



## Senate of Pennsylvania

### Statement of Basic Education Funding Commission Members, Senator Vincent J. Hughes and Senator Nick Miller on Adoption of Commission Report

*“Education is a fundamental right guaranteed by the Pennsylvania Constitution to all school-age children residing in the Commonwealth.”*

*President Judge Renee Cohn Jubelirer  
Commonwealth Court of Pennsylvania  
William Penn School District v. PA Department of Education  
February 7, 2023*

With that one sentence, 19 simple words, Commonwealth Court President Judge Renee Cohn Jubelirer became the first Pennsylvania judge in history to expressly declare that ALL Pennsylvania children have a fundamental, constitutional right to learn in a “comprehensive, effective and contemporary system of public education.”

Those 19 words, part of Judge Jubelirer’s historic 782-page opinion in *William Penn School District v. Pennsylvania Department of Education*, are clear and unequivocal. They are indisputable and long overdue. Those 19 words will change the lives of millions of school children - both now and in future generations, if the legislative and executive branches can meet the moment.

Judge Jubelirer’s ruling also included a mandatory call to action for elected officials to fix the unconstitutional mess that is our school funding system stating:

*“It is now the obligation of the Legislature, Executive Branch, and educators, to make the constitutional promise a reality in this Commonwealth.”*

It is against this backdrop that this Basic Education Funding Commission (BEFC) reconvened in May 2023. The BEFC held 13 public hearings around the state to gather input from experts on the *William Penn* decision, the operation of the current basic education funding formula, and several broader basic education funding issues.

The evidence is clear and now judicially confirmed – Pennsylvania’s school funding system is unconstitutional because it discriminates against children in poorer school districts. For those who have spent years fighting for public education funding, the ruling confirmed what we have always known – ALL kids, no matter their zip code, have a fundamental right to an education that provides them with an opportunity to succeed. The ruling also confirmed the

commonwealth violated, and continues to violate, the constitutional rights of millions of children due to an inadequate and inequitable education funding system.

For decades, Pennsylvania's school funding system has failed Pennsylvanians.

It's failed millions of children in low-income school districts across Pennsylvania, from Erie to Chester, Indiana to Pottsville, Scranton to McKeesport, Lancaster to Johnstown, and Philadelphia to Monessen.

It's failed urban kids, suburban kids, and rural kids. Black kids, brown kids, and, yes, white kids too.

It's failed parents, educators, employers, and countless others impacted by underfunded schools.

For far too long, Pennsylvania has shortchanged our kids and denied them the resources necessary to realize what Judge Jubelirer decreed the constitution guarantees them – the right to “receive a meaningful opportunity to succeed academically, socially and civically...”

The Commission's failure to reach bi-partisan consensus is frustrating but not surprising given the broad range of viewpoints held by commission members. We appreciate the work of Co-Chairs Phillips-Hill and Sturla and the tireless efforts of staff to navigate this complex issue. While not embraced by all commission members, it is our hope that the report adopted today serves as the foundation for righting this decades old wrong.

Bringing our education funding system into constitutional compliance is no easy task. It will take bipartisanship and a return to a time where elected officials talk to each other, not at each other. It will take compromise and sacrifice. It will take patience. It will take time. And, yes, it will take money.

As reflected in the commission's report, we took Judge Jubelirer's call to action, and our responsibility as members of the Basic Education Funding Commission, seriously. Going forward, we believe working together we can make substantial investments to improve academic performance, fix our toxic schools, get more teachers in the classrooms, and ensure students have the counselors and mental health resources they need. Done correctly, we will give our students hope and a path to a brighter future.

To be clear, the report adopted today is the first step to remedying our unconstitutional funding system. Its adoption does not end our work. The report is an appropriate initial response to the *William Penn* decision and delaying its approval in pursuit of the “perfect” was not an option.

Much work still needs to be done. As Dr. Martin Luther King, Jr. said in his “I Have A Dream” speech, “[t]his is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism.” Our work must continue with what Dr. King called the “fierce urgency of now.” We believe that work includes:

