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' APPLICATION FOR LEAVE TO FILE

AN AMENDED PETITION FOR REVIEW

Petitioners Kenneth V. Krawchuk and Roberta L. Krawchuk, proceeding pro se, respectfully apply pursuant to Pa.R.A.P. 123 and 1517 and Pa.R.C.P. 1033(a) and (d) for leave of Court to file an Amended Petition for Review in the Nature of an Action for Declaratory and Other Relief, and aver as follows:

I. INTRODUCTION

1. Petitioners commenced this original-jurisdiction action by filing a Petition for Review seeking declaratory and injunctive relief under Article III, Section 14 of the Pennsylvania Constitution.

2. Respondent Joanna E. McClinton, Speaker of the Pennsylvania House of Representatives, filed Preliminary Objections to the Petition for Review, dated October 13, 2026. Those Preliminary Objections are endorsed with a notice to plead. Respondent Joshua D. Shapiro, Governor of Pennsylvania, filed Preliminary Objections on October 22, 2026, and Respondent Kim L. Ward, President Pro-Tempore of the Pennsylvania Senate, filed Preliminary Objections on October 23, 2026. Petitioners have prepared, or are contemporaneously filing, an Answer addressed solely to the Speaker's Preliminary Objections. This Application does not respond to any other Respondent's preliminary objections.

3. Petitioners seek leave to amend the Petition to narrow the case to a single claim under Article III, Section 14 for 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; to withdraw requests that the Court compel any particular legislative program, including Education Savings Accounts, a scholastic standards board, dissolution of local school structures, timed legislation, or reporting; to withdraw any claim premised on violation of specific remedial "orders" in William Penn School District v. Pennsylvania Department of Education, 294 A.3d 537 (Pa. Commw. Ct. 2023); to withdraw any request for attorney's fees while preserving costs; and to clarify limited standing-related facts concerning their grandson identified herein only as I.C.L.; and to invoke, in the alternative and without abandoning their existing standing allegations, the taxpayer exception to standing.

II. APPLICABLE STANDARDS

4. Pa.R.A.P. 1517 provides that original-jurisdiction petition-for-review practice follows the Pennsylvania Rules of Civil Procedure so far as they may be applied.

5. Pa.R.C.P. 1033(a) permits a party, by filed consent of the adverse party or by leave of court, to amend a pleading. Amendments are liberally allowed so that cases may be decided on their merits.

6. Pa.R.C.P. 1033(d) requires that a party filing a motion to amend attach (i) a clean copy of the proposed amended pleading and (ii) a comparison copy identifying deletions by strikethrough and additions by underlining. Petitioners attach both.

7. Pa.R.A.P. 123 governs applications for relief in this Court. This Application states the grounds for relief and the order sought, and is accompanied by the required attachments.

8. Pa.R.C.P. 1028(c)(1) permits an amended pleading as of course within twenty days after service of preliminary objections and provides that such an amendment moots the preliminary objections to the original pleading. The Speaker's Preliminary Objections were served upon Petitioners by mail on October 13, 2026 (October 13, 2026 postmark). Petitioners do not by this Application assert that any as-of-course window is open or closed. Petitioners instead seek leave under Rule 1033.

9. Pa.R.C.P. 1028(e) addresses the time for filing an amendment after the Court allows or requires amendment following disposition of preliminary objections. Petitioners cite Rule 1028(e) only for that post-order timing framework and do not treat Rule 1028(e) as a freestanding pre-ruling motion procedure.

III. GROUNDS FOR LEAVE

10. The proposed Amended Petition narrows Petitioners' claims to a declaration that the Commonwealth's present system of public education fails Article III, Section 14, and that Respondents stand in violation of that provision. Alternatively, to the extent such relief is legally available, the proposed Amended Petition asks the Court to 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. That alternative request is not presented as a guaranteed entitlement. Any such relief is requested only to the extent of each Respondent's official authority. If a declaratory judgment is entered, Petitioners reserve the right to apply later, on reasonable notice, for supplemental relief under 42 Pa.C.S. § 7538.

11. The proposed Amended Petition removes prior Count III (violation of specific William Penn (2023) "orders") and prior Count IV and related prayers seeking mandatory restructuring injunctions, court-compelled legislation, reporting, or enactment of Education Savings Accounts, a scholastic standards board, or dissolution of local school structures. The proposed amendment does not withdraw Petitioners' request, in the alternative and only to the extent legally available, for general compliance relief as described in paragraph 10.

