

Frequently Asked Questions

Bradford v. Maryland State Board of Education

1. Are you suing the State of Maryland or Baltimore City?

We are suing the **Maryland State Board of Education** because the State has consistently underfunded public schools in Baltimore City for decades.

This is a violation of Maryland's Constitution, which requires that the State provide sufficient funds to its school systems so that all children in Maryland receive an education that prepares them to be successful in life. In *Bradford v. Maryland State Board of Education*, we make the case that the State has not complied with the Maryland constitution, nor with the Court's prior orders. Judicial intervention is needed to require the State to provide adequate financial support to educate Baltimore City public schoolchildren.

2. Are you suing the Baltimore City government, too?

The *Bradford v. Maryland State Board of Education* case is an ongoing lawsuit against the Maryland State Board of Education, not against the City of Baltimore. The aim of the litigation is to require the State government to provide children of Baltimore City public schools the "thorough and efficient" education guaranteed by the Maryland Constitution. Although state law also requires Baltimore City to contribute a certain level of annual funding to Baltimore City Public Schools, the lawsuit focuses on the State's failure to provide enough funding to meet its constitutional obligation.

3. Does *Bradford v. Maryland State Board of Education* only impact Baltimore City?

The *Bradford v. Maryland State Board of Education* Plaintiffs are children who attend Baltimore City Public Schools and their parents. They bring this lawsuit on behalf of all Baltimore City schoolchildren whose constitutional right to a thorough and efficient education continues to be violated by the State's underfunding of the City's public schools.

While the case is focused on obtaining adequate State funding for the education of children in Baltimore City Public Schools, prior rulings in *Bradford* have

provided guidance on what a constitutionally adequate education means more broadly, leading to legislative changes that improved education for many children across the state.

For example, the *Bradford* litigation led to the establishment of the "Thornton" Commission, which was charged with developing recommendations for the state's education financing system to provide adequate and equitable funding for all 24 Maryland school districts. Certain recommendations from the Commission were enacted in the *Bridge to Excellence in Public Schools Act* in 2002.

4. Is the Baltimore City Public School System involved in this lawsuit?

The *Bradford v. Maryland State Board of Education* lawsuit is against the Maryland State Board of Education, not the Baltimore City Public School System. The school system is a party in the case, and it is involved in the litigation since it receives funding from the State and agrees with the *Bradford* Plaintiffs that constitutionally adequate funding has not been, and is not being, provided. If the *Bradford* plaintiffs are successful, then the Baltimore City Public School System will receive the additional funding the *Bradford* plaintiffs seek.

5. Why are you suing the State now?

This case first began in 1994, and decades later, Baltimore City's public schoolchildren are still being denied the education they deserve. In 2019, a group of concerned parents and civil rights organizations brought a petition for further relief in the *Bradford* case to vindicate the constitutional right of students in the Baltimore City Public Schools to receive an adequate education as measured by contemporary standards. Decades-long underfunding has denied generations of children of Baltimore City Public Schools, who are primarily Black, along with a growing population of Latinx/e Students of Color, their right to an adequate education and has prevented them from realizing their dreams and full potential.

6. Didn't the Kirwan Commission and *Blueprint* legislation fix education funding issues?

No, the State's "Kirwan" Commission and *Blueprint* legislation did not fix all education funding issues in Baltimore City. The Commission made recommendations for the improvement of education in the state after finding that the funding of public schools in Maryland is "regressive," which means it favors wealthy districts. Certain "Kirwan" Commission recommendations were adopted

in the *Blueprint for Maryland's Future Act* in 2021. But the *Blueprint Act* is designed to supplement the programs and facilities funded by the *Bridge Act*, and Baltimore City Public Schools never received full *Bridge Act* funding. The *Blueprint Act* thus does not address the fundamental inadequacies and inequities faced for decades by children in Baltimore City public schools. Nor does it address the massive funding gap for Baltimore City Public Schools. The State's Division of Legislative Services calculated in 2017 that City Schools were underfunded by at least \$342 million annually.

Funding for Baltimore City public schools under the *Blueprint Act* is not scheduled to be fully phased-in for twelve years; and the funding has not been fully appropriated or identified to date. Just as the full funding promised by the *Bridge to Excellence Act* was never, in fact, provided, there is no guarantee that full *Blueprint Act* funding will be provided to Baltimore City Public Schools.

Even if the *Blueprint* were fully funded, that funding will not cover the complete range of educational programs and staffing needed by Baltimore City Public Schools to fulfill the State's constitutional obligations.

7. Didn't former Governor Hogan provide record education funding?

Although the *Blueprint Act* passed during Governor Hogan's tenure, he took multiple actions to limit its scope. Governor Hogan actually vetoed the *Blueprint Act*, and the bill was ultimately passed by a vote overriding his veto. Then, Governor Hogan again tried to avoid funding the additional appropriation the *Blueprint* required for Baltimore City.

