

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM PENN SCHOOL DISTRICT,

NO. 587 MD 2014

et al.,

Petitioners,

PENNSYLVANIA DEPARTMENT OF

EDUCATION, et al.,

Respondents.

**SPEAKER MICHAEL TURZAI'S ANSWER AND NEW MATTER TO
PETITION FOR REVIEW**

Speaker of The House Michael C. Turzai (“Speaker Turzai”), by and through his undersigned counsel, answers the Petition for Review as follows:

PRELIMINARY STATEMENT

The Petition paints a misleading portrait of the state of public education and public education funding in Pennsylvania. Contrary to the false impression that the Petition seeks to create, a 2017 Quality Counts study on public education gave Pennsylvania the eighth highest “overall state grade” in the nation, including a grade of “B” for school finance, which “analyzes distribution of funding across districts within a state.” Pennsylvania consistently ranks in the top quarter of all states in total per-pupil spending, with the Commonwealth’s per-student contribution right around the national average. State funding to school districts in Pennsylvania has consistently increased over the past decade with the exception of

2009-10 and 2010-11 when temporary federal stimulus funds under the American Recovery and Reinvestment Act (“ARRA”) were used to supplant state funding.

Further, in 2016, the General Assembly enacted, and Governor Wolf signed into law, a new Basic Education Funding Formula that was designed in accordance with the report unanimously adopted by the bipartisan Basic Education Funding Commission. The formula’s stated intent is to equitably distribute state resources to school districts across the Commonwealth. The funding disparities that exist between different school districts, which Petitioners repeatedly cite, result largely from the fact that some districts have chosen to spend large amounts of locally-raised money to supplement the funding provided by the Commonwealth.

Speaker Turzai rejects the overly-simplistic contention that disparities in educational achievement can be eliminated simply by increasing state spending on education or requiring wealthier school districts to subsidize poorer ones. Many factors can influence academic achievement, some of which are beyond the control of the education system. These include, but are not limited to, general social and economic conditions within the community; availability of school choice; home and family environment; level of parental support; teacher quality; effectiveness of administration; intellectual ability of individual students; peer pressure; and willingness to learn. Petitioners’ claims merely reflect a public policy disagreement with the manner in which the Commonwealth’s elected officials have

chosen to fund public education, which must be addressed by the people through their elected representatives in the General Assembly, rather than through the Courts.

Plaintiffs' constitutional claims are without merit. Pennsylvania's Constitution provides that the General Assembly has a constitutional duty "to provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." The Constitution does not create a right in any individual student or school district to a uniform education. Thus, the General Assembly has fulfilled its constitutional duties by establishing a system of free public schools throughout the Commonwealth and a rational funding system for their maintenance and support. The Constitution's framers specifically considered and rejected a uniformity requirement, which might have required equalized per-student spending. The framers specifically recognized that school districts should be able to raise and spend additional funds to supplement the funding received from the Commonwealth. Indeed, local property taxes have played an integral role in funding the Commonwealth's system of public schools since long before the Education Clause was amended and restated in the 1968 Pennsylvania Constitution.

ANSWER TO PETITION
INTRODUCTORY STATEMENT

1. Admitted in part, denied in part. Speaker Turzai admits that public education is an important societal interest and that the Pennsylvania General Assembly has a constitutional duty to provide for the maintenance and support of a thorough and efficient system of public education. The General Assembly has fulfilled this duty by creating a statewide system of public schools; enacting comprehensive legislation governing the administration of public schools, including the Public School Code; and creating a system for funding public education. It is denied that the funding system is “irrational and inequitable” or that it “drastically underfunds school districts across the Commonwealth and discriminates against children on the basis of the taxable property and household incomes in their districts.” Speaker Turzai further avers that decisions relating to the funding of public education must be made in the context of balancing many important competing concerns, including but not limited to allowing citizens to keep their tax dollars within their own community for the benefit of local school children; minimizing the tax burden on Pennsylvania’s citizens; preserving local control over public education; and allocating the Commonwealth’s finite revenue among many competing needs. Speaker Turzai further denies that the current state education standards, a snapshot in time, define the constitutional floor for a

“thorough and efficient” education or that the public education system fails to equip children to “participate meaningfully in the economic, civic, and social life of their communities.”

2. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

3. Admitted in part, denied in part. Speaker Turzai admits that in 2006, the General Assembly passed Act 114; that the State Board of Education subsequently performed a “costing-out” study; that the General Assembly approved a bill establishing a funding formula in 2008; and that the General Assembly modified its funding formula in 2011. Speaker Turzai denies the remaining allegations and characterizations contained in this paragraph. By way of further response, Speaker Turzai specifically denies that he is “well aware that the current school financing arrangement does not satisfy” the General Assembly’s constitutional mandate.

4. Denied as stated. By way of further response, Speaker Turzai denies the allegation that the General Assembly has instituted “funding cuts” that have had a “devastating effect on students.” To the contrary, state funding to school districts in Pennsylvania has consistently increased over the past decade with the exception of 2009-10 and 2010-11 when temporary federal stimulus funds under ARRA were used to supplant state funding. Speaker Turzai also denies that failure

to achieve proficiency on standardized tests is indicative of lack of adequate support for public education and avers that many factors can influence academic achievement, including but not limited to general social and economic conditions within the community; availability of school choice; home and family environment; level of parental support; teacher quality; effectiveness of administration; intellectual ability of individual students; peer pressure; and willingness to learn.

5. Denied as stated. By way of further response, Speaker Turzai is without knowledge or information sufficient to form a belief as to the manner in which Petitioner school districts have allocated their resources to meet their own particular budgetary situations and specific proof thereof is demanded at trial. Speaker Turzai specifically denies that school districts are receiving “insufficient funding” or that students within those districts are not being provided with an “adequate education.”

6. Denied as stated. By way of further response, Speaker Turzai denies that Petitioner school districts do not have adequate resources to prepare students to pass the Keystone Exams. Speaker Turzai incorporates by reference his answer to paragraph 4 and additionally avers that many students within Petitioner school districts do pass the Keystone Exams each year thereby demonstrating that opportunity exists. Speaker Turzai further denies that achieving proficiency or

higher is a graduation requirement for all Pennsylvania students. Act 39 of 2018 amends the Public School Code to provide that performance on the Keystone Exams will not be a graduation requirement until at least the 2020-21 school year. Additionally, the Governor recently signed into law HB-202, known as Act 6, which provides alternative pathways to graduation for students in career and technical education (“CTE”).

