



FundOurSchoolsPA.org is a project of Education Law Center - PA and Public Interest Law Center.

Pennsylvania's School Funding Lawsuit – Frequently Asked Questions

Q: What is the lawsuit about?

A: Hundreds of thousands of students across the state lack basic education resources – conditions that harm their learning and prevent them from meeting state academic standards. Pennsylvania also has one of the widest funding gaps between low-wealth and high-wealth districts in the country. In the lawsuit filed by the Public Interest Law Center, Education Law Center-PA, and the law firm O'Melveny, we seek a long-term solution to decades of inadequate, inequitable school funding in Pennsylvania.

Q: Who is responsible for ensuring high-quality education?

A: The state. Our state Constitution makes the General Assembly responsible for ensuring a thorough and efficient system of public education. The General Assembly, along with the Governor, the Secretary of Education, and State Board of Education, must enable all students to receive a quality education – regardless of their community's level of local wealth.

Q: What are our legal claims?

A: First, the state is failing to meet its legal obligation to provide “a thorough and efficient system of public education” that serves all Pennsylvania students. Second, the state maintains a funding system that discriminates against students in districts with low property values and incomes. Pennsylvania's irrational funding disparities violate our state Constitution's equal protection provisions by depriving students in these low-wealth communities of the school resources they need to succeed.

Q: Who is bringing this case?

A: Petitioners include six school districts: William Penn School District, the School District of Lancaster, Panther Valley School District, Greater Johnstown School District, Shenandoah Valley School District, and Wilkes-Barre Area School District; the Pennsylvania Association of Rural and Small Schools; the NAACP Pennsylvania State Conference; and families with children who are in or graduated from underfunded, under-resourced schools.

Q: Who is being sued?

A: Leaders of the Pennsylvania House and Senate, the Secretary of Education and the Department of Education, the State Board of Education, and the Governor.

Q: What are you asking for in the lawsuit?

A: We want the court to declare the current school funding system unconstitutional and order the legislature to create a new, well-funded system: One that will enable all students to fulfill their potential, meet state academic standards, become college- and career-ready, and participate in society as an engaged, informed citizen – a new system that does not discriminate against low-wealth school districts.

Read on. --->

Q: What is the current status of the case?

A: Trial is scheduled to begin on Nov. 12, 2021, in Commonwealth Court in Harrisburg, with Judge Renée Cohn Jubelirer presiding. Sessions will be livestreamed.

Q: What has happened in the case so far?

A: The lawsuit was filed in 2014, but Commonwealth Court dismissed the case in 2015. On appeal, the Pennsylvania Supreme Court ruled in 2017 that claims challenging the school funding system as unconstitutional are subject to judicial review and sent the case back to Commonwealth Court, where it has been proceeding toward trial.

Q: How do you know added money will make a difference?

A: Research shows funding matters in boosting student achievement and changing life outcomes. [A 2015 study](#) reviewing national research on education spending found that more money consistently meant better outcomes for students — not just increased graduation rates and educational attainment but higher wages as adults.

Q: Didn't revisions to the funding formula in 2016 solve this problem?

A: No. The school funding formula adopted by the legislature in 2016 was a positive step toward more fair distribution, but the formula applies to only a small fraction of the education budget – currently about 14%. Moreover, the formula does not determine whether there is enough funding – it merely distributes whatever the Commonwealth appropriates. In reality, there is still not enough current state funding to support public schools in financially struggling districts.

Q: What will be the impact of this lawsuit on property taxes?

A: Our lawsuit highlights that, on average, taxpayers in low-wealth districts bear the burden of higher property tax rates than taxpayers in high-wealth districts – but still have less funding for their students. Our case does not seek to eliminate property taxes.

Q: If you win in Commonwealth Court, can state officials appeal?

A: Yes. Appeal to the Pennsylvania Supreme Court is possible, but we are hopeful the General Assembly and Governor will weigh the evidence, listen to their constituents, and fix the problem.

Q: What can I do to help?

A: Spread the word about the case. Join [PA Schools Work](#), a non-partisan coalition seeking full, fair school funding in our state. Submit a letter to the editor to your local newspaper. Urge your school board, religious, or community group to pass a resolution in support of more, fairer state funding. Make plans to attend this historic trial this fall to show your support. Remember that the state legislature has the power right now to change the way our state funds schools. Your advocacy with elected officials can help make that change happen.

Q: How can I get more information about the case and the trial?

The law centers operate a website, [FundOurSchoolsPA.org](#), focused on the school funding lawsuit. Sign up there to receive daily updates during the trial.