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Elkins Park, PA 19027

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Krawchuk, Roberta L.
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Received 10/22/2026 04:18 PM Commonwealth Court of Pennsylvania

Filed 10/22/2026 04:18 PM Commonwealth Court of Pennsylvania
441 MD 2026

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Kenneth V. Krawchuk; 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; Joanna E. McClinton, in her official capacity as the Speaker of the Pennsylvania House of Representatives, Respondents	:	441 MD 2026

PROOF OF SERVICE

I hereby certify that this 22nd day of October, 2026, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Service

Served:	Hazelwood, Tara Lynn
Service Method:	eService
Email:	thazelwood@pahouse.net
Service Date:	10/22/2026
Address:	621 Main Capitol Building Harrisburg, PA 17120
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Representing:	Respondent McClinton, Joanna E.

Served:	Krawchuk, Kenneth V.
Service Method:	First Class Mail
Service Date:	10/22/2026
Address:	117 West Avenue Elkins Park, PA 19027
Phone:	215-572-9248
Pro Se:	Petitioner Krawchuk, Kenneth V.

Served:	Krawchuk, Roberta L.
Service Method:	First Class Mail
Service Date:	10/22/2026
Address:	117 West Avenue eLKINS pARK, PA 19027
Pro Se:	Petitioner Krawchuk, Roberta L.

Served:	Salkowski, Matthew S.
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Representing:	Respondent McClinton, Joanna E.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

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Representing:	Respondent McClinton, Joanna E.

Served:	Ward, Kim L.
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Service Date:	10/22/2026
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Representing:	Respondent Ward, Kim L.

/s/ Kevin Ross Bradford

(Signature of Person Serving)

Person Serving:	Bradford, Kevin Ross
Attorney Registration No:	088576
Law Firm:	Pennsylvania Office of Attorney General
Address:	Pa Ofc Of Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103
Representing:	Respondent Shapiro, Joshua D.

Received 10/22/2026 04:18 PM Commonwealth Court of Pennsylvania

IN THE COMMONWEALTH COURT
OF PENNSYLVANIA

KENNETH V. KRAWCHUK, *et al.*,	:	
	:	
Petitioners,	:	CIVIL ACTION
	:	
v.	:	No. 441 MD 2026
	:	
JOSHUA D. SHAPIRO, GOVERNOR OF PENNSYLVANIA, IN HIS OFFICIAL CAPACITY, *et al.*,	:	
	:	
Respondents.	:	

NOTICE TO PLEAD

TO: Petitioners

You are hereby notified to file a written Response to the Preliminary Objections of Respondent Governor Josh Shapiro, in his official capacity, within thirty (30) days from service hereof, or a judgment may be entered against you.

DAVID W. SUNDAY, JR.
Attorney General

Date: October 22, 2026

By: /s/ Kevin Bradford
Kevin R. Bradford
Senior Deputy Attorney General
Attorney-in-Charge
Attorney ID No. 88576

NICOLE R. DITOMO
Chief Deputy Attorney General
Counsel for Respondent Governor Josh Shapiro (in his official capacity)

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Civil Litigation Section
1600 Arch Street, Suite 300
Philadelphia, PA 19103
Phone: (267) 374-5450

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Petitioners,	:	CIVIL ACTION
	:	
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JOSHUA D. SHAPIRO, GOVERNOR OF PENNSYLVANIA, IN HIS OFFICIAL CAPACITY, *et al.*,	:	
	:	
Respondents.	:	

PRELIMINARY OBJECTIONS OF RESPONDENT GOVERNOR JOSH SHAPIRO, IN HIS OFFICIAL CAPACITY

AND NOW, comes the Respondent Governor Josh Shapiro, in his official capacity, through counsel, who files the following Preliminary Objections to Petitioners' Petition for Review. [1]

PROCEDURAL AND FACTUAL BACKGROUND

1. Petitioners Kenneth V. Krawchuk and Roberta L. Krawchuk initiated this pro se original jurisdiction action on September 22, 2026, filing a document titled: Petition for Review in the Nature of an Action for Declaratory Judgment and Injunctive Relief. ("Petition"; Attached as Exhibit A).

[1] These Preliminary Objections, at times, duplicate language contained in the Speaker of the House's Preliminary Objections, which were already pending at the time these Preliminary Objections were filed.

