IN THE COMMONWEALTH COURT OF PENNSYLVANIA

KENNETH V. KRAWCHUK and ROBERTA L. KRAWCHUK,

Petitioners,

v. No. 441 MD 2026

JOSHUA D. SHAPIRO, Governor of Pennsylvania, in his official capacity; KIM L. WARD, in her official capacity as President Pro-Tempore of the Pennsylvania Senate; and JOANNA E. McCLINTON, in her official capacity as Speaker of the Pennsylvania House of Representatives,

Respondents.

PETITIONERS' ANSWER TO THE PRELIMINARY OBJECTIONS OF RESPONDENT JOANNA E. McCLINTON, SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES

Petitioners Kenneth V. Krawchuk and Roberta L. Krawchuk, proceeding pro se, answer the Preliminary Objections of Respondent Joanna E. McClinton (the "Speaker") pursuant to Pa.R.A.P. 1516(b) and 1517 and Pa.R.C.P. 1028 and 1029. This Answer is directed solely to the Speaker's Preliminary Objections. Petitioners reserve separate responses to any other Respondent's preliminary objections.

Contemporaneously, Petitioners are seeking leave under Pa.R.C.P. 1033 and Pa.R.A.P. 123 to file an Amended Petition for Review that narrows this case to a single claim under Article III, Section 14 of the Pennsylvania Constitution, seeking a declaration of continuing

constitutional duty and, alternatively and only to the extent legally available, general compliance relief that leaves the selection of constitutionally adequate means to the political branches and does not prescribe any particular legislative program, together with costs only. Until leave is granted and an amended petition is accepted for filing, the original Petition remains the operative pleading. Statements below describing the proposed Amended Petition are not a claim that amendment has already occurred.

INTRODUCTION

The Speaker's Preliminary Objections challenge standing, joinder, specificity, and the legal sufficiency of claims and remedies pleaded in the original Petition, including requests for mandatory restructuring injunctions and a theory that Respondents violated specific remedial "orders" in William Penn School District v. Pennsylvania Department of Education, 294 A.3d 537 (Pa. Commw. Ct. 2023) ("William Penn (2023)").

Petitioners agree that William Penn (2023)—a single-judge Commonwealth Court decision—entered declaratory relief and did not order an Education Savings Account program, a scholastic standards board, dissolution of school districts, or enactment of any particular statute. Petitioners no longer seek to enforce nonexistent mandatory remedial decrees from that case. Petitioners also no longer seek court orders compelling Respondents to draft, enact, sign, or report on any such program. The proposed Amended Petition seeks declarations under Article III, Section 14 and lawful costs. Alternatively, and only to the extent such relief is legally available, it requests that the Court direct the responsible Respondents to remedy the constitutional violations established in this action, leaving the selection of constitutionally adequate means to the political branches and without prescribing any particular legislative program. Petitioners do not claim a guaranteed entitlement to that alternative relief.

Education Clause claims are justiciable. William Penn School District v. Pennsylvania Department of Education, 170 A.3d 414 (Pa. 2017) ("William Penn II"). Freestanding declaratory relief that does not compel affirmative official action is not barred by sovereign immunity under Firearms Owners Against Crime—Institute for Legal, Legislative & Educational Action v. Paris, 335 A.3d 1019 (Pa. 2025). Paris holds that sovereign immunity bars a permanent injunction compelling affirmative action by Commonwealth officials. Id. (slip op. at 21–24). That rule is a substantial barrier to mandatory injunctive relief. The constitutional arguments presented in Paris were waived, see id. (slip op. at 5 n.11), and Paris did not decide an Education Clause exception to immunity or guarantee any particular injunctive remedy. The Supreme Court has recognized that a court may at times "return a case to a legislative body for further action with only a broadly-stated mandate to serve as guidance." William Penn II, 170 A.3d 414 (slip op. at 70–71). The February 7, 2023 William Penn decree was declaratory; it did not itself impose an express cure command, deadline, reporting obligation, or reservation of jurisdiction, and Petitioners cite that single-judge decision only as persuasive authority. Section 7538 of the Declaratory Judgments Act permits an application, on reasonable notice, for supplemental relief based on a declaratory judgment, 42 Pa.C.S. § 7538, but it is not an independent waiver of sovereign immunity. Petitioners request alternative general compliance relief only to the extent it is legally available, and they preserve the right to seek later noticed supplemental relief under section 7538 if a declaration is entered.

For standing clarification in the proposed Amended Petition, Petitioners will aver that their grandson I.C.L. is sixteen years of age and attends school in the Centennial School District in Bucks County. Those facts are proposed for amendment; they are not yet part of the operative Petition. Petitioners do not allege in this Answer any custody, guardianship, or particularized

educational-service denial beyond facts already pleaded or proposed as stated above. Petitioners withdraw any request for attorney's fees and preserve costs only.

