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## **Trial in Pennsylvania school funding lawsuit on track to begin in September**

*Suit by parents and school districts charges that overreliance on local wealth has caused widespread inadequacy and deep inequality in PA public schools*

Public school students in Pennsylvania will soon have their day in court. [A Commonwealth Court order released April 1](#) has tentatively scheduled a trial start date of September 9, 2021, in a historic lawsuit challenging Pennsylvania's school funding system.

Attorneys expect the trial to last several weeks. The trial dates will be set at a pretrial conference on June 21, the order said.

“For a generation, Pennsylvania legislators have refused to live up to their constitutional responsibility to fairly fund public schools so that all students, no matter their zip code, are equipped with tools and skills they need,” said Dan Urevick-Ackelsberg, staff attorney at the Public Interest Law Center. “Pennsylvania’s status quo wastes and devalues the endless potential of our children. Trial in this case means that leaders in Harrisburg will no longer be able to stick their heads in the sand: they can, and must, support strong public schools for all.”

The school districts, parents and organizations who filed the case are represented by the Education Law Center, the Public Interest Law Center, and O’Melveny.

The petitioners held a press conference live via Zoom at 1 p.m. on April 2, and [released a video](#) about the case.

Parent petitioner Tracey Hughes of Wilkes-Barre, whose son is a recent high school graduate, said the lack of resources impacted both the physical conditions in her son’s schools and the support students received.

“There were only two guidance counselors for about 1,000 students,” Hughes said. “The district could not provide students with remedial help, and summer school was only available for students who failed a subject. When my son needed academic support his school couldn’t provide, I had to hire a math tutor at my own expense, but I couldn’t afford to continue it.”

Petitioners allege that the Pennsylvania General Assembly has violated the state’s constitution by failing to provide adequate and equitable state funding for public education, leaving hundreds of thousands of students without the basics because of where they live.

According to US Census data, Pennsylvania currently ranks 44<sup>th</sup> in the nation in the share of school funding that comes from the state, at 38 percent, leaving school districts heavily reliant on local wealth. As a result, the poorest Pennsylvania school districts on average spend \$4,800 less per pupil than wealthy school districts, despite paying higher property tax rates. This gap, one of the widest in the nation, has steadily grown.

“Students in districts like mine are not worth any less than students in any other district in Pennsylvania,” said Greater Johnstown School District Superintendent Amy Arcurio. “But every year, we are unable to provide support that we know will help our kids prepare for careers and higher education, solely because we don’t have the local funds to pay for it. With this lawsuit, we can change that—we can end the hunger games that the General Assembly has put on for a generation.” Greater Johnstown is one of six school districts bringing the lawsuit.

An expert report prepared for the court by Penn State Professor Matthew Kelly found that public schools need \$4.6 billion in additional funding to be able to give their students a shot at reaching state academic standards, using a funding benchmark written into the Pennsylvania School Code. This underfunding is widespread: 86% of Pennsylvania students attend schools that are not adequately funded according to this calculation. This underfunding also exacerbates inequity—Kelly’s report found that students in poverty who attend poorly funded schools are significantly less likely to attend and graduate from college than their peers in well-funded schools.

The state’s dependence on local wealth to fund schools, and the resulting deep inequality, disproportionately affect students of color. Black and Latino students are concentrated in the least wealthy districts, with 50 percent of Black students and 40 percent of Latino students attending schools in the lowest 20 percent of local wealth.

“For decades, the future of Pennsylvania’s schoolchildren has been predetermined by local wealth rather than our children’s potential,” said Education Law Center legal director Maura McInerney. “Our state lawmakers have left generations of students behind in unsafe schools, with outdated textbooks—deprived of the basic resources they need to learn. This trial will change that by requiring the legislature to equitably and adequately fund all of our schools to serve all our students. We will prove that the General Assembly created this problem and is mandated by our state constitution to fix it.”

Petitioners in the case are six school districts (William Penn, Greater Johnston, City of Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre Area), the Pennsylvania Association of Rural and Small Schools, the NAACP-PA, and five public school parents.

The case was filed in 2014 in Pennsylvania Commonwealth Court against state legislative leaders, state education officials, and the governor for failing to uphold the General Assembly’s state constitutional obligation to provide a “thorough and efficient” system of public education.