1. **Accountability for Adequacy Dollars.** - Providing billions in new funding to school districts, school board members and administrators without providing them with adequate preparation, direction, or goals regarding accountability and outcomes arguably sets them up for failure. We need to incentivize or require the districts to use any adequacy funding in the following manner:
  - a. For Classroom Instruction (e.g., technology and equipment purchases) and General Operating Expenditures, including continuing education and training for local officials and administrators.
  - b. For Teacher Supports, including addressing the teacher shortfall and pipeline issues.
  - c. For Student Supports (e.g., summer reading programs, after school programs, mentoring programs, etc.)
  - d. For Student Health and Safety Initiatives (e.g., mental health initiatives, anti-violence initiatives, security upgrades, etc.).
2. **School Infrastructure** – School conditions were a repeated topic of conversation at commission hearings. The fact that buildings must close because of a lack of heat or air conditioning is unacceptable in 2023. While the \$300M proposed in the report is a significant downpayment, we need to explore additional revenue sources to deal with school infrastructure needs. Those options could include transfers from surplus funds and issuing bonds to address the issue.
3. **Charter School Reimbursement and Funding Reform.** – Charter school funding costs also received considerable attention at committee hearings. We consistently heard that we must reduce the financial burdens school districts face from charter schools. We believe we should reinstate the former Charter School Reimbursement appropriation and finally reform our charter school law, which has been referred to as “one of the worst in the nation.” [Governor wants to take Pa.’s charter school law from among nation’s worst to 1 of its best - lehighvalleylive.com; Pa. charter school law 'worst in US,' state auditor general says - WHYY.](#) The charter reimbursement appropriation began in the Rendell Administration and eventually exceeded \$200M. It was eliminated during the Corbett Administration. Not surprisingly, charter school costs have exploded in the intervening years. We support a significant investment in this area as school district charter school costs hover around \$3 billion annually.
4. **Student Supports** – While COVID-19 turned Pennsylvania’s education system on its head, its conclusion revealed an “academic pandemic” in our K-12 education system. This pandemic isn’t new, having existed for generations in urban, suburban, and rural Pennsylvania school districts. Many of us were aware of it before Covid hit but now many more recognize it as schools continue to navigate a post-Covid world.

The sudden shift to virtual learning in response to the pandemic undoubtedly saved lives but also laid bare the reality that many districts and families lack basic tools to offer or use distance learning – computers and internet access.

Moving away from in-person learning had a cost as teachers and students saw their mental health impacted as Covid wreaked havoc on academics and social interactions. Rates of anxiety and depression reached record levels.

Students just entering school have seen their development lag far behind because beginning pre-k and kindergarten during COVID negatively impacted their ability to learn the foundational skills typically developed at the start of a student's academic career.

Student reading skills and literacy also suffered. Grade level reading rates in certain districts across the commonwealth are abysmal. We are facing a reading and literacy emergency. In 2022-2023, nearly half of Pennsylvania fourth graders were not reading at grade level. That is unacceptable. Research shows that students who aren't reading at grade level by grade 3 are likely to remain behind and eventually drop out of school. That too should be unacceptable.

These students need our support. We need substantial investments in summer reading and literacy programs, after school programs, and mentorship and anti-violence programs. We need to expand on Governor Shapiro's free breakfast initiative to include lunch and to provide access to meals for children on summer break. Our kids need the tools to be successful and we need to provide school districts with funding to provide them.

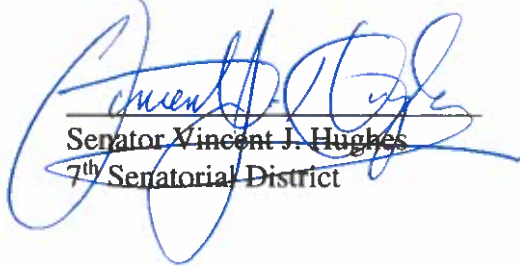
5. **Teacher Supports** – The investments recommended in this report will fail if we don't have enough teachers, educators, and support staff to implement them. Pennsylvania is facing a teacher shortage that has reached crisis levels. Just ten (10) years ago, Pennsylvania graduated 22,000 teachers. In 2023, that number dropped to 6,000.

As we sit here today, Pennsylvania does not have enough teachers to provide our children with the education to which they are constitutionally entitled, let alone to handle the responsibilities and transformative change that will come with billions in new investment. We must create a series of programs to attract new teachers, retain existing ones, and make the teaching profession attractive again. Areas may include recruitment and retention bonuses, teacher diversity programs, scholarships, student teacher stipends, student loan forgiveness and more.

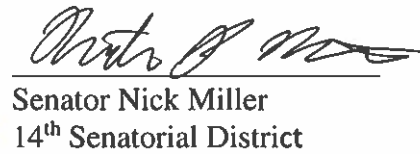
Teaching is a noble profession. Our teachers deserve to be treated with respect and dignity, not slandered by extremists with ridiculous claims of "indoctrination" and sick accusations of "grooming." Investing in teachers and teacher supports is the lynchpin of improving our education system. Even if the General Assembly implements all the recommendations in this report, if we don't invest in the professionals who will carry out

the mission, we will have wasted our time and the taxpayers' money and compliance with Judge Jubelirer's order will be impossible.

In his March 2023 budget address Governor Shapiro called on the General Assembly to respond to the *William Penn* decision with "hope and ambition – because this is a once-in-a-lifetime opportunity to do right by our kids..." We agree. The report adopted today begins that process. It's time to get to work.



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