

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM PENN SCHOOL DISTRICT, *et al.*,

Petitioners,

v.

PENNSYLVANIA DEPARTMENT OF
EDUCATION, *et al.*,

Respondents.

NO. 587 MD 2014

**AMICUS BRIEF ON BEHALF OF REPRESENTATIVES OF PENNSYLVANIA
ORGANIZATIONS, BUSINESSES, AND INSTITUTIONS OF HIGHER LEARNING ON
BEHALF OF PETITIONERS**

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STATEMENT OF INTEREST OF AMICI CURIAE¹

Amici are 17 representatives from Pennsylvania organizations, businesses, and institutions of higher learning.

The African American Chamber of Commerce (“AACC”) is a Pennsylvania nonprofit whose mission focuses on supporting the economic growth of African American businesses in the Greater Philadelphia area. To this end, the AACC connects African American businesses with business resources and procurement opportunities. The AACC joins this amicus brief to ensure that all its employees and employees’ families/schoolchildren across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to enter the workforce.

The American Association of University Women PA (AAUW PA) is a Pennsylvania membership organization whose mission focuses on advancing gender equity for women and girls through research, education, and advocacy. To this end, AAUW PA engages in community outreach, education, and advocacy on fact-based issues affecting women and girls. AAUW PA joins this amicus brief to ensure that all schoolchildren across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to enter the workforce, support their families and participate in today’s economy.

The Erie Regional Chamber and Growth Partnership represents over 700 businesses in the region that employ over 70,000 employees. Its mission is to lead Erie’s economic evolution through supporting programs, projects, and policies that will create a more vibrant regional economy. Clearly, at the forefront of competitive variables in a globally competitive economy is the education of your existing and future workforce. The Erie Regional Chamber and Growth

¹ No one other than amici, their members, or their counsel paid in whole or in part for the preparation of this brief or authored in whole or in part this brief. *See* Pa. R.A.P. 531(b)(2).

Partnership joins this amicus brief to ensure that all schoolchildren across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to participate in today's economy from a position of readiness to contribute and progress up the career ladder to support their family and live out the American dream.

The Erie Center for Arts & Technology (ECAT) is a Pennsylvania non-profit, community-based educational arts and career training facility that inspires, educates and empowers people of all ages with adult jobs training and creative youth programs. Transforming minds and launching careers, ECAT strives to realize the genius in everyone and enables youth and adults alike to become productive and successful members of society. ECAT joins this amicus brief to ensure that all Erie County students graduate ready for college and career by receiving a rigorous education that adequately prepares them to participate in our local economy. As ECAT continues to do its part to train workers for living wage careers, it is critical that the graduates coming from Pennsylvania schools have received quality K-12 education in order to prepare them to enter its programs and, eventually, the workforce.

The Pan Asian Association of Greater Philadelphia is a nonprofit organization registered in the Commonwealth of Pennsylvania which represents the Asian American Community in Greater Philadelphia. It promotes, coordinates, and supports joint efforts in the social, cultural, educational and charitable activities of its member organizations, provides civic and political education to the people of Asian origin, and encourage their participation in public affairs and to enhance their contribution to the society at large. The association joins this amicus brief to ensure that students across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to participate in our economy and the life of the Commonwealth.

Urban League of Philadelphia is a Pennsylvanian nonprofit organization whose mission focuses on empowering African Americans and other underserved people to secure economic self-reliance, parity, power and civil rights. To this end, the Urban League of Philadelphia provides housing, workforce, education, and small business services. The Urban League of Philadelphia joins this amicus brief to ensure that all schoolchildren across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to enter college, enter the workforce, and life.

Parker Philips is a women-owned Pennsylvania Corporation, located in Erie with clients across the country whose work focuses on child and education advocacy and post-secondary research and economic impact analysis. Parker Philips provides communications and public affairs services to more than a dozen child advocacy organizations, as well as research and economic impact analysis services to corporations, non-profits, colleges, SSHEO's, public and private universities across the country. Parker Philips joins this amicus brief to ensure that all children, representing the future workforce of Pennsylvania, graduate college and/or are career ready by receiving a rigorous education that adequately prepares them to enter the workforce. In order to maintain a viable democracy, each child must be provided an excellent public education.