ANSWER TO NUMBERED PARAGRAPHS

Pursuant to Pa.R.C.P. 1029, Petitioners respond as follows. Legal conclusions are denied except as expressly admitted.

1. Admitted that Petitioners filed a Petition for Review seeking declaratory and injunctive relief. Petitioners do not dispute a September 2026 filing to the extent confirmed by the docket. Footnote legal standards are conclusions; Petitioners admit the ordinary preliminary-objection standard and deny any implication that the Petition states no claim.

2. After reasonable investigation, Petitioners are without knowledge or information sufficient to form a belief as to when the Office of the Speaker received the Petition, and therefore deny the same. Pa.R.C.P. 1029(c).

3. Admitted that Petitioners assert the current system fails Article III, Section 14. Denied to the extent paragraph 3 implies that assertion is legally insufficient.

4. Admitted that the original Petition's Prayer requested the categories summarized in subparagraphs 4(a)–(l). By way of further answer: Petitioners are seeking leave to amend to retain declarations under Article III, Section 14 and, alternatively and only to the extent legally available, general compliance relief that does not prescribe any particular legislative program; to withdraw attorney's fees and request costs only; and to withdraw requests that the Court order ESA, PSSB, phase-out, timed legislation, reporting, or similar particular mandatory programs. Until leave is granted, those withdrawals are proposed, not yet effected by an operative amended pleading. Denied that Exhibits C–E were or are alleged to be preexisting William Penn (2023) judicial commands.

5. Admitted that the Speaker filed preliminary objections. The Speaker's Preliminary Objections were served upon Petitioners by mail on October 13, 2026, as shown by the October 13, 2026 postmark on the mailing envelope; no certificate of service was included. This Answer is filed within thirty (30) days after that service. Petitioners are without knowledge or information sufficient to form a belief as to whether the objections were "timely" and therefore deny that characterization. Pa.R.C.P. 1029(c).

6. Denied that the Petition should be dismissed in its entirety. Petitioners are seeking leave to narrow the operative claims as described herein. Footnote 2 is noted; Petitioners reserve separate responses to other respondents' objections.

7. Legal conclusion. Admitted that taxpayer-standing decisions discuss factors of the kind summarized, including Pittsburgh Palisades Park, LLC v. Commonwealth, 888 A.2d 655, 660–62 (Pa. 2005). Denied that standing fails as a matter of law on the face of the Petition.

8. Admitted that Petitioners allege they are adult residents and taxpayers of Montgomery County who pay taxes supporting public education, and that Exhibit I is their joint 2026 school tax payment receipt as filed.

9. Admitted that Petition ¶ 1 alleges that Petitioners' three children and two grandchildren currently attend or have attended Pennsylvania public schools. By way of further answer, Petitioners propose to amend to aver that their grandson I.C.L. is sixteen years of age and attends school in the Centennial School District in Bucks County. That proposed averment is not yet part of the operative Petition.

10. Admitted that the Petition as filed does not name which family members presently attend, identify a school building, or plead a particularized classroom-level injury unique to

either Petitioner. Denied that those omissions require dismissal with prejudice. Petitioners propose the limited I.C.L. clarification described above by leave to amend.

11. Admitted that Petition ¶ 19 describes broad harms. Denied that paragraph 19 alone requires dismissal or negates ¶ 1 and Exhibit I.

12. Legal conclusion. Admitted that standing generally requires a substantial, direct, and immediate interest exceeding the common interest of all citizens. In re Application of Biester, 409 A.2d 848, 851 (Pa. 1979). Denied that Petitioners fail that standard as a matter of law on the pleadings.

13. Legal conclusion. Admitted that taxes alone, without more, do not automatically establish standing. Denied that Petitioners plead taxes alone.

14. Legal conclusion. Admitted that Biester recognizes a narrow taxpayer exception. Denied that the exception is unavailable as a matter of law on these pleadings. Petitioners address the five requirements of the taxpayer exception in Argument II and do not treat William Penn (2023) as automatically defeating that exception.

15. Admitted that William Penn (2023) was litigated by districts, parents, and organizations and produced declaratory relief. Denied that its existence requires dismissal of Petitioners' claims for a present Article III, Section 14 declaration. Petitioners do not assert that William Penn (2023) lacked systemwide scope or that the William Penn litigation is closed. They address the effect of that decision on taxpayer standing in Argument II.

16. Admitted that William Penn (2023) involved parties with direct interests. Denied that those parties' existence defeats Petitioners' standing as a matter of law. As set forth in Argument II, the fifth taxpayer-standing requirement concerns whether other persons are better situated to

assert the claim, not whether the Speaker has identified a person presently maintaining the same action.

