

## Pennsylvania School Funding Question Given Another Chance

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The tricky issue of how the state funds its public schools has new life after a Pennsylvania Supreme Court decision late last week.

In the latest chapter in the battle over the system of public school funding in Pennsylvania, the court reversed a [2015 Commonwealth Court dismissal](#) of claims challenging public school funding in the state. The Commonwealth Court previously ruled that school funding was a non-justiciable political question outside the reach of the judiciary.

The case now returns to Commonwealth Court for further proceedings.

A group of parents, six school districts and a number of statewide nonprofit organizations originally filed [William Penn School District, et al v. Pennsylvania Department of Education](#) in 2014. The suit claimed the state's system of funding public education is inadequate and therefore violates the Education Clause of the [state constitution](#) requiring a "thorough and efficient system of public education" and equal protection requirements. The plaintiffs argue that due to a fatally flawed funding system, the petitioner school districts are "unable to provide students with the basic elements of an adequate education, such as appropriate class sizes, sufficient experienced and effective teachers, up-to-date books and technology, adequate course offerings, sufficient administrative staff, academic remediation, counseling and behavioral health services, and suitable facilities necessary to prepare students to meet state proficiency standards."

Commonwealth Court dismissed the case relying on prior precedent that education funding is a legislative policy for the General Assembly and therefore not subject to judicial review. The court reasoned that it could "no more determine what level of annual funding would be sufficient for each student in each district in the statewide system to achieve the required proficiencies than the [state] Supreme Court was able to determine what constitutes an 'adequate' education or what level of funding would be 'adequate' for each student in such a system."

Reversing the lower court's decision, the Pennsylvania Supreme Court notes the judiciary must be "skeptical of calls to abstain from a given constitutional dispute." Returning the matter to the lower court for further consideration, Justice David Wecht wrote, "[i]t remains for (the) petitioners to substantiate and elucidate the classification at issue and to establish the nature of the right to education, if any, to determine what standard of review the lower court must employ to evaluate their challenge [b]ut (the) petitioners are entitled to do so."

We will continue to monitor developments with this important case and its impact on public education in the Commonwealth, and provide additional updates as appropriate. If you have additional questions, please do not hesitate to contact any of the attorneys in [Barley Snyder's Education Law Practice Group](#).