# App. 1

KEITH BRADFORD, et al.,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
<b>v.</b>	*	FOR
MARYLAND STATE BOARD OF EDUCATION, <i>et al.</i> ,	*	<b>BALTIMORE CITY, PART 23</b>
Defendants.	*	Case No.: 24-C-94-340058

#### **ORDER**

Upon consideration of Keith Bradford's, et al. ("Plaintiffs") Motion for Summary Judgment (docket#00250000), filed August 12, 2022, Maryland State Board of Education's ("MSBE") Motion for Summary Judgment (docket#00246000), filed on August 12, 2022, the Mayor and City Council of Baltimore's (the "City") Third-Party Defendant Mayor and City Council of Baltimore's Motion for Summary Judgment (docket#00249000), filed August 12, 2022, MSBE's Opposition to the Private Plaintiffs' Motion for Summary Judgment and for Further Orders Pursuant to the Declaratory Judgment Act (docket#00250001), filed October 4, 2022, MSBE's Opposition to Third Party-Defendant Mayor and City Council of Baltimore's Motion for Summary Judgment (docket#00249003), filed October 4, 2022, Plaintiffs' Opposition to MSBE's Motion for Summary Judgment (docket#00249002), filed October 4, 2022, MSBE's Reply in Further Support of its Motion for Summary Judgment (docket#00261001), filed October 28, 2022, the City's Reply in Support of the City's Motion for Summary Judgment (docket#00249004), filed October 27, 2022, Plaintiffs' Reply in Support of Their Motion for Summary Judgment and for Further Order Pursuant to the Declaratory Judgment Act (docket#00250002), filed October 28, 2022, Plaintiffs' Proposed Conclusions of

Law (docket#00270000), filed January 13, 2023, MSBE's Proposed Conclusions of Law as to the Pending Motions for Summary Judgement (docket#00250004), filed January 13, 2023, the City's Proposed Conclusions of Law (docket#00250003), filed January 13, 2023, and arguments presented at the hearing held before the undersigned on December 14, 2022 (docket#00266000), it is this 3rd day of March 2023, by the Circuit Court for Baltimore City, Part 23, hereby

**ORDERED** that Plaintiffs' Motion for Summary Judgement (docket#00250000), be and the same, is hereby **DENIED**; and it is further

**ORDERED** that MSBE's Motion for Summary Judgement (docket#00246000), is hereby **GRANTED**; and it is further

**ORDERED** that the City's Motion for Summary Judgement (docket#00249000), is hereby **GRANTED**.

## AUDREY J.S. CARRION Part 23 Judge's Signature appears on the original document

The Honorable Audrey J.S. Carrión Circuit Court for Baltimore City Case No.: 24-C-94-340058

CC:

Elizabeth McCallum, Esq. Danyll Foix, Esq. Baker & Holstetler, LLP 1050 Connecticut Ave. NW Washington, DC 20036 Counsel for Plaintiffs

Deborah Jeon, Esq. Tierney Peprah, Esq. ACLU of Maryland 3600 Clipper Mill Rd., Suite 350 Baltimore, MD 21211 Counsel for Plaintiffs

Ajmel Quereshi, Esq. NAACP Legal Defense Fund 700 14<sup>th</sup> St. NW, 6<sup>th</sup> Floor

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Xavier A. Conaway, Clerk of the Circuit Court

Washington, DC 20005 Counsel for Plaintiffs

Sherrilyn Ifill, Esq. Cara McClellan, Esq. NAACP Legal Defense Fund 40 Rector St., 5<sup>th</sup> Floor New York, NY 10006 *Counsel for Plaintiffs* 

Arielle Humphries, Esq. Assistant Counsel NAACP Legal Defense & Educational Fund Inc. 40 rector Street, 5th Floor New York, N.Y. 10006 *Counsel for Plaintiffs* 

Steven M. Sullivan, Esq. Elliot L. Schoen, Esq., Assistant Attorneys General 200 Saint Paul Pl., 19<sup>th</sup> Floor Baltimore, MD 21202 *Counsel for Defendant Maryland State Board of Education* 

Charles Monk, II, Esq. Jason St. John, Esq. Mark Simanowith, Esq., Saul Ewing Arnstein & Lehr LLP 500 E. Pratt St., Suite 800 Baltimore, MD 21202 Counsel for Defendant Maryland State Board of Education

Warren Weaver, Esq. Ilana Subar, Esq. Whiteford, Taylor & Preston, L.L.P. 7 Saint Paul St., Suite 1500 Baltimore, MD 21202 Counsel for Defendant Baltimore City Board of School Commissioners

Stephen Salsbury Baltimore City Law Department 100 N. Holliday Street, Suite 101 Baltimore, MD 21202 Counsel for Third-Party Defendants Mayor & City Council of Baltimore

copies sent via U.S. Mail

KEITH BRADFORD, et al.,	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
<b>v.</b>	*	FOR
MARYLAND STATE BOARD OF EDUCATION, <i>et al.</i> ,	*	BALTIMORE CITY, PART 23
Defendants.	*	Case No.: 24-C-94-340058

#### **MEMORANDUM OPINION**

This matter comes before this Court on Keith Bradford's, et al. ("Plaintiffs") Motion for Summary Judgment (docket#00250000), filed August 12, 2022, Maryland State Board of Education's ("MSBE") Motion for Summary Judgment (docket#00246000), filed on August 12, 2022, the Mayor and City Council of Baltimore's (the "City") Third-Party Defendant Mayor and City Council of Baltimore's Motion for Summary Judgment (docket#00249000), filed August 12, 2022, MSBE's Opposition to the Private Plaintiffs' Motion for Summary Judgment and for Further Orders Pursuant to the Declaratory Judgment Act (docket#00250001), filed October 4, 2022, MSBE's Opposition to Third Party-Defendant Mayor and City Council of Baltimore's Motion for Summary Judgment (docket#00249003), filed October 4, 2022, Plaintiffs' Opposition to MSBE's Motion for Summary Judgment (docket#00249002), filed October 4, 2022, MSBE's Reply in Further Support of its Motion for Summary Judgment (docket#00261001), filed October 28, 2022, the City's Reply in Support of the City's Motion for Summary Judgment (docket#00249004), filed October 27, 2022, Plaintiffs' Reply in Support of Their Motion for Summary Judgment and for Further Order Pursuant to the Declaratory Judgment Act (docket#00250002), filed October 28, 2022, Plaintiffs' Proposed Conclusions of Law (docket#00270000), filed January 13, 2023, MSBE's Proposed Conclusions of Law as to

*the Pending Motions for Summary Judgment* (docket#00250004), filed January 13, 2023, the City's *Proposed Conclusions of Law* (docket#00250003), filed January 13, 2023, and arguments presented at the hearing held before the undersigned on December 14, 2022 (docket#00266000).

### I. FACTS & PROCEDURAL HISTORY

This Court incorporates by reference its August 13, 2021, Memorandum Opinion which describes the history of this case. *See* Aug. 13, 2021, Mem. Op. at 1-10 (docket#00172000).

After this Court denied MSBE's first *Motion to Dismiss Plaintiff's Petition for Further Relief* (docket#00105000), MSBE filed a second motion to dismiss in November 2021 which the Court denied in March 2022 (docket#00189000). MSBE appealed this second denial and moved to stay proceedings. This Court denied the motion to stay (docket#00195000; 00199000). MSBE sought a stay in the Appellate Court of Maryland which was denied. *Maryland State Bd. of Educ. v. Bradford*, Case No. CSA-REG-0201-2022 (Md. Ct. Spec. App. May 11, 2022). MSBE's writ of certiorari with the Supreme Court of Maryland was also denied. *Maryland State Bd. of Educ. v. Bradford*, Case No. CSA-REG-0201-2022 (Md. Ct. Spec. App. July 8, 2022).<sup>1</sup>

On August 12, 2022, Plaintiffs and MSBE filed cross-motions for summary judgment in this matter based on Plaintiffs' petition for further relief which alleged violations of the Maryland Constitution, failure to comply with the Consent Decree and this Court's prior declarations, and for further relief pursuant to the Maryland Declaratory Judgments Act ("Declaratory Judgments Act"). *See* MD. CONST., ART. VIII, § 1 ("The General Assembly...shall by law establish throughout the State a thorough and efficient System of Free Public

<sup>&</sup>lt;sup>1</sup> Effective December 14, 2022, the Court of Special Appeals is now named the "Appellate Court of Maryland" and the Court of Appeals is now named the "Supreme Court of Maryland." *See* News Release, Maryland Courts, Government Relations and Public Affairs, Voter-approved constitutional change renames high courts to Supreme and Appellate Court of Maryland (Dec. 14, 2022), <u>https://www.courts.state.md.us/media/news/2022/pr20221214</u>.

Schools[.]"); Md. Courts & Judicial Proc. Code, § 3-412(a) ("[f]urther relief based on a declaratory judgment or decree may be granted if necessary or proper"); Plaintiffs' *Motion for Summary Judgment* (docket#00250000); MSBE's *Motion for Summary Judgment* (docket#00246000).

Plaintiffs now argue that MSBE has underfunded the Baltimore City Public School System ("BCPSS") in violation of the Maryland Constitution, the Consent Decree, and prior orders of this Court and seek both declaratory relief affirming these violations and further relief, including additional monetary funding from MSBE to fill an alleged funding adequacy gap and development of a comprehensive plan to comply with the Maryland Constitution and this Court's prior orders, among other requests. Pl. Mot. SMJ at 2-5.

MSBE argues that they have not violated the Consent Decree or the Court's declarations and that no constitutional violations exist. MSBE Mot. SMJ at 33-36. MSBE states that: (1) Plaintiffs lack standing; (2) Plaintiffs cannot obtain the sought-after relief under the Declaratory Judgments Act; (3) the Court does not have grounds for continuing jurisdiction under the Consent Decree; (4) Plaintiffs' petition is moot because of the Maryland General Assembly's passage of the Blueprint for Maryland's Future Act, Built to Learn Act of 2020, and the allocation of federal funding; and (5) the requested relief presents a non-justiciable political question. MSBE Mot. SMJ at 1-2.

On August 12, 2022, the City filed a motion for summary judgment regarding their claim with Third-Party Plaintiff, MSBE. The City claims that MSBE's 1995 Third-Party Complaint filed against it is moot, and that no fresh claims or allegations have been brought against it. City Mot. SMJ at 1-2.

### II. ANALYSIS

#### A. Summary Judgment

Maryland Rule 2-501(a) provides, in relevant part: "[a]ny party may file a written motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact *and* that the party is entitled to judgment as a matter of law." Md. Rule 2-501 (emphasis added). ""A material fact is a fact the resolution of which will somehow affect the outcome of the case." *Grimes v. Kennedy Krieger Inst., Inc.*, 366 Md. 29, 72 (2001) (quoting *King v. Bankerd*, 303 Md. 98, 111 (1985)). "If the pleadings, depositions, admissions, and affidavits, if any, show that there is no genuine dispute as to any material fact and that the moving party is entitled to judgment as a matter of law, then summary judgment should be granted." *Rooney v. Statewide Plumbing & Heating-Gen. Contractors, Inc.*, 265 Md. 559, 563 (1972). "The purpose of summary judgment is to determine whether there are facts in dispute that must be resolved through a more formal resolution process, such as a trial on the merits. Thus, in order to defeat a motion for summary judgment, the party opposing the motion must present admissible evidence demonstrating the existence of a dispute of material fact." *Hines v. French*, 157 Md.App. 536, 549 (2004).

"In granting or denying a motion for summary judgment a judge makes no finding of fact." *King*, 303 Md. at 110-111. It is not the Court's endeavor to resolve disputes of fact but to determine whether they exist and are sufficiently material to be tried. *Newell v. Runnels*, 407 Md. 578, 607 (2009). "[M]ere general allegations or conclusory assertions which do not show facts in detail and with precision will not suffice to overcome a motion for summary judgment." *Educational Testing Service v. Hildebrant*, 399 Md. 128, 139 (2007). Any inferences that are to

be reasonably drawn from the facts should be construed in favor of the party opposing summary judgment and against the moving party. *Gourdine v. Crews*, 405 Md. 722, 735 (2008); *Frederick Rd. Ltd. Partnership v. Brown & Sturm*, 360 Md. 76, 94 (1995).

A trial court may grant a declaratory judgment at the summary judgment stage. *Pine Orchard Community Ass'n, Inc. v. Piney Pad A, LLC,* 221 Md. App. 196, 206 (2015). But, "granting summary judgment in a declaratory judgment action is the exception rather than the rule, circumstances may warrant the entry of a full or partial summary judgment in such a context." Messing v. Bank of America, N.A., 373 Md. 672, 684 (2003); see Dart Drug Corp. v. *Hechinger Co.*, 272 Md. 15, 29 (1974)( "[w]hile a declaratory decree need not be in any particular form, it must pass upon and adjudicate the issues raised in the proceeding, to the end that the rights of the parties are clearly delineated and the controversy terminated[.]"). Where a controversy in a declaratory judgment action can be appropriately resolved through summary judgment, "the court must define the rights and obligations of the parties or the status of the thing in controversy," in separate writing. *Allstate v. State Farm*, 363 Md. 106, 117 (2001); *Lovell Land, Inc. v. State Highway Admin.*, 408 Md. 242, 256 (2009).

#### 1. City's Motion for Summary Judgment

In support of their Motion for Summary Judgment, the City claims that they should be dismissed as a third-party to the present litigation because the Consent Decree entered into by the parties moots any original claim brought against the City in 1995 and no new claims have been brought or presented against the City since the original third-party complaint. City Mot. SMJ at 1-2. The City argues the original third-party complaint alleged four reasons why the City had been responsible for the inadequacies in BCPSS, including failing to implement management

reforms, failing to properly utilize fiscal resources, failing to meet state standards, and failing to implement uniform curriculum. City Mot. SMJ at 13. The City argues the facts alleged in this complaint all relate to action that occurred prior to 1995 and were then mooted by the adoption of the Consent Decree. City Mot. SMJ at 14. Through the adoption of the Consent Decree the City argues it had relinquished control of BCPSS management in lieu of a city-state partnership. City Mot. SMJ at 14-16. Although, the City concedes that this Court's August 13, 2021 decision places it into a position of responsibility when it comes to exerting control over the New School Board of Commissioners established by the Consent Decree, the City reasons the current claims have no relation to the third-party complaint which they argue is now moot. City Mot. SMJ at 15-16; *see* Aug. 13, 2021, Mem. Op. at 20 (docket#00172000).

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Further, the City claims no new third-party complaint has been brought against them under Md. R. 2-332(a). City Mem. Op. 16; Md. R. 2-332(a) (setting out requirements for a defendant to bring a third-party defendant into an action). The City also argues there is no claim for derivative liability as there is no connection between the City's conduct as alleged in 1995 and the Plaintiffs' current claims of constitutionality. City Mot. SMJ at 17-20. The City claims they cannot be found liable or answerable in any part to Plaintiffs because the claims are only alleging MSBE's funding of BCPSS, of which the City plays no role. City Mot. SMJ at 19-21.

In opposition, MSBE claims that according to Md. R. 2-211(a) the City is a necessary party and should not be dismissed from the action. MSBE Opp. to City at 8-11; Md. R. 2-211(a) (requiring a person to be joined as a party to an action where complete relief cannot be afforded without the party or disposition of the action without the party would impede the person's ability to protect a claimed interest at stake). MSBE argues because the City is a party to the Consent

Decree any outcome from this action that clarifies the parties' obligations under the Consent Decree may impact the City indirectly or directly. MSBE Opp. to City at 10-11. It contends that the City is obligated to appropriate substantial funding to BCPSS on an annual basis and owns the facilities in which BCPSS inhabits, therefore the City may be subject to an order impacting its rights as "landlords" of the property. MSBE Opp. to City at 11. Lastly, MSBE claims the City has been an active participant in this litigation after entering into the Consent Decree and should continue as such. MSBE Opp. to City at 11-12.

The City's Motion for Summary Judgment is granted because no allegations have been made against the City. Maryland Rule 2-305 provides that a pleading "shall contain a clear statement of the facts necessary to constitute a cause of an action and demand for judgment for the relief sought." In the case of third-party practice, Maryland Rule 2-332(a) requires a defendant to serve a summons and complaint, as well as all other pleadings and papers, on a party they wish to bring into an action as a third-party defendant. Md. R. 2-332(a). These rules serve the purpose of preparing a defendant to reasonably raise a defense.

At this juncture, the City has not been presented with a claim against it. This Court's holding that the City must participate in discovery does not affect the finding that it has not been provided with a claim related to the Plaintiffs' Petition for Further Relief. August 13, 2021, Mem. Op. (docket#00172000).

MSBE's claim that the City is a necessary party pursuant to Maryland Rule 2-211 is not persuasive. MSBE Opp. to City at 8-11. Holding the City is a necessary party on the basis of it potentially being affected by the outcome of this case, either through its involvement with the Consent Decree or as a partial funder of the school system, is contrary to the record. The claims

presented in this matter fall squarely between MSBE and the Plaintiffs. To hold the City hostage as a necessary party because of an eventuality is an unconvincing argument.

There is no genuine dispute as to any material fact related to the City. The City is entitled to judgment as a matter of law.

#### 2. Plaintiffs' Motion for Summary Judgment

In their Motion for Summary Judgment Plaintiffs make two claims: (1) They are entitled to a declaratory judgment concluding that MSBE is in violation of ART. VIII, § 1 of the Maryland Constitution for underfunding BCPSS; and (2) relief pursuant to the Declaratory Judgments Act. Pl. Mot. SMJ at 35-50.

The Plaintiffs support their argument through the use of reports and studies alleging an adequacy gap in illustration of MSBE's constitutional violation. Notably, the Plaintiffs argue that based on Maryland Department of Legislative Services ("DLS") analysis, a substantial "adequacy gap" has existed between funding and the funding needed to provide an adequate education. Pl. Ex. 8, DLS Follow-up (2019). Last analyzed in 2017, the funding gap was calculated at \$342.3 million per year for BCPSS students. Pl. Mot. SMJ at 43; Pl. Ex. 8. Since this last analysis, the Plaintiffs claim the Maryland General Assembly has continuously failed to close the funding gap despite the passage of further legislation, including the Blueprint for Maryland's Future Act, arguing the Act's funding has yet to be realized. Pl. Mot. SMJ at 11; Pl. Ex. 12; 2021 Md. Laws Ch. 36 ("Blueprint Act").

Plaintiffs assert MSBE has violated the Maryland Constitution based on the disrepair of school facilities, alleging they have a constitutional duty to provide sufficient resources and adequate facilities. Pl. Mot. SMJ at 38-40; Pl. Ex. 65, Adequacy Standards & Facility

Assessment for IAC; Pl. Ex. 51, IAC Public School Construction (2013). In alleging violations of ART. VIII, § 1, Plaintiffs interpret the prior rulings of this Court to conclude the applicable standard in deducing a constitutional violation is whether the State has "established a right of all children in Maryland to an adequate education by contemporary educational standards[.]" Pl. Mot. SMJ at 43.

Plaintiffs' Motion for Summary Judgment is denied.

#### 3. MSBE's Motion for Summary Judgment

As noted before, MSBE puts forth several arguments in their claim for summary judgment. MSBE argues Plaintiffs lack standing because (a) they are not aggrieved and are not parties under the Consent Decree; (b) they have not shown that the adequacy of education or the quality of facilities have hindered the ability to learn; and (c) the Consent Decree should be interpreted as applying only to the children who attended BCPSS in 1994. MSBE Mot. SMJ at 30-33.

MSBE maintains that further relief under the Declaratory Judgment Act is unavailable because Plaintiffs: (a) do not allege violations under the Consent Decree or subsequent orders, and, even if violations were alleged under these mechanisms; (b) MSBE has fulfilled all of its obligations. MSBE Mot. SMJ at 33-36. Additionally, MSBE states this Court no longer has jurisdiction under paragraph 68 of the Consent Decree as "good cause" does not exist. MSBE contends that for "good cause" to exist, as held in the August 20, 2004 Order, there must be a question of compliance with this Court's June 30, 2000 Order. MSBE Mot. SMJ at 36-37; Aug. 20, 2004, Mem. Op. at 68 (docket#00050000). They argue, the Plaintiffs' claims relating to ART. VIII, § 1 are unrelated to the original basis for "good cause" of continuing jurisdiction as set out

in this Court's earlier orders and this Court may not proceed with jurisdiction over Plaintiffs' claims. MSBE Mot. SMJ at 37-38; *see generally* June 30, 2000, Mem. Op.; June 25, 2002, Mem. Op.; Aug. 20, 2004, Mem. Op.

MSBE argues that the relief requested by Plaintiffs has already been provided through the Blueprint Act, the Built to Learn Act, and enhanced federal funding through coronavirus disease relief legislation,<sup>2</sup> therefore the petition and Plaintiffs' claims are moot. *See* 2021 Md. Laws Ch. 36 ("Blueprint Act"); 2020 Md. Laws Ch. 20 ("Built to Learn Act"); Pub. Law 116-136 ("CARES Act"); Pub. Law 116-260 ("CRRSAA"); Pub. Law 117-2 ("ARP"). MSBE rejects Plaintiffs' claims that the Blueprint Act funding is not guaranteed and argue that the passage of legislation since the 2019 Petition has mooted any claims under the Declaratory Judgment Act. MSBE Mot. SMJ at 42-45.

Lastly, MSBE argues the relief requested to fulfill alleged funding mandates of this Court's prior orders raise non-justiciable political questions. In support of their claim, MSBE argues that under the two-part inquiry set out in *Estate of Burris* the requested relief is nonjusticiable because the question of funding appropriations relies solely in the political branches of government as instructed by the Maryland Constitution and the Supreme Court of Maryland's prior holding in *Hornbeck*. MSBE Mot. SMJ at 44-50; *see Estate of Burris v. State*, 360 Md. 721 (2000); *Hornbeck v. Somerset County Bd. of Educ.*, 296 Md. 597 (1983).

For the reasons as stated herein MSBE's Motion for Summary Judgment is granted.

<sup>&</sup>lt;sup>2</sup> The federal government passed several pieces of legislation in response to the coronavirus disease ("COVID-19") pandemic. Coronavirus Aid, Relief and Economic Security Act of 2020, Pub. Law 116-136 ("CARES Act"); Coronavirus Response and Relief Supplemental Appropriations Act of 2021, Pub. Law 116-260 ("CRRSAA"); American Rescue Plan Act of 2021, Pub. Law 117-2 ("ARP"). A portion of the funding provided by these pieces of legislation was allocated towards local education agencies and state agencies to address impacts from COVID-19 on elementary and secondary school education. *Id.* 

### **B.** The Declaratory Judgments Act

The Declaratory Judgments Act states, "[f]urther relief based on a declaratory judgment or decree may be granted if necessary or proper." Md. Courts & Judicial Proc. Code, § 3-412(a). The crucial question to whether an action is appropriate for a declaratory judgment is "whether the declaratory judgment would terminate the controversy and whether there are actual, concrete, and adverse claims or interests" between the parties. *DeWolfe v. Richmond*, 434 Md. 403, 433 (2012); § 3-409(a)(1). Generally, a declaratory judgment is a discretionary type of relief and "when a declaratory judgment action is brought and the controversy is not appropriate for resolution by declaratory judgment, the trial court is not compelled, nor expected, to enter a declaratory judgment." *Converge Services Group, LLC v. Curran*, 383 Md. 462, 477 (2004) (citing *Popham v. State Farm Mut. Ins. Co.*, 333 Md. 136, 140-41 (1993).

Under the Act, where a party's rights under a previous declaratory judgment have been violated a party may return to court to seek enforcement of those rights. *DeWolfe v. Richmond*, 434 Md. 403, 419-20 (2012); *Nova Research, Inc. v. Penske Truck Leasing Co.*, 405 Md. 435, 458 (2008) ("The statutory scheme expressly permits further relief based on a declaratory judgment if necessary or proper, either in a separate action or by application by a court who retains jurisdiction."). Further ancillary relief may only be granted where it is "necessary to implement a declaratory judgment" and a proceeding is held in which "the scope of such relief is determined." *Falls Rd. Community Ass'n, Inc. v. Baltimore County*, 437 Md. 115, 148 (2014) (citing *Bankers and Shippers Ins. Co. v. Electro Enterprises, Inc.*, 287 Md. 641, 653 (1980)). "If the issue raised in a declaratory judgment action is not justiciable because it has become moot, is purely abstract, or will not serve a useful purpose or terminate a controversy if resolved, the

complaint should be dismissed." *Stevenson v. Lanham*, 127 Md.App. 597, 613 (1999) (citing *Post v. Bregman*, 349 Md. 142, 159 (1998)).

