Received 11/14/2026 11:29 AM Commonwealth Court of Pennsylvania

Filed 11/14/2026 11:29 AM Commonwealth Court of Pennsylvania
441 MD 2026

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

KENNETH V. KRAWCHUK and ROBERTA L. KRAWCHUK,

Petitioners,

v.

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.

No. 441 MD 2026

PETITIONERS' ANSWER TO THE PRELIMINARY OBJECTIONS OF RESPONDENT JOSHUA D. SHAPIRO, GOVERNOR OF PENNSYLVANIA

Petitioners Kenneth V. Krawchuk and Roberta L. Krawchuk, proceeding pro se, answer the Preliminary Objections of Respondent Joshua D. Shapiro, Governor of Pennsylvania, in his official capacity (the "Governor"), 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 Governor's Preliminary Objections. Petitioners have separately answered the Preliminary Objections of Respondent Speaker McClinton and are separately answering the Preliminary Objections of Respondent President Pro Tempore Ward.

On November 11, 2026, Petitioners filed an Application for Leave 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 Governor's Preliminary Objections state that they, at times, duplicate the Preliminary Objections of the Speaker of the House. Governor's POs at 1 n.1; see id. nn.2–5. They raise four objections: (1) lack of standing; (2) a demurrer to original Count III, which alleged violation of "orders" in William Penn School District v. Pennsylvania Department of Education, 294 A.3d 537 (Pa. Commw. Ct. 2023) ("William Penn (2023)"); (3) a demurrer based on sovereign immunity; and (4) a demurrer based on separation of powers. Petitioners answer each of them in full below.

Petitioners agree with much of what the Governor says. They agree that William Penn (2023) 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. They no longer seek to enforce nonexistent remedial decrees from that case, and they no longer seek orders compelling Respondents to draft, enact, sign, or report on any such program. They also agree with the Governor's statement that "Respondents do not contend that William Penn prevents courts from adjudicating whether Pennsylvania's education system satisfies Article III,

Section 14 of the Pennsylvania Constitution." Governor's POs ¶ 35. That is the question the proposed Amended Petition presents.

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"). 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, and Petitioners request alternative general compliance relief only to the extent it is legally available. 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. Headings and footnotes in the Governor's Preliminary Objections are answered with the paragraphs to which they relate.

1. Admitted that Petitioners, proceeding pro se, commenced this original-jurisdiction action by filing a Petition for Review in the Nature of an Action for Declaratory Judgment and Injunctive Relief, and that the Governor attached a copy as Exhibit A. Petitioners do not dispute the September 22, 2026 filing date to the extent confirmed by the docket. Footnote 1 is admitted to the extent it states that the Governor's objections duplicate language in the Speaker's Preliminary Objections.

2. Admitted that Petitioners are husband and wife and that Petition ¶ 1 alleges that they are taxpayers and that their three children and two grandchildren currently attend or have

attended Pennsylvania public schools. By way of further answer, the proposed Amended Petition avers that their grandson I.C.L. is sixteen years of age and attends school in the Centennial School District in Bucks County. Am. Pet. ¶ 1. That proposed averment is not yet part of the operative Petition.

3. Admitted.

4. Admitted that the Petition asserts that the current system of public education fails to satisfy Article III, Section 14 and cites William Penn (2023). Denied to the extent paragraph 4 implies that assertion is legally insufficient. By way of further answer, the proposed Amended Petition cites William Penn (2023) only as persuasive authority regarding the meaning of Article III, Section 14. Am. Pet. ¶ 15.

5. Admitted that Petition ¶ 18 so alleges. By way of further answer, the proposed Amended Petition does not include that averment.

6. Admitted that original Count III (Petition ¶¶ 17, 25) and Prayer D allege that Respondents are out of compliance with orders and judgments in William Penn (2023). Admitted that William Penn (2023) did not enter specific mandatory remedial decrees of the kind the Governor describes. Petitioners are seeking leave to remove Count III and Prayer D and to cite William Penn (2023) only as persuasive authority. Am. Pet. ¶ 15.