7. Denied as stated. By way of further response, Speaker Turzai specifically denies that Pennsylvania has “very low levels of state funding.” To the contrary, Pennsylvania consistently ranks in the top quarter of all states in total per-pupil funding, with the Commonwealth’s per-student contribution right around the national average. Furthermore, the Commonwealth’s basic education funding formula provides the highest levels of state funding to needier school districts. The funding disparities that Petitioners cite relate largely to the fact that a few districts have chosen to spend large amounts of locally-raised money to supplement the funding provided by the Commonwealth. The fact that some communities may elect to spend at higher levels to support their local school systems is simply not a constitutional violation. Indeed, this is exactly what the Constitution’s framers envisioned when they rejected proposals to include a uniformity requirement in the Education Clause and took notice of the right of local communities to utilize local tax revenues to expand educational programs subsidized by the state.

8. Denied as stated. Speaker Turzai avers that the Pennsylvania Department of Education data referred to in this paragraph is in writing and speaks for itself and no responsive pleading is required. Speaker Turzai specifically denies that these funding disparities are “unconscionable and irrational” and incorporates by reference his answer to the foregoing Paragraphs 1 and 7.

9. Denied. By way of further response, the goal of maintaining local control over public education has long been recognized as a legitimate government objective and includes a legitimate public interest in allowing local property tax dollars to be spent for the benefit of students within the district rather than redistributed elsewhere in the Commonwealth. Speaker Turzai further denies that local control over public education is “illusory.”

10. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

11. Admitted in part, denied in part. It is admitted that the Commonwealth has made an effort to close the funding gap caused by differences in local tax revenues by giving a higher state subsidy to districts with greater need. Speaker Turzai is without knowledge or information sufficient to form a belief as to the costs necessary to provide an “adequate” education to a student in Panther Valley, but avers that the General Assembly has fulfilled its constitutional duties

by providing for the maintenance and support of a thorough and efficient system of public education.

12. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations, they are denied.

13. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations, they are denied.

JURISDICTION

14. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

PARTIES

A. Petitioners

15. Admitted in part, denied in part. It is admitted, upon information and belief, that Petitioners include Pennsylvania public school districts, parents of students attending public schools in Pennsylvania and organizations whose members include school districts and/or public school parents. It is denied that respondents have failed to comply with the Education and Equal Protection Clauses.

1. School District Petitioners

16. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

17. Admitted in part, denied in part. It is admitted that Petitioner William Penn School District is a public school district located in Delaware County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

18. Admitted in part, denied in part. It is admitted that Petitioner Panther Valley School District is a public school district located in Carbon County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof thereof is demanded at trial.

19. Admitted in part, denied in part. It is admitted that Petitioner Lancaster School District is a public school district located in Lancaster County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this

paragraph. Such allegations are therefore deemed denied and strict proof thereof is demanded at trial.

20. Admitted in part, denied in part. It is admitted that Petitioner Greater Johnstown School District is a public school district located in Cambria County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

21. Admitted in part, denied in part. It is admitted that Petitioner Wilkes-Barre Area School District is a public school district located in Luzerne County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

22. Admitted in part, denied in part. It is admitted that Petitioner Shenandoah Valley School District is a public school district located in Schuylkill County, Pennsylvania. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

2. The Individual Petitioners

23. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

24. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

25. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

26. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

27. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

28. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

29. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

30. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

31. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have allegedly caused K.M. not to attain proficiency on the PSSAs. It is denied that K.M.'s inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

32. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

33. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

34. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

35. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

36. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

37. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

38. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

39. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have allegedly caused S.A. not to attain proficiency on the PSSAs. It is denied that S.A.'s inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

40. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

41. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

42. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

43. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

44. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

45. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

46. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

47. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have

allegedly caused E.T. not to attain proficiency on the PSSAs. It is denied that E.T.'s inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

48. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

49. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

50. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

51. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

52. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

53. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

54. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

55. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

56. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have allegedly caused A.M. not to attain proficiency on the PSSAs. It is denied that A.M.'s inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

57. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

58. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

59. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

60. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

61. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

62. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

63. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

64. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

65. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

66. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have allegedly caused C.M. not to attain proficiency on the PSSAs. It is denied that C.M.'s inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

67. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

68. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

69. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

70. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

71. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

72. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

73. Denied as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the individual circumstances that have allegedly caused P.M.H. not to attain proficiency on the PSSAs. It is denied that P.M.H's inability to attain proficiency was the "direct result of the Commonwealth's failure to provide her school and school district with sufficient resources."

74. This paragraph contains no factual allegations and therefore no responsive pleading is required.

3. The Petitioner Entities

75. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

76. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

77. The allegation that PARSS has been “harmed” constitutes a conclusion of law to which no responsive pleading is required. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

78. The allegation that PARSS’ member districts have been “harmed” constitutes a conclusion of law to which no responsive pleading is required. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

79. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

80. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied.

81. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

82. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

83. Denied. By way of further response, Speaker Turzai denies that PA-NAACP and its members has been “aggrieved by Respondents’ actions and omissions described in this Petition.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

B. Respondents

84. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

85. Admitted in part, denied in part. It is admitted that the Pennsylvania Department of Education has an office mailing address as stated. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

86. Admitted in part, denied in part. It is admitted that Senator Scarnati is President Pro Tempore of the Pennsylvania Senate, is being sued in his official capacity and has an office mailing address as stated. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

87. Denied as stated. Speaker Turzai, in his official capacity, has been substituted as a party for Former Speaker Smith. Speaker Turzai's office mailing address is 139 Main Capitol Building, PO Box 202028, Harrisburg, Pennsylvania 17120. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

88. Denied as stated. Governor Wolf, in his official capacity, has been substituted as a party for Former Governor Corbett. Governor Wolf's office mailing address is 508 Main Capitol Building, Harrisburg, Pennsylvania 17120. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

89. Admitted in part, denied in part. It is admitted that the Pennsylvania State Board of Education has an office mailing address as stated. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

90. Denied as stated. Secretary of Education, Pedro Rivera, in his official capacity, has been substituted as a party for Former Acting Secretary Dumaresq. It is admitted that Secretary Rivera has an office mailing address is as stated. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

GENERAL ALLEGATIONS

A. Allegations that the Pennsylvania Constitution Establishes Education as a Fundamental Right and Guarantees Equal Access Thereto.

91. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

92. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

93. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

94. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

B. Allegations that Respondents have Adopted Measureable Standards Defining What Constitutes an Adequate Education.

95. Admitted in part, denied part. By way of further response, it is admitted that Pennsylvania established statewide academic standards in 1999. It is denied that prior to that date there was “no process for measuring what individual students were learning or whether it was sufficient.” Speaker Turzai further denies

that administrative actions by state educational officials establish constitutional norms that can bind the General Assembly or otherwise create judicially manageable standards for determining whether the General Assembly has provided for the maintenance and support of a thorough and efficient system of public education.

96. Denied as stated. By way of further response, Speaker Turzai incorporates by reference his answer to the foregoing paragraph 95.

97. Denied as stated. By way of further response, statewide academic standards are typically developed and approved by the State Board of Education. Speaker Turzai further denies the characterization of the Keystone exams as “graduation requirements” and notes that Act 39 of 2018 amends the Public School Code to provide that performance on the Keystone Exams will not be a graduation requirement until at least the 2020-21 school year.

1. Allegations Regarding Adoption of Statewide Academic Standards

98. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

99. Denied as stated. By way of further response, the purpose of the academic standards and assessments adopted by the State Board of Education is set forth in 22 Pa. Code § 4.2 and Petitioners’ characterization of that purpose is denied. Speaker Turzai specifically denies the characterization of the standards-

based education system as “the General Assembly’s articulation of what an adequate public education must accomplish” and notes that the specific standards were adopted by the State Board of Education and not the General Assembly.

100. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

101. Admitted in part, denied in part. By way of further response, it is admitted that Pennsylvania established statewide academic standards in 1999 and that the State Board of education promulgated academic standards for seven content areas between 2002 and 2006. By way of further response, any inference that the content area standards are fixed, or establish constitutional norms that can bind the General Assembly or otherwise create judicially manageable standards for determining whether the General Assembly has provided for the maintenance and support of a thorough and efficient system of public education, is denied.

102. Admitted in part, denied in part. It is admitted that the State Board of Education, which includes the minority and majority chair of both the House and Senate Education Committee, gave notice of its intention to establish academic standards, published the proposed standards in the State Bulletin, and that the House and Senate Education Committees held public hearings. The allegation that “[t]he role of the General Assembly in this process was significant” is denied as vague and ambiguous. By way of further response, the process was led by the

State Board, of which Members of the General Assembly comprise only a minority.

103. Admitted in part, denied in part. It is admitted that the State Board of Education prepared a final set of regulations that were approved by the House and Senate Education Committees. Those regulations are in writing and speak for themselves and Petitioners' characterization thereof is denied.

104. Denied as stated. By way of further response, the purpose of the academic standards and assessments adopted by the State Board of Education is set forth in 22 Pa. Code § 4.2 and Petitioners' characterization of that purpose is denied.

105. Admitted in part, denied in part. It is admitted that the State Board of Education implemented the Pennsylvania Core standards with the approval of the General Assembly. The allegation that the General Assembly has been "integral" in revising the academic standards is denied as vague and ambiguous. Speaker Turzai further notes that many of the standards contained set forth in Pennsylvania Core are required as a condition of federal funding under the No Child Left Behind act.

106. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

2. Allegations Regarding Adoption of Statewide Academic Assessments

107. Denied as stated. By way of further response, it is denied that individual students face “practical consequences” for performing below expectations on PSSA exams and avers that satisfactory performance on PSSA or Keystone tests currently is not a graduation requirement. Additionally, Speaker Turzai further avers that performance on standardized tests is only one of the factors used to evaluate school districts, administrators and teachers.

108. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

109. Denied as stated. By way of further response, Speaker Turzai denies that the PSSA and Keystone exams are intended to measure whether the General Assembly has provided for “the maintenance and support of a thorough and efficient system the public education to serve the needs of the Commonwealth.” The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

110. Admitted in part, denied in part. It is admitted that PSSA exams are standard-based assessments that test student proficiency. The remaining allegations contained in this paragraph are based on the regulations that existed at the time the Petition was drafted and do not fully reflect the current regulations.

111. Denied as stated. By way of further response, Act 39 of 2018 amends the Public School Code to provide that performance on the Keystone Exams will not be a graduation requirement until at least the 2020-21 school year. Additionally, the Governor recently signed into law HB-202, known as Act 6, which provides alternative pathways to graduation for students in career and technical education. These changes reflect the General Assembly's recognition of the importance of providing multiple avenues for students to demonstrate educational achievement, especially for students enrolled in career and technical education school.

112. Admitted, except that Keystone Exams are currently administered four times per year.

113. Denied as stated. By way of further response, Speaker Turzai incorporates by reference his answer to the foregoing paragraph 111. Speaker Turzai further avers that it is no longer intended for a Keystone Exam in Civics and Government to become a graduation requirement.

114. Denied as stated. By way of further response, Speaker Turzai incorporates by reference his answer to the foregoing paragraph 111.

115. Admitted in part, denied as stated in part. It is admitted that student performance on the PSSA Exams, the Keystone Exams, and local assessments is "part of" the evaluation system for teachers, principals, and administrators. To the

extent this paragraph implies that student performance on these assessments is the most important component of the evaluation system for teachers, principals, and administrators, it is denied.

C. Allegations that Respondents Have Adopted Other Statewide Regulations Defining the Elements of an Adequate Education

116. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

117. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

118. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

119. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

D. Allegations that Respondents Have Calculated the Cost of Providing an Adequate Education

120. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

121. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

122. Admitted in part, denied in part. It is admitted that the costing-out study was performed by Augenblick, Palaich, and Associates, Inc. (“APA”), an

outside contractor. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

123. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

124. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

125. Denied as stated. The costing-out study is in writing and speaks for itself and Petitioners' characterization thereof is denied.