2. Petitioners, who are husband and wife, identify themselves as taxpayers and parents of three children and grandparents of two grandchildren who currently attend or have attended public schools. Petition ¶ 1.

3. The Petition names as Respondents three Commonwealth of Pennsylvania officials: the Governor, the President Pro-Tempore of the Senate, and the Speaker of the House of Representatives.

4. In the Petition, Petitioners assert that the current system of public education fails to satisfy the thorough and efficient requirements demanded by Article III, Section 14 of the Pennsylvania Constitution Petitioners, citing William Penn School District v. Pennsylvania Department of Education, 587 M.D. 2014 (Pa. Cmwlth. Feb. 7, 2023) in support of this contention.

5. Petitioners allege that there is strong demand for private school education in Pennsylvania, demonstrated by the existence of approximately 500 private schools.

6. Petitioners allege that the Respondents are in violation of this Courts' orders and judgments issued in William Penn School District v. Pennsylvania Department of Education, 587 M.D. 2014 (Pa. Cmwlth. Feb. 7, 2023).

7. Through the instant action Petitioners request this Court to:

a. declare that the current system of public education fails to satisfy the thorough and efficient requirements demanded by Article III, Section 14 of the Pennsylvania Constitution;

b. declare that Respondents stand in violation of Article III, Section 14 of the Pennsylvania Constitution because of their decades-long and continuing failure to provide for a thorough and efficient system of public education;

c. declare that Respondents remain out of compliance with this Court's judgment and orders in William Penn School District Pennsylvania Department of Education,

d. enjoin Respondents from continuing the current failing system and order that its local monopolies be phased out;

e. order the implementation of a universal state-subsidized Education Savings Account program;

f. order the creation of an independent Pennsylvania Scholastic Standards Board;

g. enter a declaratory judgment and injunctive relief requiring Respondents to develop and submit to the Court, a comprehensive package of legislation;

h. order that Respondents report to this Court every 30 days regarding progress toward compliance;

i. retain jurisdiction to monitor compliance;

j. award costs and attorney fees;

k. grant such other relief as the Court deems just and proper.

8. Petitioners' claims against Governor Shapiro are not viable for the reasons set forth below.

ARGUMENT

I. Preliminary Objection pursuant to Pa. R. Civ. P. 1028(a)(5) (lack of standing)[2]

9. For taxpayer standing, a party must show: (1) the government action would otherwise go unchallenged; (2) those directly and immediately affected will benefit, and thus will not make a challenge; (3) judicial relief is appropriate; (4) redress through other means is unavailable; and (5) no other party is better situated. Reich v. Berks County Intermediate Unit No. 14, 861 A.2d 1005, 1009 (Pa.Cmwlth.2004). (*citing* Application of Biester, 409 A.2d 848, 851 (Pa. 1979)

10. Petitioners allege that they are adult residents and taxpayers of Montgomery County who pay state and local taxes supporting Pennsylvania's public-education system.

[2] This preliminary objection is a duplication of Preliminary Objection No. 1 contained in the Speaker of the House's Preliminary Objections. See ¶¶ 7-17.

11. Petitioners further allege, collectively and without further specificity, that their three children and two grandchildren "currently attend or have attended" Pennsylvania public schools.

12. Petitioners do not identify which, if any, of those individuals presently attends a Pennsylvania public school, the school or school district attended; the educational opportunity allegedly denied; or any individualized educational injury suffered by either Petitioner.

13. Instead, Petitioners expressly characterize the alleged injury as one shared generally by the public, averring that the alleged harm affects "every citizen," "every taxpayer," and "every parent."

14. Pennsylvania standing requires a petitioner to possess an interest that is substantial, direct, and immediate and that exceeds the common interest of all citizens in obtaining compliance with the law. Reich, 861 A.2d at 1009 (*quoting* Application of Biester, 409 A.2d at 851.

15. Payment of taxes, without more, does not establish the requisite individualized interest.

16. The narrow taxpayer-standing exception recognized in Biester applies only in exceptional circumstances, including where the governmental action would otherwise go unchallenged and no other person is better situated to assert the claim.

17. Those circumstances are absent here. The constitutional adequacy of Pennsylvania's education system has already been challenged by school districts, parents of school-age children, and organizations representing affected students in William Penn School District v. Pennsylvania Department of Education, 294 A.3d 537 (Pa. Cmwlth. 2023).