Earle Enterprises, LP is a Pennsylvania business whose work focuses on the ownership and operations of McDonald's franchises in Pennsylvania including Delaware County and Philadelphia County, Pennsylvania. To this end, Earle Enterprises provides ownership and management of franchise businesses. Earle Enterprises, LP joins this amicus brief to ensure that employees and school children across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to participate in today's economy. As an employer of thousands of young people for more than 35 years, meeting the college and

career ready standard is essential to ensuring that every Pennsylvanian has the opportunity to develop their potential and pursue their ambitions in whatever directions their careers take them.

TreCom Systems Group is a Pennsylvania Corporation whose mission is to provide high quality software and system solutions to its customers. To this end, TreCom provides system integration, software development, and training throughout Pennsylvania and other states. TreCom joins this amicus brief to ensure that all its employees and employees' families across the Commonwealth graduate college and are career ready by receiving a rigorous education that adequately prepares them to enter the workforce. A well-educated citizenry is paramount to TreCom's success as it competes locally and internationally for talent, and is paramount to the success of our democracy.

The League of Women Voters of Pennsylvania is a Pennsylvania membership organization whose mission focuses on encouraging informed and active participation in government, increasing understanding of major public policy issues, and influencing public policy through education and advocacy. To this end, the League of Women Voters of Pennsylvania provides research and advocacy and joins this amicus brief to ensure that all schoolchildren across the Commonwealth graduate high school and are career ready by receiving a rigorous education that adequately prepares them to meaningfully engage in democracy.

The Urban League of Greater Pittsburgh (ULGP) is a Pennsylvania non-profit whose mission is to enable African Americans to secure economic self-reliance, parity and power, and civil rights. To this end, the ULGP provides social services that include connecting adults with general employment and training services, and enlisting volunteers to coach and mentor youth, advocate for removal of barriers to educational and economic advancement and assist the Urban League in fulfilling its mission. The ULGP joins this amicus brief to ensure that all its employees

and schoolchildren across the Commonwealth graduate college and are career ready by receiving a rigorous education that adequately prepares them to enter the workforce.

Alice M. Drum, Ph.D., is vice president of the college emerita at Franklin & Marshall College, located in Lancaster, Pennsylvania. She has thirty years of experience as a professor and administrator at the post-secondary level. Dr. Drum joins in this amicus brief to ensure that all students, particularly students who have lived in poverty, students of color, and first generation college students have the opportunity to complete college and pursue their career of choice.

Barbara Ferman is a Professor of Political Science at Temple University located in Philadelphia, Pennsylvania. She has 37 years' experience as a professor, 30 of them at Temple. Dr. Ferman joins in this amicus brief to ensure that all students, particularly low-income students, students of color, and first-generation college students, have the opportunity to enter and complete college and pursue their career of choice.

Sean Flaherty is an emeritus Professor of Economics at Franklin and Marshall College in Lancaster Pennsylvania. Professor Flaherty has 39 years of experience as a teacher at the post-secondary level. He is also a former member of the board of directors of Good Schools Pennsylvania. Flaherty joins in this amicus brief seeking to ensure that all students, particularly those from underserved communities, have sufficient opportunity to enter and complete college and pursue their career of choice.

Theresa Glennon is Emerita Professor at Temple University Beasley School of Law, where she taught thousands of law students from 1993 to 2020. Her teaching and scholarship have included examination of equality in education in relation to issues of poverty, race, and disability, as well as Family Law, Torts and Professional Responsibility. Professor Glennon joins in this amicus brief to ensure that all students, particularly students with disabilities, students living in

poverty, and those of racial and ethnic groups that have historically experienced discrimination, have the educational opportunities needed to enter and complete college and pursue their career of choice.

Akira Drake Rodriguez is a professor at the Weitzman School of Design at the University of Pennsylvania, located in Philadelphia, Pennsylvania. Dr. Rodriguez has ten years of experience as an educator of graduate students at the post-secondary level. Dr. Rodriguez joins in this amicus brief to ensure that all students, particularly students from disinvested communities, have the opportunity to enter and complete college and pursue their career of choice.

