

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**WILLIAM PENN SCHOOL
DISTRICT, et al.**

Petitioners,

v.

**PENNSYLVANIA DEPARTMENT
OF EDUCATION, et al.,**

Respondent.

No. 587 MD 2014

**ANSWER TO EXECUTIVE BRANCH RESPONDENTS' PRELIMINARY
OBJECTIONS TO THE PETITION FOR REVIEW**

Petitioners, through their counsel and pursuant to Rules 1516(b) and 1517 of the Pennsylvania Rules of Appellate Procedure and Rules 1028 and 1029 of the Pennsylvania Rules of Civil Procedure, hereby submit the following responses to the averments in the Executive Branch Respondents' Preliminary Objections to the Petition for Review.

GENERAL RESPONSES

1. Some or all of the matters asserted in the Preliminary Objections are not preliminary objections recognized in the Pennsylvania Rules of Civil Procedure.

2. Some or all of the matters asserted in the Preliminary Objections raise factual issues which are not the appropriate subject of a demurrer.

RESPONSES TO SPECIFIC AVERMENTS

3. Admitted.

4. Denied. Petitioners aver that paragraph 2 contains legal conclusions to which no response is required and is, therefore, deemed denied. To the extent a response is required, the averments in paragraph 2 inaccurately characterize the Petition, which speaks for itself, and they are, therefore, deemed denied. Petitioners refer to their Petition for a full and accurate description of its contents.

5. Denied. Petitioners aver that paragraph 3 contains legal conclusions to which no response is required and is, therefore, deemed denied. To the extent a response is required, the averments in paragraph 3 inaccurately characterize the Petition, which speaks for itself, and they are, therefore, deemed denied. Petitioners refer to their Petition for a full and accurate description of its contents.

6. Denied. Petitioners aver that paragraph 4 contains legal conclusions to which no response is required and is, therefore, deemed denied.

7. Denied. Petitioners aver that paragraph 5 contains legal conclusions to which no response is required and is, therefore, deemed denied.

8. Denied. Petitioners aver that paragraph 6 contains legal conclusions to which no response is required and is, therefore, deemed denied.

9. Denied. Petitioners aver that paragraph 7 contains legal conclusions to which no response is required and is, therefore, deemed denied.

WHEREFORE, Petitioners respectfully request that this Court should overrule the preliminary objections of Respondent.

Dated: December 19, 2014

Respectfully Submitted,

By: /s/ Jennifer R. Clarke

By: /s/ Maura McInerney

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Attorneys for Plaintiffs Jamella and Bryant Miller, Sheila Armstrong, Tyesha Strickland, Angel Martinez, Barbara Nemeth, Tracey Hughes, Pennsylvania Association of Rural and Small Schools, and the National Association for the Advancement of Colored People—Pennsylvania State Conference.

By: /s/ Matthew J. Sheehan

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No. 587 M.D. 2014

**[PROPOSED] ORDER
REGARDING EXECUTIVE
RESPONDENTS'
PRELIMINARY
OBJECTIONS TO PETITION**

ORDER

AND NOW, this ____ day of _____, 20__, upon consideration of the Preliminary Objections submitted by Executive Respondents in the above-captioned matter and Petitioners' Answers thereto, it is hereby **ORDERED** that the Executive Respondents' Preliminary Objections are **OVERRULED**.

BY THE COURT:

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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PROOF OF SERVICE

I hereby certify that I am this 19th day of December 2014 serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121:

Service

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Representing: Respondent Pennsylvania Department of Education

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Petitioner Shenandoah Valley School District
Petitioner Jamella and Bryant Miller
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