126. Denied as stated. The costing-out study is in writing and speaks for itself and Petitioners' characterization thereof is denied.

127. Denied as stated. The costing-out study is in writing and speaks for itself and Petitioners' characterization thereof is denied.

128. Denied as stated. The costing-out study is in writing and speaks for itself and Petitioners' characterization thereof is denied.

129. Denied as stated. By way of further response, Speaker Turzai avers the costing-out study was performed more than 10 years ago by an outside contractor and was never enacted into law. Thus, the costing-out study does not reflect “Respondents’ recognition” of the validity of any of the conclusions reached therein. In fact, the costing-out study specifically states that “[t]he findings and conclusions contained in this report are those of Augenblick, Palaich and Associates alone.” Speaker Turzai further denies that the cost of maintaining a thorough and efficient education system is “readily calculated” as educational results are dependent on a wide variety of factors other than total revenues provided to a school district. If there were a magic formula for determining the amount of spending necessary to provide an “adequate” education, it would likely be in widespread use throughout the country, which it is not.

E. Allegations that in 2008, Respondents Adopted a New Education Funding Formula in Response to the Costing-Out Study.

130. Admitted in part, denied in part. It is admitted that the Commonwealth adopted a new Basic Education Funding formula in 2008 which incorporated certain features of the costing-out study. The remaining allegations and characterizations contained in this paragraph are denied. By way of further response, Speaker Turzai specifically denies that “empirical research” establishes that “an adequate and equitable school funding system produces improvements in school outcomes.” In fact, there is significant empirical research showing no

strong correlation between increased educational spending and improved performance.

131. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

132. Admitted in part, denied in part. Speaker Turzai admits that Petitioners' description of the mechanics of Act 61's funding formula is generally correct. It is denied that the funding formula is specifically targeted to "meet[ing] academic standards." Speaker Turzai further avers that the allegations in this paragraph refer to a funding formula that is no longer in use and, therefore, has no relevance with respect to Petitioners' challenge to the current system for funding public education.

133. Admitted in part, denied in part. It is admitted that the 2008-09 budget increased basic education funding. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the specific amount of the increase, which came largely from the use of temporary federal stimulus funds. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai denies that the increase "was intended to be the first step in a six-year, \$2.6 billion proposed funding plan" and avers that, while some individual legislators may have had such an intent, the subsequent budget increases described in this paragraph were never enacted into law. Speaker

Turzai further denies that the budget was based on making progress towards “adequacy targets.”

134. Admitted in part, denied in part. It is admitted generally that the General Assembly continued to use Act 61’s funding formula in 2009 and 2010; that basic education funding continued to increase during those years; that the funding increase was based in large part on the receipt and use of temporary federal stimulus funds under the American Recovery and Reinvestment Act; and that the Commonwealth, under Governor Rendell, utilized federal stimulus funds to replace some state funding for education. Speaker Turzai denies the implication that Pennsylvania ranks 47th among 50 states in state funding for public education. To the contrary, Pennsylvania consistently ranks in the top quarter of all states in total per-pupil spending, with the Commonwealth’s per-student contribution right around the national average. The statistics cited in this paragraph are misleading, in that the Commonwealth’s percentage of the total state and local revenues contributed is impacted by the fact that some school districts choose to contribute large amounts of local tax revenue to supplement the public education subsidy provided by the State. Put differently, if the top spending school districts chose to spend less local tax revenue on public education, then the Commonwealth’s “contribution rate” would increase without the Commonwealth contributing any additional funds and without benefit to any student or school district.

F. Allegations that in 2011, Respondents Abandoned the Funding Formula and Drastically Cut Education Funding.

135. Admitted in part; denied in part. By way of further response, it is admitted that temporary federal stimulus money expired in 2011, thereby reducing the total amount of revenue available for education that year. Speaker Turzai denies that Petitioners' characterization of a "budget cut." To the contrary, the Commonwealth's contribution towards public education increased.

136. Admitted in part, denied in part. It is admitted that different members of the General Assembly had different points of view with respect to the Governor's 2011 budget. The views of Representative Santarsiero are in writing and speak for themselves. It is further denied that his comments have any particular legal significance or are reflective of the view of Pennsylvania's elected representatives generally.

137. Admitted in part, denied in part. It is admitted that the House of Representatives passed Act 1A and that this budget provided more funding for education than what was originally proposed. Speaker Turzai denies that Petitioners' characterization of a "budget cut." To the contrary, state funding to school districts in Pennsylvania has consistently increased over the past decade with the exception of 2009-10 and 2010-11 when temporary federal stimulus funds under ARRA were used to supplant state funding.

138. Denied as stated. The 2011 budget adopted by the General Assembly is in writing and speaks for itself and Petitioners' characterization thereof is denied.

139. Denied as stated. The allegation regarding what District schools "are required to pay for" constitutes a conclusion of law to which no response is required. The 2011 budget adopted by the General Assembly is in writing and speaks for itself and Petitioners' characterization thereof is denied.

140. Denied as stated. The 2011 budget adopted by the General Assembly is in writing and speaks for itself and Petitioners' characterization thereof is denied.

141. Denied as stated. The 2011 budget adopted by the General Assembly is in writing and speaks for itself and Petitioners' characterization thereof is denied. Speaker Turzai specifically denies Petitioners' characterization that the General Assembly "abandoned" the previous funding formula and that Pennsylvania is "one of only three states without a predictable and long-term school funding formula."

142. Denied as stated. By way of further response, Speaker Turzai denies the characterization of the 2011 budget as imposing "budget cuts" and, therefore, the further characterization that "the General Assembly forced Pennsylvania's residents to bear the brunt of the budget cuts." The findings made by the

Pennsylvania Budget and Policy Center are in writing and speak for themselves. Speaker Turzai is without knowledge or information regarding the basis or accuracy of those findings, which are deemed denied.

G. Allegations that Respondents have Limited the Ability of School Districts to Raise Enough Local Revenue to Provide an Adequate Education to All Students.