17. Denied.

18. Petitioners incorporate their answers to the incorporated paragraphs.

19. Admitted that Count III of the original Petition alleges violation of this Court's "orders" in William Penn, citing Petition ¶ 25. Admitted that William Penn (2023) did not enter specific mandatory remedial decrees of the kind described by the Speaker. Petitioners are seeking leave to amend to remove Count III's "orders" theory and to proceed on a present Article III, Section 14 declaration and, alternatively and only to the extent legally available, general compliance relief that does not prescribe any particular legislative program.

20. Admitted that reading original Count III as alleging violation of specific remedial commands not contained in the William Penn (2023) order is incorrect. Petitioners do not defend that theory and seek leave to remove it.

21. Admitted.

22. Admitted that the William Penn (2023) order did not direct Respondents to enact a particular statute, establish an ESA program, abolish local school districts, create a PSSB, or adopt the particular reforms proposed in the original Petition.

23. Admitted.

24. Admitted that William Penn (2023) declined to dictate legislative specifics and recognized that reform options are broad. See 294 A.3d at 962–63.

25. Denied that Petitioners' proposed narrowed Article III, Section 14 claim fails to state a claim. Admitted that failure to implement Petitioners' particular proposed measures cannot constitute violation of specific William Penn (2023) commands that were never entered.

26. Petitioners incorporate their prior answers.

27. Admitted that original Count IV and related prayers sought affirmative injunctive and restructuring relief. Petitioners are seeking leave to amend to withdraw those particular mandatory program and restructuring requests and to proceed on declarations under Article III, Section 14 and, alternatively and only to the extent legally available, general compliance relief that does not prescribe any particular legislative program.

28. Admitted that the original Petition requested the forms of relief summarized. Denied that Petitioners contend William Penn (2023) already ordered those measures. Petitioners propose to withdraw those particular program, restructuring, and supervisory requests by amendment. They request, alternatively and only to the extent legally available, general compliance relief that leaves the selection of means to the political branches.

29. Legal conclusion. Admitted that Paris addresses sovereign immunity and permanent injunctions compelling affirmative action. Denied that Paris bars freestanding declaratory relief under Article III, Section 14.

30. Legal conclusion. Admitted that sovereign immunity does not bar a freestanding declaration of rights that does not compel affirmative action. See Paris, 335 A.3d 1019.

31. Denied that declaratory claims fail. Admitted that certain original prayers sought particular affirmative injunctions; Petitioners propose to withdraw those particular program prayers by amendment. Alternatively, and only to the extent legally available, Petitioners request general compliance relief that does not prescribe any particular legislative program.

32. Legal conclusion. Admitted that sovereign immunity may be raised by preliminary objection when apparent from the pleading. Denied that immunity bars the proposed declaratory claim.

33. Petitioners incorporate their prior answers.

34. Admitted.

35. Denied that Petitioners, under the proposed Amended Petition, ask the Court to select and compel enactment of a particular legislative program. Admitted that the original Petition requested broader injunctive relief that Petitioners propose to withdraw. Alternatively, and only to the extent legally available, Petitioners request a general direction that responsible Respondents remedy established constitutional violations, leaving the choice of constitutionally adequate means to the political branches.

36. Admitted that the original Petition requested the categories summarized. Petitioners propose to withdraw subparagraphs seeking compelled dissolution, ESA, PSSB, timed legislation, enactment, signature, and reporting. They request instead, alternatively and only to the extent legally available, general compliance relief as described in the proposed Amended Petition.

37. Admitted that Exhibit C describes a phase-out process. Under the proposed Amended Petition, Exhibit C is retained only as a nonbinding illustrative policy example, not as a requested decree.

38. Admitted that the listed subjects involve legislative policymaking. Denied that courts may not declare Article III, Section 14 rights. William Penn II, 170 A.3d 414.

39. Legal conclusion. Admitted that separation of powers and Finn v. Rendell, 990 A.2d 100 (Pa. Commw. Ct. 2010), constrain compelled appropriations and legislative functions. Denied that those authorities bar a freestanding Article III, Section 14 declaration.

40. Admitted.

41. Admitted that declaring constitutional requirements differs from selecting legislation. Petitioners' proposed Amended Petition seeks declarations under Article III, Section 14 and, alternatively and only to the extent legally available, general compliance relief that does not prescribe any particular legislative program; Exhibits C–E are illustrative examples, not requested decrees.

42. Admitted.

43. Admitted. See William Penn (2023), 294 A.3d at 962–63.

44. Denied as to the proposed Amended Petition. Petitioners do not seek the specific legislative package William Penn (2023) declined to impose.