Megan Wolleben is an Associate Director in the Center for Career Advancement (CCA) at Bucknell University, a Pennsylvania non-profit within the Higher Education industry whose work and mission is to cultivate a Bucknell community that empowers and inspires all students and graduates to pursue and achieve meaningful careers throughout their lifetime. To this end, the Center for Career Advancement provides career counseling services and programs to undergraduate students. Megan Wolleben joins this amicus brief to ensure that all school children across the Commonwealth graduate college and career ready by receiving a rigorous education that adequately prepares them to enter the workforce, fully participate in today's economy and meaningfully engage in democracy.

INTRODUCTION

We are representatives from Pennsylvania organizations, businesses, and institutions of higher learning. We submit this brief in support of Petitioners to underscore the importance of the Commonwealth of Pennsylvania providing all of its students with a high-quality education. The Commonwealth’s “college and career ready” standard is designed to ensure that students graduating from high school are equipped with the skills they need to thrive regardless of whether they pursue careers immediately or choose to continue their education at colleges and universities. Fair funding for our schools is the key to living up to this important standard.

We, the undersigned *amici*, come from a variety of organizations, businesses, and institutions. Some of us represent organizations that see up close the central role our schools play in strengthening our communities and our democracy. Some of us are businesspeople who understand that the Commonwealth’s businesses need employees who possess the important skills prioritized in the college and career ready standard to be successful in our increasingly competitive economy. Some of us work with Pennsylvania’s institutions of higher learning and likewise recognize how vital it is—for both the students and our institutions—to ensure that students receive a high-quality elementary and secondary education before continuing their studies. What brings us together is the belief that ensuring adequate funding for Pennsylvania’s schools is critical to achieving all of these (and many other) goals. In submitting this brief, we hope to emphasize for this Court some of the ways in which fairly funding our schools matters and why improving student outcomes matters not just for its own sake or because it is constitutionally required, but also because it is vital for the thriving of our organizations, our businesses, our institutions, and our Commonwealth. Accordingly, we respectfully request that the Court issue the relief sought by Petitioners.

ARGUMENT

I. Pennsylvania Must Do More to Meet its College and Career Ready Standard, Especially for Students Who Are Economically Disadvantaged.

Every child in Pennsylvania deserves to receive a high-quality education. There are many reasons why a high-quality education is important. It is enshrined in Pennsylvania law that our public schools should encourage students to develop integrity, think critically, work independently, collaborate with others, adapt to change, and build a host of other skills across competencies and subject matters. *See* 22 Pa. Code § 4.11. Some of us represent community organizations who see firsthand how these kinds of skills are indispensable to the social fabric of our community and our democracy. As the Court heard at trial, there is a close link between educational attainment and civic engagement such as volunteering, donating, and voting. And when our citizens do participate in our democracy, we are all better off when students have the critical thinking skills they need to act as informed voters and productive members of society. *See, e.g.,* Trial Tr. 4221. Civic participation is indispensable to the day-to-day work of organizations tackling the many needs of our communities.

The evidence presented by Petitioners at trial affirms that a high-quality education remains beyond the reach of many of our students and that Pennsylvania has failed in its mission to ensure that all students are college and career ready. Indeed, the evidence is overwhelming that many school districts in the Commonwealth are underfunded and that student achievement suffers as a result. The evidence is also clear that schools educating students of color and students who are economically disadvantaged disproportionately suffer from underfunding. Meanwhile, both expert consensus and common sense tell us that increased school funding is essential to improve student outcomes. Better funding is instrumental to secure what students need to thrive, including

high-quality teachers and support staff, smaller class sizes, better facilities and learning supplies, and a host of other needs that drive student achievement.

II. Ensuring that Pennsylvania Students are Prepared for Their Careers is Critical for Pennsylvania Businesses.

We, the undersigned *amici* representing Pennsylvania’s business community, represent a cross-section of that community and range from small locally owned stores to companies with national reach. Though our businesses operate differently, we all agree that a pipeline of highly educated students is absolutely necessary for the health and competitiveness of our businesses. We join this brief to outline just a few of the many ways that we have seen the importance of quality education bear on our businesses and our employee population.