143. Denied as stated. By way of further response, the allegations contained in this paragraph regarding Act I constitute conclusions of law to which no responsive pleading is required. Speaker Turzai denies Petitioners' characterization regarding the impact of Act I and further avers that Act I does not prevent school districts from raising property taxes beyond the rates established in the Act I index, but rather requires that such increases be approved by referendum of the voters within the district.

144. Denied as stated. By way of further response, Speaker Turzai denies the characterizations that the General Assembly "reduced education funding that year by more than \$860 million" and that "school districts lost millions in state funds." To the contrary, state funding to school districts in Pennsylvania has consistently increased over the past decade with the exception of 2009-10 and 2010-11 when temporary federal stimulus funds under ARRA were used to supplant state funding. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegation that "low-wealth school

districts could only recoup a small percentage of that money even if they raised property taxes by the maximum amount permitted by law (unless they went to the public for approval of a larger tax increase).” Such allegations are therefore deemed denied and strict proof is demanded at trial.

G. Allegations that Subsequent Budgets Failed to Restore the 2011 Cuts to Education Spending.

145. Denied. By way of further response, Speaker Turzai denies the characterization of the 2011-12 budget as imposing “deep spending cuts.” Speaker Turzai further avers that total per-pupil spending on education in Pennsylvania is currently at an all-time high.

146. Denied as stated. By way of further response, Speaker Turzai believes that the \$40 million in spending increases referred to in this paragraph only includes increases in the basic education funding budget and not other increases in revenue available for education. Speaker Turzai denies the characterization of “basic education budget cuts.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegation that “none of the eliminated grant programs were reinstated.” Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai further avers that to the extent certain grant programs were not reinstated, it is not unusual for a new gubernatorial administration to have different grant priorities from the former administration.

147. Denied as stated. By way of further response, Speaker Turzai believes that the \$122.5 million in spending increases referred to in this paragraph only includes increases in the basic education funding budget and not other increases in revenue available for education. Speaker Turzai denies the characterization of “2011 budget cuts.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegation that “\$30 million was distributed to only 21 select districts that did not differ in need from many other districts not receiving special treatment.” Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai further avers that it is typical for some amount of supplemental funding to be reserved to be distributed to particular districts who demonstrate an individualized need.

148. Admitted in part, denied in part. It is admitted that the funding formula referred to in this paragraph increased total funding available for education and that the classroom grants referred to are distributed in accordance with a formula that takes into account, among other things, market/aid ratio, poverty, and English-language proficiency. The characterizations regarding the “2011 budget cuts” and “per-student-cuts to classroom programs” is denied. Speaker Turzai specifically denies that there is any justification for “excluding partial reimbursement for pension costs” from the calculation of funding provided for

public education. Compensation and other employment benefit paid to teachers and other educational professionals, including their pension obligations, is a direct expense of providing public education (see Petition at ¶ 149). Speaker Turzai further denies Petitioners' characterization of a decade old costing-out study performed by a private contractor as reflecting the General Assembly's views as to "what is necessary to support a thorough and efficient system of public education."

149. Admitted in part, denied as stated. It is admitted generally that the issue of school districts' rising pension obligations is one of significant public concern. It is denied that it is appropriate to characterize such costs as being unrelated to classroom instruction. Compensation and benefits paid to teachers and other educational professionals, including their pension benefits, is a direct expense of providing classroom instruction. Speaker Turzai further avers that although state law controls certain aspects of the pension system, the amount of the required contribution to the Public School Employees' Retirement System is determined based upon the salary paid to teachers or other educational professionals, which is set by local school districts.

150. Denied as stated. By way of further response, in June 2015 a bipartisan Basic Education Funding Commission unanimously adopted a report with detailed recommendations for the creation of a new Basic Education Funding Formula. In June 2016 Governor Wolf signed into law a new Basic Education

Funding Formula designed in accordance with these recommendations. The new funding formula is intended to equitably distribute state resources to school districts across the Commonwealth. Under this formula, needier school districts typically receive substantially more state funding than wealthier school districts. It is expressly denied that there is any formula that can be used to determine how much money is needed to provide an “adequate” education, as educational results are dependent on a wide variety of factors other than total revenues provided to a school district. If there were a magic formula for determining the amount of spending necessary to provide an “adequate” education, it would likely be in widespread use throughout the country, which it is not. Instead, the Basic Education Funding aims to divide appropriately among the various school districts the total amount of money that the General Assembly allocates each year for public education funding.

151. Admitted in part, denied in part. It is admitted that there has been an increase in total funding for public education in Pennsylvania and that the General Assembly and state education officials continuously strive to take steps that they believe are appropriate to improve the public education system. Speaker Turzai denies the characterization of the public education system in Pennsylvania as “dire,” as well as the allegation that Petitioner school districts and PARSS members “are desperately in need of more funding to provide an adequate

education for their students.” Speaker Turzai notes that a 2017 Quality Counts study on public education ranked Pennsylvania eighth highest “overall state grade” in the nation, with a grade of “B” for school finance, which “analyzes distribution of funding across districts within a state” (by way of comparison, only five states had grades of B+ or higher). Speaker Turzai further denies that an “adequate education” can be ensured simply by increasing revenues to troubled school districts.

152. Denied as stated. By way of further response, Speaker Turzai denies the characterization of the legislature’s former funding formula as establishing an “adequacy target.”

A. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”

B. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai

specifically denies the characterization of an “adequacy shortfall.”

- C. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”
- D. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”
- E. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”

- F. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”
- G. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the characterization of an “adequacy shortfall.”
- H. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.
- I. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

J. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

K. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

I. Allegations that Respondents Are Not Providing Sufficient Funds to Maintain a Thorough and Efficient System of Public Education.

1. Allegations that Student Performance on State Assessments Indicate That Pennsylvania Students Are Not Receiving an Adequate Education.

153. Admitted in part, denied in part. It is admitted that each year some percentage of public school students in Pennsylvania fail to achieve the standardized testing performance goals that have been established for them by education officials. The implication that this reflects a failure by the General Assembly to provide for the maintenance and support of a thorough and efficient system of public education is expressly denied.

154. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

155. Denied. By way of further response, achieving proficiency on the Keystone Exams was not a graduation requirement in 2017.

156. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

157. Denied as stated. Speaker Turzai denies the allegation of a “systemic and statewide failure by the Commonwealth to provide a thorough and efficient system of public education that serves the needs of the Commonwealth.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

158. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai denies Petitioners’ characterization that performance on standardized tests as establishes a constitutional “adequacy level.”

159. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai denies Petitioners' characterization that performance on standardized tests as establishing a constitutional "adequacy level."

160. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai denies Petitioners' characterization that performance on standardized tests as establishing a constitutional "adequacy level."

161. Denied as stated. By way of further response, Speaker Turzai denies that the laws of Pennsylvania establish any particular set of skills that "the Commonwealth has deemed necessary to succeed as a citizen in our society." Speaker Turzai further denies the implication that inculcating Pennsylvania residents with positive skills and attributes is entirely the responsibility of the public education system.

162. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

163. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

164. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai further states that he is without knowledge of the methodology applied in the PSEA's study and therefore has no reason to credit the reliability of the conclusions cited.

165. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

166. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

167. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

168. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

2. Allegations That School Districts With Significant Funding Gaps Have Dramatically Reduced Or Eliminated Programs and Services Necessary to Provide an Adequate Education.

169. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

170. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

171. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

172. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies that Petitioner school districts lack the resources to provide students with “an adequate education that prepares them for participation in the economic, social, and civic life of our society.”

a. Allegations of Insufficient and Undertrained Staff

173. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

174. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

175. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

176. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

177. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

178. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

179. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

180. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

181. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

182. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

183. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

184. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

185. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

186. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

187. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

188. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

189. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

190. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

191. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

192. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

193. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

194. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

195. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

196. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

197. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

198. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

199. The allegations regarding Act 46 constitute conclusions of law to which no responsive pleading is required. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

200. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

201. The pleadings submitted in *School Reform Commission v. Philadelphia Federation of Teachers, Local 3, AFT, AFL-CIO* are in writing and speak for themselves and no responsive pleading is required. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

202. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

b. Allegations of Inadequate Educational Programs

203. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

204. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

205. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

206. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

207. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

208. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

209. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

210. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

211. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

212. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

213. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

214. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

215. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

216. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

217. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

218. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

219. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

220. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

221. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

222. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

223. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

224. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

225. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

226. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such

allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically objects to the characterization of some school districts receiving “adequate funding” from the Commonwealth while others do not.

227. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

228. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

229. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

c. Allegations of Insufficient Materials, Equipment and Facilities

230. Denied as stated. By way of further response, Speaker Turzai denies the characterization of “Pennsylvania’s inadequate and inequitable system of school funding.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

231. Denied as stated. It is denied that each of the items cited in this paragraph is “an integral part of a thorough and efficient system of education.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

232. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. It is specifically denied that the conditions alleged deprive students of an “opportunity to obtain a meaningful education.”

233. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

234. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

235. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

236. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

237. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

238. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

239. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

240. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

241. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

242. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

243. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

244. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

245. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

246. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically objects to the characterization of some school districts receiving “adequate funding” from the Commonwealth while others do not.

4. Allegations that PARSS Members and Other Districts Have Also Eliminated Programs and Services Necessary to Enable Students to Meet Proficiency Standards.

247. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

248. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

5. Allegations that The General Assembly Has Failed to Adequately Support Pre-Kindergarten Education

249. Denied as stated. By way of further response, although it is not disputed that high quality pre-kindergarten programs can have a beneficial impact for many children, public school students are not required to attend pre-kindergarten. Accordingly, it is denied that the General Assembly has recognized pre-kindergarten as “necessary” to ensure that students “have the opportunity to obtain an adequate education.”

250. Admitted in part, denied in part. It is admitted that the Head Start Supplemental Assistance Program (HSSAP) and Pre-K Counts (PKC) are both dedicated state funding streams for pre-kindergarten programs. Additional funds for pre-kindergarten are available through Educational Opportunity Tax Credits. Speaker Turzai is without knowledge of the source of the allegations regarding the

purported “goal” of the HSSAP and PKC programs. Such allegations are therefore deemed denied and strict proof is demanded at trial.

251. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

252. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

253. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

254. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

255. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

256. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

257. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

258. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

259. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

260. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

261. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

J. Allegations that Respondents Have Adopted a Funding Arrangement That Fails to Provide Children With an Equal Opportunity to Obtain an Adequate Education.

262. Denied. By way of further response, Speaker Turzai denies that Pennsylvania's school funding system "irrationally discriminates" against students in low property value districts. Speaker Turzai specifically avers that the

Pennsylvania Constitution does not require equalization of per-pupil public education funding throughout the Commonwealth.

263. Denied as stated. By way of further response, Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph because is not aware of the source of the data cited. Such allegations are therefore deemed denied and strict proof is demanded at trial.

264. Denied as stated. By way of further response, Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph because is not aware of the source of the data cited. Such allegations are therefore deemed denied and strict proof is demanded at trial. Speaker Turzai specifically denies the allegation that “only three states contributed a smaller percentage of money than Pennsylvania to fund public education.” To the contrary, Pennsylvania consistently ranks in the top quarter of all states in total per-pupil spending, with the Commonwealth’s per-student contribution right around the national average. The statistics cited in this paragraph are misleading, in that the Commonwealth’s percentage of the total state and local revenues contributed is impacted by the fact that some school districts choose to contribute large amounts of local tax revenue to supplement the public education subsidy provided by the State. Put differently, if the top spending school

districts chose to spend less local tax revenue on public education, then the percentage contributed by the Commonwealth would increase without the Commonwealth contributing any additional funds and without benefit to any student or school district.

265. Denied as stated. By way of further response, the allegations contained in this paragraph are based on the aid ratio formula that was in effect at the time the Petition was filed and do not apply to the current basic education funding formula.

266. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

267. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

268. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

269. Denied as stated. By way of further response, the Basic Education Funding Formula includes a number of poverty-related factors, so that needier school districts are given higher state subsidies than wealthier school districts.

