

# Education Funding in Pennsylvania: Inadequate, Inequitable & Unconstitutional



**Maura McInerney**

Legal Director

Education Law Center – PA

# About Us

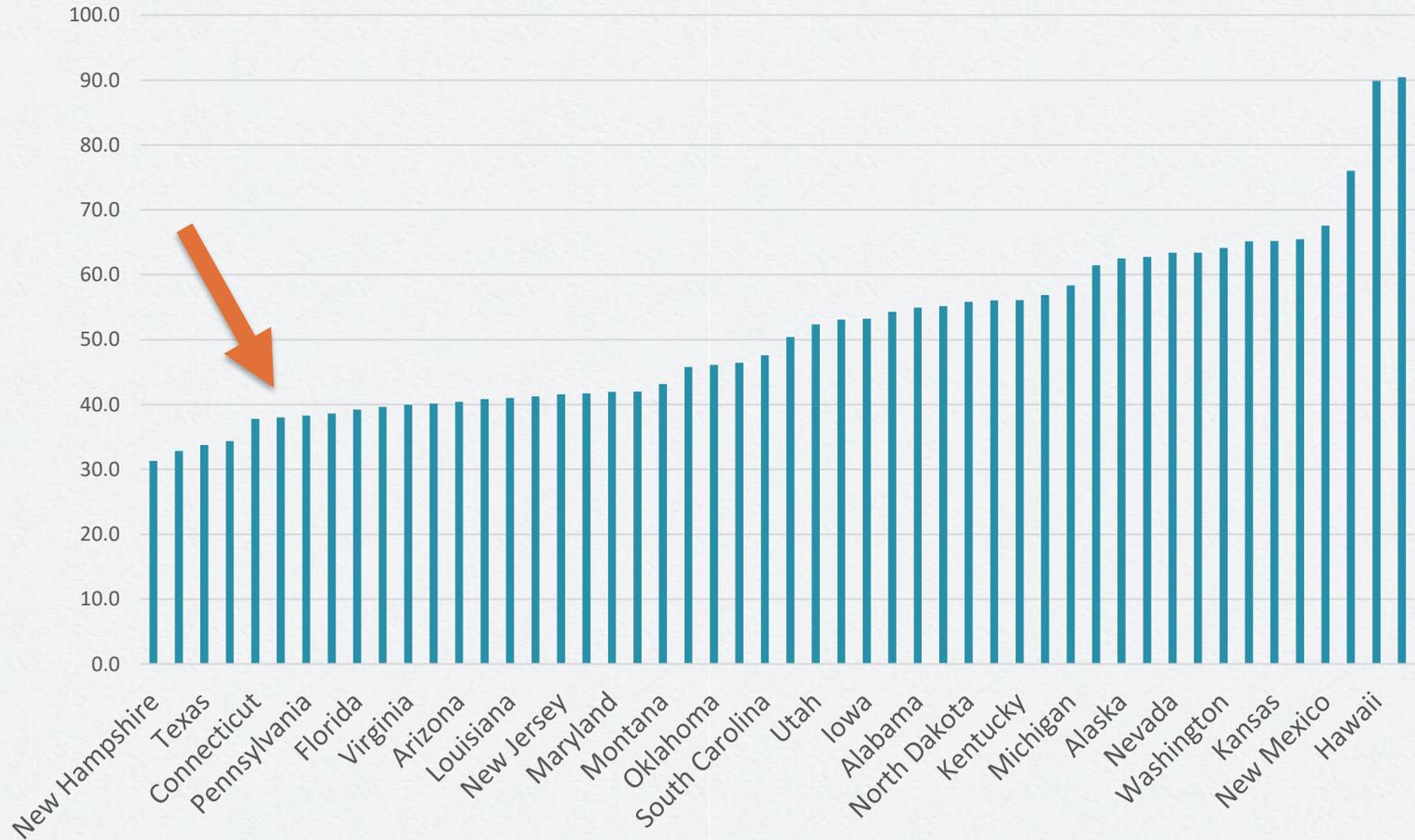
The **Education Law Center**'s mission is to ensure access to a quality public education for all children in Pennsylvania. We pursue this mission by focusing on the most underserved students: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, English learners, LGBTQ and gender-nonconforming students – and many who are at the intersection of these identities.

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.

