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Contact: Paul Socolar, Education Law Center, 215-906-1250, psocolar@elc-pa.org
Jonathan McJunkin, Public Interest Law Center, 267-546-1305, jmcjunkin@pubintl.org

Trial in Pa. School Funding Lawsuit Scheduled for Summer 2020

In a breakthrough for efforts to fix Pa.'s broken school funding system, Commonwealth Court has set a schedule for hearing the facts in William Penn et al. v. PA Dept. of Ed. et al.

Pennsylvania's Commonwealth Court released on Thursday a briefing and trial scheduling order in the lawsuit challenging the state's school funding system. The trial is tentatively set to begin in summer 2020. Judge Renée Cohn Jubelirer issued the order and will oversee the pre-trial proceedings.

"We're very confident that we'll be able to prove to the court that thousands of children in our state are deprived of the education they deserve, and that they have a constitutional right to receive," Public Interest Law Center attorney Michael Churchill said. "The school districts who have joined our lawsuit know this is true, and students in underfunded schools know this is true. The legislature has the power to fix this, whether they take action before 2020 or wait for us to win at trial."

Before trial, the parties in *William Penn School District et al. v. PA Department of Education et al.* will conduct extensive fact discovery and produce expert reports. Discovery is set to be completed by October 4, 2019. The parties will then have 60 days to file expert reports and rebuttals to these reports. Motions for summary judgment are due by February 4, 2020. The schedule is typical of how discovery has proceeded in other school funding cases.

"We are pleased that the court has set a timeline for bringing this case to trial so that legislative leaders cannot continue to postpone and delay," said Education Law Center legal director Maura McInerney. "Every day that legislative leaders fail to act is a day that students are deprived of basic resources, and our children who need the most continue to get the least."

The lawsuit was filed in 2014 by the Education Law Center and the Public Interest Law Center on behalf of parents, school districts, and statewide organizations, alleging that the state's school funding system violates Pennsylvania's constitution, due to significant underfunding and gross disparities in allocations that penalize students in low-wealth districts.

A brief filed by petitioners in the case in July 2018 found that state funding available for classroom expenses in Pennsylvania has declined in the years since 2013, falling by \$155.3 million. The analysis from Keystone Research Center economist Mark Price showed that any increase in state education appropriations has not kept pace with rising costs, such as pension reimbursements and inflation. The brief also showed that the funding gap between typical low- and high-wealth districts in Pennsylvania – the largest such gap in the nation – had grown since the case was filed.

The petitioners in the case are six families, six school districts – William Penn, Panther Valley, Lancaster, Greater Johnstown, Wilkes-Barre Area, and Shenandoah Valley – the Pennsylvania Association of Rural and Small Schools, and the NAACP of Pennsylvania. In August, Commonwealth Court denied claims by legislative leaders that the lawsuit was rendered moot by the state’s adoption of a funding formula in 2016.

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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, trainings, and policy advocacy, ELC advances the rights of vulnerable 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 or follow on Twitter [@edlawcenterpa](https://twitter.com/edlawcenterpa).

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 or follow on Twitter [@PubIntLawCtr](https://twitter.com/PubIntLawCtr).