Plaintiffs request this Court provide a declaratory judgment finding that MSBE has violated ART. VIII, § 1. Pl. Mot. SMJ at 35-41. MSBE argues the claims for further relief under the Declaratory Judgments Act do not survive here because the court only holds the power to provide further relief to implement prior decrees or declarations of the court. MSBE Mot. SMJ at 34; Md. Crts. & Jud. Proc. § 3-409. Even if Plaintiffs are requesting further relief based on violations of the Consent Decree or this Court's prior orders, MSBE argues, they still fail because MSBE has complied with all of its obligations through the Maryland General Assembly's allocation of funding and passage of recent legislation. MSBE cites to funding allocations made between 1998-2002 as well as other legislation passed in 1997. MSBE Mot. SMJ at 34-35. MSBE argues that since 2004, per-pupil funding for BCPSS students has exceeded the range offered by this Court's June 30, 2000 Order, as adjusted to account for inflation. MSBE Mot. SMJ at 35; MSBE Ex. N.

The prior orders of this Court do not provide a final declaratory judgment under which the Plaintiffs may seek further relief. In 1996, the Consent Decree was entered into by the parties to resolve the claims revolving around underfunding of Baltimore City Schools. In the following years Judge Kaplan provided several subsequent orders pursuant to the continuing jurisdiction of the Consent Decree. On June 30, 2000, Judge Kaplan entered an order in response to a request for additional relief under the Consent Decree which merely suggested additional funding as recommended by the Metis Report. *See* June 30, 2000, Mem. Op. at 15 (adopting the findings of independent evaluators hired by MSBE and the Baltimore City Board of School Commissioners,

referred to as the "Metis Report"). Judge Kaplan concludes by stating that, "the Court trusts that the State will act to bring itself into compliance with its constitutional and contractual obligations under the Consent Decree for the Fiscal Years 2001 and 2002 without the need for Plaintiffs to take further action." June 30, 2000, Mem. Op at 26.

In August of 2004, the Court once again suggested increased funding for the BCPSS but did not provide a final judgment. *See* Aug. 20, 2004, Mem. Op. On appeal, the Supreme Court of Maryland overturned much of Judge Kaplan's 2004 Order and Opinion. In its holding it found that there was no final judgment in the case at that time. *Maryland State Bd. of Educ. v. Bradford*, 387 Md. 353, 385 (2005). It held that the directives of the August 20, 2004 Order to increase funding to ensure constitutional adequacy "do not order anyone to do anything." *Bradford*, 387 Md. at 386. Accordingly, when "a court, in the course of its continuing jurisdiction in a case, makes pronouncements or declarations of one kind or another does not, of itself, imbue those final pronouncements or declarations with the status of final judgments." *Bradford*, 387 Md. at 385.

Without a final judgment, this Court cannot issue "further relief" under the Declaratory Judgments Act. *Falls Rd.*, 437 Md. at 148; *see Bradford*, 387 Md. at 385 ("There clearly has been no final judgment in this case."). Additionally, the Plaintiffs have not alleged any other specific violation of the Consent Decree or any of this Court's subsequent orders, therefore this Court has no basis to grant further relief for alleged violations of ART. VIII, § 1.

## C. Consent Decree

"A consent judgment or consent order is an agreement of the parties with respect to the resolution of the issues in the case or in settlement of the case, that has been embodied in a court

order and entered by the court, thus evidencing its acceptance by the court." *Long v. State*, 371 Md. 72, 82 (2002). Consent judgments hold dual attributes of contracts and judicial decrees and should normally be given the same force and effect as any other judgment. *Jones v. Hubbard*, 356 Md. 513, 532 (1999). Differing from a settlement agreement, "a consent decree adds a critical element to the contractual act – judicial conclusiveness." *Kirsner v. Fleischmann*, 261 Md. 164, 170 (1971). The consent decree is a "judgment and an order of court. Its only distinction is that it is a judgment that a court enters at the request of the parties." *Jones v. Hubbard*, 356 Md. 513, 528 (1999). It is a "well-established principle that a trial court retains jurisdiction to enforce consent decrees[.]" *Beckett v. Air Line Pilots Ass 'n*, 995 F.2d 280, 286 (D.C. Cir. 1993).

The consent decree memorializes the agreement of the parties and it is the parties' agreement that defines the scope of the decree. *Long v. State*, 371 Md. 72, 83-84 (2002). It is important that "the scope of a consent decree must be discerned within its four corners, and not by reference to what might satisfy the purpose of one of the parties to it." *Long v. State*, 371 Md. 72, 83 (2002). ""[T]he instrument must be construed as written...not as it might have been written had the plaintiff established his factual claims and legal theories in litigation."" *Id.* (quoting *United States v. Armour & Co.*, 402 U.S. 673, 681-82 (1971)).

MSBE claims in arguing the Plaintiffs cannot seek further relief under the Declaratory Judgments Act that Plaintiffs have failed, through written discovery and written argument, to show they seek relief under the Consent Decree or through one of this Court's prior subsequent orders. MSBE Mot. SMJ at 33. They argue Plaintiffs' petition concerns only the violation of ART. VIII, § 1 of the Maryland Constitution. MSBE Mot. SMJ at 33; MSBE Ex. L, at 11-12.

Plaintiffs respond that they have consistently argued that MSBE's violations of the Consent Decree and the Court's subsequent orders establish this Court's jurisdiction to hear the petition and the cause of the existing alleged adequacy gap. Pl. Opp. at 16.

This Court has repeatedly held that it retains jurisdiction under the terms of the Consent Decree to monitor and enforce compliance with its terms. *See generally* June 30, 2000, Mem. Op.; June 25, 2002, Mem. Op.; Aug. 20, 2004, Mem. Op; Jan. 16, 2020, Mem. Op. at 9-10 (docket#00105008). Although this Court does have jurisdiction to hear claims regarding a violation of the Consent Decree, here no allegations have been articulated that identify any specific violations. The Plaintiffs only allege general violations of the Consent Decree and this Court's subsequent orders based on violations of ART. VIII, § 1.

### D. Article VIII, § 1 of the Maryland Constitution

Article VIII of the Maryland Constitution states the Maryland General Assembly shall establish "a thorough and efficient System of Free Public Schools[.]" ART. VIII, § 1. The nature of the right to education and the role this right plays in funding of schools has been espoused in limited capacity, with the most prominent case being *Hornbeck v. Somerset County Bd. of Educ.*, 296 Md. 597 (1983).

In *Hornbeck*, the Supreme Court of Maryland reviewed a challenge to the constitutionality of Maryland statutes that governed the financing of public schools and the wide disparities that existed regarding taxable wealth and how that affected the fiscal capacities of poorer districts. *Id.* In its interpretation of the constitutionality of the statutory school funding schemes, it traced the history of ART. VIII, § 1. It noted the departure of the provision from its predecessor to lack any clear directive to the legislature in how funds should be apportioned or

provided. *Id.* at 630-32. It interpreted the provision to leave the matter for legislative determination and to at most provide a "basic" public school education. *Id.* at 632.

In support of its conclusions, the decision in *Hornbeck* proceeded to compare ART. VIII, § 1, to similar provisions in Maryland's sister states. Drawing contrast to successful constitutional challenges in New Jersey and West Virginia, it identified the comprehensive statewide qualitative standards that were established in Maryland and that were absent in those other suits.<sup>3</sup> *Id.* at 639. The *Hornbeck* Court stated, "[s]imply to show that the educational resources available in the poorer school districts are inferior to those in the rich districts does not mean that there is insufficient funding provided by the State's funding system." *Id.* The lack of evidence to support whether qualitative standards have not been met, or that efforts have not been made "to minimize the impact of undeniable and inevitable demographic and environmental disadvantages on any given child[,]" led the Court to the determination that the Maryland public education financing system had met the "thorough and efficient" test provided in ART. VIII, § 1. *Id.* 

Plaintiffs claim that MSBE is in violation of ART. VIII, § 1 of the Maryland Constitution for failure to adequately fund BCPSS and failure to comply with this Court's prior orders. The Plaintiffs rely on this Court's June 30, 2000 and August 20, 2004 decisions, as well as *Hornbeck*, to argue ART. VIII, § 1 provides a right to education that is adequate when measured by "contemporary educational standards." Pl. Mot. SMJ at 36. They claim that MSBE has been in

<sup>&</sup>lt;sup>3</sup> Both the New Jersey and West Virginia Constitutions provide for "thorough and efficient" system of free public schools. *Robinson v. Cahill*, 62 N.J. 473 (1973) (holding wealth-based spending disparities among school districts were unconstitutional because no statewide standards, creating a minimum mandated education, were provided); *Pauley v. Kelly*, 255 S.E.2d 859 (W.Va. 1979) (remanding a declaratory judgment action regarding secondary education funding disparities for the development of educational qualitative standards consistent with the constitutional directive).

repeated violation of this mandate as measured by this Court's August 20, 2004 opinion and order in relation to the Maryland Department of Legislative Services' adequacy gap calculations and will continue to violate the constitution unless the judiciary interferes. Pl. Mot. SMJ at 36-38; Pl. Ex. 8, DLS Follow-up (2019).

Further, they advance that the Blueprint Act is not guaranteed to be fully funded and that MSBE's failure to fully fund the recommendations made by the Thornton and Kirwan Commissions in light of a budget surplus demonstrate a failure to cure the alleged constitutional violations. Pl. Mot. SMJ at 38; Pl. Ex. 5, Comm'n on Educ., Finance, Equity & Excellence, Final Report (Jan. 18, 2002); Pl. Ex. 11, DLS, Maryland Comm'n on Innovation & Excellence in Educ., *Blueprint for Maryland's Future, Final Report* (Dec. 2020). Lastly, Plaintiffs argue ART. VIII, § 1 includes consideration of funding of safe and suitable educational facilities, in which case MSBE is in violation of the constitution for failing to fund the facilities at an adequate level. Pl. Mot. SMJ at 38-40.

MSBE argues in response that the correct reading of *Hornbeck* is that ART. VIII provides a standard which does not require specific appropriation of funds by the legislature but only that it provides a basic public-school education. MSBE Opp. at 9-10; 23-24. MSBE argues the Plaintiffs have misconstrued *Hornbeck* and attempt, through the use of the term "adequate" within their own reports and evaluations, to require more than a basic education. MSBE Opp. at 23-24. Moreover, MSBE contends that the Plaintiffs have failed to demonstrate that the threshold of required state education is higher than that of what is provided to BCPSS. MSBE Opp. at 25-26. MSBE argues that the reports and studies cited to by Plaintiffs in their argument do not use a standardized methodology or definition to find an adequacy gap for BCPSS students or facilities.

MSBE Opp. at 25. This, MSBE suggests, is why the prayer for relief of Plaintiffs includes a vast range for payment in relief for fiscal year 2023. MSBE Opp. at 27.

This Court finds that the correct guidance in interpreting ART. VIII, § 1 is that the development of a statewide education system is up to the legislature's determination, and, at most, the legislature is commanded to "to establish such a system, effective in all school districts, as will provide the State's youth with a basic public school education." *Hornbeck v. Somerset County Bd. of Educ.*, 295 Md. 597, 632 (1983).

The holding in *Hornbeck* concludes that ART. VIII, § 1 of the Maryland Constitution represents a floor for a basic education. It held "education need not be 'equal' in the sense of mathematical uniformity, so long as efforts are made...to minimize the impact of undeniable and inevitable demographic and environmental disadvantages[.]" This holding explicitly recognizes that although a system may be imperfect, the Maryland Constitution only requires an effort by the State to at most provide a basic education. *Hornbeck*, 295 Md. at 632.

The record in this case shows no material dispute of fact. Basic education for the students at BCPSS is provided. Plaintiffs' claim of a constitutional violation is denied as a matter of law.

### E. Non-justiciability

The inquiry into whether a particular claim is non-justiciable, or better decided by the political branches of government, was considered by the undersigned through the lens of MSBE's Motion to Dismiss Plaintiff's Petition for Further Relief (docket#00105000). This Court concluded that although "review of adequacy of funding of public education in Maryland is within the purview of the Maryland Judiciary...the actual appropriation of funds is the duty of the other branches of government." Jan. 16, 2020, Mem. Op. at 11 (docket#00105008).

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Today's analysis is different. This matter is before the Court on motions for summary judgment. No dispute of material fact exists here regarding the adequacy of funding provided by MSBE. MSBE is entitled to judgment as a matter of law on the issue of adequacy of funding.

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The resolution of whether the appropriation of funds presents a non-justiciable political question involves a consideration of "whether the claim presented and the relief sought are of the type which admit of judicial resolution" and "whether the structure of government 'renders the issue presented a 'political question'—that is, a question which is not justiciable in federal [or State] court because of the separation of powers provided by the Constitution." *Estate of Burris v. State*, 360 Md. 721, 745 (2000) (citing *Powell v. McCormack*, 395 U.S. 486, 516–17 (1969); *Lamb v. Hammond*, 308 Md. 286, 293 (1987)). The Supreme Court of Maryland has made it clear that the appropriation of funds and determinations as to the quantity and quality of education opportunities made available in public schools is squarely within the authority of the legislature. *Hornbeck*, 295 Md. at 658-59 ("The quantity and quality of educational opportunities to be made available to the State's public school children is a determination committed to the legislature[.]").

The inquiry is whether the "duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded." *Baker v. Carr*, 369 U.S. 186, 198 (1962). Additionally, as presented in the landmark decision *Baker v. Carr*, an analysis into whether there exists:

"a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the

impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

396 U.S. at 217.

In opposition to Plaintiffs' claim for relief in the form of immediate funding to fill the alleged adequacy gap for BCPSS, MSBE contends that this claim presents a non-justiciable political question that remains solely within the powers of the political branches of government. In analyzing the question of justiciability MSBE makes several claims. MSBE offers analysis of ART. VIII, § 1 arguing the language of the provision, as well as its interpretation in *Hornbeck*, points to a constitutional commitment of state education funding to the political departments of government. MSBE Mot. SMJ at 47; *see Hornbeck v. Somerset County Bd. of Educ.*, 296 Md. 597 (1983).

Additionally, MSBE argues the appropriation of funds and enacting of state budgets are prescribed to the General Assembly and Governor through ART. III § 52 of the Maryland Constitution. MSBE Mot. SMJ at 48-49. Therefore, the unilateral direction of funds to a specific school system by the judiciary in this case would substantially interfere with the authority of

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those branches of government presenting a non-justiciable political question. MSBE Mot. SMJ at 50; *see Estate of Burris v. State*, 360 Md. 720, 751 (2000).

Plaintiffs respond by arguing that MSBE has consented to this Court's power to manage funds by entering into the Consent Decree as well as through its conduct before the Court. Pl. Opp. at 43-44. Plaintiffs claim that MSBE's justiciability argument has been rejected in this Court's January 18, 2020 decision and by entering into the Consent Decree MSBE has consented to this Court making a determination on the constitutionality of state funding. Pl. Opp. at 44.

Plaintiffs cite to *Ehrlich v. Perez*, to argue that the judiciary does hold the power to direct appropriation of funds despite ART. III § 52 of the Maryland Constitution which provides a budgetary procedure for the legislature to appropriate monies. Pl. Opp. at 44-45; *Ehrlich v. Perez*, 394 Md. 691 (2006). In this holding the Plaintiffs suggest where the legislature appropriates funds in violation of a constitutional right, the judiciary may assert itself to comply with the Maryland Constitution. Pl. Opp. at 45; *Ehrlich*, 394 Md. at 736. They reject MSBE's argument that education funding is constitutionally committed to the political departments arguing that neither *Hornbeck* nor the language of ART. VIII, § 1 preclude judicial review or intervention. Pl. Opp. at 46-48.

*Ehrlich* upheld a reinstatement of benefits through the use of a preliminary injunction based on the determination that the State's actions were likely unconstitutional. *Ehrlich*, 394 Md. at 735. *Ehrlich* distinguished the injunction from an appropriation of funds and interpreted it as a preservation of the status quo to not undermine the final disposition of the case. *Ehrlich*, 394 Md. at 735. Here, Plaintiffs are not asking this Court to reinstate or reappropriate funds that were already allocated to preserve a status quo, they are asking the Court to direct a specific amount of

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state funding, to be determined by this Court, to remedy the alleged constitutional violation. An appropriation of this kind would work directly in opposition to the authority set out within Maryland Constitution, ART. III § 32 and 52 which provides the framework for a comprehensive budgetary scheme dedicated to the political branches of government. *Ehrlich*, 394 Md. at 735-36; *see* Md. Const. ART. III §§ 32, 52 (setting out requirements for appropriations and creation of the state budget).

This Court finds that the appropriation of funds as requested by Plaintiffs would interfere directly with the authority of the political branches of government to provide funding for education.

Plaintiffs contend this case is similar to that presented in *Hoke Cnty. Bd. of Ed. v. State.* 879 S.E. 2d 193 (2022). This case differs from *Hoke*, which involved a state-wide challenge to the constitutionality of the North Carolina education system. In *Hoke*, the trial court had exhausted all other avenues and afforded significant deference prior to invoking its powers to order legislative authorities to appropriate state monies in pursuit of funding a court-approved comprehensive remedial plan. *Hoke*, 879 S.E. 2d. at 241-43.

Unlike in *Hoke*, the same extraordinary circumstances do not exist for the Plaintiffs today. Without a court-directive the state legislature has passed several bills that attempt to improve the state's education system including the Blueprint Act and the Built to Learn Act. 2021 Md. Laws Ch. 36; 2020 Md. Laws Ch. 20. This Court will not enter orders that will "substantial[ly] interfere[] with the authority and discretion vested in the other two branches of government." *Estate of Burris*, 360 Md. at 751.

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The relief requested fails both steps of the two-part justiciability inquiry and presents a non-justiciable political question which this Court will not entertain. Additionally, this Court has already held in its January 16, 2020 decision that although courts hold the power to review the adequacy of public education funding, "the actual appropriation of funds is the duty of other branches of government." Jan. 16, 2020, Mem. Op. at 11 (docket#00105008).

## **III. CONCLUSION**

For the foregoing reasons, and in accordance with the associated Order issued by this Court on even date, it is hereby **ORDERED** that the Plaintiffs' *Motion for Summary Judgment* (docket#00250000), filed August 12, 2022, is hereby **DENIED**.

For the foregoing reasons, and in accordance with the associated Order issued by this Court on even date, it is hereby **ORDERED** that MSBE's *Motion for Summary Judgment* (docket#00246000), filed August 12, 2022, is hereby **GRANTED**.

For the foregoing reasons, and in accordance with the associated Order issued by this Court on even date, it is hereby **ORDERED** that the City's *Motion for Summary Judgment* (docket#00249000), filed August 12, 2022, is hereby **GRANTED**.

IT IS SO ORDERED, this 3<sup>rd</sup> day of March, 2023.

AUDREY J.S. CARRION Part 23 Judge's Signature appears on the original document

FOR BA

Judge Audrey J.S. Carrión Circuit Court for Baltimore City Case No.: 24-C-94-340058

CC:

Elizabeth McCallum, Esq. Danyll Foix, Esq. Baker & Holstetler, LLP

Xavier A. Conaway, Clerk of the Chrypt Count

1050 Connecticut Ave. NW Washington, DC 20036 Counsel for Plaintiffs

Deborah Jeon, Esq. Tierney Peprah, Esq. ACLU of Maryland 3600 Clipper Mill Rd., Suite 350 Baltimore, MD 21211 *Counsel for Plaintiffs* 

Ajmel Quereshi, Esq. NAACP Legal Defense Fund 700 14<sup>th</sup> St. NW, 6<sup>th</sup> Floor Washington, DC 20005 *Counsel for Plaintiffs* 

Sherrilyn Ifill, Esq. Cara McClellan, Esq. NAACP Legal Defense Fund 40 Rector St., 5<sup>th</sup> Floor New York, NY 10006 *Counsel for Plaintiffs* 

Arielle Humphries, Esq. NAACP Legal Defense & Educational Fund Inc. 40 rector Street, 5th Floor New York, N.Y. 10006 *Counsel for Plaintiffs* 

Steven M. Sullivan, Esq. Elliot L. Schoen, Esq., Assistant Attorneys General 200 Saint Paul Pl., 19<sup>th</sup> Floor Baltimore, MD 21202 *Counsel for Defendant Maryland State Board of Education* 

Charles Monk, II, Esq. Jason St. John, Esq. Mark Simanowith, Esq., Saul Ewing Arnstein & Lehr LLP 500 E. Pratt St., Suite 800 Baltimore, MD 21202 Counsel for Defendant Marvland State Board of Education

Warren Weaver, Esq. Ilana Subar, Esq. Whiteford, Taylor & Preston, L.L.P. 7 Saint Paul St., Suite 1500 Baltimore, MD 21202 Counsel for Defendant Baltimore City Board of School Commissioners

Stephen Salsbury Baltimore City Law Department 100 N. Holliday Street, Suite 101 Baltimore, MD 21202 Counsel for Third-Party Defendants Mayor & City Council of Baltimore

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copies sent via U.S. Mail

# **App. 2**

BRADFORD, et al.	<ul> <li>IN THE</li> <li>CIRCUIT COURT</li> </ul>
Plaintiffs, vs.	* FOR (43)
THE MARYLAND STATE BOARD OF EDUCATION, et al.	<ul> <li>* BALTIMORE CITY</li> <li>* CASE NO.: 94340058/</li> </ul>
Defendants/Third-Party Plaintiffs	* CE189672 *
VS.	*
MAYOR AND CITY COUNCIL OF BALTIMORE, et al.	* *
Third-Party Defendants	*

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# STIPULATION FOR REPRESENTATIVE PLAINTIFFS

By their respective counsel, defendants/third-party plaintiffs Maryland State Board of Education and State Superintendent of Education (referred to jointly as the "State"), plaintiffs, and third-party defendants, signing this Stipulation, hereby stipulate and agree that plaintiffs' proposed class will not be certified and that this case proceed pursuant to the following provisions:

1. The named plaintiffs will be deemed "representative plaintiffs" for the purposes of this litigation and may pursue their claims or defenses in that capacity on behalf of the named and unnamed plaintiffs.

2. Any declaratory or injunctive relief obtained by the named plaintiffs will be applicable to the BCPS system as a whole, and will not be limited to the named plaintiffs.

3. Plaintiffs may substitute additional named plaintiffs as necessary and reasonable if representative plaintiffs become unavailable for reasons beyond their control.

IT IS SO ORDI D, this 144 day of Dellere 1995, by the Circuit Court

# for Baltimore City, Maryland.

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JOSEPH H. H. KAPLAN JUDGE The Judge's signature appears on the original document

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# App. 3

MARYLAND STATE BOARD OF \* In the EDUCATION et al. \* Court of Appeals \* of Maryland v. \* Petition Docket No. 371 September Term, 2000 \* (No. 1218, September Term, 2000 KEITH A. BRADFORD et al. Court of Special Appeals) \*

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals, and the answer filed thereto, in the above entitled case, it is this 11th day of September, 2000

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, granted, and a writ of certiorari to the Court of Special Appeals shall issue; and it is further

ORDERED, that said case shall be transferred to the regular docket as No. 72, September Term, 2000; and it is further

ORDERED, that counsel shall file briefs and printed record extract in accordance with Md. Rules 8-501 and 8-502, petitioners' brief(s) and record extract to be filed on or before December 1, 2000; respondents' brief(s) to be filed on or before January 2, 2000; and it is further ORDERED, that this case shall be set for argument during the February session of Court.

/s/ Robert M. Bell

Chief Judge

\* In The MARYLAND STATE BOARD OF EDUCATION et al. \* Court of Appeals

v.

Petition Docket No. 371

of Maryland

September Term, 2000

KEITH A. BRADFORD et al.

(No. 1218 September Term, 2000 \* Court of Special Appeals)

#### WRIT OF CERTIORARI

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\*

STATE OF MARYLAND, to wit:

TO THE HONORABLE THE JUDGES OF THE COURT OF SPECIAL APPEALS OF MARYLAND:

# WHEREAS, MARYLAND STATE BOARD OF EDUCATION et al. v. KEITH A.

BRADFORD et al., No. 1218, September Term, 2000 is pending before your Court and the Court of Appeals is willing that the record and proceedings therein be certified to it.

YOU ARE HEREBY COMMANDED TO HAVE THE RECORD TRANSMITTED TO THE COURT OF APPEALS OF MARYLAND ON OR BEFORE September 25, 2000, together with this writ, for the said Court to proceed thereon as justice may require.

WITNESS the Chief Judge of the Court of Appeals of Maryland this 11<sup>th</sup> day of September, 2000.

> /s/Alexander L. Cummings Clerk Court of Appeals of Maryland

# App. 4

KeyCite Yellow Flag - Negative Treatment

Declined to Extend by Maryland State Bd. of Physicians v. Eist, Md.App., September 13, 2007

387 Md. 353 Court of Appeals of Maryland.

MARYLAND STATE BOARD OF EDUCATION, et al.

v. Keith A. BRADFORD, et al.

No. 85, Sept. Term, 2004 June 9, 2005.

