

**William Penn School District  
v.  
Pennsylvania Department of Education**

**Education as a Fundamental Right**

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# The Education Clause of the Pennsylvania Constitution

## Article 3, Section 14:

“The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.”

# The Equal Protection Clauses of the Pennsylvania Constitution



- **Article 1, Section 1:** “All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.”
- **Article 1, Section 26:** “Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.”
- **Article 3, Section 32:** “The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law . . .”

# Previous Litigation Over the Pennsylvania Education Funding System

- ***Danson v. Casey (1979)***

- Parents of children attending Philadelphia public schools brought a constitutional challenge to the state funding system claiming that the “Pennsylvania system of school financing fails to provide Philadelphia’s public school children with a thorough and efficient education.”
- The Pennsylvania Supreme Court concluded that, even were it to determine what a “thorough and efficient system” means, thereby creating an overly rigid rule to be applied across the state, Pennsylvania courts are powerless to intrude upon the public education financing system.

- ***PARSS v. Ridge (1999)***

- The Commonwealth Court relied on *Danson* and concluded that there was no evidence that any child in the school districts received an “inadequate education,” and that the issue of funding is outside the power of the courts – funding is “within the discretion of the local school board or of the General Assembly.”

- ***Marrero v. Commonwealth (1999)***

- The Pennsylvania Supreme Court relied upon *Baker v. Carr* to determine that the issue of funding is nonjusticiable because it is within the powers of another branch of government.

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**Background & Analysis**

# Background

- **November 2014**
  - Six school districts, seven parents, PARSS and the Pennsylvania NAACP filed suit against the Governor, Department of Education, and legislative leaders.
  - The Petitioners brought the case to the Commonwealth Court asserting that public school districts are underfunded, and that the declaratory and injunctive relief is proper because the current funding scheme violates the Education and Equal Protection Clauses of the Pennsylvania Constitution.
  - The Commonwealth Court relied on *Danson*, *Ridge*, and *Marrero*, and determined that this question is outside the powers of the Court to decide as a nonjusticiable political question.
  - The Commonwealth Court granted the respondents' preliminary objections.

# Background (continued)

- **September 2017**

- The Pennsylvania Supreme Court reversed the decision of the Commonwealth Court, concluding that:
  1. Subsequent legislation that changed the funding formula did not defeat the Petitioners' claims.
  2. A court could give meaning to the Education Clause without overstepping the separation of powers.
  3. Equal protection claims were justiciable because the manner of distribution, not the resources themselves, drove the claims.
- The Court remanded the case for further proceedings.

# The Funding Systems

- Hold Harmless
- Fair Funding Formula

# Factual Findings by the Commonwealth Court

- Extensive Factual Findings
- Focused on the unusual disparities among school districts within the Commonwealth
  - 500 School Districts and over 2,999 schools in 2020-21
  - Over 160 brick-and-mortar charter schools, 14 cyber charter schools, 29 IUs, 84 CTE centers, and over 136 CTE programs
  - Over 1.7 million students

# Factual Findings (continued)

- **Geographic Size**

- Largest – 970.76 sq. miles (Keystone Central School District)
- 8 districts over 400 sq. miles
- 13 districts under 2.5 sq. miles
- Smallest – 0.58 sq. miles (Jenkins School District)

- **Enrollment Numbers**

- Largest – 124,111 (SDP)
- 15 districts over 10,000 children
- Smallest – 188 (Austin Area School District), graduating class of 15 students

# Factual Findings (continued)

- **Pennsylvania schools are responsible for contributing approximately 56% of their educational funding.**
- **Comparison**
  - Chester-Upland School District
    - Median Home Value = \$77,900
    - 4% Property Tax = \$3,116
  - Radnor Township School District
    - Median Home Value = \$651,600
    - 4% Property Tax = \$26,064

# Factual Findings (continued)

- **Poor Conditions**

- Greater Johnstown – a “low-wealth, high-need, high-effort, low-spending district”
- Panther Valley
- Lancaster
- Shenandoah Valley
- Wilkes-Barre
- William Penn
- Philadelphia (SDP)
- Otto-Eldred
- PARSS (Pennsylvania Association of Rural & Small Schools)
- Springfield Township
- Commonwealth Charter Academy
- 21<sup>st</sup> Century Academy
- Logos Academy

# Legal Analysis

- **Pennsylvania's Education Clause**

- “The General Assembly shall provide for the maintenance and support of a ***thorough and efficient system of public education to serve the needs of the Commonwealth.***”

- **Plain Language Interpretation**

- “If a constitutional provision is ‘clear and explicit,’ a court ‘will not delimit the meaning of the words used by reference to a supposed intent.’”

# Legal Analysis (continued)

“thorough and efficient”

=

Full or complete, and effective or competent to produce the intended effect.

“to serve the needs of the Commonwealth”

=

Not only to educate children, but also ensure those children have the opportunity to become productive members of society when they become older.

- “In sum, the Education Clause requires the General Assembly to provide a full or complete system of public education that is effective in producing students who, as adults, can participate in society, academically, socially, and civically, which thus serves the needs of the Commonwealth.”
- “The appropriate measure is whether *every* student is receiving a *meaningful opportunity* to succeed academically, socially, and civically, which requires that *all* students have access to a comprehensive, effective, and contemporary system of education.”

# What is the standard? Is it being met?

- “[A] party challenging the constitutionality of a statute bears the heavy burden of proving the statute ‘clearly, palpably, and plainly’ violates the Constitution.”
- The Court concluded that, to answer this question, it needed to conduct a thorough qualitative analysis of the different inputs and outcomes for the public educational system.

## Inputs:

- Funding
- Courses/curricula
- Staffing
- Facilities
- Instrumentalities of learning

## Outcomes:

- State Assessments
- PVAAS
- National Measures
- Graduation rates
- Postsecondary enrollment and attainment



# What type of right is education?

- **Equal Protection Clause**

- Rational Basis Review
- Intermediate Scrutiny
- Strict Scrutiny

- **Level of Scrutiny**

- “[T]he Court holds Petitioners’ equal protection claim is based on a fundamental right to education, the alleged impingement of which should be reviewed under ***strict scrutiny***.”

“The Court does not question the importance of local control; rather, it questions whether there can be meaningful local control when low-wealth districts are constantly faced with making tough decisions regarding which programs or resources to cut or which students, all in need of additional resources, receive access to the precious few resources these districts can afford to provide.”

# Conclusion

The Court concluded that **(1) education is a fundamental right** under the Pennsylvania Constitution, and **(2) the Pennsylvania failed to uphold its constitutional duty** to provide equal access to education, violating the Education Clause and the Equal Protection Clause.

“Providing equitable resources would not have to detract from local control, particularly for the districts which can afford to generate the resources they need; local control could be promoted by providing low-wealth districts with real choice, instead of choices dictated by their lack of needed funds.”



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