# The Long Term Problem

1. No goal of fully funding schools
2. Low relative state contribution
3. Most funding not based on formula
4. Low wealth communities need the most, try the hardest, have the least

# Percent of a State's Contribution to Education



# Tax Disparity in Delaware County

District	Tax burden: Equalized Mills	Local Revenue per Student
Chester-Upland SD	22.7	\$4,138.31
Chichester SD	31.2	\$14,697.63
Garnet Valley SD	22.8	\$18,588.25
Haverford Township SD	20.0	\$15,500.14
Interboro SD	24.6	\$12,576.07
<b>Marple Newtown SD</b>	<b>13.0</b>	<b>\$21,004.74</b>
Penn-Delco SD	21.1	\$12,524.00
Radnor Township SD	14.8	\$22,281.55
Ridley SD	27.0	\$13,072.52
Rose Tree Media SD	17.3	\$19,762.02
Southeast Delco SD	31.5	\$8,650.48
Springfield SD	22.5	\$14,822.86
Upper Darby SD	27.8	\$8,291.43
Wallingford-Swarthmore SD	28.3	\$17,283.61
<b>William Penn SD</b>	<b>34.6</b>	<b>\$8,815.20</b>
Philadelphia	24.5	\$7,763.85

# Local Effort is Not the Problem: New Hope v. Reading

## New Hope-Solebury

- Tax rate: 12.6 mil
- Local revenue per child:  
\$25,504
- State revenue per child:  
\$4,640
- State/local per child:  
\$30,144

## Reading S.D.

- Tax rate: 25.9 mil
- Local revenue per child:  
\$2,542
- State revenue per child:  
\$10,714
- State/local per child:  
\$13,256

**Difference per child = \$16,888**

# Which District Needs More?

## New Hope S.D.

- **9.7%** Students in Poverty
- **2.8%** English Learners

## Reading S.D.

- **94.7%** Students in Poverty
- **26.3%** English Learners

# William Penn School District

- Delaware County – Lansdowne, Yeadon, Darby
- 5,790 students
- 34.6 equalized mils (4<sup>th</sup> highest in PA)
- \$4,836 per student behind in adequacy
- 46 elementary school classes have 30+ students

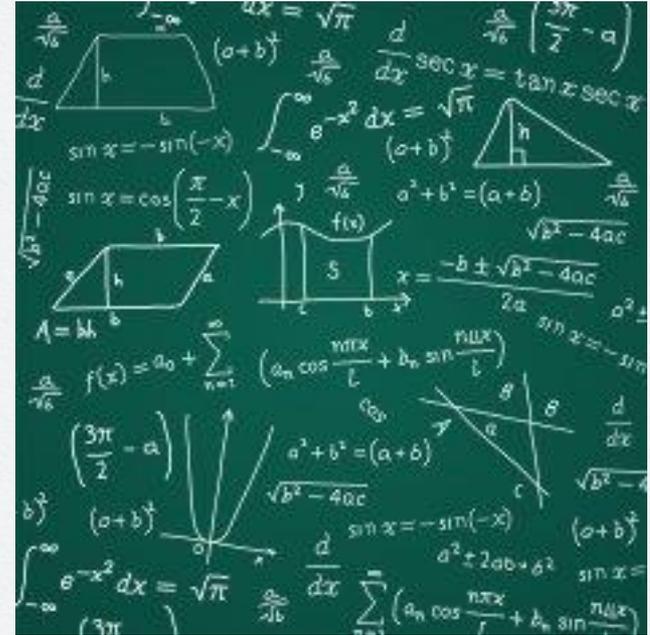


# 1991: School Funding Formula Ice Age



# What is the Fair Funding Formula?

- Enacted in 2016, the formula distributes increases in state funding to school districts based on “weighted students”
- Takes into account population, students in poverty, English Learners, and other factors
- Only addresses how to split the pie—not how big the pie should be
  - **Only 11% of funding run through formula**



# The Hold Harmless Problem

Rank	School District	Change if no hold harmless	Per Student change if no hold harmless
499	South Side Area SD	-\$8,282,789	-\$7,892
498	Avella Area SD	-\$3,557,860	-\$6,484
497	Purchase Line SD	-\$5,545,121	-\$6,265
496	Shade-Central City SD	-\$2,455,643	-\$5,723
495	Allegheny-Clarion Valley SD	-\$4,010,416	-\$5,650
494	Meyersdale Area SD	-\$4,719,036	-\$5,579
493	Penns Manor Area SD	-\$4,613,307	-\$5,536
492	Johnsonburg Area SD	-\$3,180,256	-\$5,490
491	Western Beaver County SD	-\$4,089,760	-\$5,399
490	Harmony Area SD	-\$1,459,671	-\$5,377

# Why This Matters

## **Statewide PSSA results show our children are struggling:**

- 8<sup>th</sup> grade Math: 67.5% score below proficient, and 39.7% score below basic.
- 8<sup>th</sup> grade English Language Arts: 41.1% score below proficient,
- 8<sup>th</sup> grade Science: 47.4% below proficient

## **Statewide Keystone results show the same:**

- 34.4% below proficient in Algebra, 27.3% below proficient in Literature, and 36.5% below proficient in Biology.

# Why This Matters

- College attendance and graduation is much lower for all graduates from low-spending districts.
- College attendance and graduation of low-income students is higher from high-spending districts than low-spending districts.