45. Denied as to the proposed Amended Petition, which does not ask the Court to create and compel enactment of an education statute.

46. Petitioners incorporate their prior answers.

47. Admitted.

48. Legal conclusion. Admitted that the Speech or Debate Clause protects the legitimate legislative sphere. Consumers Educ. & Protective Ass'n v. Nolan, 368 A.2d 675, 680–81 (Pa. 1977). Denied that it bars a declaration of constitutional obligation.

49. Admitted that Petition ¶ 5 so alleges.

50. Denied that Petitioners, under the proposed Amended Petition, seek orders compelling protected legislative acts. Admitted that certain original prayers, if read in isolation, requested legislative packaging and reporting; Petitioners propose to withdraw those requests. The proposed alternative general compliance relief does not request a mandatory vote, signature, or other protected legislative act, and it is sought only to the extent of each Respondent's official authority.

51. Admitted that drafting, advancing, debating, voting, and managing legislative proceedings are within the legitimate legislative sphere. Denied that this extinguishes declaratory claims.

52. Admitted that the Speaker's objection as stated does not contend Legislative Respondents are immune from a judicial declaration concerning a constitutional obligation.

53. Legal conclusion. Admitted that Speech or Debate protects legitimate legislative activities. Denied that it requires dismissal of Petitioners' proposed declaratory claim.

54. Petitioners incorporate their prior answers.

55. Admitted.

56. Admitted that Petitioners seek declaratory relief and that 42 Pa.C.S. § 7540(a) addresses joinder. Denied that every school district or education agency must be joined for the narrowed declaratory claim proposed by amendment.

57. Denied that a pure Article III, Section 14 declaration necessarily impairs all districts' property rights. Admitted that Exhibit C, if entered as a decree dissolving boards and transferring assets, would affect districts—which is why Petitioners propose to retain Exhibit C only as a nonbinding illustration, not as requested relief.

58. Admitted as to the contents of Exhibit C.

59. Denied that a declaratory judgment under Article III, Section 14 requires an Exhibit C decree. Petitioners propose not to request such a decree.

60. Admitted.

61. Admitted that Petitioners have not joined PDE, the Secretary, or the State Board. Denied that nonjoinder requires dismissal of the proposed declaratory claim against the Speaker.

62. Legal conclusion. Admitted the indispensable-party standard stated in City of Philadelphia v. Commonwealth, 838 A.2d 566, 581–82 (Pa. 2003).

63. Admitted that William Penn (2023) discussed Oas v. Commonwealth, 301 A.2d 93 (Pa. Commw. Ct. 1973). Denied that nonjoinder requires dismissal of the proposed declaratory claim.

64. Admitted that William Penn (2023) relief differed from Exhibit C's dissolution framework. Denied that this requires dismissal of Petitioners' proposed declaration.

65. Denied as to declaratory relief. As to any Exhibit C-style decree, Petitioners propose to withdraw that request.

66. Petitioners incorporate their prior answers.

67. Legal conclusion. Admitted that Pennsylvania is a fact-pleading jurisdiction. Pa.R.C.P. 1019(a); Ioannidis v. Wolf, 260 A.3d 1091 (Pa. Commw. Ct. 2021), aff'd, 270 A.3d 1110 (Pa. 2022).

68. Denied. The original Petition's Counts I and II incorporated factual averments and exhibits.

69. Denied that the Petition is insufficiently specific as a matter of law to support an Article III, Section 14 claim. Admitted that the Petition as filed does not particularize every item listed in subparagraphs 69(a)–(f) in the form the Speaker demands.

70. Admitted that original Count III alleged lack of meaningful progress relative to William Penn. Admitted that Count III did not identify a mandatory remedial paragraph ordering ESA, PSSB, or dissolution—because none exists. Petitioners propose to remove that count.

71. Admitted that Petition ¶ 28 contains the quoted language. Petitioners do not rely on ¶ 28 as a well-pleaded factual predicate and propose to omit it on amendment.

72. Legal conclusion. Admitted that conclusions and opinions need not be accepted as true. Denied that dismissal of the proposed declaratory claim is required.

73. Petitioners incorporate their prior answers.

74. Admitted that Prayer K as filed requested costs and attorney fees. Petitioners withdraw the request for attorney's fees and will seek leave to amend to request costs only.

75. Admitted.

76. Legal conclusion. Admitted that Pennsylvania follows the American Rule regarding attorney's fees.

77. No response is required to the characterization of other cases. Petitioners do not seek attorney's fees.

78. Legal conclusion. Admitted that a pro se litigant ordinarily may not recover attorney's fees for the litigant's own work. Sawicki v. Wessels, 290 A.3d 1283 (Pa. Commw. Ct. 2022). Petitioners do not seek such fees. Denied that a request for ordinary taxable costs is insufficient.