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### **Additional comments from petitioners and supporters of the lawsuit**

#### **Tracey Hughes, parent and petitioner in lawsuit, Wilkes-Barre Area School District**

“My son attended schools in the Wilkes-Barre Area School District from kindergarten through 12th grade and was directly impacted by lack of funding in the district. The lack of resources and the conditions in our schools shortchanged my son and were demoralizing to him and his classmates. It sent them a message that they don’t matter, and that no one believes in them or their future. I am proud to be a part of this case because I know that it will bring about the

changes we need so that students like my son all across the state can have the future they deserve.”

**Rev. Kenneth Huston, President, NAACP Pennsylvania State Conference, organizational petitioner; Monroeville, PA**

“Pennsylvania schools have been described as among the most racially segregated and highly inequitable in the nation. Fifty percent of Pennsylvania’s Black students attend schools in our lowest-wealth districts. Generations of Black and Brown students have attended underfunded schools and been deprived of educational opportunities, which has narrowed and limited their futures. The NAACP Pennsylvania State Conference joined this lawsuit in 2014 because we will not allow lawmakers to perpetuate this harmful school funding system that upends the lives and futures of Black children.”

**Skylar Armstrong, 2019 graduate, School District of Philadelphia and student petitioner**

“My mom is one of the parents who brought this case in 2014. I graduated from Mastbaum High School in Philadelphia in 2019. When I was a younger, I attended Spring Garden Elementary School. At both schools, I struggled to learn. Many of my classes had 30 students. When a classroom is overcrowded, students are more distracted. It’s harder for students to ask questions and harder to focus. I know my teachers cared about me and tried their best. But there were just too many problems for our teachers to fix. The system has to change. That’s why this trial is so important.”

**Andrea Custis, President/CEO, Urban League of Philadelphia**

“Generations of Black and Brown students have attended underfunded schools and been deprived of educational opportunities. This has narrowed and limited their futures. This school funding lawsuit is necessary to assess whether Pennsylvania is maintaining its commitment in how it funds public schools. The economic viability of the Commonwealth is dependent upon the equality of opportunity of its children. We must not deliberately undercut our potential.”

**Holly Meade, 7<sup>th</sup> grade English teacher, Scranton School District**

“We are thrilled that a court date has been set in this case and grateful that the court will finally address the legislature’s long-standing underfunding of our schools, which has created massive inequities between school districts. Many districts like Scranton lack the resources to do even the basics – including providing students with a current curriculum or replacing textbooks that date back to 1994. My students and their education are an important responsibility of our General Assembly; this case is about finally addressing their neglect.”

**Christina Ly, high school senior, School District of Philadelphia and youth organizer at VietLead**

“Harrisburg’s problematic school funding system has contributed to an avalanche of catastrophes across many schools in Philadelphia and lots of other school districts. In September of 2018, this system failed the students at my high school, including me, when huge sections of our ceilings collapsed. What happened at my school could have happened at any other underfunded neighborhood school. This explains the significance and urgency of this school funding lawsuit. Our schools shouldn’t be put at risk from a crisis that has a simple solution.”

**Mike Faccineto, 5<sup>th</sup> grade teacher, Allentown School District**

“Each day in my classroom I see the painful effects of underfunding. My students only had access to a few old desktop computers and a shared cart of broken laptops when COVID hit. They were thrust into a virtual world without any prior experience with email, let alone complex digital learning platforms. When other schools began to reopen in the fall of 2020, Allentown remained closed. My school was built in 1925 and was not safe for students. I hope today puts us one step closer to equitable funding for all our students, no matter their zip code or the color of their skin.”

**Laura Boyce, Pennsylvania executive director, Teach Plus; Philadelphia, PA**

“Every child in Pennsylvania, regardless of where they live, deserves the chance to receive a great education that equips them to achieve their dreams. But the General Assembly's choice to underinvest in education means that hundreds of thousands of students attend unsafe, understaffed, and under-resourced schools, limiting their opportunities and life choices. This lawsuit represents a way to finally hold Harrisburg accountable to its constitutional obligation to provide all children with equal educational opportunities and ensure every school in the Commonwealth is fully funded.”