18. William Penn demonstrates that individuals and entities with substantially more direct interests can challenge the Commonwealth's compliance with Article III, Section 14 of the Pennsylvania Constitution.

19. Petitioners therefore have not pleaded either traditional standing or the exceptional circumstances required for taxpayer standing.

II. Preliminary Objection pursuant to Pa. R. Civ. P. 1028(a)(4) (demurrer) Count III Fails to State a Claim Because the William Penn Judgment Did Not Impose the Requirements Petitioners Allege Respondents Violated[3]

20. The Order in William Penn entered declaratory relief establishing, among other things, the constitutional standard under Article III of the Pennsylvania Constitution.

21. The Order did not direct Respondents to enact a particular statute, establish an Education Savings Account program, abolish local school districts, create a

[3] This preliminary objection is a duplication of Preliminary Objection No. 2 contained in the Speaker of the House's Preliminary Objections. See ¶¶ 19-25.

Pennsylvania Scholastic Standards Board, enact legislation within a prescribed period, or otherwise adopt the reforms demanded in this petition.

22. In addressing remedy, the William Penn Court expressly afforded the Executive and Legislative Branches the "first opportunity" to devise a plan addressing the constitutional deficiencies.

23. The Court relied upon decisions declining to instruct legislatures concerning "the specifics of the legislation" they should enact and explained that future General Assemblies "must remain free to experiment with and adjust" Pennsylvania's education system.

24. Because William Penn imposed no judicial command requiring the specific remedial action Petitioners allege Respondents failed to perform, the alleged failure to implement those measures cannot constitute violation of the William Penn judgment.

III. Preliminary Objection pursuant to Pa. R. Civ. P. 1028(a)(4) (demurrer) Sovereign Immunity Bars Petitioners' Claims for Mandatory Injunctive Relief.[4]

25. Petitioners request orders compelling dissolution of the existing local public-school structure; creation of a Pennsylvania Scholastic Standards Board; implementation of a universal Education Savings Account program; preparation and

[4] This preliminary objection is a duplication of Preliminary Objection No. 3 contained in the Speaker of the House's Preliminary Objections. See ¶¶ 27-32.

enactment of implementing legislation within approximately 180 days; gubernatorial signature of legislation; 30-day progress reports; and continuing judicial supervision. 29. The Pennsylvania Supreme Court has recently reaffirmed that sovereign immunity bars a permanent injunction directing affirmative action by a Commonwealth agency or official. Firearms Owners Against Crime—Institute for Legal, Legislative & Educational Action v. Paris, 335 A.3d 1019, 1037-38 (Pa. 2025)

26. Although sovereign immunity does not bar a freestanding declaratory judgment establishing legal rights, a materially different rule applies where the requested relief compels affirmative governmental action. Id.

27. The substance of the requested relief controls. Petitioners' demands unmistakably seek affirmative governmental action rather than merely a declaration concerning the meaning of Article III, Section 14 of the Pennsylvania Constitution.

28. Sovereign immunity may be raised by preliminary objection where, as here, its applicability is apparent from the face of the pleading. Firearms Owners Against Crime—Institute for Legal, Legislative & Educational Action v. Evanchick, 291 A.3d 507, 514 (Pa. Cmwlth. 2023), *aff'd in relevant part*, Paris, 335 A.3d 1019.

IV. Preliminary Objection pursuant to Pa. R. Civ. P. 1028(a)(4) (demurrer) Petitioners' Demand That This Court Select and Compel Enactment of a Particular Legislative Program Violates Separation-of-Powers Principles and Fails to State a Legally Available Claim for Relief. [5]

29. Article II, Section 1 of the Pennsylvania Constitution vests the legislative power of the Commonwealth in the General Assembly.

30. Petitioners do not only seek judicial interpretation of Article III, Section 14 of the Pennsylvania Constitution. They ask this Court to select the substantive structure of Pennsylvania's future education system and compel the coordinate branches to enact and implement that structure.

31. Petitioners specifically request a judicial order:

a. dissolving the existing local public-school structure;

b. requiring universal state-funded Education Savings Accounts;

c. creating a particular statewide education board;

d. requiring Respondents to draft and submit a comprehensive legislative package within approximately 180 days;

e. requiring enactment of that legislation;

f. requiring that the legislation be signed into law following judicial approval; and

[5] This preliminary objection is a duplication Preliminary Object No. 4 contained in the Speaker of the House's Preliminary Objections. See ¶¶ 34-45.

g. subjecting the legislative process to continuing 30-day reporting requirements.