7. Admitted that the original Petition's Prayer requested relief in the categories summarized in subparagraphs 7(a)–(k). By way of further answer, the proposed Amended Petition retains the declarations summarized in subparagraphs 7(a) and 7(b) and the general request in subparagraph 7(k); withdraws the requests summarized in subparagraphs 7(c) through 7(i); withdraws any request for attorney's fees while preserving costs; and requests, 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. Am. Pet., Prayer for Relief ¶¶ B–F. Until leave is granted, those withdrawals are proposed, not yet effected by an operative amended pleading.

8. Denied. Paragraph 8 is a conclusion to which no response is required. To the extent a response is required, Petitioners deny that their claim against the Governor is not viable, for the reasons stated below.

9. Legal conclusion. Admitted that taxpayer-standing decisions describe five requirements of the kind summarized. Petitioners rely on the formulation stated by the Supreme Court in Consumer Party of Pennsylvania v. Commonwealth, 507 A.2d 323, 329 (Pa. 1986), and Pittsburgh Palisades Park, LLC v. Commonwealth, 888 A.2d 655, 660–62 (Pa. 2005), under which the second requirement asks whether "those directly and immediately affected by the complained of expenditures are beneficially affected and not inclined to challenge the action." Denied that standing fails as a matter of law on the face of the Petition. Footnote 2 is admitted to the extent it states that this objection duplicates the Speaker's Preliminary Objection No. 1.

10. Admitted, and admitted that Exhibit I is Petitioners' joint 2026 school tax payment receipt as filed.

11. Admitted that Petition ¶ 1 so alleges. Denied that the proposed Amended Petition lacks further specificity; it identifies Petitioners' grandson I.C.L., his age, and his school district. Am. Pet. ¶ 1.

12. Admitted that the Petition as filed does not name which family members presently attend, identify a school building, or plead a particularized educational injury unique to either Petitioner. Denied that those omissions require dismissal with prejudice. The proposed Amended Petition identifies I.C.L. and the school district he attends, and avers the ongoing denial to him

and to all of Pennsylvania's children of the constitutional right to a thorough education. Am. Pet. ¶¶ 1, 19.

13. Admitted that Petition ¶ 19 describes broad harms using the quoted words. Denied that paragraph 19 alone requires dismissal or negates Petition ¶ 1 and Exhibit I.

14. Legal conclusion. Admitted that standing generally 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). Denied that Petitioners fail that standard as a matter of law on the pleadings.

15. Legal conclusion. Admitted that the payment of taxes alone, without more, does not automatically establish standing. Denied that Petitioners plead taxes alone.

16. Legal conclusion. Admitted that Biester recognizes a narrow taxpayer exception and that its requirements include the two stated. Denied that the exception is unavailable as a matter of law on these pleadings. Petitioners address all five requirements in Argument III.

17. Admitted that William Penn (2023) was litigated by school districts, parents of school-age children, and organizations, and produced declaratory relief concerning Article III, Section 14. Denied that its existence requires dismissal of Petitioners' claim 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 III.

18. Admitted that William Penn (2023) demonstrates that individuals and entities with direct interests can challenge the Commonwealth's compliance with Article III, Section 14. Denied that their existence defeats Petitioners' standing as a matter of law. As set forth in

Argument III, the fifth taxpayer-standing requirement concerns whether other persons are better situated to assert the claim, and Petitioners acknowledge that it is part of their burden.

19. Denied.

20. Admitted that the William Penn (2023) order entered declaratory relief, including declarations concerning Article III, Section 14. The remaining characterization is a legal conclusion to which no response is required. Footnote 3 is admitted to the extent it states that this objection duplicates the Speaker's Preliminary Objection No. 2.

