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Trial in Pennsylvania school funding lawsuit will begin September 9

Suit by parents and school districts charges that General Assembly has failed to provide enough state funding to support high-quality public education in all school districts, regardless of local wealth.

Public school students in Pennsylvania will soon have their day in court. A Commonwealth Court order released June 22 has scheduled trial to begin on September 9, 2021, in Courtroom 3002 of the Pennsylvania Judicial Center in Harrisburg. This confirms a tentative trial date announced on April 1 in a historic lawsuit challenging Pennsylvania's school funding system.

The order came from Commonwealth Court Judge Renée Cohn Jubelirer, who will continue to preside over the case at trial.

Attorneys expect the trial to last several weeks. At a pre-trial conference on June 21, the judge said that trial will be held five days a week and that a livestream will be available to the public.

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. Petitioners allege that that state officials 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 basic resources they need because of where they live.

The judge's order comes as Pennsylvania's General Assembly prepares to adopt its final state budget before the case goes to trial. Gov. Wolf proposed a $1.5 billion increase in state education funding, and advocates say the state should use its large budget surplus to make a transformational investment in its chronically underfunded schools. But legislative leaders are ignoring these pleas. The school funding case promises to chronicle the consequences of continued underfunding: growing gaps between haves and have-nots and the wasted potential of children who are subjected to crumbling, leaking buildings and classrooms that lack basic resources.

"Legislators are preparing to put billions of dollars into their Rainy Day Fund, but they don't seem to hear that for our clients, it has been raining for years," said Education Law Center legal director Maura McInerney. "The gaps in educational opportunity between high-wealth and low-wealth districts have only widened in recent years as legislators have continued to ignore the educational needs of children in underfunded schools."

According to the latest US Census data, Pennsylvania has fallen from 44th to 45th 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 relative property tax rates. This spending gap, one of the widest in the nation, has steadily grown.

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, according to a benchmark written into the Pennsylvania School Code.

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.

"When they're in school, the children of Pennsylvania should have no doubt that we believe in their future, whether they live in a rich community or a poor one," said Public Interest Law Center attorney Michael Churchill. "That is the promise of public education—a promise that has been ignored for decades in Pennsylvania. We will show at trial that the General Assembly has ensured that local wealth determines which students get the kind of quality education that prepares them to reach their full potential, and which students learn with outdated materials in overcrowded classrooms. All our kids deserve better."

Petitioners in the case are six school districts (William Penn, Greater Johnstown, School District of Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre Area), the Pennsylvania Association of Rural and Small Schools, the NAACP-Pennsylvania State Conference, 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. Petitioners also assert that the massive inequality this system fuels between poor and wealthy school districts discriminates against students in low-wealth communities, violating their right to equal protection in the Pennsylvania constitution.

"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. "With this lawsuit, we can end the hunger games that the General Assembly has put on for a generation."

Learn more about the case at FundOurSchoolsPA.org.

The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure their access to fundamental resources and services in the areas of public education, housing, health care, employment, environmental justice and voting. For more information, visit www.pubintlaw.org or follow on Twitter @PubIntLawCtr.

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.