## Synopsis

**Background:** After entry of consent decree concerning constitutional adequacy of education funding for Baltimore public schools, plaintiff parents filed motion complaining that the plan of Baltimore City Public Schools (BCPS) to eliminate its \$58 million deficit, in accordance with Education Fiscal Accountability and Oversight Act, and to repay loan obtained from city would reduce educational opportunities available to BCPS students. State then moved for declaration that State aid, as provided in Bridge to Excellence in Public Schools Act, satisfied the constitutional standard of adequacy and seeking a restructuring of BCPS. The Circuit Court, Baltimore City, Joseph H.H. Kaplan, J., entered order setting forth various declarations including a declaration that portion of Oversight Act was unconstitutional. State appealed.

**Holdings:** After grant of certiorari, the Court of Appeals, Wilner, J., held that:

[1] portion of order containing directive about timing of retiring of deficit was in the nature of an injunction and thus immediately appealable, and

[2] portion of Oversight Act requiring deficit elimination was not unconstitutional on alleged basis that BCPS would have to divert funds for that purpose from educational programs.

Order vacated in part.

Procedural Posture(s): On Appeal.

West Headnotes (13)

[1] Appeal and Error - Necessity of final determination

Appeal and Error - Interlocutory and Intermediate Decisions

Appeal and Error - Affecting collateral matters and proceedings

Appeal and Error - Determination of part of controversy

Right to seek appellate review of a trial court's ruling ordinarily must await entry of a final judgment that disposes of all claims against all parties, and there are only three exceptions to that rule: appeals from interlocutory orders specifically allowed by statute, immediate appeals permitted under rule governing judgments not disposing of entire action, and appeals from interlocutory rulings allowed under the common law collateral order

doctrine. West's Ann.Md.Code, Courts and Judicial Proceedings, § 12–303; Md.Rule 2–602(b).

6 Cases that cite this headnote

## [2] Appeal and Error - Interlocutory and Intermediate Decisions

Mere allegation that interlocutory order exceeded trial court's subject matter jurisdiction is not an exception to final judgment rule so as to allow immediate appeal.

7 Cases that cite this headnote

# [3] Appeal and Error - Final Judgments or Decrees

Fact that a trial court, in the course of its continuing jurisdiction in a case, makes pronouncements or declarations of one kind or another does not, of itself, imbue those pronouncements or declarations with the status of final appealable judgments.

# [4] Appeal and Error - Nature and Scope of Decision

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, declaring that school children in city were being deprived of their right to a thorough and efficient education, was not a final appealable judgment; that determination was subject to challenge if and when a final judgment was entered, if it was still relevant at that time.

# [5] Appeal and Error - Nature and Scope of Decision

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, declaring that the constitutional violation would exist until public schools in city received at least \$225 million in additional annual aid from State, was not a final appealable judgment; that determination could be challenged, either when a final judgment was entered or at such time as the court attempted to implement that finding by an order that was properly appealable on an interlocutory basis.

# [6] Appeal and Error - Nature and Scope of Decision

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, declaring that "it would be appropriate" for State to accelerate the phase-in of additional funding provided in Bridge to Excellence in Public Schools Act, was not a final appealable judgment; in order, circuit court decided to retain jurisdiction to continue monitoring funding and management issues, and until court did something in the exercise of that jurisdiction that was otherwise appealable, there was nothing final about that provision. Acts 2002, ch. 288.

## [7] Declaratory Judgment 🦫 Appeal and Error

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, declaring that the parties "should ensure continued progress towards constitutional adequacy" by making available to children of city at least \$30 million to \$45 million from savings achieved from earlier reductions in programs and that the best way to accomplish goal would be for State and city to increase funding available to public schools in city for upcoming year, was not a final appealable judgment; declarations did not order anyone to do anything.

## [8] Appeal and Error I Nature and Scope of Decision

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, ordering that city be repaid the \$8 million balance of its loan as scheduled, was an appealable interlocutory

order for the payment of money. West's Ann.Md.Code, Courts and Judicial Proceedings, § 12–303(3)(v).

1 Case that cites this headnote

## [9] Appeal and Error 🔶 Injunction

Portion of order entered during decades-long battle between State and parents and city concerning constitutional adequacy of education funding for public schools in city, directing that, absent additional state funding, city public schools "shall not retire the deficit before fiscal year 2008" and "shall not dedicate more than \$5 million per year toward the creation of a \$20 million case reserve," was injunctive in nature and thus an appealable interlocutory order which, along with its underpinnings in order's declaration of a portion of Education Fiscal Accountability and Oversight Act unconstitutional and a contractual obligation void as against public policy, was properly before Court of Appeals; directive forbade city public schools from taking action that, by public general law, the General Assembly required city public schools to take and that, by contract freely entered into with

city, it agreed to take. West's Ann.Md.Code, Courts and Judicial Proceedings, § 12–303(3)(i); Acts 2004, c. 148, § 4.

## 1 Case that cites this headnote

[10] Constitutional Law - Presumptions and Construction as to Constitutionality

**Constitutional Law**  $\leftarrow$  Clearly, positively, or unmistakably unconstitutional

Statutes are generally presumed to be constitutional and are not to be held otherwise unless the constitutional impediment is clear.

3 Cases that cite this headnote

## [11] Contracts 🤛 Public Policy in General

Principles similar to those upholding constitutionality of statute unless constitutional impediment is clear apply with respect to striking down otherwise valid contractual provisions as being against public policy.

3 Cases that cite this headnote

## [12] Education - Validity of statutes

Portion of Education Fiscal Accountability and Oversight Act requiring Baltimore City Public Schools (BCPS) to eliminate its \$58 million deficit by fiscal year 2006, effectively giving BCPS one year more than was given to the 23 other local school systems to eliminate any deficit it might be carrying, was not unconstitutional on alleged basis that BCPS would have to divert funds for that purpose from educational programs, thus exacerbating the constitutional deficiency in educational funding of BCPS previously found by court; General Assembly had authority under Education Article of State Constitution to ensure that appropriations for educational purposes were managed wisely without running deficits, and General Assembly gave BCPS a break in the timing of deficit elimination. West's Ann.Md. Const. Art. 8, § 1 et seq.; Acts 2004, c. 148, § 4.

2 Cases that cite this headnote

# [13] Education - Apportionment and Disbursement

**Education**  $\leftarrow$  Reports and statements; budgeting

As part of its constitutional responsibility for establishing throughout the state a thorough and efficient system of free public schools, General Assembly has at least the authority, if not an obligation, to ensure that appropriations for educational purposes are managed wisely and, in furtherance of that authority or obligation, to prohibit local school systems from running deficits and, if they do run such deficits, to insist that they be promptly eliminated. West's Ann.Md. Const. Art. 8.

## Attorneys and Law Firms

\*\*705 \*357 Elizabeth Kameen, Asst. Atty. Gen. (J. Joseph Curran, Jr., Atty. Gen. of MD, Valerie V. Cloutier and Elliott L. Schoen, Asst. Attys. Gen., on brief), Baltimore, for Appellants/Cross-Respondents.

Elizabeth B. McCallum (Helen K. Michael and Arturo DeCastro of Howrey Simon Arnold & White, L.L.P., Washington, DC; Louis Bogard, Charlottesville, VA; and Susan Goering of American Civil Liberties Union of MD, Baltimore) all on brief; Warren N. Weaver (Ilana Subar of Whiteford, Taylor & Preston, L.L.P., Baltimore; Anthony J. Trotta, Gen. Counsel, Baltimore City Bd. of School Com'rs, Baltimore), all on brief; Ralph S. Taylor, City Sol. (Elizabeth F. Harris, Joshua Auerbach and Christine Wellons, Baltimore), all on brief, for Appellees Cross-Petitioners.

David Sciarra, Executive Dir., Ed. Law Center, Newark, NJ, Molly A. Hunter, Dir., Legal Research, Campaign for Fiscal Equity, Inc./Access, New York City; Gregory C. Malhoit, Counsel for Rural School and Community Trust, Inc., Raleigh, NC; Edward C. DuMont, Christopher Herrling, Susan Demske, Kelly Thompson Cochran, Jenny R. Chou (Admitted in MD), Wilmer, Cutler, Pickering, Hale & Door, L.L.P., Washington, DC; Julie Underwood, Gen. Counsel, Nat. School Boards Ass'n, Alexandria, VA, brief of Amici Curiae The Nat. School Boards Ass'n, Ed. Law Center, Campaign **\*358** for Fiscal Equity, Inc., Rural School and Community Trust, Inc. in support of Appellees.

Leslie T. Thornton, Asuncion C. Hostin, Reginald B. McKnight, Johnisha Matthews, **\*\*706** Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC, brief of Amici Curiae, The MD State Conference of NAACP Branches, the MD Latino Coalition for Justice, and MD Caucus of Black School Bd. Members.

Stephen A. Friedman, Cary J. Hansel, Abigail Ross Hopper, Joseph, Greenwald & Laake, P.A., Greenbelt, Amici Curiae brief of Dr. Alvin Thornton, MD. Educ. Coalition, American Ass'n of University Women, and League of Women Voters of MD.

Argued before BELL, C.J., RAKER, WILNER, HARRELL, BATTAGLIA, GREENE and JOHN C. ELDRIDGE (Retired, Specially Assigned), JJ.

## Opinion

## WILNER, Judge.

This appeal constitutes the latest skirmish in a decades-long battle by Baltimore City and others to force the General Assembly, in carrying out its mandate under Article VIII of the Maryland Constitution to "establish throughout the State a thorough and efficient System of Free Public Schools [and] provide by taxation, or otherwise, for their maintenance," to increase substantially its funding support for the Baltimore City Public School System. The appeal now before us, by the State, questions, on jurisdictional, procedural, and substantive grounds, the validity of an order entered by the Circuit Court for Baltimore City in August, 2004. We shall conclude that (1) the validity of much that is now being challenged by the State is not properly before us at present, but (2) one aspect of the court's order is before us and is invalid.

## BACKGROUND

In *Hornbeck v. Somerset Co. Bd. of Educ.*, 295 Md. 597, 458 A.2d 758 (1983), which, in a sense, was a precursor to the **\*359** present litigation, we traced in some detail the historical development of the public school system in

Maryland and the method of funding it; we need not repeat that history here. Suffice it to say that, through legislative enactments by the General Assembly, in furtherance of the mandate of Article VIII, § 1 of the Constitution, the operation and funding of the public school system is, and since its inception in 1864 has been, a joint effort by the State and local governments. The State Board of Education and the State Superintendent of Schools set the overall educational policy of the State and provide general direction and supervisory authority over the system, but, subject to that State direction and authority, it is predominantly the school boards and school superintendents in each of the 23 counties and Baltimore City that operate the public schools. Those subdivisions constitute the school districts of the State.

The funding of the system has also been, and remains, a joint effort between the State and its political subdivisions. In 1979, Baltimore City and three counties filed suit in the Circuit Court for Baltimore City seeking a declaratory judgment that the then-existing system for financing the public schools, which required the counties and Baltimore City to shoulder approximately 46% of the current expenses needed to operate the public schools, violated both Article VIII of the Maryland Constitution and the equal protection guarantees of the Fourteenth Amendment to the U.S. Constitution and Article 24 of the Maryland Declaration of Rights. That was the Hornbeck case. The gravamen of the attack in that case was that, because of significant disparities in the wealth of the various political subdivisions, there was an unequal ability to provide the necessary local funding, which resulted in substantial differences among the subdivisions in overall per pupil expenditures. The effect, it was alleged, was to \*\*707 underfund education in some subdivisions and possibly overfund it in others, and that, in turn, created disparities in the quality of the educational program in the subdivisions.

## The Circuit Court, believing itself bound by the Supreme

Court's decision in **\*360** San Antonio School District v. Rodriguez, 411 U.S. 1, 93 S.Ct. 1278, 36 L.Ed.2d 16 (1973), found no violation of equal protection under the Federal Constitution but declared the financing scheme unconstitutional under Article VIII of the Maryland Constitution and Article 24 of the Maryland Declaration of Rights. This Court vacated the Circuit Court decree. With respect to Article VIII, we held that the Constitutional provision did not require uniformity in funding and did not preclude the political subdivisions from providing local funds, in the amounts they deemed adequate, to supplement the level of basic State funding. We said in that regard: "The development of the statewide system under § 1 [of Art. VIII] is a matter for legislative determination; at most, the legislature is commanded by § 1 to establish such a system, effective in all school districts, as will provide the State's youth with a basic public school education. To the extent that § 1 encompasses any equality component, it is so limited. Compliance by the legislature with this duty is compliance with § 1 of Article VIII of the 1867 Constitution."

## *Hornbeck, supra,* 295 Md. at 632, 458 A.2d at 776–77.

We agreed with the Circuit Court that, in light of the Supreme Court's decision in *San Antonio School District,* there was no Federal equal protection violation. As to State equal protection, we concluded that neither Article VIII nor Article III, § 52 of the Maryland Constitution established

a fundamental right for equal protection purposes, that the equal protection issue was therefore to be judged under the rational basis test, and that "the legislative objective of preserving and promoting local control over education is both a legitimate state interest and one to which the present

financing system is reasonably related." *Id.* at 654, 458 A.2d at 788. Accordingly, we held that the then-current system of public education financing satisfied the rational basis test.

Our Opinion in Hornbeck was filed in April, 1983. This case began in December, 1994, when the parents of several students in the Baltimore City School System filed a class action \*361 lawsuit in the Circuit Court for Baltimore City against the State. The action was allegedly on behalf of " present and future students in the Baltimore City Public Schools who are at risk of educational failure."<sup>1</sup> We shall refer to that case as the Bradford case, after the name of the lead plaintiff. At-risk students were defined in the complaint as those "who experience circumstances of economic, social, and/or educational disadvantage that substantially increase the likelihood that they will fail to obtain an adequate education in public school." The term was further defined as including students who live in poverty, attend schools with a high proportion of students living in poverty, \*\*708 live with fewer than two parents, have parents who did not graduate from high school, live with parents who are unemployed, are homeless, are themselves parents or pregnant, live under the threat of violence at home, have been retained in grade on at least one occasion, score

more than one year below grade level on standardized tests, or have otherwise been determined to be in need of remedial education. The complaint alleged that the "vast majority" of students in the Baltimore City Public Schools—more than 70,000—were in that category and that the percentage of atrisk students in the City was far higher than in any other subdivision of the State.

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The actual defendants were the State Board of Education, the State Superintendent of Schools, the Governor, and the Comptroller. The Governor and the Comptroller were later dismissed as defendants. For convenience, we shall refer to the State defendants in this action and in the action by Baltimore City, discussed later, collectively as the State. Pursuant to a stipulation, it was agreed that the plaintiffs' proposed class would not be certified in accordance with Maryland Rule 2–231 but that the plaintiffs."

Although three counts were pled-failure of the State to discharge its obligation under Article VIII of the State Constitution, denial of equal treatment under Article 24 of the Declaration of Rights, and denial of a property interest in an adequate public education under Article 24-the heart of the complaint was that the State had failed to provide resources sufficient to enable the Baltimore City Public Schools (BCPS) to meet, or even make meaningful progress in meeting, contemporary \*362 education standards, especially with respect to at-risk students, as measured by the level of student outcomes and the availability of educational resources. As relief, the plaintiffs asked, among other things, that the court (1) declare that the State had failed to fulfill its obligation to provide a system of public schools adequate to meet the needs of the schoolchildren in Baltimore City and had violated their right to an adequate education, equal treatment, and due process of law under Articles VIII and 24, (2) order the defendants to work with the plaintiffs and Baltimore City to develop a plan to improve the public schools in the City and to take all steps necessary to implement that plan, and (3) retain jurisdiction to monitor and ensure compliance with any injunctive provisions in its judgment.

In September, 1995, the City filed a separate three-count action against the State. Although it charged that, based on the results of standardized testing, the State had failed to provide an adequate public education anywhere in the State, its principal focus was on Baltimore City's "unique status." In that regard, the complaint noted that the City had the lowest tax capacity among the 24 subdivisions but yet the highest property tax rate, that the burden of local funding was disproportionately hard on the City, and that the State's failure to provide adequate funding to the City impacted its ability to recruit, support, and retain teachers and to maintain its physical facilities. The City averred that it was unable to meet contemporary Statewide qualitative educational standards because the State had failed to provide it with adequate resources and assistance, that such failure deprived the children in the City of their right to receive a basic public school education, and that such deprivation, in turn, infringed on the children's right to free speech and to vote under Articles 40 and 7 of the Declaration of Rights. All of that was under Count I, alleging a violation of Article VIII.

In Count II, the City asserted that, because the State had failed to assess the needs of the City's "discrete student populations (minority, impoverished, and disabled) to ensure that BCPS has the necessary resources to provide a basic **\*363** public school education to all of its students," the State was " engaging in discriminatory conduct." Count III alleged that the State's process of "reconstituting" schools that failed to meet State standards violates due process because it "fail[s] to provide local school districts with any process to challenge the arbitrary findings and actions of **\*\*709** the State Superintendent or the State Board."<sup>2</sup>

<sup>2</sup> The City did not explain how, as a political subdivision of the State, it was entitled to due process of law from the State.

In October, 1995, the State filed a third-party claim against the City, in which it averred that the City had "totally failed to manage adequately the Baltimore City Public School system" and that "[a]ny inadequacies in the education received by the children of Baltimore City are a direct result of that failure and can only be remedied by a total restructuring of the management of BCPS." The State contended that the City had failed to implement a legislatively-endorsed series of recommendations made in 1992 by a consulting firm, that it had failed to use nearly \$12 million in Federal and State resources that had been made available to it in FY 1992-1995, that due to lack of planning and management, it had failed to access millions of dollars of additional Federal funds that could have become available, and that it failed to use \$20 million of State capital improvement funds because of delays in design work and in signing contracts. The State alleged further that the City had failed to develop and implement a uniform curriculum, an effective personnel training and

evaluation system, an adequate management information system, an adequate procurement system, effective testing protocols, effective grants administration and monitoring, a comprehensive plan to reduce school crime, and an adequate plan to comply with the mandates of the U.S. District Court with respect to special education programs then under Federal court scrutiny. As relief, the State asked that the City be held liable for the plaintiffs' claims should they prevail and that the City school system be restructured.

\*364 The court consolidated the two cases, dismissed the Governor and Comptroller as party defendants in the Bradford case, and dismissed Count III of the City's complaint. On October 18, 1996, the court entered a partial summary judgment in the consolidated cases. It found that there was "no genuine dispute of material fact in these cases as to whether the public school children in Baltimore City are being provided with an education that is adequate when measured by contemporary educational standards" and declared, based on the evidence submitted on the partial summary judgment motions, that "the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards." It concluded further, however, that there was a genuine dispute regarding the cause of the inadequate education provided to the City students and the liability therefor. Those issues were reserved for trial.

On November 26, 1996, about a month after the entry of the partial summary judgment, the parties in both cases entered into a Consent Decree that provided, essentially, for five things-a significant restructuring of the governance of the City Public School System, the provision of certain additional funding by the State for FY 1998-2002, the development of a plan to increase student achievement, interim and final review and evaluation of progress, and the continuance of jurisdiction by the court.<sup>3</sup> The decree looked toward a partnership \*\*710 arrangement between the City and the State and recognized \*365 that the implementation of many of its provisions would require legislative approval by the General Assembly. It therefore provided that the decree would not become fully effective until (1) the Governor signed "partnership legislation" in a form that did not affect the substantive rights of the parties established by the decree, and (2) the State Budget for FY 1998 was approved with the additional funds for FY 1998 provided for in ¶ 47 of the decree.

3 As noted briefly above, a parallel action, in which the City had been sued for not providing adequate special education programs to children in need of them, was pending in Federal Court. Vaughn G. v. Mayor and City Council of Baltimore (Civ. Action No. MJG-84-1911). Judge Garbis, who presided over that case in the U.S. District Court, and Judge Kaplan, who presided over the consolidated cases in the Circuit Court for Baltimore City, had held some joint hearings in the respective cases, and, to a limited extent, the Federal and State cases presented similar issues and were proceeding in tandem. Because the provisions of the Consent Decree in the State actions would impact on issues pending in the Federal action, the parties in the parallel Federal action contemporaneously entered into a Consent Decree in that action. Each Consent Decree was incorporated by reference into the other.

With respect to the restructuring, the parties agreed and the court ordered, through  $\P$  2 and 8 through 20 of the decree, that the current City Board of School Commissioners be replaced by a new Board of School Commissioners consisting of nine voting members and one non-voting student member. We shall refer to the new board hereafter as "the Board." The nine voting members were to be appointed jointly by the Governor and the Mayor of Baltimore from a list submitted by the Maryland State Board of Education (MSBE). The decree set forth certain qualifications for the voting members, provided a staggered three-year term for them, and established quorum requirements. The new Board was to be vested with full control of all functions relating to BCPS in accordance with the partnership legislation and over all personnel and procurement involving the schools, and was to be "directly accountable for improving the academic achievement of Baltimore City school children as measured by the Maryland School Performance Program" (MSPP). The Board was required to appoint a Chief Executive Officer to serve at its pleasure, who was to be responsible for the overall administration of the BCPS. Provisions were made for other executive officials and for a Parent and Community Advisory Board.

By September, 1997, the Board was to adopt a transition plan to guide the operation of the school system in the 1997–98 school year. By January 1, 1998, the CEO was to present to the Board a Master Plan to increase student achievement, and, after review and public hearings, the Board was required to adopt a Master Plan by March 1, 1998. The Master Plan was to include "a comprehensive design for improvement of \*366 school management and accountability of all personnel" as well as implementation of the key recommendations made in three identified consultant reports. It was to address ten enumerated topics and identify the actions necessary to improve student performance. Paragraph 40 required the Board and MSBE, by July 1, 1999, to select an independent consultant to evaluate the interim progress of reform. The consultant was to report the results of its evaluation by April 30, 2000. Paragraph 42 required the Board and MSBE, by January 1, 2001, to select an independent consultant to conduct a final comprehensive review and evaluation of BCPS. The final report was to examine the extent of progress made in improving the schools, cover all of the topics examined in the interim evaluation, and was to be made by December 1, 2001.

The financing provisions were contained in  $\P$  43–54. Paragraphs 43, 47, and 48 obligated the State to provide additional funding to the City public school system, \*\*711 subject to appropriation by the General Assembly, as follows: (1) for operating expenses, \$30 million for FY 1998 and \$50 million for each of FY 1999, 2000, 2001, and 2002; and (2) through the State School Construction Program, at least \$10 million in each of FY 1998 through 2002, subject to a 10% match by the City. The additional operating funds required under  $\P$  47 were to be used (1) to improve educational performance in schools having a high percentage of students living in poverty, in reconstitution-eligible schools, and in other schools that failed to meet MSPP standards, (2) to make progress in meeting teacher salary parity with Baltimore County, and (3) to implement certain other enumerated improvements.

Paragraph 52 of the decree permitted the Board, for FY 1999 through 2002, to request from the State, through the State Budget process, funds in excess of those required under ¶ 47 if the Board presented a detailed plan showing why the additional funds were needed and how they would be spent. The State agreed to use its best efforts to satisfy such a request, subject to availability of the funds. Paragraph 53 provided, in addition, that, for FY 2001 and 2002, the Board could request funds in excess of those required under ¶ 47 \*367 after completion of the interim evaluation described

*in* ¶ 40. <sup>4</sup> (Emphasis added). If such a request was made, the *Bradford* and *Vaughn* plaintiffs were to have an opportunity to present their views to the Board and the State and the State and the Board were given from April 30, 2000 to June 1, 2000 to negotiate regarding the request. If no agreement

was reached, the Board was authorized to seek relief from the Circuit Court. In that event, the matter was to be placed on an expedited schedule, with a hearing commencing no later than 15 days after the filing of a motion for relief. The State expressly reserved "all of its defenses as to any Court order for such funds in amounts greater than those provided in paragraph 47." Paragraph 53 concluded, in relevant part, with the provision that:

<sup>4</sup> The decree actually referenced ¶¶ 38 and 39, but the interim evaluation was provided for in ¶ 40. Paragraphs 38 and 39 do not provide for or even mention that evaluation. We assume that the reference to those paragraphs was a typographical error.

"Any party may appeal the Circuit Court's ruling to the Court of Appeals, but the *Bradford* Plaintiffs may appeal only if the Board appeals. The Circuit Court shall stay any order pending appeal, and the parties shall jointly request expedited consideration of the matter by the Court of Appeals. The partnership legislation shall include statutory authority providing for direct review by the Court of Appeals of Maryland and requesting that the Court of Appeals of Maryland issue a decision within 60 days after briefing is completed."

Paragraph 68 provided that the decree would remain in effect through June 30, 2002, unless the court extended the term on timely motion of a party and a showing of good cause. Paragraph 69 provided that the court would retain continuing jurisdiction during the term of the decree to monitor and enforce compliance with it and that any party could seek to enforce its terms. That paragraph also stated that, notwithstanding termination of the decree, the court retained jurisdiction **\*368** to resolve any disputes that arose during the term of the decree.

