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Circuit Court Decision Finds, Despite Evidence of Chronic Underfunding, Baltimore City Public Schools Receives “Constitutionally Adequate” Funding from State of Maryland

The decision from the Court in the Bradford case, which spans three decades, leaves another generation of schoolchildren in Baltimore City Public Schools without the equitable funding needed for a quality education

On March 3, 2023, a Maryland Circuit Court granted summary judgment to the State of Maryland in *Bradford v. Maryland State Board of Education*, ruling against children attending Baltimore City Public Schools. The decision holds 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 because the state legislature has sole responsibility for school funding. In their lawsuit, parents of Baltimore City school children seek to hold the State Board of Education accountable for its severe underfunding of Baltimore City Public Schools and its failure to provide a constitutionally-adequate education for their children.

The Legal Defense Fund, ACLU of Maryland, and BakerHostetler jointly filed [their own motion for summary judgment](#) in August 2022, in which they presented significant evidence of the underfunding of Baltimore City Public Schools and cited Maryland’s constitutional guarantee of an adequate education under contemporary standards for every schoolchild..

“The latest decision in the *Bradford* litigation runs afoul of previous rulings that recognized the State's failure to comply with the Maryland Constitution and prompted increased funding to Baltimore City Schools earlier in this litigation,” said **Alaizah Koorji of the Legal Defense Fund**. “But the State never provided a lasting solution, forcing additional generations of children

– the majority of whom are Black and Brown – to attend school in dilapidated and unsafe buildings without the resources they need to succeed. The children of Baltimore City deserve more than a ‘basic’ education, and the law demands more. We will continue to fight for the education rights of Baltimore City’s children.”

This important lawsuit, brought by families championing the state constitutional right to a “thorough and efficient” education for students in Baltimore City, spans nearly three decades. In 1996, 2000, 2002, and 2004, Maryland Courts repeatedly found that funding for Baltimore City schools was constitutionally inadequate. Yet, a permanent plan was never implemented that addressed structural inequity for students in Baltimore City, where generations of Black and Brown children have been denied adequate and equitable resources compared to the wealthier school systems that surround them.

In a 2017 [report](#), the State admitted that Baltimore City schools were underfunded by \$342 million. This is 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, the State of Maryland neglected its constitutional duty to adequately fund City Schools.

The Circuit Court’s interpretation of Maryland’s constitution stands in contrast to rulings in other states. Courts in New Jersey, Ohio, Wyoming, and Arizona, for example, held their States liable for failing to provide adequate funding to school systems based on similarly-worded guarantees of education in their constitutions.

“I call on the Governor to ensure that the Maryland Constitution does in fact guarantee our children the right to more than just the bare minimum, or most ‘basic education’ — an inequitable, dangerous, and antiquated idea that our state must reject,” said **Dana Vickers Shelley, Executive Director of the ACLU of Maryland**. “If this ruling is allowed to stand, it would mean children’s rights to public education enshrined in our State Constitution are nothing more than a hollow promise, just a ‘political question,’ beyond the reach of the courts, and left to the whims of the legislature.”

Despite the ruling, Plaintiffs and advocates are committed to further action to increase funding and improve conditions for BCPSS.

“Although we are disappointed with this decision, failing our kids is not an option, so we must not lose hope,” said **Shawanda McCray, a Plaintiff** in the lawsuit whose child attends Baltimore City Public Schools. “We remain hopeful that the wrongs of the past and present will soon be rectified. Measures to ensure a brighter future for our kids are long overdue.”

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

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