Therefore, some higher poverty school districts have more total revenue per-student than other districts with higher per capita tax bases.

270. Admitted.

271. Admitted.

272. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

273. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

274. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

275. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

276. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

277. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

278. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

279. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

280. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

281. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

282. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

283. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

284. Denied as stated. By way of further response, as Petitioners specifically admit in footnote 62 “[s]everal rural or traditionally poor school districts are included among the districts with highest total expenditures per student.” Speaker Turzai denies Petitioners’ characterization of “inequality” in public school spending and incorporates by reference his answer to the foregoing paragraph 7.

285. Denied as stated. By way of further response, Speaker Turzai denies the allegation that disparities in services and resources available to students results from “inequality in public spending among districts.” A number of factors influence the services and resources available, including but not limited to decisions made by each local school board regarding what level of resources are to be collected from local taxpayers in order to fund public education and how each district chooses to spend those funds.

286. Denied as stated. By way of further response, the fact that some school districts can more easily raise tax revenue from local sources than others is a result of a variety of community and economic circumstances and is not “imposed” by the General Assembly.

287. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

288. Denied as stated. By way of further response, Speaker Turzai denies the premise the educational opportunity or achievement is directly correlated to spending on education. Many factors can influence academic achievement, some of which are beyond the control of the education system, including but not limited to, general social and economic conditions within the community; availability of school choice; home and family environment; level of parental support; teacher quality; effectiveness of administration; intellectual ability of individual students; peer pressure; and willingness to learn. Speaker Turzai further avers that Pennsylvania Constitution does not require education spending to be uniform throughout the Commonwealth.

289. Admitted in part, denied in part. It is admitted that the General Assembly has imposed some legal restrictions on what can be taxed by local school districts. It is denied that the wealth of school districts is under the control of the General Assembly or that “[t]he inequality in local resources for education among districts is the result of legislative choices.” To the contrary, the wealth within a particular school district is determined by numerous social, economic, demographic and geographic factors and changes over time. It is further denied

that the “wealth ... of School Districts is under the control of the General Assembly.”

K. Allegations that Respondents Have Adopted a Funding Arrangement that is Irrational and Wholly Divorced from the Actual Costs of Providing an Adequate Education.

290. Admitted in part, denied in part. It is admitted that the funding formula that was adopted in 2008 is no longer followed. The remaining allegations and characterizations contained in this paragraph are denied. Speaker Turzai specifically denies that changing the funding formula violated any “constitutional mandate.”

291. Admitted in part, denied in part. It is admitted that the current funding formula does not determine a “base cost” for educating “an average student in the Commonwealth to meet state performance standards.” The remaining allegations contained in this paragraph are denied as stated. By way of further response, the funding formula adopted by the Basic Education Funding Commission considers many of the factors identified in this paragraph, such as a Sparsity Size Adjustment (which adjusts for student counts in small rural school districts); a Median Household Income Index (which measures a school district’s median household income compared to the statewide median household income); and a Tax Effort Capacity Index (which recognizes a school district’s ability to generate local tax-related revenue compared to the statewide median). Speaker

Turzai further denies that it is feasible to determine a “base cost” for educating “an average student in the Commonwealth to meet state performance standards.” Rather, the Basic Education Funding formula is based upon dividing up available state public education funding among school districts in a manner that is equitable and appropriate.

292. Admitted in part, denied in part. Speaker Turzai incorporates by reference his answer to the foregoing paragraph 291. It is specifically denied that the current system for funding public education is “wholly irrational.” To the contrary, Pennsylvania’s current system of support for public education is justified by numerous important state interests including, but not limited to: (i) facilitating local control over public education to fit the needs of individual communities and school districts; (ii) allowing local communities to utilize tax revenue generated within the community for the benefit their own school districts and students; (iii) protecting Pennsylvania taxpayers against excessive taxation; (iv) adopting a budget that allocates available Commonwealth revenues among many competing state needs and interests, including public education; (v) giving appropriate weight to factors recommended by the Basic Education Funding Commission, such as English Language Learners and children in poverty; (vi) establishing a basic education funding formula that allows for accountability, transparency and predictability; and (vii) providing other funding beyond the basic education

funding formula to serve particular public education needs, such as special education, reimbursement for employee social security and pension, student transportation, and providing block grants to school. Speaker Turzai further avers that two-thirds of the Commonwealth's public education subsidy goes to the poorest one-half of school districts, with many poorer school districts receiving multiple times the state funding of many wealthier districts.

293. Denied as stated. By way of further response, the allegations contained in this paragraph refer to a basic education funding formula that is no longer in effect in Pennsylvania. In June 2015, a bipartisan Basic Education Funding Commission unanimously adopted a report with detailed recommendations for the creation of a new Basic Education Funding Formula. In June 2016, Governor Wolf signed into law a new Basic Education Funding Formula designed in accordance with these recommendations. The new funding formula is intended to equitably distribute state resources to school districts across the Commonwealth.

294. Denied. By way of further response, Speaker Turzai denies that the current system for funding public education "is not justified by any legitimate desire for local control over education." To the contrary, preserving local control over education has long been recognized as a legitimate governmental interest, including by the framers of the Education Clause of the Pennsylvania Constitution.

Speaker Turzai specifically denies that local control over education is “illusory.” Local school districts have a measure of control over both school curriculum and how to spend the public education revenues available to each district. It is further denied that local school districts have no control over “the amount of resources at their disposal,” because that Act 1 permits school districts to seek voter approval for additional tax increases.

295. Denied as stated. By way of further response, the allegation that “most have higher tax rates than property-rich school districts” is vague and incapable of a response as phrased. It is denied that Petitioner school districts lack the resources “to provide an adequate education.” Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph. Such allegations are therefore deemed denied and strict proof is demanded at trial.

296. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. Speaker Turzai further incorporates by reference his answer to the foregoing paragraph 143.