In its next session, the General Assembly enacted 1997 Md. Laws, ch. 105, that, although not entirely consistent with the terms of the Consent Decree, the parties agreed was sufficiently consistent to make the decree effective. The statute did not **\*\*712** provide for any direct appeal to the Court of Appeals. Two years later, by 1999 Md. Laws, ch. 601, the Legislature created a Commission on Education, Finance, Equity, and Excellence to review the current education financing formulas and accountability measures and make recommendations with respect to certain enumerated subjects. The Commission after its chairman, Alvin

Thornton, was to make an interim report by January 1, 2000 and a final report by October 15, 2000.

At some point, apparently in the spring of 1999, the Board and MSBE jointly selected Metis Associates, Inc. as the consultant to prepare an interim report, pursuant to  $\P$  40 of the Consent Decree. That interim report was rendered on February 1, 2000. Long before that report was filedeven before Metis began any substantial work-the Bradford plaintiffs and the Board began working on a proposal for additional funding. That process began in May, 1999 and continued throughout the summer and fall. On December 9, 1999, the Board presented "Building on Success: A Remedy Plan to Address Continuing Funding Needs of the Baltimore City Public School System," in which it concluded that an additional \$265 million was required annually for instructional programs and an additional \$133 million was required annually for capital improvements. Apparently recognizing that an infusion of that magnitude was not likely to happen all at once, the Board created certain priorities and asked, for FY 2001, for an additional \$49.7 million for instructional programs and an additional \$40 million for capital improvements.<sup>5</sup>

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The \$265 million was broken down into \$62.3 million to increase instructional time; \$16.7 million to expand the instructional curriculum in the areas of art, music, physical education, and foreign language; \$4.8 million to supplement library resources; \$3.5 million to increase allocations for materials and supplies; \$0.15 million to expand extra-curricular activities; \$43 million to expand kindergarten and pre-kindergarten programs; \$36.3 million to create smaller learning environments; \$20 million to enhance instructional technology; \$22.4 million to expand offerings for disruptive students; \$4.9 million to develop twilight schools to reduce the number of dropouts; \$11.3 million to increase student support services; \$44.8 million to enhance professional development; \$12.3 million to expand teacher recruitment and retention efforts; and unspecified amounts to enhance high school and middle school reform. The \$49.7 million consisted of \$4.2 million to recruit and retain teachers; \$3.2 million for professional development; \$12 million for summer remedial programs; \$5 million for kindergarten and prekindergarten programs; \$5.4 million to prepare high school students to pass the State standardized tests; \$3.6 million to prepare middle school students for "rigorous high school pursuits"; \$4.5 million for additional psychologists, social workers, and counselors; \$0.95 million for instructional leadership; \$6.75 million for enriched instructional curriculum; and the balance for instructional technology.

\*369 On February 1, 2000, Metis Associates, Inc., the consultant jointly selected by the Board and MSBE, submitted a lengthy interim evaluation of BCPS, for the 1998-99 school year. The evaluation reported meaningful progress in some areas, less progress in others. Of particular importance here is that, based on a January, 2000 study of BCPS by the Council of the Great City Schools, which compared the funding of BCPS to that in other major cities and in other Maryland subdivisions, Metis concluded that an "adequate" per pupil expenditure was "approximately \$10,274." That amount, it said, "represents the amount per pupil [BCPS] would need [in order] to have resources equivalent to the highest performing school districts in the State, after adjusting for student needs." Metis found that the average per pupil expenditure in Baltimore City in **\*\*713** 1998–99 was \$7,576, and that, to reach the optimal \$10,274, an additional \$2,698 was necessary. The consultant recommended that the Board seek that additional funding.

After negotiations proved unsuccessful, the Board, in June, 2000, filed a petition pursuant to ¶ 53 of the Consent Decree, in which it asked the court to declare that "the Baltimore City public schools need additional funding of approximately \$260 million for educational operating expenses each school year, as **\*370** well as approximately \$600 million in additional capital funding over a reasonable period of time to correct serious deficiencies in the school system's facilities...."

After an extensive evidentiary hearing, the court, on June 30, 2000, filed a Memorandum Opinion and accompanying Order. In its Order, the court, after referencing its 1996 determination that the State was not providing the children of Baltimore with a Constitutionally adequate education when measured by contemporary educational standards, declared that still to be the case. It declared as well that the State had "failed to make the statutorily mandated best efforts to provide even a reasonable downpayment on the additional approximately \$2,000 to \$2,600 per pupil that is needed to provide the children of the [BCPS] with a Constitutionally Adequate Education when measured by Contemporary Educational Standards." In furtherance of that finding, the court declared that "the State's allocation of \$19.9

million for 2001 and the allocation of \$23.9 million for 2002 out of a \$940 million budget surplus in Fiscal Year 2001 is not making a 'best effort' out of the available funds" and would not enable the Board to provide the City's school children with a constitutionally adequate education. The final provision in the Order was essentially hortatory. The court declared that, having found that the State was not fulfilling its obligation under Article VIII, "the Court trusts that the State will act to bring itself into compliance with its constitutional and contractual obligations under the Consent Decree for Fiscal Years 2001 and 2002 without the need for Plaintiffs to take further action."

The State noted an appeal from that Order, and we granted certiorari prior to proceedings in the Court of Special Appeals. In its brief, the State argued that (1) the Circuit Court had no authority to determine either the liability for the Constitutional inadequacy of the City school children's education or the amount of funds required from the State, under either the Consent Decree or under the doctrine of separation of powers, and (2) the court's order was clearly erroneous. In its first argument, the State contended that the court exceeded the scope of the Consent Decree when it determined that \*371 the State was obliged to increase its annual funding of the City school system by \$200 to \$260 million (\$2,000 to \$2,600/pupil times an estimated 100,000 pupils) and that the effect of its ruling was an order to the Governor and General Assembly to appropriate the necessary funds, which the court had no Constitutional authority to do. In its second argument, the State complained that the court ignored the evidence and argument it presented and that the court's finding that the State did not use its best efforts to obtain the additional funding requested by the plaintiffs was erroneous. A week before oral argument, the parties jointly requested that the argument be postponed. We denied that request, whereupon the State dismissed its appeal.

In December, 2001, Westat, the consultant selected pursuant to  $\P$  42 of the Consent Decree to render a final evaluation, made its report. In contradiction to findings **\*\*714** later made by other panels, Westat found significant improvement in almost all categories. It concluded that the Board was providing strong leadership in improving "what, by all criteria, was an educational system beyond the brink of failure" and had begun to establish a coherent administrative and management structure. It found that many new initiatives had been put in place, "although few could be considered fully tested or established." With respect to funding, Westat found that per pupil expenditures in BCPS "are now approaching \$10,000"—the amount that Metis had determined would be adequate—of which about 25% was from local sources. In comparison with other similar cities, Baltimore ranked about in the middle—ahead of Milwaukee, Cleveland, and Indianapolis, but behind Pittsburgh and Newark. Westat noted the difficulty in attempting to define "adequacy" or "sufficiency" in education funding. The meanings of those words, it said, keep changing and were "buffeted about by three dynamic processes: the efforts of advocacy groups to establish a use of the term favorable to their interests; the efforts of technicians to construct workable quantitative measures for the terms with available data and analytic techniques; and a growing number \***372** of court cases with judges struggling to find workable legal definitions."

The next significant event occurred a month later, in January, 2002, when the Thornton Commission issued its final report on statewide education funding in Maryland. Employing two methodologies to determine the amount of additional funding that would be necessary to fill each school district's "adequacy gap"—the difference between actual funding and needed funding—the Commission found that BCPS required additional funding of between \$ 2,938 to \$4,250 per pupil, translating to an aggregate sum of between \$290 million and \$420 million. The Commission also made several recommendations for improving school funding statewide.

The Legislature considered the Commission's findings and recommendations in its 2002 Session and, through the enactment of 2002 Md. Laws, ch. 288, which it named the "Bridge to Excellence in Public Schools Act," it provided for the eventual implementation of many of those recommendations. The 87–page Act restructured many of the State aid formulas and programs and provided for a phased increase in State educational funding for all 24 subdivisions from FY 2003 to FY 2008. According to the Fiscal Note that accompanied the bill, State aid to the local school systems would increase by nearly \$148 million in FY 2004, \$364 million in FY 2005, \$639 million in FY 2006, \$948 million in FY 2007, and \$1.3 billion in FY 2008. For the six-year phase-in period, Baltimore City would receive \$375.2 million more than it received in FY 2002, an increase of 64%. <sup>6</sup>

 The annual increases over FY 2002 funding for BCPS were estimated as follows: FY 2003 \$18.7 million; FY 2004 \$28.1 million; FY 2005 \$68.9 million; FY 2006 \$125.5 million; FY 2007 \$187.6 million; and FY 2008 \$258.6 million. In May, 2002, following the enactment of ch. 288, the Board and the Bradford plaintiffs filed a joint motion asking the court to continue its judicial supervision "until such time as the constitutional inadequacy of the education provided by [BCPS] has been remedied." They noted that the judicial \*373 supervision provided in the 1996 Consent Decree was due to terminate on June 30, 2002, that the Constitutional deficiency found in 1996 and 2000 still existed, and that, because the General Assembly had not identified a revenue source for a large share of the increases provided for in ch. \*\*715 288, there was some uncertainty as to whether those increases would, in fact, be fully funded. Finding that to be the case, the court, by order entered June 25, 2002, determined that it would retain jurisdiction and continue judicial supervision "until such time as the State has complied with this Court's June 2000 order." No complaint was made at that time about the validity of the phase-in approach.

The next relevant event occurred in March, 2004, when Judges Kaplan and Garbis signed an order in their respective cases directing the City, the Board, and the State defendants to provide the court, by April 7, 2004, with their plans for the funding and fiscal management of BCPS. The plans were to address certain specific topics, including the amount of the BCPS deficit and projected cash flow gaps, cuts in program and personnel reductions, source of funds, including loans, for current operations and loan repayments, and anticipated cash flow problems and planned solutions.

In response to that directive, the City and the Board informed the two judges that BCPS had ended FY 2002 with a deficit of \$21 million, it ended FY 2003 with a \$37 million deficit, and that the cumulative deficit was therefore \$58 million. They noted that the Board had anticipated a \$21.6 million surplus for FY 2004, which it planned to use to reduce the deficit, but that, for the first quarter of FY 2004, it overspent its budget for personnel costs by \$24 million, and that, if immediate action was not taken, the cumulative deficit could grow by that amount. The City and Board advised the judges of their plan to adopt a budget for FY 2005 that would reduce the accumulated deficit by 60% (\$35 million) and to adopt a budget for FY 2006 that would eliminate the remaining 40% (\$23 million).

\*374 Apart from this "structural" deficit, the Board also faced a cash flow shortfall for FY 2004 of \$42 million. On March 17, 2004, they said, the Board and the City entered into a City Funding Agreement under which the City lent the Board \$42 million to deal with the cash flow deficit, \$34 million of which was to be repaid in August, 2004 and the balance of \$8 million in June, 2006. The Board was expecting an \$85.6 million payment from the State on July 31, 2004, and it intended to use some of those funds to make the \$34 million partial repayment.

In the funding agreement, the parties agreed that a threeperson Fiscal Operating Committee, appointed by the Mayor, would be created to develop and implement a financial recovery plan by May 30, 2004. That plan was to include, among other things, a new internal budgetary process, a schedule for reducing the structural deficit, further costsavings measures, and "an affordable, downsized staffing model for [BCPS]."

The Fiscal Operating Committee made its Report to the Board on May 30, 2004. It attributed the accumulated deficit to budgeted personnel vacancies that never materialized, reduced class sizes, expanded summer school, enhanced classroom assistance, and transportation contract cost overruns. It noted that the FY 2004 plan to reduce the deficit not only could not be implemented but that an additional deficit was looming because (1) budgeted personnel costs were based on estimated salaries that did not reflect actual salaries, (2) previously promised re-engineering efforts were never completed, (3) temporary employees were not laid off when projected, (4) staff initially paid through grants were absorbed by general funds when the grants expired, and (5) monthly cost reporting lagged months behind. To meet the problem, various cost-saving efforts \*\*716 were immediately put into place, mostly involving a reduction in staff, including what appeared to be nonessential staff-"non-essential temporary employees" and "surplus teachers and administrators." In what it termed "A Roadmap to Financial Recovery," the Committee observed that, "[p]ut simply, [BCPS] must not only continue to cut and contain costs in the remaining months of FY 2004 and plan to \*375 live within its means, it must also produce future year surpluses that will equal or exceed the cumulative deficit that it will carry forward at the end of the current fiscal year."

In July, 2004, a separate panel appointed by MSBE to investigate the BCPS deficit made its report. The panel noted several erroneous assumptions on the part of the General Assembly in the enactment of ch. 288 itself, including an overestimate of what BCPS could do on its own, an underestimate of what the City would continue to do to assist BCPS, failure to focus on the development of oversight by the State Department of Education, and failure to maintain any meaningful follow-up or initiate corrective action when deficiencies were identified. The "makings of a disaster," it said, were there from the beginning, including no continuity of leadership in BCPS (four CEOs, three CFOs, and at least two CAOs in six years), no system of internal communication, no discipline, no meaningful oversight, a sense in middle management that new initiatives need not be followed because senior management would change, no accountability, and no sanctions for failure to perform. There was strong pressure to increase academic achievement without anyone focusing on the entire system and its budget issues. The panel concluded that, "[i]n a system with almost a complete lack of consequence for overspending, the surprise is that the deficit is not even larger." A similar critique of BCPS management, along with positive recommendations for improvement, was rendered by The Greater Baltimore Committee and The Presidents' Roundtable, which had been requested by the Mayor of Baltimore and the president of the Board to review BCPS's budget process and fiscal management practices.<sup>7</sup>

7 There was general agreement among all of the groups that studied the fiscal affairs of BCPS that there were serious and systemic management deficiencies, some of long standing, that were simply never addressed. Programs were put into place without regard to the lack of available funding; funds that were, or could have been made available were never used because of mismanagement and inattention. Painful but necessary decisions-layoffs, etc.-were either deferred or simply not implemented. Some of the problems arose when the new board assumed control pursuant to ch. 288. Prior to that time, the City Government handled some of the fiscal matters for the school system, but that ended when the new board was appointed. The management staff appointed by the new board seemed incapable of discharging those responsibilities.

\*376 While the City's Fiscal Operating Committee, the MSBE panel, and the Greater Baltimore Committee were analyzing and attempting to deal with the BCPS deficit and management deficiencies, the General Assembly, obviously concerned about school budget deficits, enacted 2004 Md. Laws, ch. 148, which it called the Education Fiscal Accountability and Oversight Act of 2004. Part of that Act was a new § 5–114 added to the Education Article, which required each local school superintendent to file a biannual report on the financial status of the local school system and

required the State Superintendent of Schools to monitor the financial status of each local school system and to make a biannual report to the Governor and Legislature.

\*\*717 Section 5–114(e) provided that a local school system may not carry a deficit as reported in the annual audit of its financial transactions and accounts required under § 5-109 of the Education Article. The term "deficit" was defined as "a negative fund balance in the General Fund of 1% or more of General Fund revenue at the end of the fiscal year." If a deficit was reported, the State Superintendent was required (1) to notify the Governor, the General Assembly, and the appropriate county government, and (2) among other things, to require the local school system to develop and submit for approval a corrective action cost containment plan within 15 days and to file monthly status reports demonstrating action taken to close the deficit. If the local school system failed to comply with those requirements, the State Superintendent, with the approval of the State Board of Education, was to notify the State Comptroller who, in turn, was to withhold 10% of each installment of State funds payable to the local school system until compliance was effected.

Apparently recognizing that it would be impracticable to immediately apply the prohibition against deficits to Baltimore \*377 City, which then was reporting at least a \$58 million deficit, the Legislature provided, in an uncodified § 4 of the Act, that "[n]otwithstanding § 5-114(e) of the Education Article, the Baltimore City Board of School Commissioners shall eliminate the general fund deficit as reported in the annual audit required by § 5-109 of the Education Article by no later than the fiscal year ending June 30, 2006." That provision, which was consistent with the plan adopted by the Mayor's Fiscal Operating Committee and with the City/Board's April 7, 2004 representation to Judges Kaplan and Garbis, effectively gave Baltimore City one year more than was given to the 23 other local school systems to eliminate any deficit it might be carrying. Ch. 148 took effect July 1, 2004.

A week later, on July 8, the *Bradford* plaintiffs filed a motion complaining that the BCPS plan to eliminate the deficit and repay the loan obtained from the City would reduce the educational opportunities available to the City students. They noted that, to obtain the funds needed to reduce the deficit, BCPS planned to eliminate systemic summer school for atrisk children in elementary and middle schools, increase class size, eliminate guidance counselors and other specialists, and encourage the retirement of skilled teachers. Accordingly, they asked the court to direct the State, the City, and BCPS 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." In an accompanying memorandum, they disclaimed any notion that the court should "directly involve itself in finding solutions to the fiscal problems, rewriting the budget, or directing specific programs to which funds should be channeled," but suggested a number of ways in which sufficient funds would become available. Among the suggestions were that the State accelerate the phase-in of additional funding under ch. 288 (the Thornton funding), that the City "relax" the requirement that the Board repay \$34 million of the \$42 million loan in August, 2004, and that the parties "alter" BCPS's plan to eliminate its structural deficit within two years. The Board endorsed that motion.

\*378 The State responded with a motion seeking a declaration that State aid, as provided in ch. 288 "satisfies the constitutional standard of adequacy" and that the court order such additional restructuring of BCPS "in order for the system to function efficiently and effectively." In furtherance \*\*718 of its first request, the State noted that the February, 2000 Metis Report concluded that BCPS needed an additional \$2,000–\$2,600 per pupil over what it received in FY 1999, and it advised that, for FY 2005, State aid alone had increased over the FY 1999 level between \$2,360 and \$2,478 per pupil. If increases in local and Federal funding were considered, BCPS would receive in FY 2005 approximately \$3,400/pupil more than it received in FY 1999.

The State argued that the funding formula adopted in ch. 288, when coupled with other sources of funding, would lead to Constitutional adequacy throughout the State and that the court was not authorized to direct a specific funding level. It pointed to a 2004 report by Ernst & Young indicating that systemic management deficiencies still existed in BCPS and that, for the period 2001–2004, it had failed to avail itself of over \$13 million of available State and Federal funds. The State defended BCPS's plans to repay the City loan in accordance with its agreement and to eliminate the structural deficit by 2006. It argued that § 4 of ch. 148 had a rational basis and was Constitutionally valid.

Following a four-day evidentiary hearing, the parties submitted proposed findings of fact to the court. On August 20, 2004, the court filed a lengthy memorandum opinion and accompanying order. In the memorandum opinion, the court adopted most of the proposed findings submitted by the plaintiffs and virtually none of those proposed by the State. After reciting much of the history of the case and the various orders it had entered, the court found, among other things, that:

(1) the estimates that undergirded the Thornton Commission recommendations, largely adopted in ch. 288, were too low;

**\*379** (2) the increases actually received by BCPS under ch. 288 were less than those projected when the law was enacted;

(3) full funding under ch. 288 would not occur until FY 2008;

(4) BCPS needs substantial additional resources;

(5) the State had "not yet come close to complying with the Court's June 2000 direction that an additional \$2,000 to \$2,600 per pupil be provided";

(6) the additional \$2,000 to \$2,600 was to be on top of what was provided in FY 2001 and FY 2002, not FY 1999, and on top of mandated increases, and the additional funding since FY 2002 was only \$1,353/pupil;

(7) for FY 2001 through 2004, the State underfunded BCPS by \$439.4 million to \$834.7 million (depending on whether \$2,000 or \$2,600 was used);

(8) academic achievement among City students remained grossly unsatisfactory;<sup>8</sup>

8

Among the facts found in this regard were that 2003 scores on the Maryland School Assessment Test show that nearly two-thirds of Baltimore City tenth grade students did not adequately read or comprehend grade level reading material and that from 58% to 89% of City students, depending on grade, were functioning at an unsatisfactory level in mathematics; City pupils' performance on high school assessment tests "also demonstrate a substantial failure to meet state standards"---only 20.7% passed the algebra exam and only 26% passed the biology exam; City pupils' dropout rate hovered close to 11% and thus substantially exceeded the State standard (3%); absenteeism remained a large problem-on any given day, one out of five students was not in class; and City suspension and expulsion rates were the highest in the State.

(9) consistent with its obligations under both § 4 of ch. 148 and its own commitment to Judges Kaplan and Garbis, the Board determined to institute cost savings sufficient to retire 60% of the \$58 million **\*\*719** deficit in FY 2005 and the remaining 40% in FY 2006; and

(10) to achieve that result, the Board instituted certain cuts to educational programs and services which the court described in some detail and which it concluded "will immediately and adversely affect the quality of education being provided **\*380** to children in Baltimore City" and "create [] significant morale issues both within the system and among the parents and students it served."

In announcing its conclusions of law, the court said that it was "gravely concerned" that the measures taken by the State, the City, and the Board to address the structural deficit "have compromised the quality of education being provided to Baltimore City's schoolchildren" and that this was compounded by the State's unwillingness to provide "immediate funding in accord with this Court's final 2000 order and will not arguably comply with that order until 2008 when full funding under the *Bridge to Excellence Act* is received." To that end, the court, in its accompanying order:

(1) Declared that the Constitutional violation that the court found to exist in 1996 and 2000 "is still continuing" and that full compliance with the 2000 declaration and funding sufficient for BCPS to achieve Constitutional adequacy will not occur until BCPS receives at least \$225 million in additional State funding under ch. 288, at the latest by FY 2008.

(2) Declared that the City children should not have to wait another three years for adequate funding and that "[g]iven the substantial underfunding of [BCPS], the Court declares that it would be appropriate for the State to accelerate increases in full Thornton funding to [BCPS]. The Court will not, in any event, tolerate any delays in full Thornton funding for [BCPS] beyond FY 2008."

(3) Declared that, "[t]o ensure that the necessary funding is available for [BCPS] to provide the basic educational programs that have been reduced," the requirement in § 4 of ch. 148 "that the [BCPS] deficit must be eliminated by the end of fiscal year 2006 is unconstitutional as applied to [BCPS]" and that the comparable provision in the City Maryland State Bd. of Educ. v. Bradford, 387 Md. 353 (2005) 875 A.2d 703, 199 Ed. Law Rep. 298

Funding Agreement that the BCPS deficit be eliminated by the end of FY 2006 "is null and void as against public policy." <sup>9</sup> Coupled with that declaration, the court directed that

<sup>9</sup> We are unable to find any requirement in the City Funding Agreement, which the court referred to as an MOU, directing that the deficit be eliminated by 2006. The Agreement required the financial recovery plan adopted by the Fiscal Operating Committee—a committee appointed by the Mayor —to include a schedule for the reduction of the structural deficit. The plan to eliminate 60% of the deficit in FY 2005 and the remaining 40% in FY 2006 was part of that plan.

**\*381** "Absent additional funding from the State of Maryland, [BCPS] shall not retire the deficit before fiscal year 2008 and [BCPS] shall not dedicate more than \$5 million per year toward the creation of a \$20 million cash reserve."

(4) Declared that, notwithstanding the court's abrogation of the requirement that the deficit be eliminated by 2006, "the City shall be repaid the remaining \$8 million of its \$42 million loan as scheduled."  $^{10}$ 

10 Notwithstanding the dire circumstances found by the court, the Board repaid the first installment of \$34 million on the \$42 million loan in August, 2004, as it had agreed to do. The court seemed to have no problem with that repayment or with the Board's plan to repay the remaining \$8 million in June, 2006.

(5) Noted that a number of steps taken to address the financial crisis—elimination **\*\*720** of a systemic summer school program, increases in class size, reduction of experienced teachers, mentors, and coaches, and elimination of guidance counselors—reduced educational opportunities and impermissibly interfered with progress toward providing a Constitutionally adequate education, and declared, in light of that circumstance that

"[T]he parties should ensure that educational opportunities for the school children are not reduced, by making available to the children of Baltimore City at least the amount of funding representing the savings achieved from those reduced educational opportunities described above, to be spent solely on programs and services that benefit at-risk children. The Court further declares that that amount constitutes at least an additional \$30–45 million in operating funding this fiscal year.

\* \* \*

The Court believes that the best way to accomplish this goal would be for the parties with revenue raising capacity **\*382** (the State or City) to increase the funding available to [BCPS] for the upcoming year."

(6) Declared that the court would retain jurisdiction to ensure compliance with its orders and mandates and continue monitoring funding and management issues until full funding is received, at which time the court would revisit the issue of its continuing jurisdiction and determine whether the Consent Decree "should then be extended for good cause."

