds have been or will be provided to Wilkes-Barre in the following amounts: \$1,355,313 (FY 2015-16); \$3,108,042 (FY2016-17); \$4,007,731 (FY 2017-18); and, \$5,154,573 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents a **17.77% increase** in basic education funding received by Wilkes-Barre, relative to what it received in FY2014 when the Petition for Review was filed. In total, Wilkes-Barre will have received more than **\$13.6 million** in student-based allocation funds after FY2018-19.

25. Student-based allocation funds have been or will be provided to Shenandoah in the following amounts: \$251,252 (FY 2015-16); \$580,973 (FY2016-17); \$685,696 (FY 2017-18); and, \$1,061,254 (FY2018-19, estimated). The estimated student-based allocation to be distributed for FY2018-19 represents a **13.78% increase** in basic education funding received by Shenandoah, relative to what it received in FY2014 when the Petition for Review was filed. In total, Shenandoah will have received more than **\$2.5 million** in student-based allocation funds after FY2018-19.

26. In total, the Petitioner School Districts will have received more than **\$56.8 million** in student-based allocation funds at the end of fiscal year 2018-19.

27. Since FY2015-16, a significant portion of the Petitioner School Districts' basic education funding has been comprised of student-based allocation funds that were distributed under Act 35.

28. The Commonwealth no longer distributes funding to school districts under the budget or formula that it used for distributing funding to school districts when Petitioners filed their Petition for Review.

29. A Pennsylvania school district decides how its revenue should be spent.

30. The funding decisions referenced in Paragraphs 191 to 193 and 222 to 223 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by William Penn.

31. The funding decisions referenced in Paragraphs 185 to 187 and 210 to 212 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by Panther Valley.

32. The funding decisions referenced in Paragraphs 180 to 184 and 206 to 209 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by Lancaster.

33. The funding decisions referenced in Paragraphs 188 to 190 and 213 to 219 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by Greater Johnstown.

34. The funding decisions referenced in Paragraphs 195 and 220 to 221 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by Wilkes-Barre.

35. The funding decisions referenced in Paragraphs 196 and 224 of the Petition for Review, to the degree that the allegations in those paragraphs are accurate, were made by Shenandoah.

36. Pennsylvania school districts do not spend all of their funding on educational items and purposes.

37. On information and belief, each School District Petitioner spent funds on non-educational items or purposes in 2014.

38. On information and belief, from 2015 to the present, each School District Petitioner has spent funds on, or allocated them for, non-educational items or purposes.

39. On information and belief, from 2015 to the present, each School District Petitioner has spent funds on discretionary items and activities.

40. On information and belief, the Petitioner School Districts' funding issues that Petitioners allege in the Petition for Review, to the degree that the allegations are accurate, were caused, at least in part, by local mismanagement of funds.

41. The Petitioner School Districts have not optimally used their various taxing powers to generate funding for their schools.

42. On information and belief, the Petitioner School Districts have not optimally managed their budgets.

43. Some students in each Petitioner School District scored proficient or advanced on their PSSA exams for reading and math in 2014.

44. Some students in each Petitioner School District scored proficient or advanced on their Keystone exams for algebra I and literature in 2014.

45. Some students in each Petitioner School District scored proficient or advanced on their PSSA exams for reading and math, and Keystone exams for algebra I and literature, in 2015, 2016, and 2017.

46. A student who fails to score proficient on a PSSA or Keystone exam, or other standardized test, was not necessarily deprived of an opportunity to obtain an adequate education.

47. In addition to the educational opportunities that a student received in school, there are various factors that affect how the student performs on a PSSA or Keystone exam.

48. In addition to the educational opportunities that a student received in school, there are various factors that affect whether the student can participate meaningfully in the civic, economic, social, and other activities of society.

49. No school district in Pennsylvania, regardless of funding levels, has had 100% of its students score proficient or above on the PSSA reading or math exams across grade levels in 2014 or any year afterwards.

50. No school district in Pennsylvania, regardless of funding levels, has had 100% of its students score proficient or above on the Keystone algebra I and literature exams across grade levels.

51. School districts in Pennsylvania are government entities that are part of the Commonwealth's system of public education.

52. School districts in Pennsylvania do not have individual rights, and therefore cannot be deprived of any rights that are conferred or protected by the Education Clause or Equal Protection Clause.