ARGUMENT

I. Standard of Review

On preliminary objections, the Court accepts well-pleaded material facts and reasonable inferences, but not unwarranted inferences, legal conclusions, or opinion. Feliciano v. Pa. Dep't of Corr., 250 A.3d 1269, 1274 (Pa. Commw. Ct. 2021).

II. Preliminary Objection No. 1 — Standing

The Petition alleges that Petitioners are Montgomery County taxpayers who pay state and local taxes supporting the public-education system challenged in this action, and it attaches their

joint 2026 school-tax payment receipt as Exhibit I. The Petition further alleges familial connections to Pennsylvania public schooling: their three children and two of their grandchildren currently attend or have attended public schools in Pennsylvania. Petitioners have applied for leave to amend to add that their grandson I.C.L. is sixteen years of age and attends school in the Centennial School District in Bucks County, and to invoke, in the alternative and without abandoning those allegations, the taxpayer exception to traditional standing. Education Clause claims are justiciable. William Penn School District v. Pennsylvania Department of Education, 170 A.3d 414 (Pa. 2017) ("William Penn II").

Traditional standing requires a substantial, direct, and immediate interest exceeding the common interest of all citizens in procuring obedience to the law. In re Application of Biester, 409 A.2d 848, 851 (Pa. 1979). Taxes alone do not automatically establish that interest. See id. Petitioners do not abandon their existing allegations of taxpayer status and familial connection to Pennsylvania public schooling, and they deny that standing fails as a matter of law on the face of the Petition. Alternatively, they invoke the taxpayer exception. That exception applies if: (1) the governmental action would otherwise go unchallenged; (2) those directly and immediately affected by the complained of expenditures are beneficially affected and not inclined to challenge the action; (3) judicial relief is appropriate; (4) redress through other channels is unavailable; and (5) no other persons are better situated to assert the claim. Consumer Party of Pennsylvania v. Commonwealth, 507 A.2d 323, 329 (Pa. 1986); Pittsburgh Palisades Park, LLC v. Commonwealth, 888 A.2d 655, 660–62 (Pa. 2005). Petitioners address those requirements as legal contentions on the existing and proposed pleadings. They do not ask the Court to treat public importance as a substitute for the five requirements.

As to the first requirement, the Supreme Court has explained that taxpayer standing exists so that citizens may "challenge governmental action which would otherwise go unchallenged in the courts because of the standing requirement." Biester, 409 A.2d at 851 n.5. For many years before William Penn II, Education Clause claims were treated as nonjusticiable political questions under Danson v. Casey, 399 A.2d 360 (Pa. 1979), and Marrero v. Commonwealth, 739 A.2d 110 (Pa. 1999) ("Marrero II"), as William Penn II itself recounts. William Penn II, 170 A.3d 414. That history ended in 2017, when William Penn II held such claims justiciable. Petitioners do not contend that Education Clause claims are legally unreviewable now, and they do not ask the Court to treat a handful of reported decisions as a complete historical census of every similar case.

The Speaker relies on William Penn School District v. Pennsylvania Department of Education, 294 A.3d 537 (Pa. Commw. Ct. 2023) ("William Penn (2023)"). That decision entered declaratory relief after litigation by school districts, parents, and organizations. Petitioners agree that the February 7, 2023 decree was declaratory. They do not assert that the William Penn litigation as a whole is closed, that no further proceedings exist, or that William Penn (2023) lacked systemwide scope. William Penn (2023) shows that Education Clause claims can be brought by parties with traditional standing and can be reviewed on the merits. That fact limits any claim that this category of constitutional challenge would, as a class, go unchallenged. Petitioners do not contend that a difference between a "funding" claim and a "continuing" claim, standing alone, is a complete distinction. They do contend that the existence of William Penn (2023) does not, as a matter of law, establish that taxpayer standing is unavailable in this later action by different petitioners seeking a present declaration of continuing constitutional duty

under Article III, Section 14 and, alternatively and only to the extent legally available, general compliance relief that does not prescribe any particular legislative program.

As to the second requirement, the inquiry is whether "those directly and immediately affected by the complained of expenditures are beneficially affected and not inclined to challenge the action." Consumer Party, 507 A.2d at 329; Biester, 409 A.2d at 852. Biester explained that the need for judicial review "will most often occur when those directly and immediately affected by the complained of expenditures are beneficially affected as opposed to adversely affected." Biester, 409 A.2d at 852. The expenditures Petitioners challenge are the public funds that support the Commonwealth's system of public education, as reflected in their tax payments (Exhibit I) and in the publicly reported spending and staffing information already attached as Exhibits B and G. Petitioners contend that the governmental institutions that receive and administer those expenditures are beneficially affected by the expenditures themselves. That is an argument from the governing standard and those exhibits; it is not an allegation of any institution's motive, of any financial benefit from constitutional inadequacy, or that school districts, parents, or students are incapable of suit. William Penn (2023) shows that some districts, parents, and organizations have litigated Education Clause claims.