First, meeting Pennsylvania’s educational standards means much more than just building out important subject-matter competencies. Schools are where young Pennsylvanians develop the knowledge and skills they need to become effective participants in our increasingly global and competitive workforce. Pennsylvania’s college and career ready standard embraces skills—including analytical thinking, self-direction, responsible decision-making, problem solving, resilience, creativity, and the ability to collaborate and communicate effectively—that are indispensable in building the human capital that drives productive and successful businesses. Indeed, the needs of our businesses were a driving force in the adoption of these standards in the first place. *See, e.g.*, Trial Tr. 4314–15.

All of these skills matter when young employees enter the workforce, regardless of their role or field of work. As Superintendent Matthew Splain of the Otto-Eldred School District explained at trial, students entering any career—regardless of whether it is carpentry, the service industry, or anything else—benefit from an education guided by rigorous standards. *See, e.g.*,

Trial Tr. 6366–6367, 6373. Better educated workers are more productive workers.² If Pennsylvania’s businesses are going to remain competitive, including in some cases at the national or international level in today’s increasingly interconnected global economy, we need employees equipped with these skills from day one. Likewise, we need employees with the creativity, flexibility, and resilience to adapt when the needs of our workplaces inevitably change.³ That is why the college and career ready standard’s focus on providing broad, foundational skills—rather than training for just a single kind of job—is so important to ensure students are equipped to thrive in the modern workplace.

Moreover, a highly educated workforce is a workforce ready to contribute ideas on how to make our businesses work better. Young employees are often in the best position to see novel or better ways of doing business. That is especially true when they are equipped with technological skills encompassed within contemporary academic standards. Indeed, we have seen time and time again in our businesses that young employees can contribute innovative new ideas that help our businesses improve and grow in ways that we ourselves could not have anticipated. And, critically, businesses benefit when *all* students—not just some—bring these fruits of a high-quality education to bear. Skilled and motivated employees are always in high demand, and our Commonwealth’s

² Dr. Clive Belfield at trial echoed this very point, explaining that “the more human capital a worker has, the more productive that worker can be,” and indeed “[w]orking with coworkers who are more productive makes one more productive oneself.” See Trial Tr. 8974–75, 9028.

³ As Former Deputy Secretary of Elementary and Secondary Education Matthew Stem observed at trial, “students need to be prepared for the various types of opportunities that they’re going to see in a changing economy, changing workforce; [] they need to be able to be prepared for postsecondary education and the workforce and be able to nimbly have the skills to be able to transition accordingly.” See Trial Tr. 1611; see also <https://www.pewresearch.org/social-trends/2016/10/06/the-state-of-american-jobs/> (noting that “[t]ectonic changes are reshaping U.S. workplaces as the economy moves deeper into the knowledge-focused age . . . affecting the very nature of jobs by rewarding social, communications and analytical skills”).

businesses will benefit from increasing their numbers through ensuring that all Pennsylvania students receive a high-quality education before setting off on their careers.

Finally, we note that all of these concerns have only become more pressing as our economy has rapidly evolved in the twenty-first century. With many traditional jobs and job functions increasingly at risk of replacement by technology, meeting the needs of today's businesses means having a pool of well-rounded employees with the transferrable skills needed to navigate our new economy. Ensuring that *all* students receive a high-quality education is even more important given the widely recognized difficulties that businesses are facing today in finding and retaining employees with the skills needed to contribute effectively.⁴ Fair school funding of our schools is the key to ensuring that the Commonwealth has continued access to the broad, home-grown talent pool its businesses need to compete and thrive.

III. Ensuring that Pennsylvania Students are Well-Prepared Is Also Important for the Success of Pennsylvania Institutions of Higher Learning.

We, the undersigned *amici* working at Pennsylvania institutions of higher learning, come from an array of colleges and universities, ranging from local community colleges to major research universities. Meeting the Commonwealth's college and career ready standard for all students is critical for our institutions and the Commonwealth as a whole. First, our learning communities benefit directly when students come to us after having already received a high-quality education in elementary and secondary schools. In our experience, well-prepared students are more likely to persist in their studies and graduate. They are also more likely to take advantage of the wide array of enriching and rewarding extra-curricular opportunities that are available at

⁴ Recent polling has only confirmed the widespread difficulty businesses have had hiring and retaining qualified workers. See, e.g., <https://www.usnews.com/news/national-news/articles/2021-06-02/overwhelming-majority-of-businesses-report-difficulty-hiring-workers-and-retaining-existing-employees>.

colleges and universities. We are fortunate that our Commonwealth is home to some of the best colleges and universities in the nation. It is in all of our interests to make sure that our students, including those who come to us from our public schools, are able to take advantage of the full array of educational opportunities that are available when they attend.