53. School districts in Pennsylvania do not have standing to bring claims on behalf of their students.

54. In this action, Petitioners have not filed a class action claim and do not seek to prosecute their case on behalf of all students who attend schools in the Petitioner School Districts or all students who attend Pennsylvania schools, generally.

55. The PA-NAACP, as an entity, cannot be deprived of any rights that are conferred or protected by the Education Clause or Equal Protection Clause.

56. Upon information and belief, the actions that Petitioners are challenging in this action did not harm the PA-NAACP or any of its members. Even if one or more of its members allege that they have been harmed, any such harm is not direct and immediate.

57. PARSS, as an entity, cannot be deprived of any rights that are conferred or protected by the Education Clause or Equal Protection Clause.

58. Upon information and belief, the actions that Petitioners are challenging in this action did not harm PARSS or any of its member-districts.

Even if one or more of its member-districts allege that it has been harmed, any such harm is not direct and immediate.

59. PARSS does not have standing to bring claims on behalf of the students of its member-districts.

60. PARSS's member-districts do not have standing to bring claims on behalf of their students.

B. Affirmative Defenses

61. Petitioners fail to state a claim upon which relief may be granted.

62. The General Assembly fulfilled, and is fulfilling, its duty under the Education Clause of the Pennsylvania Constitution and did not violate, and is not violating, the Equal Protection Clause of the Pennsylvania Constitution.

63. The Petition for Review is moot.

64. In the Petition for Review, Petitioners seek an advisory opinion from the Court.

65. Neither Respondent nor the General Assembly caused any of the Petitioners to sustain a legally cognizable injury.

66. Neither Respondent nor the General Assembly caused any Student Petitioner to be deprived of a constitutionally-required educational opportunity.

67. The challenge that Petitioners bring under the Education Clause is nonjusticiable.

68. Article III, Section 14 of the Pennsylvania Constitution does not create or protect constitutional rights for Petitioners.

69. Petitioners lack standing to prosecute this action. They lack standing as organizations, individuals, in a representational capacity, and otherwise.

70. Petitioners do not have a right to equal protection as to school funding.

71. In the Petition for Review, Petitioners failed to join indispensable parties, including the school districts in the Commonwealth, apart from the Petitioner School Districts, that would be directly and significantly affected by the declaratory and injunctive relief that they are requesting.

72. Petitioner School Districts and PARSS are barred from prosecuting this action because they failed to exhaust statutory or administrative remedies for financial distress.

73. Petitioner School Districts and PARSS are barred from prosecuting this action because they have an adequate remedy at law for financial distress and, therefore, cannot seek the equitable relief that they request.

74. Pennsylvania's system of public education bears a rational relationship to a legitimate governmental interest.

75. Pennsylvania's system of public education is based on important governmental interests and creates classifications that are closely related to serving those interests and the objectives of the system.

76. Under separation of powers principles, the Court cannot grant the relief that Petitioners request.

77. Petitioners' claims are barred by the political question doctrine.

78. The State Board of Education lacked a valid delegation of rulemaking authority to promulgate Chapter 4 (Academic Standards and Assessments) of Title 22 of the Pennsylvania Code.

79. The General Assembly did not, and could not, delegate its authority to determine the meaning, scope, or parameters of a thorough and efficient system of public education to serve the needs of the Commonwealth to any other body, including the State Board of Education.

80. To the degree that the State Board of Education or any other agency or entity other than the General Assembly purported to determine the meaning, scope, or parameters of a thorough and efficient system of public education to serve the needs of the Commonwealth, it exceeded its legal authority.

81. Respondent enjoys Speech or Debate immunity under Article II, Section 15 of the Pennsylvania Constitution.

82. Petitioners' claims and requested relief are barred by sovereign immunity.

NOTICE TO PLEAD

Plaintiffs are notified to plead to this Answer and New Matter within 30 days from service or a judgment may be entered against them.

CONCLUSION

WHEREFORE, Respondent Senator Joseph B. Scarnati, III, President *Pro Tempore* of the Pennsylvania Senate, requests that this Court dismiss the Petition for Review, enter judgment in Respondents' favor, and award him his costs and expenses, including attorneys' fees.

Respectfully submitted,

September 19, 2018

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VERIFICATION

I, J. Andrew Crompton, hereby verify that any factual averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge and information or belief. I make this verification subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

September 19, 2018



J. Andrew Crompton
Chief of Staff to Senator Joseph B. Scarnati, III

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

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