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School Funding Lawsuit Moves Closer to Trial in 2021 with Ruling That Parents Will Remain in Case

Court cites ‘public importance’ of case. Parties will meet May 20 to determine trial schedule

In a [ruling Monday](#) by Commonwealth Court, Judge Renée Cohn Jubelirer held that two Pennsylvania parents who were among those who filed the landmark lawsuit in 2014 challenging Pennsylvania’s school funding system as unconstitutional will be able to pursue their claims, even though their children have now graduated from high school.

The ruling is a victory for parent petitioners Tracey Hughes of Wilkes-Barre and Sheila Armstrong of Philadelphia, who both provided detailed evidence about the harm caused to their children by Pennsylvania’s profoundly inadequate and inequitable school funding system.

Pennsylvania ranks 44th nationwide in the share of education funding that comes from the state level, leaving districts heavily dependent on local wealth to fund schools. This reliance on local funding means that students in low-wealth urban, suburban and rural communities across the Commonwealth go without basic educational resources that they need to learn and thrive.

“Throughout his time in Wilkes Barre Area School District, my son attended schools that lacked sufficient staff, up-to-date textbooks, and science equipment. Technology and school buildings weren’t maintained due to lack of funding,” said parent Tracey Hughes, “I want this to end. Our state must ensure that all our students receive the quality education they need and deserve to be successful in life.”

The court’s ruling states that “even if Armstrong’s and Hughes’s claims are technically moot, they should not be dismissed as this matter involves an issue of great public importance.”

Attorneys from the Education Law Center and Public Interest Law Center who filed the lawsuit on behalf of the two parents and other petitioners applauded the decision.

“We are pleased that the court’s ruling will permit every parent to continue to pursue their claims due to the clear public importance of this historic lawsuit,” said Education Law Center legal director Maura McInerney. “These parents have diligently pursued their claims for nearly seven years and are looking forward to finally having their day in court to present extensive evidence of the severe impact of Pennsylvania’s inequitable school funding scheme on their children.”

Trial in the case is expected later this year. Judge Jubelirer, who rejected a motion to dismiss the two parents from the case, also on Monday [called for a scheduling conference](#) on May 20 when the parties to the case will meet to determine a trial schedule. Pre-trial submissions are due prior to that conference, and trial is expected to follow within months.

“Trial is coming soon, and the General Assembly will no longer be able to continue ignoring their constitutional responsibility for public education,” said Public Interest Law Center attorney Michael Churchill. “We look forward to the opportunity to show the public that decisions made by our leaders in Harrisburg deny hundreds of thousands of students in low-wealth districts the support they need to reach their full potential. Our students can succeed. For their sake and for the future of our Commonwealth, Harrisburg must provide the support they need to do so.”

The petitioners in the case include a total of five parents and six Pennsylvania school districts—William Penn, Johnston, Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre—as well as the Pennsylvania Association of Rural and Small Schools and the NAACP-PA State Conference.

Senator Jake Corman, who is president pro-tempore of the Pennsylvania Senate and one of the officials sued in the case, argued that because Hughes and Armstrong’s children graduated, the claims the parents asserted are moot and should be dismissed. Hughes’s son was 13 when the case was filed in 2014, and Armstrong’s son was 12. Armstrong has another child who still attends schools in the School District of Philadelphia.

“Both of my children, who are seven years apart, experienced the same deficiencies in different schools,” said Sheila Armstrong, “overcrowded classrooms, no music teacher or librarian, part-time counselor for hundreds of students, old textbooks shared among students, and no after-school programs or tutoring. I hope that my younger son can finally have the opportunity to obtain the quality education he is entitled to under the Pennsylvania Constitution.”

Learn more about the case at FundOurSchoolsPA.org.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness. For more information, visit elc-pa.org or @edlawcenterpa on Twitter.