(7) Ordered the City to continue monitoring BCPS financing and accounting and ensure that expenditures do not exceed revenues, but enjoined the City not to impose any budget cuts or to restrict program funding.

(8) Having issued those declarations, expressed the trust that the parties would "act in good faith and with all deliberate speed to ensure compliance without the necessity of further action by the court."

The State appealed, and we granted *certiorari* prior to proceedings in the Court of Special Appeals. The State has raised four issues and the plaintiffs have raised three. They can be restated as follows:

(1) Is the August, 2004 order, or any part of it, presently appealable and, if so, on what basis;

(2) If the order is appealable, in whole or in part, what issues are properly before us at this point; and

(3) To the extent one or more issues are properly before us, did the Circuit Court err?

## DISCUSSION

## Appealability

[1] We have, on a number of occasions, articulated and confirmed the rule that the right to seek appellate review

of a trial court's ruling ordinarily must await the entry of a final judgment that disposes of all claims against all parties, and that there are only three exceptions to that rule: appeals from interlocutory orders specifically allowed by statute, predominantly **\*383** those kinds of orders enumerated in

Maryland Code, \$ 12–303 of the Cts. & Jud. Proc. Article; immediate appeals permitted under Maryland Rule 2–602(b); and appeals from interlocutory rulings allowed under the common law collateral order doctrine. *See Smith v. Lead Industries Assoc., Inc.,* 386 Md. 12, 21, 871 A.2d 545, 550– 51 (2005); *Frase v. Barnhart,* 379 Md. 100, 109–10, 840 A.2d 114, 119 (2003); *Shoemaker v. Smith,* 353 Md. 143, 165, 725 A.2d 549, 560–61 (1999).

The State initially sought to treat the question of appealability, which, of course, **\*\*721** is a critical, threshold one, in a brief footnote:

"The circuit court's order is appealable because it is a final declaratory judgment on the matters presented to it in August 2004. Declaratory judgments are final judgments. Md. Jud. Proc.Code Ann. § 3–411. Further, to the extent that the court's order is in the nature of an injunction, it is

immediately appealable. See Md. Cts. & Jud. Proc.Code

Ann., § 12–303; Funger v. Mayer [Mayor], 244 Md. 141, 149, 223 A.2d 168 (1966)."

In response to the *Bradford* plaintiffs' motion to dismiss the appeal, the State decided to pay somewhat more attention to the question. In its reply brief, it urges that the Circuit Court's attempt to enforce the Consent Decree "far exceeded its subject matter jurisdiction" in that "[i]t had no authority to summon parties to court to address the [BCPS] budget deficit, to direct the parties, including the defendants, to file pleadings; or to craft an order that went far beyond anything the Consent Decree contemplated or authorized."

Relying upon *Waters v. Smith,* 277 Md. 189, 196, 352 A.2d 793, 797 (1976) and *Cohen v. Willett,* 269 Md. 194, 195, 304 A.2d 824, 825 (1973), it avers that "[a]n appeal lies immediately from an order which exceeds the jurisdiction of the trial court." The State also supplemented its footnote with the assertion that "[b]ecause the parties only requested declaratory relief and because ... the declaratory judgment issued in August 2004 addressed all requests for such relief, it is a final appealable judgment." \*384 Although, for reasons to be explained, we shall conclude that one aspect of the court's order was in the nature

of an injunction that was immediately appealable under  $\sim$  § 12–303 of the Cts. & Jud. Proc. Article, we find no merit whatever in the alternative bases urged by the State.

There is a line of cases, commencing with *Gottschalk v. Mercantile Trust Co.*, 102 Md. 521, 62 A. 810 (1906), and *Eastern States Corp. v. Eisler*; 181 Md. 526, 30 A.2d 867 (1943) and extending through *Montgomery Co. Coun. v. Kaslow*, 235 Md. 45, 51, 200 A.2d 184, 187 (1964), *Cohen v. Willett*, and *Waters v. Smith*, both *supra*, in which this Court has indeed indicated that an immediate appeal may lie from an order that is jurisdictionally deficient.

[2] That view has long been discarded. In more recent times, as noted above, we have made clear that there are only three exceptions to the final judgment rule, and a mere allegation that an interlocutory order exceeded the subject matter jurisdiction of the court is not one of them. In *Gruber v. Gruber*, 369 Md. 540, 547, 801 A.2d 1013, 1017 (2002), we held flatly that "a trial court's order denying a challenge to its jurisdiction is a nonappealable interlocutory order." We have similarly discarded the once-held view that an immediate appeal would lie from an order denying a Constitutional

right. Compare Smith v. Fredericktown Bank, 258 Md. 141, 142, 265 A.2d 236, 237 (1970) with Parrott v. State, 301 Md. 411, 483 A.2d 68 (1984); see also Old Cedar v. Parker Construction, 320 Md. 626, 631–32, 579 A.2d 275, 278 (1990).

A contrary approach would be wholly inconsistent with the very purpose of the final judgment rule, which is to avoid piecemeal appeals that create inefficiencies in both the appellate and trial courts. The mere allegation that a clearly interlocutory order is jurisdictionally deficient should not serve to halt proceedings in the trial court while an appellate court considers whether the allegation has merit. Moreover, there is no need for a fourth exception to the final judgment rule. In some **\*\*722** instances, an order that is jurisdictionally deficient may, for other reasons, be immediately appealable as **\*385** a final judgment, under the collateral order doctrine, or under 8 12-303, but if it is

collateral order doctrine, or under  $[-\S] 12-303$ , but if it is not, it can certainly be reviewed in an appeal from the final judgment. <sup>11</sup>

<sup>11</sup> The appeal in *Cohen v. Willett,* for example, was from an order, in a judicial review action, remanding the case to the administrative agency for further proceedings, the challenge being that the court had no power to enter such an order. In subsequent cases, we have held that such an order is

> appealable as a final judgment. See Department of Public Safety v. LeVan, 288 Md. 533, 542–43, 419 A.2d 1052, 1057 (1980); Schultz v. Pritts, 291 Md. 1, 5–6, 432 A.2d 1319, 1322 (1981); Md. Comm'n on Human Rel. v. B.G.&E. Co., 296 Md. 46, 52–3, 459 A.2d 205, 210 (1983).

[3] The State's assertion that any declaration by a court constitutes a final judgment is patently without merit. It is true that when, in a declaratory judgment action, the court enters a judgment declaring the rights of the parties and that judgment resolves all of the issues in the case, it is appealable, but that is because it constitutes a final judgment in the case. The fact that, as here, a court, in the course of its continuing jurisdiction in a case, makes pronouncements or declarations of one kind or another does not, of itself, imbue those pronouncements or declarations with the status of final judgments.

There clearly has been no final judgment [9] [4] [5] [6] in this case. The case is very much alive in the Circuit Court. Indeed, in its August 20, 2004 order, the court has actually done very little of any immediate effect. It declared that the school children in Baltimore City, as of August, 2004, were being deprived of their right to a thorough and efficient education. That determination is certainly subject to challenge if and when a final judgment is entered, if it is still relevant at that time. The court declared that the Constitutional violation would exist until BCPS receives at least \$225 million in additional annual aid from the State. That, too, can be challenged, either when a final judgment is entered or at such time as the court attempts to implement that finding by an order that is properly appealable on an interlocutory basis. The court declared that "it would be appropriate" for the \*386 State to accelerate the phase-in of additional funding provided in ch. 288. That is hardly an appealable order. The court decided to retain jurisdiction to continue monitoring funding and management issues. Until the court does something in the exercise of that jurisdiction that is otherwise appealable, however, there is clearly nothing final about that provision.

[7] In ¶¶ 8 and 9 of the order, the court declared that the parties "should ensure continued progress towards constitutional adequacy" by making available to the children of Baltimore City at least \$30 million to \$45 million from the savings achieved from earlier reductions in programs and that "the best way to accomplish this goal would be for [the State and the City] to increase funding available to [BCPS] for the upcoming year." It is not clear to us whether the State or the City have done anything in response to that suggestion, but those statements by the court do not order anyone to do anything. The directive that the City continue to monitor the BCPS finances may be considered injunctive in nature, but the City has not appealed from that directive and it does not obligate the State to do anything.

[8] As we view the August, 2004 order, only two aspects of it are appealable at this time. Paragraph 12 orders that the City be repaid the \$8 million balance of its loan as scheduled. In both form and substance, **\*\*723** that constitutes an order for the payment of money, which is appealable under

\$ 12–303(3)(v), and although that directive seems facially incompatible with the court's ruling regarding the elimination of the \$58 million deficit, the State has not complained in this appeal about that directive.

[9] The second aspect, about which the State *does* complain, are (1) the declaration in ¶ 10 of the order that § 4 of ch. 148 is unconstitutional, (2) the associated declaration in ¶ 11 that the contractual obligation of BCPS to eliminate the deficit by FY 2006 is null and void as against public policy, and (3) the implementing directive, found in ¶ 13 of the order, that, absent additional funding from the State, BCPS "shall not retire the deficit before fiscal year 2008 and [BCPS] shall not **\*387** dedicate more than \$5 million per year toward the creation of a \$20 million case reserve." That directive, which proceeds from the declaration of unconstitutionality and contravention of public policy, is injunctive in nature, in that it forbids BCPS from taking action that, by public general law, the General Assembly has required BCPS to take and that, by contract freely entered into with the City, it agreed

to take. That directive is immediately appealable under [12-303(3)(i)], and, along with its underpinnings in  $\P\P$  10 and 11, are the only aspects of the August 20, 2004 order that are properly before us at this point.

Validity of That Directive

[10] [11] Declaring a statute enacted by the General Assembly to be unconstitutional and therefore unenforceable is an extraordinary act. Statutes are generally presumed to be Constitutional and are not to be held otherwise unless the Constitutional impediment is clear. We have said many times that "since every presumption favors the validity of a statute, it cannot be stricken down as void, unless it plainly contravenes a provision of the Constitution." *McGlaughlin v. Warfield*, 180 Md. 75, 78, 23 A.2d 12, 13 (1941) and cases cited there; *see also Atkinson v. Sapperstein*, 191 Md. 301,

315, 60 A.2d 737, 742 (1948); *Edgewood Nursing Home* v. Maxwell, 282 Md. 422, 427, 384 A.2d 748, 751 (1978); *State v. Wyand*, 304 Md. 721, 727–28, 501 A.2d 43, 46–47

(1985); *Galloway v. State*, 365 Md. 599, 610–11, 781 A.2d 851, 857–58 (2001). Similar principles apply with respect to striking down otherwise valid contractual provisions as being

against public policy. *See Bausch & Lomb v. Utica Mutual,* 330 Md. 758, 790, 625 A.2d 1021, 1037 (1993) ("Maryland courts are reluctant to obviate voluntary bargains on public policy grounds, and to diminish the public interest in having individuals and corporations exercise broad powers as they

structure their own affairs"); see also Finci v. American Casualty, 323 Md. 358, 378–79, 593 A.2d 1069, 1079 (1991).

[12] The apparent theory upon which the court declared § 4 of ch. 288 unconstitutional is that, if BCPS is required to **\*388** eliminate its \$58 million deficit by FY 2006, as the law mandates, it would have to divert funds for that purpose from educational programs and that would exacerbate the Constitutional deficiency found by the court. That was the presumed basis, as well, for declaring the contractual commitment null and void. The same, no doubt, could be said for a hundred other obligations of BCPS, including repayment of the \$8 million balance of the loan from the City, which the court expressly required be repaid when due.

[13] What the court overlooked is that § 4 of ch. 288 has an equivalent Constitutional basis under Article VIII of the

Constitution. As part of its responsibility for establishing throughout the State a thorough and efficient system of free public \*\*724 schools, the General Assembly has at least the authority, if not an obligation, to ensure that appropriations for educational purposes are managed wisely and, in furtherance of that authority or obligation, to prohibit local school systems from running deficits and, if they do run such deficits, to insist that they be promptly eliminated. Indeed, to continue to permit school systems, through deliberate or negligent conduct, to become fiscally irresponsible and insolvent, as BCPS became, would be a breach of its solemn responsibility to both the children and the taxpayers of the State. As we have observed, BCPS was given a break by the Legislature -a dispensation not given to any other subdivision. Whether any other subdivision might have cause of complaint, there is nothing remotely unconstitutional about § 4 of ch. 288 from BCPS's point of view. The part of the court's order directing BCPS not to comply with that mandate is invalid and void, as is the associated declaration regarding the City Financing Agreement. Because no other aspect of the August, 2004 order, or any other order entered by the Circuit Court to date, is properly before us, we express no opinion with respect to them<sup>12</sup>

1.0

<sup>12</sup>Given the importance of this case and the fact that it has been pending already for nearly eleven years with no end in sight, at least until 2008, we caution the court to be careful in the kinds of declarations and orders it issues.

## \*389 PARAGRAPHS 10, 11, AND 13 OF ORDER OF AUGUST 20, 2004 ENTERED BY CIRCUIT COURT FOR BALTIMORE CITY VACATED; COSTS TO BE PAID 3/4 BY APPELLANTS, 1/4 BY APPELLEES.

## **All Citations**

387 Md. 353, 875 A.2d 703, 199 Ed. Law Rep. 298

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# **App. 5**

## October 18, 1996

## IN THE CIRCUIT COURT FOR BALTIMORE CITY

BRADFORD, et al.,	*
Plaintiffs	*
ν.	* Case No. 94340058/CE189672
MARYLAND STATE BOARD OF EDUCATION, et al.,	*
	*
Defendants	*
* *	* * * *
BOARD OF SCHOOL COMMISSIONED OF BALTIMORE CITY, et al.,	RS *
Plaintiffs	*
ν.	* Case No. 95258055/CL202151
MARYLAND STATE BOARD OF EDUCATION, et al.,	*
	*
Defendants. * * * * * * * * * *	* * * * * * * * * * * *

## <u>ORDER</u>

The Motion of the *Bradford* Plaintiffs for Partial Summary Judgment was heard on October 15, 1996. The Court finds the following:

1. Article VIII of the Maryland Constitution provides that "The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation or otherwise, for their maintenance." The "thorough and efficient" language of Article VIII requires that all students in Maryland's public schools be provided with an education that is adequate when measured by contemporary educational standards.

2. There is no genuine material factual dispute in these cases as to whether the public school children in Baltimore City are being provided with an education that is adequate when measured by contemporary educational standards. This Court finds, based on the evidence submitted by the parties on the partial summary judgment and summary judgment motions in these cases, that the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards.

3. There is a genuine dispute regarding the cause of the inadequate education provided to students in Baltimore City Public Schools and the liability therefor.

IT IS THEREFORE ORDERED that the *Bradford* Plaintiffs Motion for Partial Summary Judgment is granted in part and denied in part.

Entered this 18th day of octable, 1996.

ph H. H. Kaplan Court for Baltimore City

tlw\man\bradford\order.pld

# App. 6

691 A.2d 1281, 117 Ed. Law Rep. 638

KeyCite Yellow Flag - Negative Treatment

Distinguished by Doe v. Alternative Medicine Maryland, LLC, Md., August 25, 2017

345 Md. 175 Court of Appeals of Maryland.

MONTGOMERY COUNTY, Maryland

Keith A. BRADFORD et al. MONTGOMERY COUNTY, Maryland

v.

## BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY et al.

Nos. 31 and 56, Sept. Term, 1996 | April 4, 1997.

### **Synopsis**

County sought leave to intervene in suits filed against state Board of Education and state officials, one by American Civil Liberties Union (ACLU) on behalf of present and future students in city public school system, and one by city Board of School Commissioners, each seeking to obtain declaratory decree that city public school students were deprived of their rights to at least minimum quality of education mandated by State Constitution. The Circuit Court for Baltimore City, Kaplan, J., denied leave to intervene, and county appealed. The Court of Special Appeals affirmed. On consolidated petition for certiorari, the Court of Appeals, Robert C. Murphy, J., (retired) Specially Assigned, held that county's concerns were insufficient to confer status of intervenor as of right in underlying actions.

Affirmed.

Eldridge, J., dissented with opinion in which Raker, J., joined.

Rodowsky, J., dissented with opinion.

Procedural Posture(s): On Appeal.

West Headnotes (4)

# [1] Appeal and Error - Relating to parties and process

Denial of motion to intervene is appealable final order.

4 Cases that cite this headnote

## [2] Parties - Interest in subject of action in general

County's concerns that actions originally brought against state Board of Education and state officials on behalf of present and future students in city public school system and by city Board of School Commissioners would affect determination of level of education required under State Constitution with respect to children generally and "at risk" children in particular, and that disposition of such actions might, as practical matter, impair or impede county's ability to protect that interest, were insufficient to confer upon county status of intervenor as of right in such actions; such concerns did not implicate transaction at issue in underlying lawsuits, any impact on county would be contingent upon happening of uncertain and speculative events and would not follow automatically from judgment for plaintiffs in underlying cases, and concerns as to possible reallocation of tax burden were far too remote and indefinite to justify intervention. Md.Rule 2-214(a)(2).

5 Cases that cite this headnote

# [3] Parties - Interest in subject of action in general

For purpose of determining whether county was entitled to intervene in lawsuits filed against state Board of Education and state officials on behalf of present and future students in city public school system and by city Board of School Commissioners, "transaction at issue" in underlying lawsuits was restricted to plaintiffs' claim that state failed to provide requisite resources and services to Baltimore City public school children necessary to fulfill its constitutional obligation to provide such students with adequate education in conformity with contemporary educational standards. Md.Rule 2-214(a)(2).

5 Cases that cite this headnote

# [4] Parties Interest in subject of action in general

County's concern that actions originally brought against state Board of Education and state officials on behalf of present and future students in city public school system and by city Board of School Commissioners would result in transformation of current state-local educational financing scheme was insufficient to confer upon county status of intervenor as of right in such actions; such concerns were based on supposition and speculation, and nothing in relief sought by plaintiffs sought general overhaul of entire system of local management. Md.Rule 2–214(a)(2).

3 Cases that cite this headnote

## Attorneys and Law Firms

\*\*1282 \*177 Roger W. Titus (Kevin B. Collins, Venable, Baetjer and Howard, LLP; Charles W. Thompson, Jr., County Attorney; Marc P. Hansen, Senior Assistant County Attorney, on brief), Rockville, for Petitioner.

Lawrence Fletcher-Hill, Assistant Attorney General (J. Joseph Curran, Jr., Attorney General; Evelyn O. Cannon, Margaret Ann Nolan, Assistant Attorneys General, on brief), Baltimore, Laura S. Shores (Helen Michael, William L. Webber, Howrey & Simon, on brief), Washington, DC, for Respondents.

Edward C. Schweitzer, Jr., Washington, DC.

Abbey G. Hairston, Koteles Alexander, Alexander, Bearden, Hairston & Marks, LLP, on brief, Silver Spring; John M. Bryson, II, Edward C. Schweitzer, Jr., Shaw, Pittman, Potts & Trowbridge, on brief, Washington, DC.

Louis M. Bograd, ACLU, Washington, DC, Susan Goering, Malissa Ruffner, ACLU, Baltimore, for Keith A. Bradford et al.

Argued before BELL, C.J., ELDRIDGE, RODOWSKY, CHASANOW, KARWACKI and RAKER, JJ., and ROBERT C. MURPHY, Judge (retired), Specially Assigned.

ROBERT C. MURPHY, Judge, Retired, Specially Assigned.

I

We consider in these consolidated cases whether the Court of Special Appeals erred in affirming judgments of the Circuit Court for Baltimore City which denied motions filed by Montgomery County to intervene (1) in a class action suit filed on behalf of present and future students of the Baltimore City Public School System by attorneys for the American Civil \*178 Liberties Union (ACLU), Keith and Stephanie Bradford, and a number of other individuals (collectively the Bradford plaintiffs or the Bradford case); named as defendants were the State Board of Education and several State officials; and (2) a declaratory judgment action filed by the Board of School Commissioners of Baltimore City against the State Board of Education (the City case). The main thrust of each action was to obtain a declaratory decree that the Baltimore City public school students were deprived of their rights to at least the minimum quality of education mandated by Article VIII, § 1 of the Maryland Constitution which provides:

> The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance.

> > А

The Bradford complaint alleged that the State was responsible for a number of educational deficiencies in the Baltimore public school system due to various economic, social, and educational factors peculiar to Baltimore City, as a result of which the public school students in the City will be unable to obtain an adequate education as guaranteed by the Maryland Constitution. In this regard, the complaint referred to the high incidence of Baltimore City public school students who live in poverty, many of whom live in households with fewer than two parents; that many of the students' parents are not high school graduates and they are unemployed, and are homeless or pregnant; live under the threat of violence; have been held back in school; score more than one year below grade level on standardized testing measures; or have otherwise been determined to be in need of remedial education.

According to the allegations of the complaint, these children are most susceptible to the harmful effects of an inadequate education and are thus "at-risk" students. The complaint emphasized the lack of adequate education that these students \*179 are receiving by citing unsatisfactory compliance with State Board of Education standards as codified in the Code of Maryland Regulations (COMAR), Title 13A. In particular, the complaint focuses attention on the poor performance of these students on State outcome tests, low student attendance resulting from \*\*1283 an inordinately excessive absenteeism, and extremely high dropout rates (six times higher than the State Board's "satisfactory standard"). The complaint also referred to a lack of preparation for higher education (only 30% of the students who graduate from Baltimore City high schools had completed minimum course requirements that would qualify them for admission to the University of Maryland system). It also referred to inadequate educational resources far short of the standard for an adequate education and to a far greater extent than any other school district in Maryland.

As to these allegations of inadequate educational resources, the complaint referred to "standards" promulgated by the State Board of Education relative to the resources that a school district should provide to students to satisfy the requirement of receiving a constitutionally adequate education. Specifically, the complaint averred that Baltimore City public schools had one of the highest student-to-teacher ratios in Maryland and that fewer than 1% of the Baltimore City public schools had the required number of libraries staffed to adequately serve the students.

In its prayers for relief, the complaint disavowed seeking to reduce or reallocate educational resources currently provided to any other school district in Maryland; rather it sought to secure access to an adequate education for the children attending the public schools in Baltimore City. The complaint sought a declaration that the State had failed to fulfill its constitutional obligation to provide a system of public schools adequate to meet the needs of school children in Baltimore City public schools. The Bradford plaintiffs sought a court order requiring the State to work with the plaintiffs and Baltimore City to improve the City's public schools so that they provide an adequate education in conformance with contemporary educational standards; and to further order the **\*180** State to take all steps necessary to implement an educational improvement plan which would result in providing an adequate education to the public school children in Baltimore City.

On January 25, 1995, Montgomery County, Maryland, pursuant to Maryland Rule 2–214, moved to intervene in the class action suit either as a matter of right or permissively. That rule provides as follows:

(a) **Of Right.**—Upon timely motion, a person shall be permitted to intervene in an action: (1) when the person has an unconditional right to intervene as a matter of law; or (2) when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties.

## (b) Permissive. -

(1) *Generally.*—Upon timely motion a person may be permitted to intervene in an action when the person's claim or defense has a question of law or fact in common with the action.

In its motion, Montgomery County acknowledged that the Bradford complaint did not directly attack the constitutionality of the system of public school funding which we upheld in *Hornbeck v. Somerset Co. Bd. of* Educ., 295 Md. 597, 458 A.2d 758 (1983). That case involved a challenge by several fiscally distressed school districts, including Baltimore City, to the constitutionality of Maryland statutes under both the Maryland Constitution (Article VIII, § 1) and the equal protection clause of the United States Constitution with respect to the system of financing public elementary and secondary schools in Maryland's twenty-four school districts. We there noted that the Maryland public school system is primarily financed by a combination of State and local tax revenues under a per pupil equalization formula whereby the State, in its distribution of financial aid to local public school systems, provides

**\*181** greater amounts to jurisdictions having more limited local resources than to those having greater local resources. *Hornbeck* thus focused in particular upon the existence of wide disparities in taxable wealth among the various school districts, and the effect of those differences upon the fiscal capacity of the poorer districts to provide their students with

educational offerings and resources comparable to those of the more affluent school districts. **\*\*1284** While *Hornbeck* teaches that the Maryland constitutional provision does not mandate uniformity in per pupil funding or require that the system operate uniformly in every school district, it does require that the General Assembly establish a Statewide system to provide an adequate public school education

to the children in every school district. As *Hornbeck* recognizes, 295 Md. at 639, 458 A.2d 758, Maryland has established "comprehensive Statewide qualitative standards governing all facets of the educational process in the State's public elementary and secondary schools." Where, however, these standards "failed to make provision for an adequate education," or the State's school financing system "did not provide all school districts with the means essential to provide the basic education contemplated by § 1 of Article VIII, when measured by contemporary educational standards, a constitutional violation may be evident. But "[s]imply to show that the educational resources available in the poorer school districts are inferior to those in the rich districts does not mean that there is insufficient funding provided by the State's financing system for all students to obtain an adequate

ducation." *Hornbeck*, 295 Md. at 639, 458 A.2d 758.