As to the third requirement, judicial relief is appropriate because "the determination of the constitutionality of an act is a function ultimately left to the courts." Consumer Party, 507 A.2d at 329–30. William Penn II confirms that courts may adjudicate whether the Commonwealth's system of public education complies with Article III, Section 14. Petitioners seek a judicial declaration of that constitutional question and, alternatively and only to the extent legally available, general compliance relief that leaves the selection of constitutionally adequate means to the political branches.

As to the fourth requirement, Consumer Party asks whether "redress through other channels is unavailable." 507 A.2d at 329. Petitioners seek a judicial determination that the present system of public education fails Article III, Section 14. They contend that an administrative agency has not been shown to have authority to award that form of statewide constitutional declaration, or the alternative general compliance relief requested here, against the political branches charged with the Education Clause. The possibility of legislative reform is not the same as an available legal channel for obtaining the judicial declaration Petitioners request. Consumer Party treated judicial review as appropriate for a constitutional question even though the political process existed. 507 A.2d at 329–30. Petitioners do not contend that the mere fact that Respondents hold official duties itself proves that every other channel is closed.

As to the fifth requirement, the question is whether "no other persons are better situated to assert the claim." Consumer Party, 507 A.2d at 329. That inquiry concerns potential litigants. It is not satisfied merely because the Speaker has not named a person who is presently maintaining the same action, and Petitioners do not treat the absence of another pending suit as itself establishing the fifth requirement. The Supreme Court has made the corresponding point in the other direction: "the fact that more appropriate governmental parties have not elected to challenge a particular governmental decision cannot be enough on its own to generate taxpayer standing." Fumo v. City of Philadelphia, 601 Pa. 322, 353, 972 A.2d 487 (Pa. 2009).

Petitioners bear the burden of invoking the exception. They do not contend that no parent, student, or school district could be better situated in every Education Clause case. William Penn (2023) demonstrates that such parties have litigated Education Clause claims. Petitioners contend that the existence of that earlier action, and the theoretical availability of similar plaintiffs, does not as a matter of law require dismissal of this later taxpayer action. The fifth requirement

remains part of Petitioners' burden. They ask the Court to evaluate it on the pleadings and the proposed amendment, and to overrule the objection or permit amendment rather than dismiss with prejudice.

Article III, Section 14 requires the General Assembly to "provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." That public duty exists for the education of the Commonwealth's children. The taxpayer exception exists so that judicial review of constitutional constraints on official action is not lost merely because of the ordinary standing requirement. Biester, 409 A.2d at 851 n.5; see also Biester, 409 A.2d at 852. That judicial-review purpose supports consideration of the exception here. It does not replace the five requirements, and Petitioners do not ask the Court to disregard standing or to treat the public importance of children's education as itself sufficient.

The Speaker's standing objection should be overruled or, if the Court finds the original pleading incomplete, resolved by permitting the proposed amendment under Pa.R.C.P. 1033 rather than dismissal with prejudice. Petitioners do not by this Answer purport to resolve ultimate standing on a full factual record.

III. Preliminary Objection No. 2 — Count III / William Penn "Orders"

Petitioners agree that William Penn (2023) did not impose the specific remedial commands the Speaker identifies. Petitioners do not defend original Count III as a claim for violation of such commands. They seek leave to remove that theory and to proceed on a present Article III, Section 14 declaration and, alternatively and only to the extent legally available, general compliance relief that does not rest on nonexistent William Penn (2023) remedial decrees. Preliminary Objection No. 2 does not require dismissal of that proposed claim.

