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## A Historic Victory for Petitioners in School Funding Lawsuit

Today, Commonwealth Court Judge Renée Cohn Jubelirer ruled that Pennsylvania's school funding system is unconstitutional and must be reformed.

In a [786-page decision](#), the court found that "All witnesses agree that every child can learn. It is now the obligation of the Legislature, Executive Branch, and educators, to make the constitutional promise a reality in this Commonwealth."

The court order calls for the "respondents, comprised of the Executive and Legislative branches of government and administrative agencies with expertise in the field of education, the first opportunity, in conjunction with Petitioners, to devise a plan to address the constitutional deficiencies identified herein."

The court rebuffed respondents' argument that the current system is adequate, saying "In the 21st century, students need more than a desk, chair, pen, paper, and textbooks."

The Education Law Center and Public Interest Law Center issued the following joint statement earlier today:

*"Today's decision declaring Pennsylvania's school funding system unconstitutional is a historic victory for Pennsylvania's public school children. It will change the future for millions of families, so that children are no longer denied the education they deserve. The court recognized that our schools require adequate funding to meet our constitution's mandate. It's time for our state legislature to fund public schools in every corner of Pennsylvania so all students, whether or not they live in a wealthy community, can receive the quality public education guaranteed in our state constitution."*

"The court's decision recognizes what we showed during trial: Every year, hundreds of thousands of children in public schools in lower-wealth communities across Pennsylvania are being denied the basic resources needed for a quality education because the state is not adequately or equitably funding our schools," said ELC legal director Maura McInerney. "The court's order directs the state to change the way it funds our public schools from the current two-tiered system divided by local wealth to one that provides sufficient resources for all children."

"This is a huge victory. Educators know that every child can learn, and they know the kinds of support that their students need to reach their potential," said Dan Urevick-Ackelsberg, senior attorney at the Public Interest Law Center. "Our clients and others in low-wealth districts in Pennsylvania also know that for too long, they have had to triage their students' needs, leaving some students behind because of the state's failure to provide adequate funding for public

education. Today's decision makes it clear that this inequitable status quo cannot continue, and that every child in Pennsylvania has a fundamental right to receive a comprehensive, effective, and contemporary public education."

"Education is the great equalizer --- the key that opens the door to life-changing opportunities and world-changing ideas," said Katrina Robson, partner at O'Melveny & Myers LLP. "No child should be left with their hand up, begging for but denied that opportunity. We are gratified by the judge's ruling, which will help ensure that all children in Pennsylvania have equitable access to quality education. And we are proud of the legal team that worked tirelessly—for years—to help achieve this critically important result."

Here is the language of the court order:

- 1. The Education Clause, article III, section 14 of the Pennsylvania Constitution, requires that every student receive 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;*
- 2. Respondents have not fulfilled their obligations to all children under the Education Clause in violation of the rights of Petitioners;*
- 3. Education is a fundamental right guaranteed by the Pennsylvania Constitution to all school-age children residing in the Commonwealth;*
- 4. Article III, section 32 of the Pennsylvania Constitution imposes upon Respondents an obligation to provide a system of public education that does not discriminate against students based on the level of income and value of taxable property in their school districts;*
- 5. Students who reside in school districts with low property values and incomes are deprived of the same opportunities and resources as students who reside in school districts with high property values and incomes;*
- 6. The disparity among school districts with high property values and incomes and school districts with low property values and incomes is not justified by any compelling government interest nor is it rationally related to any legitimate government objective; and*
- 7. As a result of these disparities, Petitioners and students attending low-wealth districts are being deprived of equal protection of law.*

The case *William Penn School District et al. v. Pennsylvania Department of Education et al.* was filed in 2014 by six Pennsylvania school districts (William Penn, Greater Johnstown, Lancaster, Panther Valley, Shenandoah Valley, and Wilkes-Barre Area), the Pennsylvania Association of Rural and Small Schools, the NAACP-PA State Conference, and a group of public school parents. They filed suit in Pennsylvania Commonwealth Court against state legislative leaders, state education officials, and the governor for failing to uphold the General Assembly's 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 state Constitution.

The school districts and other petitioners in the case are represented by the Education Law Center - PA, the Public Interest Law Center, and O'Melveny. During a four-month trial before Judge Cohn Jubelirer that concluded in March, witnesses explained in detail the deficiencies of the current system and the extreme, egregious disparities between school districts in Pennsylvania.

For more on the case, *William Penn School District et al. v. PA Dept. of Education et al.*, visit [FundOurSchoolsPA.org](https://www.fundourschoolspa.org), a joint online project of the Education Law Center-PA and the Public Interest Law Center.

**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.pubintl.org](http://www.pubintl.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](http://elc-pa.org) or @edlawcenterpa on Twitter.