Montgomery County's motion to intervene in the Bradford case asserted that if there were to be a finding of a violation of Article VIII, § 1 of the Maryland Constitution, the plaintiffs would view the remedy "as being a vast increase in the commitment of State financial resources to the Baltimore City Public School System, a commitment which already is in excess of that which is made by the State to most other school systems in the State, including that in Montgomery County." The County further stated in its motion to intervene that "the **\*182** diversion of still additional State resources to Baltimore City would cause a diminution in the resources available to other jurisdictions in the State, including Montgomery County, in the absence of an increase in State taxes which, at the present time, appears unlikely." Continuing, Montgomery County's motion to intervene stated that if the plaintiffs were to prevail, Montgomery County, which is responsible for the local funding of its public schools, would be called upon to devote still more revenues from local tax sources for support of its public school system. As a result, Montgomery County urged that it has a "strong interest" in the subject of the suit and is so situated "that disposition of the action may, as a practical matter, impair or impede its ability to protect that interest unless it is allowed to participate as a party, since it is not adequately represented by existing parties" in the sense contemplated by Maryland Rule 2–214(a)(2). In this regard, Montgomery County alleged that it has a fundamental interest in participating in defining the parameters and components of a constitutionally adequate education in Maryland school districts in a manner that does not adversely affect Montgomery County or its public school system. The case raised other issues which, according to Montgomery County, if decided adversely to it could profoundly affect its own public school system which is largely funded by the County.

The County relied primarily on the provisions of Rule 2–214 and this Court's decision in *Citizens Coordinating Comm. v. TKU*, 276 Md. 705, 351 A.2d 133 (1976), a case in which we concluded that under Maryland Rule 208, the predecessor to Rule 2–214, intervention as a matter of right should have been granted.

On February 13, 1995, the Bradford plaintiffs opposed the County's motion to intervene, stating that the fundamental prerequisite to intervention of right under Rule 2-214 was not satisfied, namely "a direct, substantial, legally protectable interest in the subject matter of the action," i.e., whether the public schoolchildren of Baltimore City are receiving the "thorough and efficient" education guaranteed by the Maryland Constitution. As to this, the plaintiffs asserted that \*183 Montgomery County impermissibly seeks to intervene by connecting the subject matter of this action with a speculative impact on the County's local tax burden ... by a leap of faith, not by principles of law." In arguing that Montgomery County does not qualify for intervention as of right under Rule 2-214(a)(2), they relied primarily on *Shenk v. MD. District Savings & Loan, 235 Md.* 326, 201 A.2d 498 (1964) and Hartford Ins. Co. v. Birdsong, 69 Md.App. 615, 519 A.2d 219 (1987) for the \*\*1285 proposition that the interest asserted by the wouldbe intervenor may be neither speculative nor contingent.

The defendant State Board of Education also opposed the County's motion on the ground that the primary issue presented concerns the adequacy of the education of the children of Baltimore City. It says that Montgomery County has no constitutional or statutory obligation with respect to the quality of education that the children of Baltimore City receive and, therefore, have no legal interest in whether that education is constitutionally adequate. Moreover, it posits that Montgomery County's allegations present "an extremely narrow and hypothetical interest in this case: i.e., money," which is not the primary subject of the litigation. According to the State Board's motion:

[T]he primary subject [of the suit] is the adequacy of the education received by the children of Baltimore City, and Montgomery County cannot, and does not, claim any legal interest relating to that subject. Further with respect to money, Montgomery County is not 'so situated that the disposition of the action may as a practical matter impair or impede the ability to protect' its interests.

Montgomery County, by a further memorandum filed on March 29, 1995, undertook to counter the allegations in opposition to its motion to intervene. In support of its position,

it placed reliance on the *TKU* case, *supra*, 276 Md. 705, 351 A.2d 133, which it says holds that the intervention rule "merely requires the applicant for intervention [as of right] to show that it *might* be disadvantaged by the disposition of the action in which it seeks to intervene and that it have an interest for **\*184** the protection of which intervention is essential and not otherwise protected." (Emphasis in original)

[1] On April 11, 1995, the Circuit Court for Baltimore City (Kaplan, J.) denied Montgomery County's motion to intervene both as of right or on a permissive basis. It said that the sole controversy was whether the children in Baltimore City "were obtaining an adequate education within the meaning of the Maryland Constitution, Article VIII, § 1. As to this, the trial court said:

Whether the children in Montgomery County are getting an appropriate education is not involved in this lawsuit. The only thing that [Montgomery County] ... could be in here for is some prospective loss of funds because there's only so much in the State pot and if Baltimore City gets more of that State pot, then Montgomery County will get less and so will Kent County and so will Garrett County and so will all of the rest of the twenty three other jurisdictions than Baltimore City.

... I don't see that as an interest in this particular litigation. It's some speculative thing that may never occur way down the line.

It said that there are four separate prongs to Rule 2-214: "(1) the application for intervention must be timely; (2) the applicant must have an interest in the subject matter of the action; (3) disposition of the action would at least potentially impair the applicant's ability to protect its interest; and (4) the applicant's interest must be inadequately represented by

existing parties," *citing* Hartford Ins. Co. v. Birdsong, supra, 69 Md.App. at 622, 519 A.2d 219. It said that failure to satisfy any prong warrants denial of a motion to intervene as of right. It said that Montgomery County failed to satisfy the second prong of the test. Montgomery County appealed to the Court of Special Appeals from the trial court's denial of

its motion to **\*185** intervene in the Bradford case.<sup>1</sup>

1

That denial of a motion to intervene is an appealable final order is well settled. See e.g.

Citizens Coordinating Comm. v. TKU, 276 Md. 705, 709–710, 351 A.2d 133 (1976).

В

On September 15, 1995, prior to the decision of the Court of Special Appeals on Montgomery County's motion to intervene, a second complaint for declaratory judgment was filed in the Circuit Court for Baltimore City (the City case). It was filed by the Board of School Commissioners of Baltimore City against the State Board of Education, and the State Superintendent of Schools, alleging, as in the Bradford case, that students in the Baltimore City public schools (not limited to **\*\*1286** "at-risk" students) were being deprived of their right to an adequate education in violation of the Maryland Constitution, Article VIII, § 1, and sought by way of relief that the State provide a constitutionally adequate education to these students.<sup>2</sup> Montgomery County moved to intervene in this case on the same grounds as it set forth in the Bradford case.

С

On October 20, 1995, a Third Party Complaint was filed in the Bradford case by the State Board of Education, members of the Board in their official capacities, and the State Superintendent of Schools against the Board of School Commissioners of Baltimore City and the Superintendent of Public Instruction of Baltimore City. This complaint alleged that the public schools of Baltimore City were grossly mismanaged in that, among other things, the defendants refused to implement the recommendations of various study

<sup>&</sup>lt;sup>2</sup> The complaint in the City case was amended on January 31, 1996, mostly without substantive change.

groups, failed to access and expend funds available to it, and refused to avail itself of fiscal and technical assistance offered by the State to meet State standards and rectify other deficiencies. The Third Party Complaint sought an order directing the City school management **\*186** to substantially restructure the Baltimore City Public School System to correct the claimed deficiencies.

## D

On February 14, 1996, the Court of Special Appeals, in an unreported opinion, affirmed the judgment of the Circuit Court for Baltimore City denying the County's motion to intervene in the Bradford case. In doing so, it rejected Montgomery County's argument that to intervene as a matter of right under Rule 2–214(a), it simply needed to show an interest relating to the property or transaction that is the subject of the action and aver that, absent intervention, it "may be disadvantaged" in that the disposition of the action may, as a practical matter, impair its ability to protect its interest. The court said that the "may be disadvantaged" prong was "just one aspect to the rule governing intervening as a matter of right." To otherwise conclude, the court said, would be "an extremely myopic reading of the rule and relevant case law." Noting that the cases relied upon by Montgomery County

-TKU and Board of Trustees v. Mayor and City Council of Baltimore, 317 Md. 72, 562 A.2d 720 (1989)—did not support the County's position, it stated that the mere finding that a party "may be disadvantaged" does not automatically give rise to a right to intervene.

In making the determination whether the trial court properly concluded that Montgomery County has no legal interest in the subject matter of the present case, the intermediate appellate court looked to its decision in *Birdsong, supra,* where it said that "in order to be a ground for intervention, the interest asserted must be one which it is *essential to protect and which is not otherwise protected*"; and thus, the interest asserted could not be "merely speculative [but] rather it must be a 'direct, significant legally protectable interest' to support

the claim of intervention as of right." 69 Md.App. at 626–628, 519 A.2d 219. (Emphasis added.)

The court rejected the contention that because Montgomery County also has children "at-risk" it must be allowed to **\*187** participate in a trial that determines the level of education that should be supplied to an "at-risk" child. It reasoned that if Montgomery County is concerned with its "at-risk" children and believes that the State is not supplying them with a constitutionally guaranteed adequate education, it can bring its own suit against the State. In this regard, it recognized that the Bradford complaint is extremely fact-specific and focuses solely on the children in the Baltimore City public school system.

Responsive to another Montgomery County contention, the court said that the resolution of this case will not necessarily establish a mandated level of education that must be supplied to children throughout the State, as that is a matter for the legislature which must give content to the term "adequate." **\*\*1287** Because of this, the court concluded that the simple contention that the County has "at-risk" children does not reach the necessary threshold level to permit it to intervene as a matter of right.

Nor did the court find any merit in the County's contention that it is entitled to intervene as a matter of right where the relief requested, if granted, is likely to require increased Montgomery County resources and taxes. It said that the Bradford plaintiffs are not seeking a redistribution of State assets as was true in *Hornbeck v. Somerset Co. Bd. of Educ., supra,* nor is it asking for a restructuring of its finance system as the plaintiffs in *Hornbeck* were asserting. None of the Montgomery County prayers for relief, the court said, rose to the level required to satisfy the County's request for intervention as of right. The court explained that it was pure speculation that should the relief requested be given, it would place any burden on Montgomery County, noting that suppositions and innuendo do not form a basis to support a party seeking to intervene in a case as a matter of right.

The court found no merit in the County's further assertion that it was entitled to intervention as of right because of its interest in protecting State and local shared responsibility for funding and managing public education in the State. As to **\*188** this, the court said that there are no allegations in the complaint that challenged the statewide system of local control. It simply alleges that the children in the Baltimore City public schools are not afforded their right to a constitutionally guaranteed adequate education. Continuing the court said that a resolution of that issue will not result in an overhaul of the entire State system of local management. By way of further explanation, the court said that the only system that could possibly be affected and is in danger of losing management control is Baltimore City. The court continued by stating that because Montgomery County has no significant legal interest 691 A.2d 1281, 117 Ed. Law Rep. 638

in whether the children of Baltimore City are receiving an adequate education, Montgomery County's motion to intervene as a matter of right was properly denied in the Bradford case.<sup>3</sup>

<sup>3</sup> The court considered but denied Montgomery County's request to intervene on a permissive basis under Rule 2–214(b).

## Е

After Montgomery County's motion to intervene in the City case was denied for the same reasons as in the Bradford case, we were presented with two questions for appellate review common to both the Bradford and City cases, namely:

- 1. Whether the "essentiality of interest" test for intervening as of right adopted by the Court of Special Appeals in *Birdsong* should be overruled or its application to the case be reversed on the basis that it is inconsistent with this Court's ruling in the *TKU* case.
- 2. Whether Montgomery County should have been permitted to intervene in both cases where the relief requested, if granted, would result in substantial additional financial burdens on the County in the funding of its local education system and the possible elimination of shared State and local responsibility for public education in Maryland.

## \*189 F

Subsequently, on October 18, 1996, prior to oral argument of the cases before us, the Circuit Court for Baltimore City granted the motion of the Bradford plaintiffs for partial summary judgment, concluding that the Maryland Constitution, Article VIII, § 1, requires the State to provide a thorough and efficient system of free public schools in order that all students in Maryland public schools be provided with a constitutionally adequate education. In its order, the circuit court said that "based on the evidence submitted by the parties, there was no genuine material factual dispute that the public schoolchildren in Baltimore City were not being provided with an education that is adequate when measured by contemporary educational standards. The court stated in its order, however, that there is "a genuine dispute regarding the cause of the inadequate \*\*1288 education provided to students in Baltimore City public schools and the liability therefor."

G

On November 12, 1996, in a "Joint News Release," the parties announced that they had reached a written agreement to settle the cases without trial. The Release stated that the agreement included a commitment to provide "substantial additional State funding in the amount of \$254,000,000 over a fiveyear period for the City public schools through the year 2002, the funding being combined with management and additional reforms [to include] a consent decree" entered by the Circuit Court for Baltimore City by agreement of the parties, all for the purpose of improving student achievement. First year State funding required a \$30,000,000 State appropriation in fiscal 1998, \$50,000,000 in each of fiscal years 1999 and 2000, and at least \$50,000,000 each in years 2001 and 2002, as well as \$24,000,000 for school construction. The agreement called for a "New," Board of School Commissioners of Baltimore City, selected jointly by the Mayor and the Governor from a list of names proposed by the State Board of Education. The new School Commissioners would select a Chief Executive Officer \*190 for the City schools who would select a management team, including a Chief Academic Officer and a Chief Fiscal Officer. The new Board, under the agreement, would be required to forge a master plan for improvement of the City schools, to include protecting the rights of City schoolchildren receiving special education under federal court orders by integrating the special education service into the new management structure of the City school system.<sup>4</sup> The Release characterized the parties'

City school system. The Release characterized the parties' agreement as a "partnership" between the State and the City to create new management with increased resources. The agreement noted the entry of the partial summary judgment in the Bradford case based on the violation of the Maryland Constitution, Article VIII, § 1 as to the Baltimore City public schools. At the same time, it pointed out that the cause for the failure of the City Public School System to provide the required constitutionally adequate education remained undetermined.

The federal case is entitled *Vaughan G. et al. v. Mayor et al.,* Civil Action No. NJG—84—1911 in the United States District Court for the District of Maryland.

4

691 A.2d 1281, 117 Ed. Law Rep. 638

Consistent with the Joint News Release, a twenty-fivepage Consent Decree was entered by the Circuit Court for Baltimore City on November 26, 1996, signed by each of the parties in the Bradford and City cases. It noted the parties' agreement that \$254,000,000 of State funds "shall be provided" to the Baltimore City public schools over a fiveyear period. The Consent Decree, by its terms, specified that it would not become fully effective until "(a) the Governor signs the partnership legislation in a form that does not affect the substantive rights of the parties established by this Decree, and (b) the State Budget for FY 1998 is approved with the additional funds for FY 1998 .... " The Consent Decree further specified that if these contingencies have not occurred by May 1, 1997, the Consent Decree "shall be null and void" and trial of the cases would proceed in the Circuit Court for Baltimore City on May 7, 1997. The Consent Decree incorporated a proposed twenty-page legislative enactment conforming with \*191 and in implementation of the provisions of the Joint News Release. It provided that if the "partnership legislation" is enacted with any variance from the proposed measures, the parties may waive the variances in writing. It further provided that if any variance is not waived in writing, any party may file a motion with the court, within a specified time limit, "seeking a determination whether the variance affects the party's substantive rights under the [Consent] Decree." It was also specified that if the General Assembly revises or modifies the "partnership legislation after the 1997 Legislative Session and before the expiration of the Consent Decree, all parties reserve the right to challenge any variance."

By its further terms, the consent Decree "shall be in effect through June 30, 2002 unless the Court extends the term upon timely motion of one of the parties and upon a showing of good cause to extend the Decree." Finally, the Consent Decree provided that the Circuit Court for Baltimore City **\*\*1289** would retain "continuing jurisdiction during the term of this Decree to monitor and to enforce compliance" with its provisions; and that any party to the Decree may seek to enforce its terms but that notwithstanding termination of the Decree, the circuit court would retain jurisdiction to resolve any dispute that may have arisen during the terms of this Decree.

On December 9, 1996, after full briefing by the parties, we heard oral argument of Montgomery County's challenge to the denial of its intervention motions in the Bradford and City cases. Π

The parties disagree as to the correct legal standard governing the applicability of the provisions of Rule 2–214(a), (which as amended we adopted in 1984) to the cases now before us. It is, therefore, necessary that we carefully consider the import of the cases relied upon by each side. In this regard, we again note that the opinion of the Court of Special Appeals in *Birdsong*, upon which the plaintiffs place primary reliance, was decided in 1987 under present Rule 2–214(a); **\*192** while Montgomery County places principal reliance

upon *TKU*, decided in 1976 under the provisions of former Maryland Rule 208(a). That Rule provided that upon timely application a person shall be permitted to intervene as a matter of right in an action "(a) where the representation of the applicant's interest by existing parties is or may be inadequate *and the applicant is or may be bound by a judgment in the action*." (Emphasis added.) In *TKU*, we observed that the language of then governing Rule 208(a) was identical to Fed.R.Civ.P. 24 (hereafter, the Federal Rule)

as it stood prior to 1966. 276 Md. at 710–711, 351 A.2d 133. We observed in TKU that by that time "a division of authority had emerged in the reported federal decision regarding the requirement that the applicant for intervention "is or may be bound by a judgment in the action." Id. We noted that most cases deciding the question interpreted the word "bound," as used in the Federal Rule, narrowly in requiring a showing that the judgment would have a res judicata effect upon the would-be intervenor. Id. But we recognized that a "stubborn minority" clung to the view "that a more utilitarian and realistic interpretation should be applied, permitting intervention whenever a judgment would put the applicant at a practical disadvantage in his own litigation or would substantially affect the would-be intervenor's ability to protect his interest." Id.  $^5$  We further observed in TKU that with "an obvious view to the minority position, the 1966 amendment to Federal Rule 24 changed the intervention as of right test to permit intervention "when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." Id. We also opined that the primary purpose of the 1966 amendment to the provisions of then Federal Rule 24 "was to relax the test for intervention of right by replacing the \*193 'res judicata rule' with the less onerous one requiring the applicant merely Montgomery County v. Bradford, 345 Md. 175 (1997) 691 A.2d 1281, 117 Ed. Law Rep. 638

to show that he might be disadvantaged by the disposition

of the action in which he had sought to intervene."  $\square Id.$ at 711, 351 A.2d 133. (Emphasis added.) We next said that "the requirement which we imposed upon the applicant for intervention under [then] Rule 208(a) is that he have an interest for the protection of which intervention is essential and which is not otherwise protected," citing our 1964 one-

page opinion in *Shenk, supra,* 235 Md. at 327, 201 A.2d 498. *Id.* at 712, 351 A.2d 133. We added the further statement that "[T]his standard is wholly compatible with the current language of Federal Rule 24," and that the federal cases defining Rule 24 "continue to serve as a guide to our

interpretation of Rule 208(a)." Id. at 712, 351 A.2d 133. In sum, we concluded in *TKU* that whether the applicant for intervention "has an interest which it is essential to protect may be equated with the requirement of Rule 208(a) that he 'is or may be bound by a **\*\*1290** judgment in the action.' "*Id.* We concluded on the facts in *TKU*, in permitting intervention as of right, that the case was one dealing "with a transaction in which appellants claim an interest [which] may as a practical matter impair or impede their ability to protect that interest."

*Id.* at 713, 351 A.2d 133.

<sup>5</sup> The cases representing the competing holdings on this issue are collected at footnotes 4 and 5 in *TKU*, 276 Md, at 711, 351 A.2d 133.

In *Board of Trustees v. Mayor and City Council of Baltimore*, 317 Md. 72, 562 A.2d 720 (1989), an intervention of right case decided under present Rule 2–214(a), we pointed out that "to show that the disposition of an action may as a practical matter impair or impede ... [the applicant's] ability to protect his interest" requires that the applicant "merely show that he might be disadvantaged by the disposition of the action in which he sought to intervene ... [and] need not make the additional showing that the disposition of that action would

be res judicata as to him." *Id.* at 89, n. 19, 562 A.2d 720.

In *Shenk*, decided in 1964 under former Rule 208(a), the would-be intervener was a free shareholder in a savings and loan association which was placed in receivership; she sought to intervene as a matter of right in the receivership proceedings in order to be "kept informed" in the event that "some **\*194** future aspect of the proceedings affect[ed] her interests adversely." *Id.* We there said that under Maryland law "a person not a party will not be permitted to intervene

in litigation unless he has an interest which it is essential to

protect and which is not otherwise protected." 235 Md. at 327, 201 A.2d 498. In denying intervention, we said that her interest was "merely speculative and affords no present basis upon which to become a party to the proceedings" under then Rule 208(a).

The *Birdsong* intervention case focused on the provisions of Rule 2–214(a) that a person seeking to intervene as of right must claim "an interest relating to the property or transaction that is the subject of the action." 69 Md.App. at 626, 519 A.2d 219. The court said that in order to be a ground for intervention, "the interest asserted must be one *which it is essential to protect* and which is not otherwise protected," citing *TKU*, 276 Md. at 712, 351 A.2d 133, (Emphasis added.); *Shenk*, 235 Md. at 327, 201 A.2d 498, and *Donaldson v. United States*, 400 U.S. 517, 518, 91 S.Ct. 534, 536, 27 L.Ed.2d 580 (1971), the latter case holding that the interest contemplated by the Federal intervention rule, which was virtually identical to Maryland Rule 2–214(a), is

a "significantly protectable interest." **Id.** at 626, 519 A.2d 219. The court in *Birdsong* found that the asserted interest was insufficient to warrant intervention. The argument in favor of intervention, the court said, was "predicated on the possible occurrence of two events": an award of damages against a defendant and an attempt to enforce such an award against an

insurance company. *Id.* at 628, 519 A.2d 219. The court recognized that while there may be some substance to the insurer's fears concerning these events, they were "merely speculative" and afforded no present basis upon which to become a party to the proceedings. *Id.* The insurer's interest in the outcome of the trial on the issue of damages was said by the court to be "a contingent interest rather then the 'direct, significant legally practicable interest' required for intervention as of right." *Id.* 

## \***195** III

In undertaking to convince us that both the trial court and Court of Special Appeals erred in rejecting its motions to intervene in the Bradford and City cases, Montgomery County asserts that it is the most populous county in Maryland and ranks behind only Baltimore City and Prince George's County in the number of "at-risk" students within its borders. It says that it serves as the principal source of funding for the Montgomery County public school system and that because of the impact of existing "equalization" of State funding, it provides 77% of the operating revenues of its school system, while Baltimore City provides approximately 29% to operate its school system. The County suggests that any significant increase in overall State education funds being unlikely, the only realistic way to devote substantial additional financial resources to the Baltimore City public school system would be by the use of a still steeper equalization formula which would further reduce already scarce State funds for the Montgomery County **\*\*1291** schools, and thereby cause an increase in the County's local support obligations.

At stake in these cases, according to the County, is a determination of what constitutes an adequate education, not merely in Baltimore City, but in every school district in the State. It therefore claims a direct interest in a court ruling that potentially could affect the nature, extent and costs of the instructional program which it is required to fund, particularly so in connection with "at-risk" children. As to these "atrisk" children, Montgomery County posits that they generally create a greater demand for social, medical and police services than do other children, and their circumstances outside the classroom may impede their ability to benefit fully from a basic or adequate education. Moreover, the County maintains that any court decision that construed Article VIII, § 1 of the Maryland Constitution to obligate boards of education to provide otherwise discretionary social, medical or police services to "at-risk" children would have immense financial consequences to Montgomery County. These burdens, the County suggests, would result not only from the indirect impact that \*196 such costs would have in Montgomery County, but also directly in Montgomery County due to its large population of "at-risk" children.

The County next refers to its long history of supporting public education and describes how it has provided more than a basic or adequate education to its students in accordance with its "local policy prerogative that it desires to preserve." As to this, it says that its ability to fulfill its role as the largest source of funding for an adequate education, or for any enhancements thereof, could be threatened if it were required to enhance substantially its local contribution in order that other jurisdictions might have greater State funds or dramatically increase services provided directly to the large number of "at-risk" children presently within its school system. The County argues that both lower courts applied an overly restrictive standard for intervention which is inconsistent with this Court's *TKU* case. But, says the County, under either the *TKU* standard or the more restrictive *Birdsong* standard, the County's interests were sufficient to entitle it to intervene as a matter of right.

The County argues that it has satisfied all the requirements of Rule 2-214(a), including that it has claimed an interest relating to the subject of the action and has demonstrated that disposition of the action may as a practical matter impair or impede the ability to protect that interest.