IV. Preliminary Objection No. 3 — Sovereign Immunity / Paris

Paris bars permanent injunctions compelling affirmative action by Commonwealth officials, but does not bar freestanding declarations of rights. Paris, 335 A.3d 1019 (Pa. 2025) (slip op. at 21–24). That immunity rule is a substantial barrier to any request that the Court compel Respondents to take affirmative official action. The constitutional arguments presented in Paris were waived, see id. (slip op. at 5 n.11); Paris therefore did not decide an Education Clause exception to sovereign immunity and does not guarantee injunctive relief in this case. Petitioners propose to withdraw requests for particular mandatory programs (including ESA, PSSB, dissolution, timed legislation, and reporting) and to proceed on Article III, Section 14 declarations. Alternatively, and only to the extent such relief is legally available, they request a general order directing the responsible Respondents to remedy the constitutional violations established in this action, leaving the selection of constitutionally adequate means to the political branches and without prescribing any particular legislative program. See William Penn II, 170 A.3d 414 (slip op. at 70–71) ("We must at times return a case to a legislative body for further action with only a broadly-stated mandate to serve as guidance."). The February 7, 2023 William Penn decree was itself declaratory and contained no express cure command, deadline, reporting obligation, or reservation of jurisdiction; Petitioners do not treat that single-judge decision as binding remedial precedent. 42 Pa.C.S. § 7538 permits a later application, on reasonable notice, for supplemental relief based on a declaratory judgment, but it is not an independent waiver of sovereign immunity. Preliminary Objection No. 3 should not result in dismissal of the proposed Article III, Section 14 declarations. Whether alternative general compliance relief is available can be decided on a developed record and should not require dismissal of the entire action.

V. Preliminary Objection No. 4 — Separation of Powers

Courts may declare whether the education system complies with Article III, Section 14. William Penn II; Speaker POs ¶ 40. The Supreme Court has also recognized that a court may return a matter to the political branches "with only a broadly-stated mandate to serve as guidance." William Penn II, 170 A.3d 414 (slip op. at 70–71). Petitioners' proposed Amended Petition does not ask the Court to enact an ESA, PSSB, or dissolution statute, or to compel any particular legislative program. Exhibits C–E would remain only as nonbinding illustrations. Any alternative general compliance relief is requested only to the extent legally available, without fixed deadlines, mandatory votes or signatures, or appropriations, and only within each Respondent's official authority. The Speaker and the President Pro-Tempore do not, acting alone, enact legislation. Preliminary Objection No. 4 does not defeat the proposed declaration or require dismissal of the alternative request for general compliance relief before the Court considers its legal availability.

VI. Preliminary Objection No. 5 — Speech or Debate

The Speaker acknowledges that Legislative Respondents are not immune from a declaration concerning constitutional obligation. Speaker POs ¶ 52. Petitioners' proposed Amended Petition seeks that form of relief. It does not seek to compel drafting, debate, voting, signing, or reporting on any particular legislation, and any alternative general compliance relief is requested only to the extent of each Legislative Respondent's official authority as a presiding officer. Nolan, 368 A.2d at 680–81.

VII. Preliminary Objection No. 6 — Nonjoinder

William Penn (2023) held other districts were not indispensable to a prospective systemic Education Clause declaration and distinguished Oas, where a decree would directly impair districts' existing grant interests. 294 A.3d at 607–11; Oas, 301 A.2d at 96. Petitioners' proposed

claim seeks a systemic constitutional declaration and, alternatively and only to the extent legally available, general compliance relief directed to the named Respondents rather than to school districts. Exhibit C is proposed to be retained only as an illustration, not as a dissolution decree, avoiding the Oas problem the Speaker identifies.

VIII. Preliminary Objection No. 7 — Specificity

The Petition's factual averments and Exhibits A, B, F, G, and H supply material facts regarding systemic outcomes and costs. Proposed amendment further clarifies the claim and standing-related facts. Dismissal for lack of specificity is not required.

IX. Preliminary Objection No. 8 — Attorney's Fees

Petitioners withdraw any request for attorney's fees. Sawicki, 290 A.3d 1283. Petitioners preserve a request for ordinary taxable costs and filing costs to the extent permitted by law. Because the fee request is withdrawn, no order "overruling" or "sustaining" Preliminary Objection No. 8 as a contested fee claim is necessary; the Court may note the withdrawal and permit costs-only amendment.

X. Leave to Amend

Petitioners have filed (or are contemporaneously filing) an Application for Leave to Amend under Pa.R.A.P. 123 and Pa.R.C.P. 1033(a) and (d), attaching a clean proposed Amended Petition and a Rule 1033(d) comparison copy. The Speaker's Preliminary Objections were served upon Petitioners by mail on October 13, 2026 (October 13, 2026 postmark; no certificate of service was included), and this Answer is filed within thirty (30) days after that service. Petitioners do not by this Answer assert that any Pa.R.C.P. 1028(c)(1) as-of-course period is open or closed.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

A. Overrule the Speaker's Preliminary Objections insofar as they seek dismissal of Petitioners' claim under Article III, Section 14, including the requested declarations and, to the extent legally available, alternative general compliance relief;

B. Note that Petitioners have withdrawn any request for attorney's fees and seek costs only;

C. Grant Petitioners' separate Application for Leave to File an Amended Petition for Review, or otherwise permit amendment under Pa.R.C.P. 1033; and

D. Enter an order in the form of the Proposed Order submitted herewith.

XI. Closing Statement

Petitioners are parents and grandparents, not lawyers. We bring this petition because the Commonwealth's own test results show that most students in grades 3–8 are not proficient in reading or mathematics, and each year more than a hundred thousand young Pennsylvanians leave school,[1] more than half of them without basic skills. See Petition ¶ 9 & Ex. A; proposed Amended Petition ¶¶ 10–11 & Exs. A, F. Those children cannot wait for a perfect pleading. We respectfully ask the Court to look past any imperfection in our form to the substance of the constitutional duty at stake, overrule the preliminary objections, and allow this case to be heard on its merits.