297. Admitted in part, denied in part. It is admitted that the Department of Education calculated the Act 1 Index as stated. It is denied that the “General Assembly reduced funding to districts by more than \$860 million” and that “property-poor school districts lost millions of dollars in state funds.” To the

contrary, state funding to school districts in Pennsylvania has consistently increased over the past decade with the exception of 2009-10 and 2010-11 when temporary federal stimulus funds under ARRA were used to supplant state funding. Speaker Turzai is without knowledge or information sufficient to form a belief as to the truth of the allegation that property-poor school districts could not raise tax dollars because of the Act 1 limits, because he does not know whether those districts sought voter approval for additional tax increases as permitted by Act 1 or whether any such increases were approved. Speaker Turzai further denies the characterization of a costing-out study performed a decade ago by an outside contractor as “the General Assembly’s” costing-out study and denies the characterization of “adequacy gaps.”

298. Denied as stated. By way of further response, the allegation that ACT 1 “limits the amount of revenue Petitioner School Districts and PARSS member districts can raise from local sources” is a conclusion of law to which no responsive pleading is required. Further, Act 1 permits school districts to seek voter approval for additional tax increases. Speaker Turzai also incorporates by reference his answer to the foregoing paragraph 143. Speaker Turzai specifically denies that “local control over education funding in Pennsylvania is a myth.”

299. Admitted in part, denied in part. It is admitted that there are alternative methods for funding public schools than the methodology chosen by the

General Assembly. The question of which system for funding public schools best serves the interests of the Commonwealth is inherently a public policy question that must be decided by Pennsylvania's people through their elected representatives. Speaker Turzai specifically avers that the fact that "the Commonwealth could raise funds for education through other forms of taxation and distribute those funds to local school districts to spend as they see fit" has no constitutional significance. To the extent that Petitioners disagree with the policy decisions being made by the General Assembly with respect to funding of public education, their remedy is through the political process.

FIRST CAUSE OF ACTION

FOR ALLEGED VIOLATION OF THE PENNSYLVANIA CONSTITUTION'S EDUCATION CLAUSE

300. Speaker Turzai incorporates by reference his answers to the foregoing paragraphs 1 through 299.

301. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

302. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations they are denied.

303. Denied as stated. By way of further response, the Pennsylvania Core standards do not provide any "prescribed course of study." To the contrary,

Pennsylvania Core sets basic standards as to what students should know and each school district develops its own curricula in order to determine how the subjects will be taught in order to enable local students to meet those standards.

304. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations they are denied.

305. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations they are denied.

306. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations they are denied.

SECOND CAUSE OF ACTION

ALLEGED VIOLATION OF THE PENNSYLVANIA CONSTITUTION'S EQUAL PROTECTION CLAUSE

307. Speaker Turzai incorporates by reference his answers to the foregoing paragraphs 1 through 306.

308. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

309. The allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required.

310. Denied as stated. Speaker Turzai specifically denies that the General Assembly has adopted a school-financing arrangement that discriminates against an identifiable class of students. The remaining allegations contained in this paragraph constitute conclusions of law to which no responsive pleading is required. To the extent this paragraph contains factual allegations they are denied.

311. Admitted in part, denied in part. It is admitted that there are alternative methods for funding public schools that the methodology chosen by the General Assembly. It is denied that the current funding system discriminates against students residing in school districts with low incomes and property values.

PRAYER FOR RELIEF

312. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

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315. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

316. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

317. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

318. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

319. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

320. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

321. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

322. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

323. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

324. This paragraph sets forth Petitioners' prayer for relief, to which no responsive pleading is required.

WHEREFORE, Speaker Turzai respectfully requests that this Court grant judgment in his favor and against the Petitioners and award him his costs, including reasonable attorneys' fees, together with such other legal and equitable relief as the Court may deem just and proper.

NEW MATTER

325. The Petition fails to state a claim upon which relief can be granted.

326. Some or all of the Petitioners lack standing to sue.

327. The Petition fails to join necessary or indispensable parties.

328. The Petition fails to identify any injuries caused by the General Assembly.

329. The General Assembly has fulfilled its constitutional obligations under the Education Clause by enacting a funding system that provides for the maintenance and support of a thorough and efficient system of public education.

330. The determination of what constitutes a “thorough and efficient system of public education” is a policy question to be determined by Pennsylvania’s General Assembly and educational administrators.

331. The Pennsylvania Constitution does not require per-pupil spending to be uniform.

332. The Pennsylvania Constitution permits local school districts to raise and spend money from their own local tax base in order to supplement the public education subsidy provided by the Commonwealth.

333. The Constitution does not create a right in any individual student or school district to a uniform education, but rather imposes a duty on the Legislature.

334. The General Assembly has fulfilled its duties under the Education Clause by establishing a mechanism for funding public schools that has a reasonable relation to providing for the maintenance and support of a thorough and efficient system of public education.

335. The Pennsylvania Constitution establishes a duty on the part of the legislature to “provide for the maintenance and support and a thorough and efficient system of public education,” but does not establish a “fundamental” individual right to public education.

336. Petitioners fail to state a claim under the Equal Protection Clause because the General Assembly has a rational basis for a public education funding system that is based upon a combination of state funds, federal funds and local tax dollars and provides poorer school districts with a higher level of state funds than wealthier school districts.

337. The claims in the Petition are moot because the Basic Education Funding formula has substantially changed since the Petition was filed.

338. Petitioners’ request for an injunction “compelling Respondents to establish, fund, and maintain a thorough and efficient system of public education that provides all students in Pennsylvania with an equal opportunity to obtain an adequate education that will enable them to meet state academic standards and participate meaningfully in the economic, civic, and social activities of our

society” should be dismissed because there are no judicially manageable standards for determining compliance.

339. Petitioners’ demand for mandatory injunctive relief is barred under the doctrine of sovereign immunity.

340. Petitioners’ demand for the Court to order the General Assembly to enact specified legislation violates the doctrine of separation of powers.

341. Speaker Turzai is entitled to Speech and Debate immunity, pursuant to Article 2, Section 15 of the Pennsylvania Constitution.

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Michael C. Turzai

VERIFICATION

I, Rodney A. Corey, am the Chief of Counsel for the Pennsylvania House of Representatives Republican Caucus and am authorized to make this Verification. The answers contained in the attached Answer and New Matter to Petition for Review are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn verification to authorities.



Rodney A. Corey