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New Legal Filing Defends the Education Rights of Children in Baltimore, Calls for Maryland to Finally Realize Structural Equity in School Funding

On Friday August 12, 2022, to ensure the right to education is protected for all students, the Legal Defense Fund, ACLU of Maryland, and BakerHostetler filed a motion for summary judgment on behalf of children in Baltimore City Public Schools in the Circuit Court for Baltimore City seeking a summary judgment from the Court against the Maryland State Board of Education for its chronic and continued failure to provide constitutionally adequate educational opportunities to students. Additionally, plaintiffs are seeking further relief under the previously enacted consent decree to bring the state into compliance with obligations required by the state constitution.

“What I’m looking for is equality all the way around the board,” said **BCPSS parent and plaintiff Ayanna Neal**. “What I want to see is a change with the fact that every school in Baltimore City is below average.”

In 1996, 2000, 2002, and 2004, [Maryland Courts repeatedly found](#) funding for Baltimore City schools to be constitutionally inadequate. Yet, a permanent plan is still needed to realize structural equity 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. By the State’s own calculation, the estimated gap between what the State should have provided since 2017 and what it has provided is more than 1/3 of a billion dollars per year. It is the State of Maryland’s duty to ensure that the education rights of all students are upheld by meeting that funding gap.

Following the implementation of the Thornton funding formula in 2002 through the Bridge to Excellence Act, the state attempted to correct for historical funding gaps facing BCPSS with increased financial support. But starting with the arrival of the Great Recession in 2008, the state of Maryland abandoned a commitment to equity and stopped adjusting the funding formula for inflation, leading to millions of lost funds for districts like Baltimore City – that could not close the gap with local tax dollars – that continues to this day.

The filing argues, “the State has not funded constitutionally-adequate school operations and instructional functions, nor provided the amounts needed to fix all the deteriorated school facilities in Baltimore City.” Generations of underfunding has meant that Baltimore City children attend schools that have:

- Insufficient numbers of experienced, qualified teachers;
- Class sizes that are too large;
- Inadequate numbers of guidance counselors, school psychologists, librarians, library aides, and teachers’ aides;
- Insufficient custodial staff and funds for regular maintenance;
- Inadequate heat and lighting, and no A/C;
- Not prepared them for college or employment after graduation.

“Another generation of Baltimore parents is seeking to ensure that their children are able to thrive in the city’s public school system,” said **Arielle Humphries, assistant counsel at the Legal Defense Fund**. “It is imperative that the State of Maryland break the cycle of chronically underfunding BCPSS and deliver the steady, adequate funding and resources that it is constitutionally obligated to provide so that students can learn in a safe and nurturing environment.”

Recent legislation does not fill this cumulative gap. Kirwan/Blueprint funding will be phased in over at least a decade, meaning another generation of students will go without constitutionally adequate funding. And the Built to Learn Act and 21st Century Building Program do not provide enough funding to renovate or repair all of the facilities in Baltimore City schools that desperately need it.

“I’m suing to give our kids in Baltimore City schools what they are entitled to and deserve,” said **BCPSS parent and plaintiff Shawanda Clark-McCray**. “I would like every kid in Baltimore City to get what they deserve because every kid in Baltimore City Schools has the potential to change our whole entire world if we give them the tools they need.”

Plaintiffs first initiated this lawsuit in 1994. In the proceeding years, plaintiffs have continually sought to reverse Maryland’s pattern of underfunding Baltimore City Public Schools, which has left Baltimore students behind their peers in other Maryland school districts as well as comparably sized districts throughout the nation.

“Again and again, Maryland courts have made clear that the State of Maryland has not fulfilled the promise of the right to an education in our state constitution for students in Baltimore City,” said **Deborah Jeon, Legal Director for the ACLU of Maryland**. “Now, we have the opportunity to right a wrong that has been perpetuated for generations, and structurally fix the compounded inequity that has made it far harder for Black and Brown students in Baltimore to realize their education dreams than for students in other jurisdictions in Maryland.”

Read the full filing [here](#).

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary 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.

The ACLU of Maryland, founded in 1931, exists to empower Marylanders to exercise their rights so that the law values and uplifts their humanity. Our vision is to realize a Maryland where people are united in affirming and exercising their rights in order to address inequities and fulfill the country's unrealized promise of justice and freedom for all.