Conversely, the Commonwealth's failure to meet its own educational standards imposes real costs on our institutions. When students are ill-prepared for college-level coursework, our institutions must divert scarce resources to engage in remedial programs to close proficiency gaps and teach skills and subject-matter competencies that should have been taught in secondary school. In many instances, this is through no fault of the students, who are industrious and are often had limited access to offerings to prepare them for the rigorous requirements of college coursework. In just one example introduced by Petitioners at trial, approximately 60% of students graduating from the School District of Philadelphia who went on to enroll at the Community College of Philadelphia required remedial coursework. *See* Trial Tr. at 7896. For resource-constrained institutions or departments, these additional investments mean less time engaged in the kinds of specialized learning that colleges and universities are best equipped to provide.

High rates of remedial coursework are emblematic of another problem we have seen firsthand: the underfunding of school districts means fewer students from these districts are able to enroll in colleges and those who do are less likely to graduate.⁵ The failure to provide adequate funding for all Pennsylvania schools is starkly at odds with the Commonwealth achieving its stated

⁵ Research has shown that students who need remedial coursework may graduate at a lower rate and require more time to complete their coursework if they do. *See, e.g.,* <https://www.americanprogress.org/article/remedial-education/#:~:text=While%20rates%20vary%20depending%20on,consistently%20less%20than%2010%20percent>.

goal of building a workforce with more postsecondary degrees.⁶ Striving to increase the proportion of postsecondary degrees makes sense because Pennsylvania’s institutions of higher learning play a critical role in helping students build specialized skills that many jobs in today’s economy require. But if the Commonwealth wants to succeed in building a more educated workforce with a higher proportion of advanced degrees, it is imperative to make sure that students are prepared to enroll, and graduate, regardless of what school district they are coming from.

Finally, as professors and educators, we note that adequate funding is absolutely necessary to achieve successful student outcomes. Chronic school underfunding deprives educators of the resources, facilities, and tools they need to effectively teach their students. These problems only compound as new challenges arise, such as the difficulties that underfunded school districts faced during the COVID-19 pandemic in trying to accommodate remote learning. *See, e.g.*, Trial Tr. 2014–15. Providing the high-quality education that Pennsylvanians deserve requires investing in things that improve student performance—e.g., early childhood education, qualified and effective teachers and support staff, academic supports, social and emotional learning supports, appropriate class size, modern and safe facilities, technology resources—that are simply out of reach to educators who work in Pennsylvania’s underfunded districts. Closing opportunity and achievement gaps will be impossible without fair funding to support these investments in our schools, a point that the Court heard at trial as well. *See, e.g.*, Trial Tr. 1913, 8734–35.

We know that not every graduate of our high schools will choose to continue their studies at a college or university. But meeting the Commonwealth’s college and career ready standard means that every student will be prepared to either productively enter the workforce or flourish at

⁶ Petitioners introduced evidence that Pennsylvania is striving to build a workforce featuring a sufficient number of postsecondary degrees, but is falling short of its target. *See* Trial Tr. 8668–70, 4233–34.

institutions of higher learning based on their own choices and aspirations and not where in the Commonwealth they grew up or which school they attended. Fair school funding is critical to the growth and health of Pennsylvania's colleges and universities.

CONCLUSION

For the reasons above, we believe the Court should rule in Petitioners' favor and ensure that every Pennsylvania student receives the high-quality education to which they are entitled. Our organizations, our businesses, our institutions of higher learning, and indeed the collective prosperity of the Commonwealth itself depend on it.

Dated: May 16, 2022

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CERTIFICATION OF WORD COUNT

I hereby certify that this brief contains 2270 words, as determined by the word-count feature of Microsoft Word, the word-processing program used to prepare this petition.

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CERTIFICATE OF COMPLIANCE WITH PA. R.A.P. 127

I hereby certify, pursuant to Pa. R.A.P. 127, that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: May 16, 2022

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