Montgomery County further maintains that with its own high number of "at-risk" students, it has obvious concerns and interest over the impact upon its local funding obligations that would ensue if steeper equalization were required to fund increased revenue requirements of other school systems. Moreover, the County expresses concern that if minimum constitutional standards for the education of "at-risk" children were set at an unnecessarily high level, there would be a direct and immediate impact on Montgomery County, not just due to increased costs in Baltimore City but also due to increased costs of its own in the furnishing of an adequate education to the large population of "at-risk" children within its own borders. In this regard, Montgomery County sees as \*197 a fundamental issue "the degree to which the command for a 'thorough and efficient system of free public schools' encompasses the furnishing of social and other services." In this connection, the County poses the question whether an adequate education becomes constitutionally inadequate if there is a failure of other agencies to provide discretionary social, medical or police services.

The County thus claims that a decision in the Bradford and City cases could seriously impact funding requirements of the public school system that Montgomery County is required by law to support. The County contends that its financial obligation for the support of its local public school system has increased dramatically over the past decade while the State's share has declined. As a result, the County says that it has a vital interest in preserving State funding levels and avoiding further unnecessary erosion. Accordingly, the County takes the position that it has a direct interest in any court decision that would establish the level of **\*\*1292** resources that constitutionally must be devoted to a large segment of the student population within its own borders. And should the court find a constitutional violation, the County contends that it would have a concrete interest in the remedies that the court might fashion; these remedies could include elimination or alteration of the traditional shared responsibility for the funding and operating of local public school systems.

In sum, Montgomery County urges that its intervention motions should have been granted under Rule 2–214(a) in that (1) they were timely filed, (2) the County had a clear interest in the subject of the actions, i.e., determination of the level of education constitutionally required for children generally, including "at-risk" children, and that (3) disposition of the actions, as a practical matter, might impair or impede its ability to protect that interest, and (4) the representation by existing parties was not adequate.

### IV

[3] The phrases "essential to protect," "essentiality of [2] interest," and "might be disadvantaged," used in some of our \*198 cases in describing components of the provisions of Rule 2-214(a), do not of themselves constitute the legal standard to be applied in determining whether intervention of right was properly denied in these cases; it thus bears emphasis that Montgomery County's motions to intervene as of right in these cases as a party defendant under Rule 2-214(a) requires that it carry the burden of establishing "an interest relating to the property or transaction that is the subject of the action," and further establish that it is "so situated that the disposition of the action may, as a practical matter, impair or impede the ability to protect that interest." The "transaction" in these cases, i.e. the two lawsuits, is limited in scope to the plaintiffs' claim that the State has failed to provide the requisite resources and services to the Baltimore City public schoolchildren necessary to fulfill its constitutional obligation to provide these students with an adequate education in conformity with contemporary educational standards. While the plaintiffs acknowledge that mismanagement of the available resources by the City's public schools may be partially to blame, they say that the State is legally responsible as well for any such mismanagement.

We are in basic agreement with the Bradford and City cases plaintiffs' conclusion that Montgomery County's "concerns" with the relief prayed in their cases is insufficient to bring its intervention motions within the ambit of Rule 2-214(a)(2). We find no basis for Montgomery County's intervention on the ground that should the plaintiffs prevail in their lawsuits, the State will reduce the County's share of State funding for its

own schools in order to finance ordered improvements to the Baltimore City school system. The County's further concern that it will also be compelled to increase local property taxes to make up the shortfall is both remote and speculative and affords no ground for intervention as of right. Indeed, any impact on the County is contingent upon the happening of those uncertain and speculative events, and none would follow automatically from a judgment for the plaintiffs in these cases. In this regard, we share the plaintiffs' view that a judgment in their favor will not automatically or necessarily result in any \*199 of Maryland's current public school funding resources being diverted from their current uses to provide additional funding for the City's public schools. Moreover, the concern expressed by the County in this regard, namely that it may at some time in the future have an effect on its share of the State's education budget, or its tax burden, is far too remote and indefinite to justify intervention under Rule 2–214(a).

Nor is there any merit in Montgomery County's further contention that it has a protectable legal interest in avoiding the potential impact that a ruling in plaintiffs' favor would have on its own population of "at-risk" schoolchildren. In this connection, the County maintains that should the plaintiffs be successful in persuading the court that "at-risk" children in Baltimore City public schools require enhanced educational resources and services pursuant to Article VIII, § 1 of the Maryland Constitution, then at some later time the County, at considerable additional expense, may be required to **\*\*1293** supplement the resources which it currently provides to its own "at-risk" schoolchildren.

As to this, the County's concerns are indirect, remote, and speculative; they do not focus directly on the "transaction" involved in these cases, viz, whether the plaintiffs' actions, directed, as they are, *solely* to the constitutional adequacy of the education provided to children in the Baltimore City public schools, implicates Montgomery County's legal interest in any way which would give it a right to intervene in these cases under Rule 2-214(a). Were it otherwise, according to the plaintiffs, and that was all that was needed to establish a right to intervene, then any applicants' generalized interest in participating in the formulation of a constitutional standard, to which the person may be subjected, could intervene as a party from which an interpretation of a constitutional provision might emerge. We share the plaintiffs' position on this issue.

[4] The significant legally protectable interest which Montgomery County next claims to support its intervention 691 A.2d 1281, 117 Ed. Law Rep. 638

motions derives from its concern that disposition of the Bradford and City cases might result in a transformation of the \*200 current State-local educational financing scheme. As to this, the plaintiffs say, and we agree, that the County's position is based on supposition and speculation, and there is nothing in the relief sought in these complaints that seeks a general overhaul of the entire system of local management.

## V

The cases before us involve nothing more than Montgomery County's motion to intervene and we do not therefore consider the merits of the underlying cases. At the time these motions were decided by the trial court and by the Court of Special Appeals, the parties had not entered into an agreement to settle the cases without trial. Nor at that time had a consent decree been entered by the circuit court with the approval of all parties to the case. The Decree incorporated a proposed legislative enactment for approval by the General Assembly; it called for a State appropriation of \$254,000,000 over a five-year period with initial funding in fiscal year 1998 of \$30,000,000. The Governor included first-year funding for this project in his 1998 fiscal year proposed budget. The proposed legislative enactment was introduced in the General Assembly as Emergency HB 312 in January, 1997, and no action has yet to be taken on the measure. The partial summary judgment entered by the circuit court on October 18, 1996 to the effect that the schoolchildren in Baltimore City were in fact denied their right to a constitutionally adequate education, was not supported by any evidentiary findings by the court insofar as the record discloses. The entry of the partial summary judgment would thus appear to have thereafter supported the parties' agreement to the entry of the Consent Decree.

While Montgomery County views these subsequent events to demonstrate that its motions to intervene were neither contingent nor speculative, we do not take them into account in our disposition of Montgomery County's intervention motions. In the posture of the cases now before us, we can only conclude that Montgomery County's motions to intervene as of right were properly denied, and we shall therefore affirm the judgments of the Court of Special Appeals.

**\*201** JUDGMENTS AFFIRMED; COSTS TO BE PAID BY MONTGOMERY COUNTY, MARYLAND.

## ELDRIDGE, dissenting.

I disagree with the majority's opinion and decision in two major respects.

First, the majority clearly errs in refusing to consider the consent decree entered in the underlying cases on November 26, 1996, and in taking the position that the decree is not before us. The majority opinion overlooks entirely the respondents' motion to dismiss Montgomery County's appeal on the ground that the consent decree has rendered the appeal moot. In order for a decree to render moot an earlier appeal from a denial of intervention, however, the decree must be within the trial court's jurisdiction. For the reasons discussed in Part I below, the consent decree in these cases is undoubtedly beyond the jurisdiction of the circuit court. It represents **\*\*1294** a foray into areas which, under Article 8 of the Maryland Declaration of Rights, are the province of other branches of government.<sup>1</sup>

1 Article 8 of the Declaration of Rights provides as follows:

## "Article 8. Separation of powers.

That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other."

Second, the denial of Montgomery County's motion to intervene is, under the circumstances here, contrary to reason and authority. The majority's view, that this litigation simply represents a local dispute between Baltimore City and the State, with an impact largely confined to Baltimore City, is wholly devoid of reality. Considering the allegations in the complaints, the scope and effect of the declaratory judgment sought and obtained by the plaintiffs, the important public policy questions involved, the collusive aspects of the litigation, and the public interest and need for the constitutionality of the General Assembly's enactments to be defended, the motion to **\*202** intervene by the largest political subdivision of the State should have been granted.

I.

As indicated above, all of the respondents have filed in this Court a motion to dismiss the consolidated appeals on the ground of mootness. The respondents argue that the "Consent Decree" signed by Judge Kaplan and entered on November 26, 1996, has rendered moot Montgomery County's appeal from the order denying intervention. A copy of the consent decree, along with an affidavit by an Assistant Attorney General attesting that the copy is true and accurate, were filed in this Court with the motion to dismiss.

Although not cited by the respondents, there are decisions by this Court holding that a pending appeal from an order denying intervention becomes moot when a decree is entered in the underlying litigation. *Weinberg v. Fanning*, 208 Md. 567, 572, 119 A.2d 383, 386–387 (1956); *Bowles v. Moller*, *Inc.*, 163 Md. 670, 684–685, 164 A. 665, 670 (1933). Nevertheless, as indicated in *Weinberg v. Fanning, supra*, 208 Md. at 570, 119 A.2d at 385, in order to render moot the appeal from the denial of intervention, the trial court must have had "jurisdiction to pass the decree."

Consequently, the respondents' motion to dismiss has brought before this Court the consent decree entered on November 26, 1996. While we do not have before us all of the issues that might be raised in a direct appeal from the decree, we do have before us the question of the decree's fundamental validity. If the decree is invalid, it cannot render moot Montgomery County's appeal from the denial of intervention, and the respondents' motion to dismiss should be denied.

This Court has pointed out that, "[i]n light of the separation of powers provision of the Maryland Constitution, set forth in Article 8 of the Declaration of Rights, a court has no jurisdiction to perform a nonjudicial function," *Duffy v. Conaway*, 295 Md. 242, 254, 455 A.2d 955, 960–961 (1983). The decree entered in the underlying litigation on November 26, 1996, is **\*203** replete with provisions that go far beyond the functions of the judiciary.

Thus, paragraph 8 of the November 26th decree provides as follows:

"8. The new Board of School Commissioners for Baltimore City ('Board') shall be established as a City–State partnership and shall be held directly accountable for improving the academic achievement of Baltimore City school children as measured by the Maryland School Performance Program ('MSPP'). The Board shall not be deemed an agency of the State." Paragraph 9 of the decree vests in the new Board "full control of all functions relating to" the Baltimore City Public Schools. Paragraphs 10 through 16 provide for the number of members of the new Board, the matter of compensation of members, the residency of members, the requirement that members "shall reflect the demographic composition of \*\*1295 Baltimore City," and the qualifications of different groups of members. Paragraphs 17 through 20 of the decree authorize the appointment of the Board's members by the Mayor of Baltimore City and the Governor, set forth a method by which the appointments are to be made, delineate the terms of the members and the grounds for removal, provide for a chairperson, and define a quorum. Paragraphs 21 through 26 of the decree mandate that the Board "shall hire a Chief Executive Officer ... who shall be a member of the Mayor's Cabinet," set forth requirements for the chief executive officer's "employment contract," create the position of "Chief Financial Officer," establish a "Parent and Community Advisory Board," and contain other detailed requirements concerning the management structure of the new Board of School Commissioners created by the decree. Paragraphs 27 and 28 require the new Board to adopt a "Transition Plan," and paragraphs 29 through 34 relate to a "Master Plan to increase student achievement" which must be adopted and implemented. Paragraphs 35 through 38 concern procurement and personnel, require that "all current collective bargaining agreements shall expire on June 30, 1997," and provide for new collective bargaining \*204 agreements. Paragraphs 39 through 42 impose various duties upon the new Board.

The financial resources and funding for the new Board are provided for in paragraphs 43 through 54 of the decree. The circuit court ordered that "the State of Maryland shall provide" the Baltimore City Public Schools "with additional funds," which "shall be separate from established State funding ... and other current State funds provided to" the Baltimore City Public Schools. The court also decreed that the "additional funds provided by the State as described in this Decree shall not be provided by reducing any other State funds provided to Baltimore City." These additional state funds "appropriated" by the circuit court amount to approximately \$250 million over five years, with procedures delineated in the decree for requesting more additional funds. These procedures include a provision in paragraph 53 for the appeal of certain circuit court rulings directly to the Court of Appeals.

The remaining paragraphs of the November 26th decree contain transition provisions and requirements concerning special education. The decree states that it shall be "in effect through June 30, 2002, unless the Court extends the term," and that "[t]he Court retains continuing jurisdiction during the term of this Decree to monitor and to enforce compliance with the terms of this Decree." Finally, the decree provides that it shall not be "fully effective" until the enactment of certain proposed legislation, which is attached as an exhibit to the decree, and the appropriation of the additional funds by the State budget bill.

The above-summarized decree signed by Judge Kaplan represents an unprecedented excursion beyond the outer limits of judicial authority. The decree resembles a major executive branch reorganization statute. *Compare, e.g.*, Ch. 77 of the Acts 1969.

Unless the law creating the government agency is itself unconstitutional, a Maryland circuit court has utterly no power to abolish an existing government agency such as a local **\*205** school board. A circuit court has no jurisdiction to create a new government agency, to determine whether it shall be a state or local agency, to provide for the appointments of its members by a mayor and the Governor, to mandate the qualifications of the members and the agency's structure, to delineate the agency's powers, duties and functions, or to do any of the other things set forth in the numbered paragraphs of the circuit court's November 26th decree.<sup>2</sup> To the best of my knowledge, none of the most

sweeping court decrees involving local school systems, based on the Fourteenth Amendment and the principles set forth in

\*\*1296 Brown v. Board of Education, 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955), and 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954), has ever gone so far as to abolish a local school board and create a new school board in its place, with a specified membership and structure.

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Maryland Code (1978, 1997 Repl.Vol.),  $\sim$  §§ 2– 205 and 2–206 of the Education Article, grants to the State Board of Education broad supervisory authority over public schools, including the authority to accredit schools and to order that a particular school cease operations (§ 2–206(h)), and the State Board may institute legal proceedings to enforce its authority ( $\sim$  § 2–205(d)). Nothing

in these sections, however, authorizes the abolition

of a local school board or the creation of a new school board with specified organization, powers and duties.

Furthermore, I am unable to find in the budget and appropriations provisions of the Maryland Constitution, Article III, § 52, any role for the Circuit Court for Baltimore City. As this Court has admonished, "it must be remembered that public resources are not unlimited and there are many competing demands upon public funds." State v. Frazier; 298 Md. 422, 457, 470 A.2d 1269, 1287 (1984). The weighing of those competing demands is for the political branches of government.

This Court has taken the position that the separation of powers requirement in Article 8 of the Maryland Declaration of Rights prohibits conferring upon the judiciary jurisdiction to appoint the members of the Board of Visitors responsible for supervising a county jail ( **\*206** *Beasley v. Ridout,* 94 Md. 641, 657–660, 52 A. 61, 65–66 (1902)), to appoint school commissioners (*Beasley v. Ridout, supra,* 94 Md. at 659–660, 52 A. at 66), to review the accounts of certain county officials (*Robey v. Prince George's County,* 92 Md. 150, 159–165, 48 A. 48, 49–52 (1900)), to issue liquor or racetrack

licenses (*Coromwell v. Jackson*, 188 Md. 8, 27–28, 52 A.2d 79, 86–89 (1947), *Close v. Southern Md. Agr. Assn.*, 134 Md. 629, 108 A. 209, 214–215 (1919)), to determine *de novo* whether applicants should have permits to fill wetlands

(Dep't of Nat. Res. v. Linchester Sand & Gravel Corp., 274 Md. 211, 229, 334 A.2d 514, 525–526 (1975)), or to perform other functions appropriately within the province of the legislative or executive branches of government. See, e.g.,

Reyes v. Prince George's County, 281 Md. 279, 295–296, 380 A.2d 12, 21–22 (1977); Planning Commission v. Randall, 209 Md. 18, 25–27, 120 A.2d 195, 198–199 (1956); Board of Supervisors v. Todd, 97 Md. 247, 263–265, 54 A. 963, 965–966 (1903); Baltimore City v. Bonaparte, 93 Md. 156, 161–163, 48 A. 735, 736–737 (1901). As stated in Planning Commission v. Randall, supra, 209 Md. at 25, 120 A.2d at 199, "[t]he judicial department ha[s] no jurisdiction or right to interfere with the legislative process which was committed by the constitution ... to the Legislature itself."

Under the principles set forth in the above-cited cases, there can be no doubt that the circuit court's November 26th decree was far in excess of the court's jurisdiction. Judge Kaplan, in signing and entering the decree, has purported to perform a multitude of nonjudicial functions. The circuit court has 691 A.2d 1281, 117 Ed. Law Rep. 638

assumed a role which belongs exclusively to the legislative and executive branches of government.

Moreover, the fact that the parties to the underlying litigation consented to the decree cannot bring it within the jurisdiction of the circuit court. It is firmly settled that parties cannot confer jurisdiction upon a court by consent. *See, e.g., Sisk v. Friendship Packers,* 326 Md. 152, 158, 604 A.2d 69, 72 (1992); Kawamura v. State, 299 Md. 276, 282 n. 4, 473 A.2d 438, 441 n. 4 (1984); Anthony Plumbing of Md. v. Atty. Gen., 298 Md. 11, 16, 467 A.2d 504, 506 (1983); Highfield Water Co. v. Wash. Co. San., 295 Md. 410, 414, 456 A.2d 371, 373 (1983).

\*207 If anything, a consent judgment involving a matter of public policy is more vulnerable than other judgments to a collateral challenge based upon the lack of authority

underlying the judgment. *See, e.g., Montgomery County v. Revere,* 341 Md. 366, 379–382, 671 A.2d 1, 7–9 (1996); *Green v. Sollenberger,* 338 Md. 118, 131, 656 A.2d 773, 779 (1995) (a consent adoption decree, not authorized by the adoption statutes, "is voidable and subject to collateral attack at any time").

Similarly, the conditional provisions in the November 26th decree do not cure the lack of jurisdiction. If a decree contains orders and directives beyond the subject matter jurisdiction of a court, the insertion of a clause making the decree contingent upon the passage of particular legislation or budget bill provisions does not change the fact that the orders and directives are beyond the court's jurisdiction. Otherwise, a judge could order anything he or she desired as long as the order was made conditional. For example, it is a common practice for the General Assembly to enact legislation contingent upon the enactment of other legislation or budget bill provisions. Nevertheless, the enactment of \*\*1297 such contingent legislation remains a legislative and not a judicial function. A court does not have co-equal authority to enact legislation contingent upon the passage of other legislation.

Furthermore, the conditional nature of the decree may disappear. If the conditions are met, or if the parties waive the need for particular conditions to be met (and such waiver is provided for in this decree), then the decree will purportedly be fully enforceable as any other type of equitable judgment. Parties could be held in contempt for violating parts of the decree. Finally, like the factor of consent, the conditional nature of the decree makes it more vulnerable to a collateral challenge and not less vulnerable. The Court of Special Appeals recently held in *Southern Four v. Parker*, 81 Md.App. 85, 93, 566 A.2d 808, 812 (1989), with regard to conditional judgments:

**\*208** "'It is a general rule that [a] judgment must not be conditioned on any contingency, and it has been held that a conditional judgment is wholly void.'"

Later, the appellate court reiterated that a " 'conditional decree, one that does not operate in praesenti, but is to become operative on the occurrence of some condition, is void.' " *Southern Four v. Parker, supra,* 81 Md.App. at 94, 566 A.2d at 812, quoting with approval *Burger v. Burger,* 481 S.W.2d 632, 634 (Mo.App.1972). The Court of Special Appeals explained this principle as follows (81 Md.App. at 94, 566 A.2d at 812, quoting with approval *Wallace v. Hankins,* 541 S.W.2d 82, 84 (Mo.App.1976)):

" 'A conditional judgment or decree is one whose enforcement is dependent on the performance of future acts by a litigant and is to be annulled if default occurs. An alternative judgment or decree is for one thing or another but does not declare in a definitive manner which alternative will ultimately prevail. Conditional and alternative judgments and decrees are wholly void as they do not perform in praesenti and leave to speculation and conjecture what their final effect may be. In other words, under conditional or alternative judgments and decrees, the final resolution of the cause is consigned to the accomplishment vel non of future acts whose actual performance or nonperformance are matters dehors the record.""

This Court in Duffy v. Conaway, supra, 295 Md. at 261, 455 A.2d at 964, quoting from*Tanner v. McKeldin*, 202 Md. 569, 576–577, 97 A.2d 449, 452 (1953), stated "that a controversy, to be justiciable, must be 'capable of final adjudication by the judgment or decree to be rendered." We went on to hold in <math>Duffy, 295 Md. at 261–262, 455 A.2d at 965, that a Maryland court has no jurisdiction to render a "judgment" which is " 'purely tentative' " and subject to implementing action by the General Assembly. Under the principles set forth in Duffy, the November 26th decree in the instant case would be invalid even if the circuit court had jurisdiction to abolish school boards, create new government agencies, etc.

\*209 For all of the foregoing reasons, most of the circuit court's November 26th decree, including all of the numbered paragraphs, is beyond the subject matter jurisdiction of the circuit court and is void. The respondents have brought the issue of the decree's validity before this Court by their motion to dismiss. In addition, a judgment beyond the trial court's jurisdiction is subject to a collateral challenge at any time. Furthermore, this Court will sua sponte strike down

a judgment beyond the trial court's jurisdiction. *Duffy v. Conaway, supra,* 295 Md. at 254, 455 A.2d at 961.

It should be emphasized that the parties' agreement to recommend to the General Assembly particular legislation and appropriations relating to the public school system is not my concern. From a public policy standpoint, the recommendations may well be desirable. That is a matter for the political branches of government and not the judiciary. Moreover, the parties are fully entitled to settle pending litigation. The present litigation could have been dismissed after the parties entered a settlement agreement. What is objectionable in this case, from a jurisprudential standpoint, is the role of the circuit court, the insertion into the court's decree of orders which are beyond the court's jurisdiction, and the court's usurpation of the Legislature's function. The various \*\*1298 numbered paragraphs of the November 26, 1996, decree are void, and the people of Maryland are entitled to be so informed.

#### II.

#### A.

In upholding the denial of Montgomery County's motions to intervene in these two cases, the majority largely accepts many of the respondents' self-serving characterizations of this litigation, as well as some of the Court of Special Appeals' characterizations of the *Bradford* case, and the majority ignores the actual allegations and theories set forth in the plaintiffs' complaints. For purposes of intervention, the majority views this case as if it were ordinary litigation with its impact limited to Baltimore City.

\*210 Thus, the majority opinion states that the *Bradford* plaintiffs alleged that the State was constitutionally responsible for "educational deficiencies in the Baltimore public school system due to various economic, social, and

educational factors *peculiar to Baltimore City* " (Op. at 1282–1283, emphasis added), that the *Bradford* complaint "focuses solely on the children in the Baltimore City public school system" (*id.* at 1286), and that both lawsuits are "directed ... *solely* to the constitutional adequacy of the education provided to children in the Baltimore City public schools" (*id.* at 1293, emphasis in original).<sup>3</sup>

3

The state constitutional provision, which the plaintiffs in both cases contend has been violated, is Article VIII, § 1, of the Maryland Constitution, which states as follows:

### "Section 1. General Assembly to establish system of free public schools.

"The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance."

In actuality, however, the *Bradford* complaint was brought on behalf of an alleged class of "at risk" students which the complaint defined as follows:

" 'At-risk' students are those who experience circumstances of economic, social and/or educational disadvantage that substantially increase the likelihood that they will fail to obtain an adequate education in public school.

"8. Students who are 'at risk' include those who:

(a) live in poverty (usually defined for educational purposes by their eligibility for free or reduced price school meals);

(b) attend schools with a high proportion of students living in poverty (more than thirty percent eligible for free or reduced price meals);

(c) live with fewer than two parents;

(d) have parents who did not themselves graduate from high school;

(e) live with parents who are unemployed;

\*211 (f) are homeless;

(g) are parents or pregnant;

(h) live under the threat of violence at home or at school;

(i) have been retained in grade on at least one occasion;

(j) score more than one year below grade level on standardized testing measures; or

(k) have otherwise been determined to be in need of remedial education."

Although the *Bradford* plaintiffs limited their action to the "at risk" students in Baltimore City, they acknowledged that there were "at risk" students, under the above-quoted definition, throughout the State. The *Bradford* complaint went on to allege that the "State's constitutional duty to provide for an adequate education runs to every school-aged child throughout Maryland," and that this duty applies to "at risk schoolchildren in Baltimore City ... [and] in other communities and school districts in Maryland." In contending that the constitutional inadequacy of the present public school system is shown by the failure of students to meet state prescribed performance standards, the *Bradford* complaint acknowledged that the students in "many" Maryland school districts fail to meet these standards.