21. Admitted.

22. Admitted. See William Penn (2023) (slip op. at 775–76).

23. Admitted that William Penn (2023) relied on decisions declining to instruct legislatures as to the specifics of legislation and explained that future legislatures must be free to experiment and adjust the state's public-education system. See William Penn (2023) (slip op. at 776).

24. Admitted that failure to implement Petitioners' particular proposed measures cannot constitute violation of specific William Penn (2023) commands that were never entered. Petitioners do not defend original Count III on that theory and seek leave to remove it. Denied that this objection reaches Petitioners' proposed Article III, Section 14 claim.

25. Admitted that the original Petition requested the forms of relief summarized in the first sentence of paragraph 25. Petitioners propose to withdraw those requests by amendment. The sentence of paragraph 25 that follows the stray number "29." is a legal conclusion; Petitioners admit that Paris addresses sovereign immunity and permanent injunctions compelling affirmative action by Commonwealth officials, Paris, 335 A.3d 1019 (slip op. at 21–24), and deny that Paris bars freestanding declaratory relief under Article III, Section 14. Footnote 4 is

admitted to the extent it states that this objection duplicates the Speaker's Preliminary Objection No. 3.

26. Legal conclusion. Admitted that sovereign immunity does not bar a freestanding declaratory judgment establishing legal rights. Admitted that a different rule applies where requested relief compels affirmative governmental action. Denied that this requires dismissal of the action. Petitioners request alternative general compliance relief only to the extent legally available.

27. Admitted that the substance of requested relief controls and that certain original prayers sought particular affirmative injunctions. Petitioners propose to withdraw those particular program prayers by amendment. Denied as to the proposed Amended Petition, whose principal requests are declarations concerning Article III, Section 14. Am. Pet., Prayer for Relief ¶¶ B–C. Alternatively, and only to the extent legally available, Petitioners request general compliance relief that does not prescribe any particular legislative program. Id. ¶ D.

28. Legal conclusion. Admitted that sovereign immunity may be raised by preliminary objection when its applicability is apparent on the face of the pleading. Denied that immunity bars the proposed declaratory claim.

29. Admitted. Footnote 5 is admitted to the extent it states that this objection duplicates the Speaker's Preliminary Objection No. 4.

30. Denied that Petitioners, under the proposed Amended Petition, ask the Court to select the substantive structure of Pennsylvania's future education system or to compel the coordinate branches to enact and implement any structure. 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 the responsible Respondents

remedy established constitutional violations, leaving the choice of constitutionally adequate means to the political branches.

31. Admitted that the original Petition requested the categories summarized in subparagraphs 31(a)–(g). Petitioners propose to withdraw every one of them. The proposed Amended Petition expressly disclaims any request for an order compelling an Education Savings Account program, a scholastic standards board, dissolution or sale of school districts or school property, a fixed judicial deadline, or a mandatory vote, signature, or appropriation. Am. Pet., Prayer for Relief (final paragraph).

32. 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. Am. Pet. ¶ 18.

33. Admitted that the listed subjects involve legislative policymaking. Denied that courts may not declare whether the system complies with Article III, Section 14. William Penn II, 170 A.3d 414.

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

35. Admitted. Petitioners rely on this statement.

36. Admitted that declaring what the Constitution requires differs from judicially selecting legislation, and that William Penn (2023) declined to provide the General Assembly with a specific solution or dictate the specifics of legislation. See William Penn (2023) (slip op.

at 775–76). Petitioners' proposed Amended Petition seeks the former and not the latter; Exhibits C–E are illustrative examples, not requested decrees.

37. Admitted. See William Penn (2023), 294 A.3d at 962–63; id. (slip op. at 776).

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

39. Denied as to the proposed Amended Petition, which does not ask the Court to create an education statute or to compel the General Assembly and the Governor to enact any judicially selected policy. Am. Pet. ¶¶ 5, 24 & Prayer for Relief (final paragraph).