8. What about funding for school facilities, like the 21st Century School Buildings Program and the *Built to Learn Act*?

The ACLU worked with city school communities to pass the 21st Century School Buildings Program in 2013. That program secured \$1 billion to begin rebuilding Baltimore's deteriorating school facilities. The *Built to Learn Act of 2020* provides an additional \$420 million. Together, the two programs will provide approximately 35 newly built or fully renovated schools. Although desperately needed, these 35 buildings represent just 25% of the city school system's facilities inventory. There will still be 89 school buildings that do not meet minimum standards.

9. What are Baltimore City's public school buildings like?

From 2016 to 2020, an engineering firm called EMG visited and assessed every facility in the Baltimore City Public Schools' portfolio. Of the 118 schools EMG visited, 70 had notable fire and safety deficiencies, 55 had notable HVAC failures, 53 had notable leaks and damage to the roofs, and 45 had notable cracks and damage to the walls.

The well-documented problems confronted by the children who attend Baltimore City Schools include lack of drinkable water due to un-remediated lead in water pipes, mold, and infestations of rodents and insects. Schools frequently close for a day or more at a time because they lack sufficient heat or air conditioning. Many schools lack adequate science labs, adequate computers, equipment for various career and technology programs, and adequate libraries.

10. What exactly does the *Bradford v. Maryland State Board of Education* lawsuit ask for?

We are seeking the resources children in the Baltimore City's public schools need to ensure they receive an education that meets Maryland's constitutional requirements. Baltimore City Public Schools are underfunded by hundreds of millions of dollars every year, and decades of disinvestment by the State has left the system in a deficient condition.

We are asking the Court to declare that the State has been violating and continues to violate Maryland's constitutional guarantee that all children receive a "thorough and efficient" education.

We are further asking the Court to require the State to make good on the Constitution's promise to this generation of children in Baltimore City, so they won't have their dreams deferred by an inadequate education. This will require significant investments in academic programming and related school services, and in rebuilding deteriorating city school facilities.

It is time to end the serious racial inequities and disparities in education funding in Maryland.

11. Doesn't Baltimore City have high per-pupil spending, indeed one of the highest in the nation?

No, in fact, Baltimore City's per-pupil spending is not high enough, particularly given the needs of its student body. Moreover, when compared to all school districts across the country, Baltimore City is nowhere near the top.

Baltimore City has among the largest percentages in Maryland of students who are from households with low incomes, who are English Language Learners, or who require special education services. The State agrees that students with these characteristics require additional resources and services to support their educational achievement. This requires additional funding and leads Baltimore City to have higher per-pupil spending than surrounding districts who do not have as high of a proportion of their student body with these needs.

Even so, the State itself reported that Baltimore City schools needed \$342 million more than it provided in 2017. The school district reports a lack of sufficient funding to provide all the math and foreign language classes that students should have, to adequately serve special education students and English language learners, to offer the full range of art, music, dance, and drama required by the State's own regulations, to keep class sizes manageable, and to ensure adequate facilities maintenance and operations.

Further, Baltimore students and families endure the harmful legacy of racism and oppression, which strains their ability to access certain employment opportunities, own quality homes, and build wealth. This negative legacy affects nearly all the neighborhoods in the city.

12. Isn't the real problem mismanagement by Baltimore City schools?

The Maryland State Board of Education, the defendant in the *Bradford* litigation, has not even raised the argument that the problem is mismanagement. Instead, the Maryland State Board of Education has argued that the *Blueprint* and other funding fix the problem. But as discussed above, this is still not enough.

That said, management issues may arise in any large school system, given the challenges presented by large numbers of schools, thousands of staff, and tens of

thousands of students and their families. Decades of underfunding and a current lack of resources only exacerbate management issues.

13. What is the status of the *Bradford* case now?

On March 3, 2023, the Court granted the State’s motion for summary judgment, ruling against the *Bradford* Plaintiffs. In a decision that conflicts with the Court’s prior decisions in this litigation, the Court held that the issue of appropriating funding for schools is a “political question” to be decided solely by the state legislature. This contradicts the Court’s previous decisions in this litigation where it declared that the State’s severe underfunding of Baltimore City Public Schools violated the Maryland Constitution and prompted more funding to the school system.

In contrast to its prior orders requiring an “education that is adequate by contemporary educational standards,” the Court held that the Constitution “only requires an effort by the State to at most provide a basic education.” And, despite hundreds of pages of evidence showing significant underfunding in BCPSS and its negative effect on student learning, the Court held that the students were receiving a “basic” education.

The *Bradford* Plaintiffs will continue to advocate for increased funding to Baltimore City Schools.