

IN THE
CIRCUIT COURT FOR BALTIMORE CITY

_____)
KEITH A. BRADFORD, et al.,)

Plaintiffs,)

v.)

) Case No. 94340058/CE 189672

MARYLAND STATE BOARD OF)
EDUCATION, et al.,)

Defendants.)

_____)
BOARD OF SCHOOL COMMISSIONERS OF)
BALTIMORE CITY, et al.,)

Plaintiffs,)

v.)

) Case No. 95258055/CL202151

MARYLAND STATE BOARD OF)
EDUCATION, et al.,)

Defendants.)

**THE *BRADFORD* PLAINTIFFS' MOTION FOR A DECLARATION
ENSURING CONTINUED PROGRESS TOWARDS COMPLIANCE
WITH COURT ORDERS AND CONSTITUTIONAL REQUIREMENTS**

The *Bradford* plaintiffs respectfully submit this motion for a declaration that, until the Court’s June 2000 order is fully satisfied and the Baltimore City Public School System (“BCPSS”) is providing a “thorough and efficient” education to its students as required by Article VIII of Maryland’s constitution, the BCPSS must continue its progress towards adequacy, and may not offer reduced educational opportunities to children, and a further declaration that, in order to address the current fiscal crisis, the parties propose to engage in precisely such a

reduction of educational opportunities. In support of this motion, the *Bradford* plaintiffs state the following:

1. Since September 1996, when this Court first found that students in Baltimore City were receiving an inadequate education when measured by contemporary education standards, this court has supervised a gradual, phased-in remedy designed to bring the BCPSS in compliance with the Maryland constitution's guarantee of a "thorough and efficient" education.

2. In June 2000, this Court ruled that the constitutional violation it found in 1996 was continuing and declared that an increase in State funds of \$2000 to \$2600 per student was necessary to satisfy constitutional standards.

3. In June 2002, this Court held that continued Court supervision was appropriate because the State "had yet to comply with the Court's June 2000 order" and because full Thornton funding, although scheduled to result in full compliance with the June 2000 order by 2008, was uncertain.

4. That phased-in remedy, and BCPSS' slow movement towards additional funding and increased scores, is now in jeopardy because of the current fiscal crisis.

5. To address the cash-flow crisis that BCPSS was facing in the second half of FY 2004, the City provided a short-term loan of \$42 million in March 2004, and BCPSS has promised to repay \$34 million of the loan in August 2004, and the remaining \$8 million by the end of FY 2006.

6. The Board and the City have both submitted plans to the Court laying out their strategies to deal with the fiscal crisis. BCPSS plans to retire its accumulated \$58 million deficit in just two years, \$45 million by FY 2005, and \$13 million by FY 2006, and to accrue a additional "surplus" of \$10 million each year.

7. The Financial Recovery Plan ("FRP") and other information submitted by the Board and the City, however, reveal that to accomplish these goals – elimination of the deficit and repayment to the City by 2006, the educational opportunities available to students of BCPSS are being reduced.

8. Instead of continuing its slow progression towards adequacy, a substantial portion of the funds that BCPSS plans to devote to reduce the deficit this year can be attributed directly to decreased educational opportunities.

9. The BCPSS' plan, for instance, calls for elimination of systemic summer school for at-risk children in elementary and middle school, an increase in class sizes, the elimination of guidance counselors and other specialists, to encourage retirement or attrition of skilled and experienced teachers and principals, and other similar reductions that will adversely effect the quality of education being provided to Baltimore students.

10. To ensure that the BCPSS does not lose ground and to further the system's progress towards adequacy, the *Bradford* plaintiffs seeks a declaration from the Court preserving that gradual remedy, and directing the State, City and Board to revisit their plans to address the fiscal crisis to make certain that the funds available to educate students in the 2004-05 school year are sufficient to ensure continued progress in the direction of that remedy.

11. The Court has set an evidentiary hearing on July 22 and 23 to address this motion, among other pending questions.

For the foregoing reasons, this Court should grant the *Bradford* plaintiffs' motion and, based on the evidence cited in the attached memorandum and the evidence to be submitted at the hearing on this matter, issue the necessary and appropriate declarations to preserve progress towards the phased-in remedy and the constitutionally-adequate education to which the children of BCPSS are entitled.

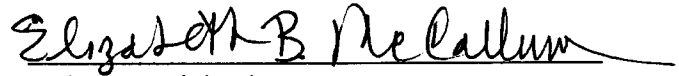
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