

## Historic School Funding Lawsuit Is A Game Changer For Our Students

### **What was the case, *William Penn et al. v. PA Dept. of Ed. et al.*, about?**

The case was brought by six school districts, parents, and two statewide organizations against legislative leaders, state education officials, and the governor. They are represented by the Education Law Center, Public Interest Law Center, and the firm O'Melveny. The petitioners contended that the current school funding system does not provide enough money to ensure all students receive a thorough and efficient education as required by the Pennsylvania Constitution and that lack of funding negatively harms students in low-wealth districts in violation of the Constitution's equal protection provisions. They further argued that these disparities disproportionately affect low-income students, English learners, and students of color, who are concentrated in the lowest-wealth school districts.

### **What did the Court decide?**

The Court ruled that Pennsylvania's current school funding system is unconstitutional and must be reformed. Specifically, the Court found that the school funding system violates that Education Clause of our state Constitution because it fails to ensure that ***“every student receives a meaningful opportunity to succeed academically, socially, and civically which requires that all students have access to a comprehensive, effective, and contemporary system of public education.”***

Second, the Court ruled that public education is a “fundamental right” and ***“the current system of funding public education has disproportionately, negatively impacted students who attend schools in low-wealth school districts.”*** The Court found that the wide disparities in school resources between high-wealth and low-wealth districts are not justified by any governmental interest, and therefore the current system violates the Equal Protection provisions of our state Constitution.

### **What did the Court find the state was not providing children?**

The Court identified basic elements of a comprehensive, effective, and contemporary system of public education that the state was denying students: sufficient numbers of qualified teachers and other professionals (counselors, reading and math specialists, tutors, social workers, etc.), a rigorous curriculum and the student supports necessary to take advantage of it, adequate facilities, and instrumentalities of learning—books, supplies, equipment like microscopes and computers, and preschool.

### **What does the decision mean and how will it be implemented?**

The decision means that the General Assembly must take steps to change the school funding system so that it comes into compliance with the Constitution. The Court ordered the state legislature, the governor, and education officials to begin working along with petitioners on a new system that provides additional funding that is a distributed in a way that ensures all children, regardless of the wealth of their community, can receive a comprehensive effective public education that prepares them for today's world.

### **Did the Court tell the legislature *how* to create a new school funding system?**

No, but it provided clear requirements and guardrails. As in other school funding cases, the decision leaves it up to the General Assembly to create a constitutionally compliant school funding system, pursuant to the deficiencies laid out by the decision. However, the decision clearly spells out the specific problems that must be remedied in low-wealth districts. For example, the decision says that these districts “lack the inputs that are essential elements of a thorough and efficient system of public education – adequate funding; courses, curricula, and other programs that prepare students to be college and career ready; sufficient, qualified, and effective staff; safe and adequate facilities; and modern, quality instrumentalities of learning.”

### **Did the Court actually find there was insufficient funding, or some other problem?**

Insufficient funding. As explained above, the Court found school districts were lacking the basic educational resources children need. And the Court found that the General Assembly knows this to be the case, holding that “the Costing Out Study, the subsequent calculation of adequacy targets and shortfalls, the BEF Commission, the Fair Funding Formula, and the Level Up Formula, all credibly establish the existence of inadequate education funding in low-wealth districts like Petitioners, a situation known to the Legislature.”

### **Does the Court’s ruling apply to all public schools or only the districts and parents who brought the case?**

The decision applies to the entire school funding system. The Court held that the entire system is unconstitutional and therefore “any plan devised by Respondents at the Court’s direction will have to provide all students in every district throughout Pennsylvania, not just Petitioners, with an adequately funded education...”

### **Does the ruling mean that high-wealth districts will have money taken away?**

No. The Court specifically noted that in the petitioners’ case “there is nothing ... which would remove funding from any other entity.”

### **Does the decision require an increase in local taxes?**

No. This case is about the state’s responsibility to fund public education. In fact, the Court emphasized that low-wealth districts often have higher tax rates and struggle to raise enough revenue from local sources to meet the greater needs of their students. This must be remedied by providing additional funding from the state.

### **Did the Court conclude that re-allocating current funding through the Fair Funding Formula would solve the problem?**

No. In fact, the decision quotes a superintendent who testified that simply ending hold harmless is “sort of like rearranging ... the deck chairs on the Titanic” because the total amount of funding is inadequate.

### **Can the state afford to increase school funding?**

Yes. Right now, the state is expected to end the year with a budget surplus of about \$7 billion or more, as well as a rainy day fund of \$5 billion. Long-term, investing money in education will have a financial payoff to the state when Pennsylvania starts to graduate substantially more students who are capable, self-sufficient citizens. Similar investments have improved educational outcomes in other states.

### **Does the decision support school vouchers?**

No. The Court’s decision explains that all students have a fundamental right to a *public* education and our Constitution requires that all students have access to a thorough and efficient system of *public* education.

### **Does the decision support the expansion of charter schools?**

No. The Court found that there was no evidence that students in charter schools fared better than students in district schools and cited evidence that students in cyber charter schools in particular fared worse. The Court also noted that charter schools impose stranded costs on school districts.

### **What has happened in other states where courts have found a school funding system to be unconstitutional?**

There have been many successful school funding cases where legislatures have created plans and allocated additional significant resources in compliance with a court’s decision and created a more equitable and effective public school system.

### **Why is this case important?**

The legislature must now heed the Court’s order and take the necessary steps to ensure that every child has access to the comprehensive, contemporary, and effective public education that the Pennsylvania Constitution demands. Doing so will change the future for millions of families, so that children are no longer denied the education they deserve.