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Civil Rights Organizations Defending Public Education for Baltimore City Schoolchildren Respond to Maryland Appellate Court's Recent Ruling

On November 12, the Appellate Court of Maryland [dismissed a lawsuit](#) brought on behalf of families with children in Baltimore City Public Schools (BCPSS) challenging the State's chronic failure to provide sufficient funding to ensure the city's students receive an adequate education. In a 2-1 decision, the court vacated a previous ruling by a lower court and concluded that an earlier agreement (called a consent decree) had been satisfied and should end. The lawsuit, *Bradford v. Maryland State Board of Education*, began in 1994 and was renewed by the plaintiffs in 2019, who cited the State's continued failure to provide adequate resources by constitutional standards for Baltimore City Public Schools, many of which don't have heat in the winter, air conditioning in the summer, and otherwise lack fundamental resources.

The families are represented by the [Legal Defense Fund](#), [ACLU of Maryland](#), and [Baker Hostetler](#) in the longstanding case, who argued that BCPSS children suffer as a result of chronic underfunding and neglect of Baltimore City Public Schools. In their petition, they raised the State's failure to ensure adequate resources and cited the guarantee enshrined in Maryland's constitution for every child to receive an education adequate under contemporary standards.

"The Court's choice to dismiss this critical lawsuit is deeply disappointing and fails to acknowledge the substantial failure of the State Board of Education to ensure that Baltimore City Public Schools receive the funding and resources they need to adequately serve their students," said **LDF Assistant Counsel Arielle Humphries**. "For generations, the State has failed to fulfill its responsibility to Baltimore City Public Schools, undermining the right of every child in the city to receive the education they deserve. While this outcome further delays the relief needed for BCPSS children, we remain steadfast in our commitment to advocate for their educations and futures."

This longstanding lawsuit, brought by families in Baltimore City championing the State's guarantee within its constitution to a "thorough and efficient" education for all students, spans nearly three decades. In 1996, 2000, 2002, and 2004, Maryland Courts repeatedly found that funding for Baltimore City schools was constitutionally inadequate, and a consent decree was entered to seek funding and continue court jurisdiction. Yet, a permanent plan was never implemented that addressed structural inequity for students in Baltimore City. When the plaintiffs renewed the litigation in 2019, they cited the state's government's continued failure to provide the resources necessary to provide students with a constitutionally adequate education. As a result, generations of Black and Brown children have been denied sufficient resources compared to the wealthier school systems that surround them.

"We hear from students and their families every day about significant gaps in their education programs and the deteriorating condition of their school buildings," said **Frank Patinella, Senior Policy Advocate with the ACLU of Maryland**. "It is clear that the constitutional guarantee to an adequate education and the state's promise of a 'world class' education for all public school children remains unfulfilled. If the state does not keep its promises, inequitable and poor outcomes for city students will continue for decades to come."

Importantly, the court's decision to dismiss the lawsuit vacated the lower court ruling that had applied the wrong legal standard and found there was no constitutional violation by the State Board of Education. The majority held that the plaintiffs' constitutional claims would need to be raised in a new lawsuit, even though, as the dissent noted, "The voluminous record and the briefs present staggering evidence in support of the Bradford Plaintiffs' contention that children who attend many Baltimore City public schools do not receive an education that is adequate by contemporary standards." Despite the recent ruling, plaintiffs and advocates remain committed to ensuring improved conditions and fair funding for BCPSS.

In a [2017 report](#), the State admitted that Baltimore City schools were underfunded by \$342 million every year, due to a cut to the education funding formula in 2007 that prevented planned increases in subsequent years. A growing gap emerged between actual funding and the amount that the State itself set as the funding "adequacy" target for Baltimore City schools under the Bridge to Excellence Act of 2002. By not filling this gap or maintaining City Schools' facilities for decades, the State of Maryland neglected its constitutional duty to adequately fund City Schools.

Read more about the case *Bradford v. Maryland State Board of Education* [here](#).