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). A demurrer will not be sustained unless the face of the petition for review shows that the law will not permit recovery, and any doubts should be resolved against sustaining the demurrer. Stone & Edwards Ins. Agency, Inc. v. Dep't of Ins., 616 A.2d 1060, 1063 (Pa. Commw. Ct. 1992). In ruling on a demurrer, the Court "cannot consider matters collateral to the complaint, but must limit itself to such matters as appear therein, and an effort to supply facts missing from the objectionable pleading makes the preliminary objection in the nature of a demurrer an impermissible 'speaking demurrer.'" Mobley v. Coleman, 65 A.3d 1048, 1053 (Pa. Commw. Ct. 2013). If an issue of fact is raised, "the court shall consider evidence by depositions or otherwise." Pa.R.C.P. 1028(c)(2).

II. The Pending Application for Leave to Amend

On November 11, 2026, Petitioners filed through PACFile an Application for Leave to File an Amended Petition for Review 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. That Application is pending. Until leave is granted and the Amended Petition is accepted for filing, the original Petition remains the operative pleading, and statements in this Answer describing the proposed Amended Petition ("Am. Pet.") are not a claim that amendment has already occurred. The Governor's Preliminary Objections were served upon Petitioners by first-class mail on October 22, 2026, according to the Governor's PACFile proof of service, and this Answer is filed within the time to respond under the Governor's notice to plead. Petitioners do not by this Answer assert that any Pa.R.C.P. 1028(c)(1) as-of-course period is open or closed.

If leave is granted, the Governor's objections to the superseded original Petition should be disposed of accordingly, and objections to the Amended Petition, if any, would be made by filing new preliminary objections. Pa.R.C.P. 1028(f). Petitioners nonetheless answer every paragraph and every objection on the merits, in the alternative, so that nothing turns on the timing of the Court's ruling on the Application.

III. 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 that 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. Am. Pet. ¶ 1.

Traditional standing requires a substantial, direct, and immediate interest exceeding the common interest of all citizens in procuring obedience to the law. Biester, 409 A.2d at 851. Taxes alone do not automatically establish that interest. See id. Petitioners do not abandon their 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, 507 A.2d at 329; Pittsburgh Palisades Park, 888 A.2d at 660–62. Petitioners do not ask the Court to treat public importance as a substitute for those 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. The Governor relies on William Penn (2023). Governor's POs ¶¶ 17–18. That decision shows that Education Clause claims can be brought by parties with traditional standing and can be reviewed on the merits, and Petitioners acknowledge that this fact limits any claim that this category of constitutional challenge would, as a class, go unchallenged. Petitioners contend that the existence of that earlier action 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.

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. 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 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 or that school districts, parents, or students are incapable of suit.

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 system of public education complies with Article III, Section 14, and the Governor agrees. Governor's POs ¶ 35.

As to the fourth requirement, Petitioners seek a judicial determination that the present system fails Article III, Section 14. The possibility of legislative reform is not the same as an available legal channel for obtaining that judicial declaration. Consumer Party treated judicial review as appropriate for a constitutional question even though the political process existed. 507 A.2d at 329–30.

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. Petitioners bear the burden on this requirement. They do not contend that no parent, student, or school district could be better situated in every Education Clause case, and they do not treat the absence of another pending suit as itself establishing the fifth requirement. See Fumo v. City of Philadelphia, 601 Pa. 322, 353, 972 A.2d 487 (Pa. 2009) ("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"). Petitioners contend that the theoretical availability of other plaintiffs does not, as a matter of law on the pleadings, require dismissal of this taxpayer action. To the extent the Governor's objection depends on facts outside the Petition, such as which persons are better situated, Rule 1028(c)(2) provides that the Court shall consider evidence.

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. That purpose supports consideration of the exception here. It does not replace the five requirements. The Governor'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 by dismissal with prejudice. Petitioners do not by this Answer purport to resolve ultimate standing on a full factual record.

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

Petitioners agree that William Penn (2023) did not impose the specific remedial commands the Governor identifies, and that the Court there gave the Executive and Legislative Branches the first opportunity to devise a plan. William Penn (2023) (slip op. at 775–76). 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.