32. Exhibit C goes further, proposing dissolution of all local school boards, transfer of public-school assets and liabilities to the Commonwealth, sale of public schools, assumption of bond obligations, and eventual auction or closure of unsold schools.

33. Those decisions involve the exercise of legislative policymaking concerning taxation, appropriations, public property, school governance, curriculum, institutional structure, and enactment of statutes.

34. Separation of powers prohibits one branch from exercising functions constitutionally committed to another. Finn v. Rendell, 990 A.2d 100, 106-07 (Pa. Cmwlth. 2010). In Finn, this Court sustained preliminary objections where the requested relief would compel appropriations and interfere with functions constitutionally committed to the legislative and executive branches.

35. 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.

36. Rather, the distinction is between declaring what the Constitution requires and judicially selecting the legislation through which a coordinate branch must comply. William Penn itself preserved that distinction. Following a finding of

constitutional violations after trial, the Court declined to provide the General Assembly with a specific solution or dictate the specifics of legislation to be enacted.

37. The Court expressly explained that the available reform options are "virtually limitless" and that its remedy did not prevent the General Assembly from continuing local control or otherwise exercising its policy discretion.

38. Petitioners now seek precisely the relief William Penn declined to impose.

39. Even assuming Petitioners could establish entitlement to declaratory relief, the Court cannot constitutionally become the creator of an education statute and compel the General Assembly and Governor to enact that judicially selected policy.

CONCLUSION

The Court should sustain Respondent Governor Shapiro's preliminary objections and dismiss the Petition as to Governor Shapiro as Petitioners lack standing and the Petition fails to state a viable claim for relief against him.

Respectfully submitted,

DAVID W. SUNDAY, JR.
Attorney General

Date: October 22, 2026

By: /s/ Kevin Bradford
Kevin R. Bradford
Senior Deputy Attorney General
Attorney-in-Charge
Attorney ID No. 88576

NICOLE R. DITOMO

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Chief Deputy Attorney General
Counsel for Respondent Governor Josh Shapiro (in his official capacity)

IN THE COMMONWEALTH COURT OF
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	:	
JOSHUA D. SHAPIRO, GOVERNOR OF PENNSYLVANIA, IN HIS OFFICIAL CAPACITY, *et al.*,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of the Preliminary Objections of Respondent Governor Josh Shapiro, in his official capacity, it is hereby ORDERED that the preliminary objections are SUSTAINED. Governor Shapiro is hereby DISMISSED WITH PREJUDICE from this matter.

BY THE COURT:

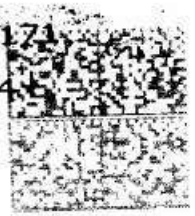
_____

EXHIBIT A

IS A COPY OF OUR ORIGINAL PETITION

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Commonwealth of Pennsylvania
Strawberry Square
Harrisburg, PA 17120
Bradford

HARRISBURG PA 171
21 OCT 2026PM 4



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US POSTAGE

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	:	
Respondents.	:	

PRAECIPE FOR ENTRY OF APPEARANCE

Kindly enter undersigned counsel's appearance on behalf of Respondent Governor Josh Shapiro, in his official capacity, in the above-captioned matter.

Respectfully submitted,

DAVID W. SUNDAY, JR.
Attorney General

Date: October 21, 2026

By: /s/ Kevin Bradford
Kevin R. Bradford
Senior Deputy Attorney General
Attorney-in-Charge
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Counsel for Respondent Governor Josh Shapiro (in his official capacity)

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Kenneth V. Krawchuk; 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; Joanna E. McClinton, in her official capacity as the Speaker of the Pennsylvania House of Representatives, Respondents	:	441 MD 2026

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Phone:	570-704-9388
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Service Method:	First Class Mail
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Address:	Room 292, Main Capitol Building Senate Box 203039 Harrisburg, PA 17120
Representing:	Respondent Ward, Kim L.

/s/ Kevin Ross Bradford

(Signature of Person Serving)

Person Serving:	Bradford, Kevin Ross
Attorney Registration No:	088576
Law Firm:	
Address:	Pa Ofc Of Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103
Representing:	Respondent Shapiro, Joshua D.