# Harrisburg During the Last Six Years

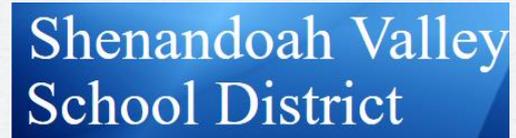
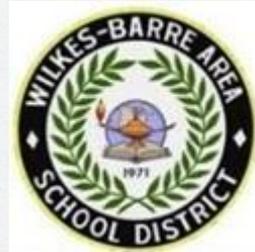
- Over six years state appropriates \$698 million increase for BEF K-12
  - **Counting inflation, a decrease of \$101 million for the entire state**
  - **Difference between high wealth and low wealth districts increases**

## *William Penn SD et al. v. Pa. Dept. of Education et al.*

- **Filed:** November 2014
- **Court:** Pennsylvania Commonwealth Court
- **Count I:** “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.”  
-Article III, Section 14, Constitution of the Commonwealth of Pennsylvania
- **Count II:** Equal Protection



# The Petitioners



- Parents in Wilkes-Barre, William Penn, Greater Johnstown, and Philadelphia

# The Respondents



# We are asking the court to:

- ✓ Declare that the current system of funding our schools is unconstitutional
- ✓ Order the legislature to cease using an inadequate funding scheme
- ✓ Order the legislature to create and maintain a funding system that will enable all students to meet state academic standards

# What do we need to prove?

- Education Clause (Adequacy):
  - What is the Constitutional Standard?
  - Has it been met? And how will you know?
  - Does it require more money to meet it? Or is it the students' fault?
- Equal Protection:
  - Are the disparities in funding justified?

# Respondents' arguments

- Pennsylvania is already a high spender well above the national average, & students score high on NAEP
- The new formula will solve all problems
- Failing students have access to same programs as successful students
- Funding does not explain outcomes in Pa.

# Lawsuit status: Where are we now?

- Discovery
  - 100,000+ pages of documents
  - 70+ depositions
- Expert reports & rebuttal reports exchanged
- Summary Judgment motions defeated
  - State Board of Ed is an indispensable party
  - Parents of graduated students are not mooted out because of “public importance”
- Trial expected in 2021

# We will show: Race & Class Disparities



- PA's school districts are among the **most segregated by race and class** of any in the US.
- Districts receiving the most revenue are disproportionately white. Districts receiving the **least revenue are disproportionately Black and Latinx**
- **50% of Black students & 40% of Latinx students** attend PA's lowest-wealth districts, which are among the state's most underfunded.
- One study found that PA school districts with the fewest white students are shortchanged in state funding by almost \$2,000 per pupil, while the **districts with the most white students receive about \$2,000 more per pupil** than their fair share under the funding formula. [Mosenkis]

# We will show:

## All Students Can Learn & Money Matters



- Poverty, if unmitigated, can have big impact on child development & student achievement.
- Research is clear that when schools are given resources to counter effects of poverty – **high quality preschool, small class sizes, highly qualified teachers, culturally relevant curriculum, access to counselors, social workers** – academic outcomes improve significantly.

# So how much do districts need?

Monday, November 23, 2020 | Today's Paper

The Philadelphia Inquirer

danielua...

NEWS SPORTS BUSINESS OPINION ELECTIONS ENTERTAINMENT LIFE FOOD HEALTH REAL ESTATE OBITUARIES JOBS

## Pennsylvania schools need an additional \$4.6 billion to close education gaps, new analysis finds

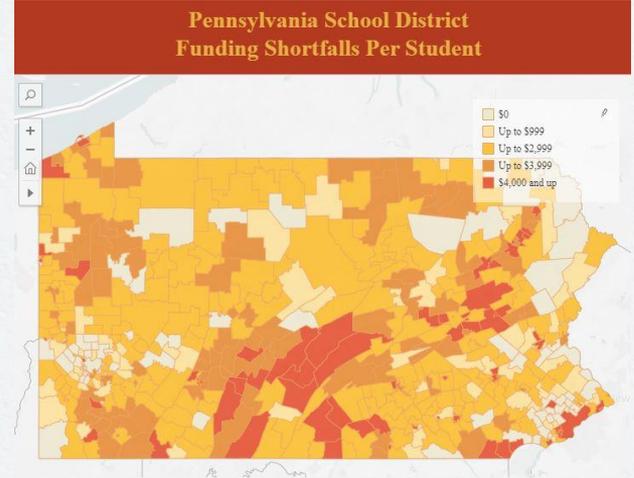
by Maddie Hanna and Cynthia Fernandez, Posted: October 27, 2020

- f POST
- 🐦 TWEET
- 📧 SUBMIT
- ✉ EMAIL
- 🔗 SHARE
- in LINKEDIN



# Adequacy gap in 2018-19: \$4.6 billion

- Calculated by Prof. Matthew Kelly of Penn State in an expert report
- More than half of all school districts are more than \$2,000 behind per student
- Find the per-student gaps in each school district at **FundOurSchoolsPA.org**