V. Preliminary Objection No. 3 — Sovereign Immunity

Paris bars permanent injunctions compelling affirmative action by Commonwealth officials, but does not bar freestanding declarations of rights. Paris, 335 A.3d 1019 (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 the particular mandatory requests the Governor lists, Governor's POs ¶ 25, 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."). 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.

VI. Preliminary Objection No. 4 — Separation of Powers

The Governor agrees that courts may adjudicate whether Pennsylvania's education system satisfies Article III, Section 14, and he frames the line as one "between declaring what the Constitution requires and judicially selecting the legislation through which a coordinate branch must comply." Governor's POs ¶¶ 35–36. Petitioners accept that line. Their proposed Amended Petition does not ask the Court to enact an Education Savings Account, scholastic standards board, or dissolution statute, or to compel any particular legislative program. Exhibits C–E would remain only as nonbinding illustrations. Am. Pet. ¶ 18. 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. Am. Pet. ¶¶ 5, 24. Finn v. Rendell, 990 A.2d 100, concerns compelled appropriations and does not bar a declaration of constitutional duty. 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.

VII. The Governor Is a Proper Respondent

The Governor's Preliminary Objections ask that the Petition be dismissed "as to Governor Shapiro." Governor's POs, Conclusion. The Governor does not contend that he is an improper party, and he is not. The Pennsylvania Constitution vests "[t]he supreme executive power" in the Governor, "who shall take care that the laws be faithfully executed." Pa. Const.

art. IV, § 2. Every bill that passes both Houses "shall be presented to the Governor," who approves or returns it. Pa. Const. art. IV, § 15. And "[a]nnually, at the times set by law, the Governor shall submit to the General Assembly . . . [a] balanced operating budget." Pa. Const. art. VIII, § 12. The proposed Amended Petition names the Governor in his official capacity for those reasons. Am. Pet. ¶¶ 2, 5.

The Governor, the President Pro Tempore of the Senate, and the Speaker of the House were each respondents in William Penn (2023), in their official capacities. William Penn (2023) (slip op. at 1 & n.5) (identifying the Governor among the "Executive Respondents"). The Court there afforded "the Executive and Legislative branches of government" the first opportunity to devise a plan to address the constitutional deficiencies it identified. Id. (slip op. at 775–76). Petitioners do not ask for any order requiring the Governor to sign a bill, submit a particular budget, or take any action beyond his official authority. Am. Pet. ¶¶ 5, 24. Dismissal of the Governor, and especially dismissal with prejudice, is not warranted.

VIII. Attorney's Fees and Costs

The Governor summarizes the original request for "costs and attorney fees." Governor's POs ¶ 7(j). Petitioners withdraw any request for attorney's fees and preserve a request for ordinary taxable costs and filing costs to the extent permitted by law. Am. Pet., Prayer for Relief ¶ E.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

A. Overrule the Governor'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. Deny the Governor's request that he be dismissed from this action with prejudice;

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

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

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

IX. Closing Statement

Petitioners are parents and grandparents, not lawyers. We bring this petition because the Commonwealth's own statewide tests show that most students tested are not proficient in reading or mathematics, and each year more than a hundred thousand young Pennsylvanians leave school, 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. Respondents have raised a blizzard of technicalities, but completely ignore the primary issue — their continuing failure to comply with the requirements of the Pennsylvania Constitution and the grave harm this is causing. 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.

Dated: November 14, 2026

Respectfully submitted,

Kenneth V. Krawchuk, Petitioner

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

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 Joshua D. Shapiro, Governor of Pennsylvania, 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. The request that Respondent Governor Shapiro be dismissed from this action with prejudice is DENIED.

3. 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.

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 14, 2026 _____ Kenneth V. Krawchuk

Date: 11/14/26 _____ 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 14, 2026

Kenneth V. Krawchuk

Roberta L. Krawchuk

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 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