[1] Pa. Dep't of Educ., High School Graduation, Graduates Public by School 2024–2025, tbl. 1 (reporting 132,183 public high school graduates in school year 2024–25), https://www.pa.gov/agencies/education/data-and-reporting/high-school-graduation (last visited Nov. 10, 2026). The same PDE series reports 127,343 graduates in 2023–24 and 125,658 in 2022–23.

Dated: November 11, 2026

Respectfully submitted,

/s/ Ken V

Kenneth V. Krawchuk, Petitioner

117 West Avenue Elkins Park, PA 19027 215-572-9248 Ken@KenKrawchuk.com

Roberta L Krawchuk

Roberta L. Krawchuk, Petitioner

117 West Avenue Elkins Park, PA 19027 215-572-9248 Ken@KenKrawchuk.com

PROPOSED ORDER

AND NOW, this _____ day of _____, 202__, upon consideration of the Preliminary Objections of Respondent Joanna E. McClinton and Petitioners' Answer thereto, it is ORDERED as follows:

1. The Preliminary Objections are OVERRULED insofar as they seek dismissal of Petitioners' claim under Article III, Section 14 of the Pennsylvania Constitution, including the requested declarations and, to the extent legally available, alternative general compliance relief.

2. Petitioners' request for attorney's fees is noted as WITHDRAWN. Petitioners may seek costs of suit and filing costs to the extent permitted by law.

3. Nothing in this Order dismisses Petitioners' Article III, Section 14 declaratory claim with prejudice.

4. Petitioners' Application for Leave to File an Amended Petition for Review shall be determined by separate order, or, if that Application is not separately pending, Petitioners are granted leave under Pa.R.C.P. 1033 to file an amended petition narrowing the action to a single Article III, Section 14 claim for declaratory relief, alternative general compliance relief to the extent legally available, and costs only, in the form lodged with the Court.

BY THE COURT:

_____ , J.

VERIFICATION

We, Kenneth V. Krawchuk and Roberta L. Krawchuk, verify that the statements made in the foregoing Answer, including the paragraph responses and the proposed standing clarification referring to our grandson as I.C.L., are true and correct to the best of our knowledge, information, and belief. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.

Date: November 11, 2026 Kenneth V. Krawchuk

Date: 11/11/26 Roberta L. Krawchuk

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. See Pa.R.A.P. 127. This public filing refers to a minor only by initials (I.C.L.) and does not include the minor's address or date of birth.

Date: November 11, 2026

Kenneth V. Krawchuk

Roberta L. Krawchuk

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2026, a true and correct copy of this Answer was served upon the following by electronic service through the Court's PACFile system:

Jason M. Staloski, Esquire

Office of Chief Counsel, Democratic Caucus

Pennsylvania House of Representatives

620 Main Capitol Building

Harrisburg, PA 17120

jstaloski@pahouse.net

Matthew S. Salkowski, Esquire

Pennsylvania House of Representatives

Democratic Caucus, Office of Chief Counsel

Harrisburg, PA 17111

msalkowski@pahouse.net

Tara Lynn Hazelwood, Esquire

621 Main Capitol Building

Harrisburg, PA 17120

thazelwood@pahouse.net

Counsel for Respondent Joanna E. McClinton

Kevin R. Bradford, Esquire

Senior Deputy Attorney General

Pennsylvania Office of Attorney General

Civil Litigation Section

1600 Arch Street, Suite 300

Philadelphia, PA 19103

kbradford@attorneygeneral.gov

Counsel for Respondent Joshua D. Shapiro, Governor of Pennsylvania

Thomas R. DeCesar, Esquire

Conor T. Daniels, Esquire

Marie A. LaRosa, Esquire

K&L Gates LLP

17 North Second Street, 18th Floor

Harrisburg, PA 17101-1507

thomas.decesar@klgates.com

conor.daniels@klgates.com

marie.larosa@klgates.com

Counsel for Respondent Kim L. Ward, President Pro Tempore of the Pennsylvania Senate

Kenneth V. Krawchuk

Roberta L. Krawchuk