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Oral Arguments Wrap in Case Urging Maryland Appellate Court to Defend Public Education for Baltimore City Schoolchildren

This morning, oral arguments concluded in *Bradford v. Maryland State Board of Education*, a case in the Appellate Court of Maryland on behalf of Baltimore City Public Schools (BCPSS) families, challenging the State of Maryland's funding and resources provided to BCPSS. The plaintiffs, represented by the Legal Defense Fund (LDF), ACLU of Maryland, and the law firm BakerHostetler, are urging the state appeals court to reverse an earlier decision and remand the case for further proceedings. The motion came after the Circuit Court granted summary judgment to the State of Maryland, ruling against children attending BCPSS.

The Circuit Court's decision in March 2023 held that the Maryland Constitution "only requires an effort by the State to at most provide a basic education," and limited access to the courts to enforce that right. The ruling departs from previous decisions, where the courts – and the State itself – have repeatedly recognized that the State of Maryland has chronically underfunded BCPSS. As a result of the decision, thousands of children in Baltimore City schools, and generations of families, will continue to attend schools that do not provide comprehensive educational programming in facilities that are safe and healthy, to which they have a right to under the Maryland Constitution.

Today, Arielle Humphries, LDF Assistant Counsel, supported by the ACLU of Maryland and BakerHostetler, argued before the Maryland Appellate Court on behalf of BCPSS students that the March 2023 decision misinterprets the constitutional requirement of the State of Maryland to provide an adequate education.

Following the oral arguments, litigators held a press conference to highlight the critical importance of this case for the future of Baltimore City schoolchildren.

Arielle Humphries, LDF Assistant Counsel:

"We are optimistic that the appellate court will recognize the substantial evidence showing the state's failure to meet its constitutional obligations. Baltimore City schoolchildren deserve access to an education that meets contemporary standards, not merely the minimal effort the Circuit Court suggested. Every child in Baltimore deserves a quality education, and we will not back down from the fight for the opportunities they are constitutionally guaranteed."

Frank Patinella, Senior Policy Advocate with the ACLU of Maryland:

"We hope that today's proceedings brought to light the critical needs of Baltimore City children, and that the appellate court will recognize the urgency of addressing these issues," said Frank Patinella, Senior Policy Advocate with the ACLU of Maryland. "Tens of thousands of Black children living in historically redlined communities are attending schools that are deteriorating and do not have the amenities to support the curriculum. Many of these children and their families have pleaded with legislators for instrumental music, advanced courses, sports programming, and much more."

Beth McCallum, Partner at BakerHostetler:

"The arguments presented today underscore the critical need for judicial intervention to address the severe underfunding of Baltimore City Public Schools," said Beth McCallum, a partner at BakerHostetler, which is providing pro bono legal services on this case. "We firmly stand with LDF and the ACLU in urging the appellate court to mandate the state fulfill its constitutional duty. Ensuring safe, modern educational facilities and resources is essential for the academic success and well-being of Baltimore's children."

About Legal Defense Fund (LDF)

Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multidisciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.

About ACLU of Maryland

The ACLU of Maryland is dedicated to ensuring the rights and liberties guaranteed to all individuals by the Constitution and laws of the United States. Through litigation, advocacy, and public education, the ACLU of Maryland works to preserve and extend constitutional rights in areas such as freedom of speech, racial justice, privacy, religious liberty, reproductive freedom, LGBTQ+ rights, and more. For more information, visit www.aclu-md.org.

About BakerHostetler

BakerHostetler helps clients around the world address their most complex and critical business and regulatory issues. Our highly ranked attorneys deliver sophisticated counsel and outstanding client service. We have six core practice groups — Business, Digital Assets and Data Management, Intellectual Property, Labor and Employment, Litigation, and Tax — and more than 1,000 lawyers coast to coast. For more information, visit bakerlaw.com.