12. Exhibits A through I are retained. Exhibits A, B, F, G, H, and I are offered as factual support. Exhibits C, D, and E are expressly labeled as nonbinding illustrative policy examples and are not incorporated into any request that the Court order those particular programs. The alternative general compliance request likewise does not ask the Court to implement Exhibits C, D, or E.

13. The proposed Amended Petition seeks costs only and does not seek attorney's fees.

14. Amendment will not unfairly prejudice Respondents. It reduces the scope of requested relief, clarifies the legal theory, and facilitates decision on the merits of a justiciable constitutional claim. See William Penn School District v. Pennsylvania Department of Education, 170 A.3d 414 (Pa. 2017) (Education Clause claims justiciable).

15. If leave is granted and the Amended Petition is accepted for filing, preliminary objections directed to the superseded original Petition should be disposed of in accordance with the Rules of Civil Procedure and this Court's practice, including Pa.R.C.P. 1028(c)(1) by analogy where an amended pleading supersedes the original. Petitioners do not request any stay or extension not provided by rule or order of Court.

IV. ATTACHMENTS

16. Attached as Exhibit A to this Application is a clean copy of the proposed Amended Petition for Review (including exhibits).

17. Attached as Exhibit B to this Application is a comparison copy of the proposed Amended Petition identifying material deletions by strikethrough and material additions by underlining, in accordance with Pa.R.C.P. 1033(d). If any discrepancy exists between the clean copy and the comparison copy, the clean copy controls. Pa.R.C.P. 1033(d)(2).

V. RELIEF REQUESTED

WHEREFORE, Petitioners respectfully request that this Court enter an order:

A. Granting Petitioners leave to file the Amended Petition for Review attached as Exhibit A to this Application;

B. Directing that the Amended Petition be accepted for filing as of the date of the Court's order, or such other date as the Court directs;

C. Providing that Respondents may plead to the Amended Petition in the manner and within the time provided by the applicable rules or by further order of Court; and

D. Granting such other relief as the Court deems just and proper.

Dated: November 11, 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 Petitioners' Application for Leave to File an Amended Petition for Review, and any response thereto, it is ORDERED that:

1. The Application is GRANTED.

2. Petitioners are granted leave to file the Amended Petition for Review in the form of the clean copy attached as Exhibit A to the Application. The Prothonotary shall accept the Amended Petition for filing.

3. Respondents shall plead to the Amended Petition within the time provided by the Pennsylvania Rules of Appellate Procedure and Civil Procedure, or within such other time as the Court may fix.

4. Nothing in this Order grants any stay or enlargement of time except as expressly stated herein or as provided by rule.

BY THE COURT:

_____

, J.

VERIFICATION

We, Kenneth V. Krawchuk and Roberta L. Krawchuk, verify that the statements of fact in the foregoing Application 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, 2025 _____

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.).

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 Application (with attachments) was served upon the following by electronic service through the Court's PACFile system:

Jason M. Staloski, Esquire, counsel for Speaker McClinton, 620 Main Capitol Building, Harrisburg, PA 17120, jstaloski@pahouse.net

Matthew S. Salkowski, Esquire, counsel for Speaker McClinton, Pennsylvania House of Representatives, Democratic Caucus, Office of Chief Counsel, Harrisburg, PA 17111, msalkowski@pahouse.net

Tara Lynn Hazelwood, Esquire, counsel for Speaker McClinton, 621 Main Capitol Building, Harrisburg, PA 17120, thazelwood@pahouse.net

Kevin R. Bradford, Esquire, Senior Deputy Attorney General, counsel for Governor Shapiro, Pennsylvania Office of Attorney General, Civil Litigation Section, 1600 Arch Street, Suite 300, Philadelphia, PA 19103, kbradford@attorneygeneral.gov

Thomas R. DeCesar, Esquire, counsel for Senator Ward, K&L Gates LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507, thomas.decesar@klgates.com

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Kenneth V. Krawchuk, Petitioner Roberta L. Krawchuk, Petitioner

APPLICATION EXHIBIT LIST

Exhibit A — Clean copy of proposed Amended Petition for Review (separately lodged as Amended-Petition-for-Review.docx / to be attached on filing).

Exhibit B — Comparison copy required by Pa.R.C.P. 1033(d) (separately lodged as Amended-Petition-Comparison-1033d.docx / to be attached on filing).