

# Equity Suit Updates From The Courtroom

DAY 1 - JANUARY 6, 1997

Proceedings began with opening statements from the plaintiffs (PARSS) and the defendants (The Commonwealth). Tom Schmidt, attorney for PARSS began with the rationale for entering the litigation:

This is a state system, school districts are creatures of the legislature, all taxes are really state taxes, directly and authorized by the state.

All expenditures are really state expenditures

Does the present system stand the test of constitutionality?

It is not by whim that there are disparities

People in schools care very deeply about children

Even if disparities in the middle are about \$1,100, that is still \$28,000 a year per class

Even at the extreme 5% wealthy and poor, where there are grave disparities, we are still talking about 88,000 students at either end.

Money does matter (some youngsters just require more money)

Kids at the lower end are getting the least

This system is skewed in a tragic manner

Robert Macdonnell the Attorney for the intervenors (suburban districts)

We support the premise that this funding system is unconstitutional

Do not restrain local districts from choosing the amount of resources that they use

While it is unconstitutional, disparities are inevitable. It is not axiomatic to fund exact amounts.

Mandates are required expenses under the present funding system

Susan Forney, the attorney for the defendants

We agree that there are state taxes and locally imposed taxes

There is no definition of Thorough and Efficient, that is left to the legislature

Debates about funding go on in the legislature not in the courts

The court can't decide about funding- the legislature has latitude

The legislature has regularly paid attention to funding of schools

There is no uniformity in funding in the Constitution

The Commonwealth spends billions

Bulk of the money goes to the poor districts

Legislature has recently paid attention to inequities

Many poor districts are doing well

We have new programs in distance education like Link to Learn which will help poor districts

Our expert witness will talk about most districts falling into a narrow range of expenditures

No clear relationship between economic well being and spending

There is no clear relationship between spending and achievement

Debate should be in the legislature and not in the courts

The first witness for the plaintiffs was Representative Ron Cowell, Democratic Chair of the House Education Committee and a 23 year veteran of the legislature. He described school funding in most cases as the "politics of the moment". He described the history of funding from 1983 till today and spoke about the equity and foundation add ons that he was instrumental in getting into the system in 1993-94 and 94-95. He described the National Conference of State legislature's report in 1992 . The NCSL report described the funding system as inequitable and suggested certain changes. It also reported that the disparities in PA were some of the worst in the nation.

He also indicated that the report did indeed say that we spend a great deal of money, but as we spent it the disparities grew larger. He described the minimum aid ratios given to the wealthiest districts and the minimum subsidies given to those who should not have gotten any money and the cap on funding for poor districts.

He pointed out that funding seemed to follow a pattern of making a formula to fit the money available. He pointed out that the % of reimbursement for instructional expenses had declined dramatically in the past 20 years.

He was asked to describe problems with the current system, and he said that it did not touch the youngsters that needed it most. He also said that rural and urban districts have youngsters in poverty and that the poorest districts are rural.

In cross examination attorney Forney asked Mr. Cowell if the many add ons to the system had turned toward poor districts. Mr. Cowell agreed, but with the caveat that the ESBE system, which no longer exists, had been changed many times, and that all the disparities were grandfathered.

Branden Diehl is a student at the Everett High School in Bedford County and is in a college preparatory program. He described the lack of programming that makes him wonder about how he will do in college. He talked about the age of his textbooks the lack of science equipment and materials of a current nature in Social Studies. "The teachers try their best" but they are hampered with a lack of resources. He talked about the few new technological aids in the classrooms, the lack of access to advanced placement courses, the inability to have transportation to stay at school late to take advantage the things that are there. He said that "I will go on my own instinct and make my own decisions about where to go to school" because guidance materials and the ability to see a counselor are so limited. Cross examination was limited.

Dr. Edward Vollbrecht was the final witness of the day. He described the Everett community. About 8% of the folks have college degrees, about 65% have high school diplomas. The per capita income is about \$14,500. At this point unemployment is on a par with the state average. There is some increase in service jobs. Dr. Vollbrecht described the age of his buildings, the condition of his buildings and the staff. He noted that the market value of all properties in the district were far below the state average, as was the personal income. He described the massive increases in special education expenses as a result of the change in special ed. Funding in 1991-92 and how the district has had to absorb the costs. He described how he was able to do a technology plan by borrowing \$250,000 and by raising 2 mills each year for the next 5 years ( each mil is \$25,000).

The testimony on testing concluded that Everett was not doing very well, even with all their efforts. They did not come up to the state mean and that they were not at the mean for the predicted band for districts of their kind. There were questions from the bench about what that means. Dr. Vollbrecht explained that districts are compared on socioeconomic bases and the size of the district.

The district is the focus of the community. The district has done things on its own to improve the rate of kids going on to college by inviting Allegheny College of Maryland to build a building on the campus.

There was also testimony about the lack of staff, the large student to teacher ratio, the lack of maintenance on the buildings, the lack of many programs because of a lack of money.

There had been a motion by the defendants to remove Dr. Altenbaugh of Slippery Rock College from the list of witnesses . He is a historian and the objection is that if he is an expert witness then the state would want to have their own expert testimony. Judge Pellegrini will rule on this issue on the 7th.

There was no chance for cross examination. That will be done January 7th.

The schedule for witnesses on Tuesday January 7th will be:

Dr Dean Steinhart, former chairman of the Board of Control of the Clairton School District.

He is the Commonwealth's witness.

Mr. Roger Tachoir a teacher in the Clairton School District (in Allegheny County)

Dr. Carmen Sarnicola, former Superintendent of the Clairton School District.