

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 110462)

RESOLUTION

Authorizing a request to the Law Department to represent City Council in a lawsuit or lawsuits against the Governor of Pennsylvania and any other appropriate State officials, challenging the legality of the funding for public education in the Commonwealth and particularly in Philadelphia, and seeking to compel the Commonwealth to carry out its constitutional duty to provide for the maintenance and support of a thorough and efficient system of public education; and, if the Law Department declines to render such service to City Council, authorizing the retention of outside counsel to provide such services.

WHEREAS, Governor Corbett has proposed draconian, radical, and unprecedented cuts in education throughout the Commonwealth, including more than \$1.6 billion for public schools and state-supported universities and colleges; and

WHEREAS, The Governor's proposal, if enacted into law, would cut deeply and irrevocably into the budgets at all levels of education; and

WHEREAS, School districts across the Commonwealth – especially those that serve the poorest populations – face the prospect of laying off key educators and other staff, terminating essential programs, ending full-day kindergarten despite overwhelming evidence of its value, closing buildings, or raising local taxes to offset the steep cuts in state support proposed by the Governor; and

WHEREAS, The proposed cuts for school districts across the Commonwealth hurt the poorest districts the most. In general, the state's proposed education cuts disproportionately harm those Pennsylvania school districts with the greatest proportion of low income families -- those who need effective public schools the most and can least afford to replace lost state education dollars with higher local taxes. The top five school districts with the largest proposed cuts are Chester-Upland (Delaware County), with a proposed cut of \$2,633 per Average Daily Membership (ADM) and poverty concentration of 42.67% (poverty concentration measured by percentage of students eligible for free/reduced lunch); Duquesne City (Allegheny County), with a proposed cut of \$2,561 per ADM and poverty concentration of 50.18%; York City (York County),

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with a proposed cut of \$1,545 per ADM and poverty concentration of 79.54%; Clairton City (Allegheny County), with a proposed cut of \$1,480 per ADM and poverty concentration of 80.47%; and Philadelphia, with a proposed cut of \$1,438 per ADM and poverty concentration of 61.55%; and

WHEREAS, The cuts for the School District of Philadelphia are truly onerous. The School District of Philadelphia (SDP) reports that FY2011-12 is the *first time* that a Governor has proposed to provide Pennsylvania Basic Education Subsidy funding to the SDP at a lower level than in the prior year, and the SDP's preliminary estimate is that the Governor's proposed budget will reduce all Commonwealth-provided funding to the SDP by the staggering amount of approximately \$292 million; and

WHEREAS, There is powerful and persuasive evidence that the State already systematically underfunds public education. In 2006, the General Assembly enacted legislation directing the Pennsylvania State Board of Education to conduct a "costing-out study" to determine what it would cost for all students in Pennsylvania to attain state academic standards, defined as 100 percent of Pennsylvania students mastering the state standards in 12 academic areas and demonstrating proficiency on state reading and math tests by 2014. The study prepared for the State Board by its consultant concluded that the statewide spending to meet the academic standards in 2005-06 would need to have been \$21.63 billion – which was *\$4.38 billion or 25.4 percent* more than the actual expenditure of \$17.25 billion. The study further found that although State aid was distributed so that poorer districts received more funding per pupil than wealthy districts, the effect of that aid was overwhelmed by local wealth discrepancies since local revenues accounted for about twice as much as state aid, and that districts with the *lowest* wealth made a *greater* tax effort than districts with more wealth; and

WHEREAS, In response to the costing-out study, then-Governor Rendell determined that the State should increase its contribution by \$2.6 billion a year by 2014. Under a new funding formula, the General Assembly increased basic education funding beginning in 2008-09, but for 2009-10 and 2010-11, the General Assembly funded increases only by substituting federal stimulus funds for state funds, and slashed the State's own contribution in 2009-10. By 2010-11, excluding federal stimulus dollars, the State's own contribution was barely higher than it was in 2007-08. Ignoring the conclusions of the costing-out study, the Governor's budget proposal exacerbates the inherent shortcomings and inequities in the State's system of funding education; and

WHEREAS, To date, the Governor has resisted all calls to restore at least some of the proposed cuts, despite the fact that as of the end of April 2011, the State's Department of Revenue had revised its projected year-end surplus for the Commonwealth from the \$78 million initially projected by the Governor to \$506 million – a more than six-fold increase – with that number expected to grow even further before the end of the fiscal year; and despite the fact that the ongoing gas extraction activities in the Marcellus Shale

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represent an appropriate, fair, and valuable source of revenue, the pursuit of which would be completely consistent with the approach taken in other states; and

WHEREAS, Providing a fundamentally sound education ranks among the highest of all governmental missions and is the only way to prepare today's youth to become tomorrow's workforce. A policy that destroys the capacity of Pennsylvania's public schools to fulfill their core mission is profoundly illogical and tragically unfair; and

WHEREAS, The General Assembly is obligated by Article 3, Section 14 of the State constitution to "provide for the maintenance and support of a thorough and efficient system of public education"; and

WHEREAS, The Governor's proposed budget discriminates against the poorest students among us, bears no reasonable relation to the costing-out study or to the General Assembly's aforementioned constitutional obligation, and is so palpably irrational that it rises to the level of constitutional infirmity; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, THAT Council is authorized to request the Law Department to represent City Council in a lawsuit or lawsuits against the Governor of Pennsylvania and any other appropriate State officials, challenging the legality of the funding for public education in the Commonwealth and particularly in Philadelphia, and seeking to compel the Commonwealth to carry out its constitutional duty to provide for the maintenance and support of a thorough and efficient system of public education; and, if the Law Department declines to render such service to City Council, authorizing the retention of outside counsel to provide such services.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the second of June, 2011.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Clarke

Sponsored by: Councilmembers Clarke, Sanchez, Green, Reynolds Brown, Goode, Jones, Kenney, Blackwell, Greenlee, Krajewski, DiCicco and Tasco