- Lancaster: \$4,510
- Philadelphia: \$5,583
- Chester Upland: \$5,079
- William Penn: \$4,836
- Upper Darby: \$5,982
- Norristown: \$4,645

# A conservative estimate

- Based on less “rigorous” academic standards used in 2005
- Doesn’t account for \$3 billion pension cost spike or charter costs
- With new BEF weights, increases to \$4.8 billion

# Wolf Proposal for New Funding

- \$1.35 billion in BEF
  - Targeted heavily to underfunded districts
- \$200 million in new SpEd funding
- \$30 million Pre-K and Head Start
- “Dead on arrival”

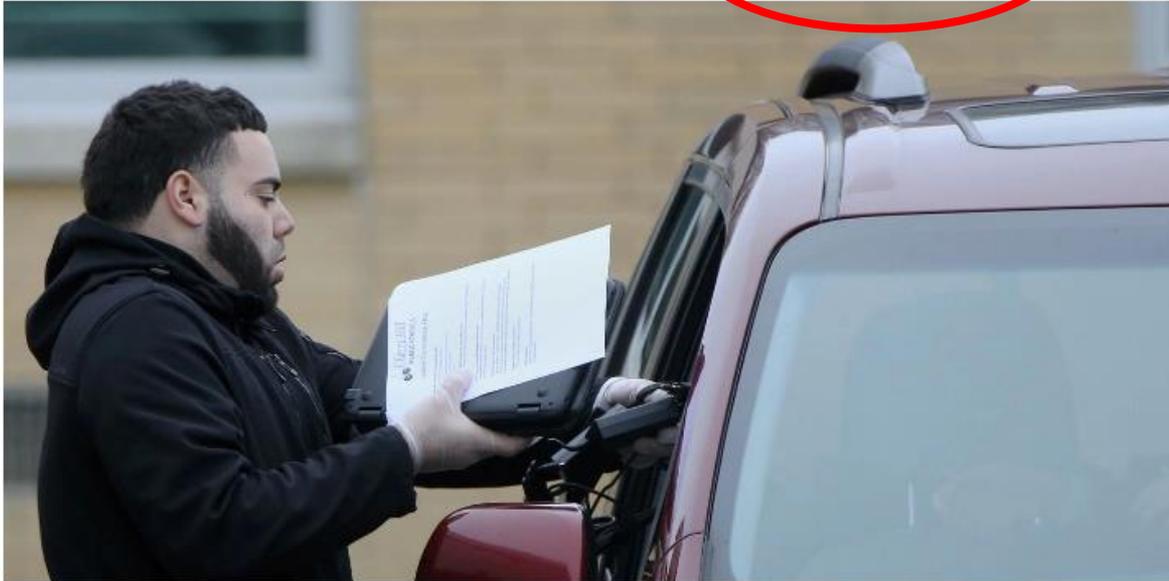
# Sending all state funding through the formula does not fix the problem

- The formula does not set a benchmark for what students need, or how much the state *should* contribute
  - William Penn SD would get \$914 more per student if there was no hold harmless
  - William Penn SD is \$4,836 per student behind the target for adequate funding in state law
- It would not change a system that is overly reliant on local taxpayers
- Education funding shouldn't be a zero-sum game

# What the pandemic reveals

## As coronavirus closes schools, wealthier districts send laptops home with students. What about poorer districts?

by Maddie Hanna, Kristen A. Graham and Melanie Burney, Updated: March 18, 2020



So you can s  
stay connect  
at home.

verizon✓

ADVERTISEMENT

# American Rescue Plan

- \$5 billion for schools across Commonwealth
- Temporary, one-time federal funds requires cautious spending
  - A new fiscal cliff?
- Does not address long-term problems caused by Pennsylvania's system

# What can the lawsuit accomplish?

- Studies show that funding lawsuits:
  - Bring about more revenue than a state would otherwise have raised
  - Increase academic achievement and lifetime successes
- Break political impasse over funding by invoking independent process based on cost analysis

# What can you do?

[FundOurSchoolsPA.org](https://FundOurSchoolsPA.org)



[PASchoolsWork.org](https://PASchoolsWork.org)



- Sign up to stay informed about the case, advocacy campaigns, & calls to action



## Take action!

- Volunteer to share your school funding story at *FundOurSchoolsPA.org/GetInvolved*
- Write a letter to the editor of your local newspaper
- Post/re-post about school funding on social media
- Email your PA legislators
- Organize a presentation like this for your organization



# Contact us

**Maura McInerney**

[mmcinerney@elc-pa.org](mailto:mmcinerney@elc-pa.org)

215-346-6906

# THANK YOU!