The amended complaint in the Baltimore City case, which asserted that the adequacy \*\*1299 of education should be measured by performance under standards adopted and applied by the State Board of Education, alleged that in 1990 "none of the Maryland school districts met satisfactory standards," and that, four years later, "only three school districts demonstrated educational adequacy." Montgomery County was not one of those three districts. The amended complaint in the Baltimore City case contained more allegations detailing the inadequate performances of children throughout the State measured by various tests, concluding that "[c]ontemporary qualitative educational standards established by ... the State Board still are not being met in many districts, including Baltimore City" (emphasis added), and that these failures \*212 "present concrete evidence that Defendants have failed to fulfill their duty under Article VIII to provide for the maintenance of a basic public school education." Later the Baltimore City amended complaint asserted that "[t]he qualitative standards of the MSPP are not being met in any school district in the State."<sup>4</sup> The basic theme of the Baltimore City case, set forth in

paragraph 53 of the amended complaint, was as follows (emphasis added):

"Defendants, in violation of the education clause [Article VIII, § 1], have failed to appropriate increases in State education funding necessary *for all school districts,* particularly Baltimore City, to provide *all students* with a basic public school education."

The majority opinion also indicates that this litigation is not primarily about money. The majority opinion states that the *Bradford* plaintiffs "sought a court order requiring the State to work with the plaintiffs and Baltimore City to improve the City's public schools so that they provide an adequate education" (Opinion at 1283), but the majority mentions nothing about the *Bradford* plaintiffs' request for funds. The majority also says that the *Bradford* complaint "did not directly attack the constitutionality of the system of public

school funding which we upheld in *Hornbeck v. Somerset Co. Bd. of Educ.*, 295 Md. 597, 458 A.2d 758 (1983)." (Op. at 1283). The majority opinion points to the state defendants' contention that "'money' ... is not the primary subject of the litigation." (*Id.* at 1285). In describing the allegations of the amended complaint in the *Baltimore City* case, the majority merely says that the plaintiffs "sought by way of relief that the State provide a constitutionally adequate education." (*Id.* at 1286).

Contrary to the view of the majority, an examination of the two complaints demonstrates that these cases are chiefly about money from the State.<sup>5</sup> The crux of the *Bradford* **\*213** plaintiffs' case was set forth in paragraphs 41, 136, and 137 of their complaint as follows (emphasis added):

Any reader of the newspapers circulated in Maryland over the past several months would also know that these cases are all about money.

"41. The State of Maryland and the defendants have failed to provide schoolchildren in Baltimore City with an adequate education. In particular, the defendants have failed to provide resources sufficient and appropriate to enable BCPS [Baltimore City Public Schools] to meet or make meaningful progress toward meeting contemporary education standards, especially with respect to at-risk students....

<sup>4 &</sup>quot;MSPP" stands for "Maryland School Performance Program."

"136. Pursuant to its obligations under the Education Clause of the Maryland Constitution, the General Assembly has established a mechanism for funding elementary and secondary education from a combination of State and local appropriations.

"137. The principal cause of the inadequate education available to plaintiff schoolchildren, which results in the constitutional violation set forth above, is the lack of adequate resources. Under the constitution, *the State is legally responsible for ensuring that* the combination of state and local *funding is adequate* to meet the needs of BCPS's school population, and the *State's failure to assure such funding adequacy violates [its] constitutional duty.*"

**\*\*1300** The *Bradford* plaintiffs in the first paragraph of their complaint disclaimed any intent to relitigate the issues

dealt with in *Hornbeck v. Somerset Co. Bd. of Educ.,* supra, 295 Md. 597, 458 A.2d 758, which concerned, *inter* alia, the differences in total per pupil funding among the

various Maryland subdivisions (295 Md. at 613–615, 458 A.2d at 766–768), and in which this Court held that the Maryland Constitution "does not mandate uniformity in per pupil funding and expenditures among the State's school districts" (295 Md. at 631, 458 A.2d at 776). Nonetheless, the later paragraphs of the *Bradford* complaint specifically challenged the differences in per pupil funding between Baltimore City and other school districts, complaining that

**\*214** "cannot devote as great a share of its resources to regular instruction as do other school districts.

**Baltimore** City

"134. In 1992–93, BCPS spent only \$2,437 per student on current instructional expenses (less adult education), the lowest of any school district in Maryland. The statewide average for current instructional expenses was \$2,926, nearly 20% higher than that in BCPS. As a result of BCPS's below-average spending, a classroom of 30 students in BCPS received approximately \$17,000 less to spend on current instructional needs than a similar size classroom in an average-spending school district in Maryland."

It is obvious from a reading of the entire *Bradford* complaint that the plaintiffs' request for a court order requiring the State to take steps to "provide an adequate education" meant that the State should provide more funds. As paragraph 137 of

the complaint, quoted previously, makes clear, the requested "adequacy" in public education means "funding adequacy."

The amended complaint in the *Baltimore City* case made little effort to disguise that the plaintiffs' constitutional challenge was to the present system of public school funding, and that what the plaintiffs sought was more state money. In their amended complaint's "Preliminary Statement," the *Baltimore City* plaintiffs stated that they wanted

"injunctive relief ... directing that Defendants provide 'by taxation or otherwise' sufficient assistance and resources to Baltimore City Public Schools ('BCPS') so that BCPS can make available to all school-aged children residing in Baltimore City the opportunity for a basic public school education."

Echoing the complaint in the *Hornbeck* case, the amended complaint in the *Baltimore City* case alleged in paragraph 34 that "Baltimore City students perform worse on the MSPP than those school districts that are able to spend more funds for education" and "that in school districts where more money is available, students perform better." Paragraph 34 continued:

\*215 "The performance of Baltimore City, particularly as compared to suburban districts which have greater fiscal capacities, shows that the financing scheme dependent upon local wealth and ad hoc categorical State aid does not provide school districts that have limited fiscal capacities with the means essential to provide a basic public school education."

The *Baltimore City* amended complaint repeatedly attacked the Maryland system of shared State and local fiscal responsibility for the public schools.<sup>6</sup>

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- For examples, *see* paragraphs 39, 40, 45, 53, 54 and 55 of the amended complaint, alleging as follows:
  - "39. In 1990, when Maryland was the eighth richest state in the United States, it fell to 42nd in the nation in its monetary contribution to public education. Overall, in fiscal year 1992, local government provided fifty-five (55%) percent of the funding for public schools.
    - 40. Insufficient State expenditures for public education require that local Boards of Education be fiscally dependent on financing from the local government

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through income and property tax revenues....

\* \* \*

45. Under Maryland's public school financing plan, a school-aged child's opportunity to obtain adequate education, undeniably, is dependent upon the ability of the local political jurisdiction, in which he or she happens to live, to raise local taxes. To even be eligible to receive the State's 'share' of basic current expenses, local jurisdictions must be able to levy taxes sufficient to provide their local share as determined by the foundation formula. § 5–202(b) (3). Local appropriations also must keep pace with enrollment and match or exceed spending in the prior year.

\* \* \*

- 53. Defendants, in violation of the education clause, have failed to appropriate increases in State education funding necessary for all school districts, particularly Baltimore City, to provide all students with a basic public school education.
- 54. Despite increasing evidence that the State's public school financing plan is insufficient to provide for the maintenance of adequate education that is effective in all districts, the Defendants consistently have resisted local efforts to obtain sufficient State funds for the maintenance of a basic public school education. The full funding estimated as needed at the local level for public education in the State Budget for fiscal years 1994, 1995, and 1996 was not appropriated.
- 55. Defendants have had ample time to provide for the maintenance of adequate education. Without sufficient State funds or assistance to provide its children with a basic public school education, Baltimore City is impeded in carrying out its statutory duty to establish and maintain a system of free public schools for its students."

**\*\*1301 \*216** The specific constitutional actions or inactions by state officials and entities which were complained about in the *Baltimore City* case appeared to be the failures of Governors to include sufficient state funds for public schools in the annual budgets submitted to the

General Assembly (paragraph 51 of the amended complaint) and the General Assembly's breach of its "duty to enact a 'Supplementary Appropriations Bill' or other legislation to ensure that a thorough and efficient public school system is provided for, even if the Governor's annual budget does not meet that constitutional mandate." (Paragraph 52).

In their "Prayer For Relief," the *Baltimore City* plaintiffs asked the court, *inter alia*, to "[o]rder Defendants to design an enhanced system of public school finance for implementation by the General Assembly which assures that all mandates for education as established by Defendants are properly funded" and to "[o]rder Defendants to provide BCPS with … funding to the fullest extent necessary for BCPS to provide a basic public school education to school-aged children in BCPS as defined by contemporary qualitative educational standards." Consequently, the plaintiffs sought a new and "enhanced" system of public school funding in place of the existing system.

Article VIII, § 1, of the Maryland Constitution makes no reference to localities or subdivisions. The section imposes a duty upon the statewide legislative body to establish a thorough and efficient public school system "throughout the State...." The plaintiffs in these cases requested a declaratory judgment that the General Assembly has violated Article VIII, § 1. The Bradford complaint described a group of "at risk" students, based on a list of social, personal, and economic factors, which has members in every Maryland subdivision. As reviewed above, the complaints in both cases alleged that the education being received by public school students throughout the State, and particularly "at risk" students, was \*217 constitutionally inadequate. The plaintiffs in each case contended that the existing state public school financing system and formulae, based on shared State and local fiscal responsibility, were constitutionally deficient. They wanted a new financing system.

These allegations of unconstitutionality, and the type of declaratory judgment which might have resulted, equally concern all Maryland counties as well as Baltimore City. If, as alleged, the "at risk" students throughout the State are receiving a constitutionally inadequate education, this applies to Montgomery County as well as Baltimore City. If the failure to meet the standards of state performance programs demonstrates a constitutionally inadequate education, then, under the complaints' allegations, the education provided in all school districts is unconstitutional. If the State has failed to provide the "funding necessary for all school districts," as alleged, this failure relates to counties as well as to Baltimore City. The plaintiffs' challenge to the financing system and formulae applies throughout the State. When the parties' selfserving characterizations of the cases are overlooked, and when the actual allegations of the complaints are examined, it is obvious that these cases are not very different from \*\*1302 Hornbeck v. Somerset Co. Bd. of Educ., supra, in which Montgomery county was allowed to intervene.

Montgomery County clearly has "an interest relating to the property or transaction that is the subject of the action" within the meaning of Maryland Rule 2–214(a) relating to intervention of right. The two lawsuits are attacking the statewide public school system, provided under Article VIII, § 1, of the Maryland Constitution, with its principal feature being shared State and local government responsibility. Montgomery County is as much a part of that system as is Baltimore City. If a declaratory judgment invalidating the present system and formulae for public school financing were rendered, Montgomery County obviously "might be

disadvantaged by the disposition of the action," \*218 Board of Trustees v. Mayor and City Council of Baltimore, 317 Md. 72, 89 n. 19, 562 A.2d 720, 728 n. 19 (1989), cert. denied, 493 U.S. 1093, 110 S.Ct. 1167, 107 L.Ed.2d 1069 (1990); Citizens Coordinating Comm. v. TKU, 276 Md. 705, 711, 351 A.2d 133, 137 (1976).<sup>7</sup>

The majority opinion may seem to intimate that the "might be disadvantaged" standard set forth in *Citizens Coordinating Comm. v. TKU,* is no longer applicable since that case was decided under a former rule, and that the Court of Special Appeals' opinion in *Hartford Ins. Co. v. Birdsong*, 69

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Md.App. 615, 519 A.2d 219 (1987), decided under present Rule 2–214(a), disapproved of *TKU* and set forth a more stringent test for the interest of the applicant to be sufficient for intervention. I find nothing in the *Birdsong* opinion disapproving of this Court's earlier *TKU* opinion, or stating that the "might be disadvantaged" standard is no longer applicable. Moreover, the *Board of Trustees* case was an opinion of this Court, decided under the present rule, and decided subsequent to *Birdsong*. In *Board of Trustees*, we reaffirmed the "might be disadvantaged" standard.

The majority opinion holds that Montgomery County does not have a sufficient "interest" for intervention as of right because "[t]he 'transaction' in these cases, i.e. the two lawsuits, is limited in scope to the plaintiffs' claim that the State has failed to provide the requisite resources and services to the Baltimore City public schoolchildren necessary to fulfill its constitutional obligation...." (Opinion at 1292). As previously demonstrated, however, this is simply not accurate. The allegations of unconstitutionality are not limited in scope to Baltimore City public school students.<sup>8</sup>

<sup>8</sup> The majority also indicates that, if the plaintiffs obtain the millions of dollars in additional state funds which they seek, any financial impact upon Montgomery County would be "speculative." I wonder where the majority believes that over 250 million dollars of additional state funds will come from. There is not, to the best of my knowledge, a money tree in Annapolis supplying the state treasury. A large amount of additional State money for one subdivision comes from the taxpayers in all subdivisions, and the taxpayers in Montgomery County supply more of that money than do the taxpayers in any other single subdivision.

It is true that the plaintiffs, while attacking the constitutionality of the public school system throughout the State, attempt to limit the relief sought to Baltimore City. Of course, a declaratory judgment need not be in the form

requested by the plaintiffs. *See* \*219 *Harford Mutual v. Woodfin*, 344 Md. 399, 414–415, 687 A.2d 652, 659 (1997), and cases there cited. More importantly, I do not believe that plaintiffs, simply by limiting the scope of the relief requested, can prevent intervention by an applicant with a clear interest in the subject matter of the litigation. For example, could owners of wetlands in Anne Arundel County bring an action to declare the statewide wetlands statutes <sup>9</sup> unconstitutional, on grounds that would be applicable throughout the State, but, by merely asking that the phrase "as applied in Anne Arundel County" be appended to the declaratory judgment, succeed in keeping out of the lawsuit owners of wetlands in other counties with a different point of view? I do not believe that the principles of intervention under Maryland law can be so easily manipulated.

# Maryland Code (1974, 1990 Repl.Vol.), §§ 9–101 through 9–310 of the Natural Resources Article.

Montgomery County had an "interest relating to the ... transaction that is the subject of the action" within the

meaning of Rule 2-214(a) and, therefore, was entitled to intervene as of right. <sup>10</sup>

10 Montgomery County alternatively sought permissive intervention under Rule 2–214(b), and this was also denied by the circuit court. "Denial of intervention, sought either as a matter of claimed right or by permission, is an appealable final order." *Maryland Life & Health Ins. v. Perrott,* 301 Md. 78, 87, 482 A.2d 9, 13 (1984), and cases there cited. Even if it be assumed, *arguendo,* that Montgomery County was not entitled to intervene as of right, I would hold that the circuit court abused is discretion in denying permissive intervention.

#### \*\*1303 B.

There is another factor in these cases, which the majority refuses to consider, but which clearly justifies intervention by an interested person or entity willing to defend the General Assembly's enactments relating to Maryland's public school system. The cases have, to a degree, become collusive, with no existing party defending the constitutionality of the public school system.

#### \*220 (1)

Although there was opposition to the entry of the partial summary judgment declaring that Article VIII, § 1, of the Maryland Constitution was violated with regard to Baltimore City public school children, nevertheless the "Consent Decree" of November 26, 1996, incorporated by reference the partial summary judgment. The consent decree declared

"that Article VIII, Section 1, of the Maryland Constitution requires that the General Assembly provide all students in Maryland's public schools with an education that is adequate when measured by contemporary educational standards and that the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards."

While the decree goes on to recite that there is some dispute concerning the causes of this constitutional violation, the consent decree does constitute a declaratory judgment that the State has failed to provide some public school children with the minimum education constitutionally required. Since Article VIII, § 1, of the Maryland Constitution makes the General Assembly responsible for providing whatever may be required under that section, and since, under Article III, §§ 27–52, of the Constitution, the General Assembly fulfills its responsibilities by enacting statutes and budget bill provisions, the declaratory judgment in these cases necessarily means that at least some of the General Assembly's enactments concerning public education are constitutionally infirm.

The Maryland State Superintendent of Schools and the President of the Maryland State Board of Education, represented by the Attorney General of Maryland, expressly consented to the entire decree. Thus, the State defendants and the Attorney General have agreed with the plaintiffs' contention and the circuit court's declaration that the public education system provided for by the General Assembly, and the General Assembly's enactments regarding public education, are to some extent unconstitutional. There is no longer any party in these cases totally defending the constitutionality of these legislative enactments. The litigation has, therefore, **\*221** become collusive.<sup>11</sup>

<sup>11</sup> In a letter to this Court denying that the case has become collusive, the Attorney General asserts that the State defendants, in the consent decree, did not agree that any actions by the General Assembly are unconstitutional. The decree, however, speaks for itself.

> As quoted above, the consent decree recites that public school children are not being provided with an education that is adequate when measured by contemporary educational standards, and that Article VIII, § 1, of the Maryland Constitution "requires that the General Assembly provide all students ... with an education that is adequate when measured by contemporary educational standards ...." Thus, the decree plainly states that the General Assembly has not provided the type of education which the General Assembly is required to provide under the Maryland Constitution.

> Moreover, if it be assumed, *arguendo*, that the circuit court had jurisdiction to render the decree, a holding of unconstitutionality would seem to be a prerequisite for the various numbered paragraphs in the decree.

When a case involving the public interest is or may become collusive, with no party defending the validity of statutes or other governmental actions, and where those statutes or actions are not clearly invalid, it is important to allow intervention in order that the statutes or governmental actions receive a defense and that both sides of the constitutional dispute be presented to the judiciary. Intervention has been allowed in such cases even after the trial court's judgment, where **\*\*1304** the collusive aspect of the litigation simply took the form of the losing governmental parties declining to pursue appellate remedies. *See Coalition v. Annapolis Lodge*, 333 Md. 359, 368–371, 635 A.2d 412, 416–417 (1994). *See* 

*also* Board of Trustees v. City of Baltimore, supra, 317 Md. at 91–92, 562 A.2d at 729.

Judge J. Dudley Digges for this Court in *Reyes v. Prince* George's County, supra, 281 Md. at 283, 380 A.2d at 14, emphasized

"that the American system of adjudication from its inception has been grounded on the principle that adversary presentation of issues ... plays a vital and essential role in attaining justice."

Moreover, an adversary presentation is "'a safeguard essential to the integrity of the judicial process,'" *ibid.*, quoting **\*222** *United States v. Johnson*, 319 U.S. 302, 305, 63 S.Ct. 1075, 1076, 87 L.Ed. 1413 (1943). Later in its *Reyes* opinion, 281 Md. at 299, 380 A.2d at 23, the Court

reiterated "that it is essential to the effective functioning of the

adjudicatory process that judgments, particularly those involving constitutional issues, be rendered only after the court has had the benefit of full presentation of opposing positions on the questions upon which it is to express an opinion."

The *Reyes* case involved a situation where statutes were challenged by a party whose costs and counsel fees were being paid by the government entity defending the statutes, and the Court was concerned that this degree of collusion might lead to an insufficient adversarial presentation of the issues. Consequently, the Court held that, when such situations arise in the future, the trial court should [281] Md. at 300, 380 A.2d at 24)

"name counsel, without recommendation or suggestion by any party to the action, to present in the same manner and to the same extent as though representing a truly adverse party, a position in opposition to that taken by the party who initiated and for whose benefit the action was instituted."

The instant cases involve a much greater degree of collusion than was involved in *Reyes*. Unlike *Reyes*, in the present cases, after the partial summary judgment, there was no adversarial presentation of the constitutional issues. More importantly, the possible insufficiency of the adversarial presentation in *Reyes* related to the *attack* upon the statutes and governmental action. In the cases at bar, however, after a certain stage in the proceedings, there was no party *defending* the enactments of the Maryland General Assembly concerning the public schools. If, as held in *Reyes*, it is necessary to import counsel in order to challenge the validity of statutes, it would seem even more necessary to allow intervention by an interested and willing governmental party to defend the enactments of the General Assembly.

\*223 As Judge Marvin Smith emphasized for the Court in *State v. Burning Tree Club*, 301 Md. 9, 36, 481 A.2d 785, 799 (1984),

"[o]ne accused of crime, presumed under our system to be innocent, is entitled to an advocate of his position. A statute, with its presumption of constitutionality, has just as much right to an advocate of its validity."

In that case, this Court disallowed a declaratory judgment action by the Attorney General of Maryland challenging the validity of a state statute, even though there was another party in the case willing to defend the statute. In language which is directly applicable to the Attorney General's conduct in the

present cases, we explained (*State v. Burning Tree Club, supra,* 301 Md. at 36, 481 A.2d at 798–799):

"Who has the duty of conducting the defense of a challenged statute if this duty does not rest upon the Attorney General of Maryland? It is no answer to say, as the Attorney General claimed at oral argument, that in this instance Burning Tree is prepared to spiritedly defend the statute. If we were to permit the Attorney General to maintain the present action for this reason, an anomalous result would be reached in a future proceeding, again brought to declare a statute unconstitutional, where the defendant may elect not to defend either for economic or 691 A.2d 1281, 117 Ed. Law Rep. 638

other reasons. In that situation, the matter would go by default and the statute might **\*\*1305** well be declared unconstitutional, even though if properly defended a contrary result might have been reached.

"The fact that the Attorney General believes this or any statute to be unconstitutional does not make it such."

The "future proceeding" envisioned by the Court in the above-quoted passage came about in these cases when the Attorney General's Office acquiesced in the declaration of unconstitutionality, and there was no remaining party to defend the General Assembly's enactments. Not only did the Attorney General's Office abandon its "duty of appearing in the courts as the defender of the validity of

enactments of the **\*224** General Assembly" (*Burning Tree Club*, 301 Md. at 37, 481 A.2d at 799), but the Attorney General has vigorously opposed the efforts by the largest political subdivision of the State to intervene and defend the enactments of the General Assembly.

The language of a three-judge federal court in *Nash v. Blunt*, 140 F.R.D. 400, 403 (W.D.Mo.1992), *aff'd*, 507 U.S. 1015, 113 S.Ct. 1809, 123 L.Ed.2d 441 (1993), in allowing intervention on the same side as state defendants in a case with political overtones, is pertinent here:

"In addition to being necessary as a check on the possible intrusion of partisan interests into these legal matters, the grants of intervention were necessary to insure this court's jurisdiction. In arriving at the proposed settlement, the parties necessarily agreed on a wide variety of factual and legal issues; for instance, the parties agreed that the proposed settlement does not violate the Constitution or the Voting Rights Act and that the court's adoption of the settlement was the best solution to this entire lawsuit. This court was (and, to some extent, is still) concerned that the parties might actually agree on many of the central issues involved in this case, thereby depriving the court of 'opposing parties representing adverse interests' as

required by Article III. *Financial Guar. Ins. v. City of Fayetteville*, 943 F.2d 925, 929 (8th Cir. 1991). By allowing the intervenors to participate in this case, we have insured

that opposing viewpoints will continue to be presented to the court.<sup>3</sup>

FN3 "<sup>3</sup> Even if the parties' agreement on certain issues did not implicate Article III concerns, we would still grant the motions to intervene because the intervenors' presence will aid the court in resolving the issues presented in this case."

Another federal court, after reviewing numerous cases, made a similar point (*Herdman v. Town of Angelica*, 163 F.R.D. 180, 190 (W.D.N.Y.1995)):

"The cases cited above indicate that in considering a motion to intervene as of right on the side of a government entity in an action in which the government entity is not suing as *parens patriae*, but rather is defending the legality of its actions or the validity of its laws or regulations, courts should examine both (1) whether the government entity has **\*225** demonstrated the motivation to litigate vigorously and to present all colorable contentions, and (2) the capacity of that entity to defend its own interests and those of the prospective intervenor."

See also Hopwood v. State of Texas, 21 F.3d 603, 606 (5th Cir.1994), cert. denied, 518 U.S. 1033, 116 S.Ct. 2580, 135 L.Ed.2d 1094 (1996) ("The proposed intervenors have not demonstrated that the State will not strongly defend its affirmative action program").

I do not mean to suggest that, in ordinary litigation, whenever a party enters into a consent judgment, the case has become collusive and intervention by a third party is warranted. Obviously this is not so. Parties should be encouraged to resolve their differences by reaching agreements. Nevertheless, when an action is brought to declare unconstitutional the enactments of the General Assembly, when those statutes are not obviously invalid, and when at some point during the litigation there is no party defending the legislative enactments, then, under the principles set forth in the above-cited cases, the litigation has become collusive and intervention is clearly in order.

(2)

The Attorney General's position in this litigation, and the refusal by the circuit court **\*\*1306** and this Court to allow intervention for the purpose of defending the Legislature's

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enactments, are particularly puzzling when one considers the nature of the plaintiffs' constitutional challenge and the prior decisions of this Court. The existing "System of Free Public Schools"<sup>12</sup> which has been provided by the General Assembly, involving shared State and local responsibility, involving comprehensive statutory provisions relating to all aspects of education, and involving large appropriations of taxpayers' dollars, is not, as applied to "at risk" students, obviously invalid or clearly in violation of public policy embodied in constitutional provisions. If it were, perhaps a plausible argument could **\*226** be made to justify the position of the circuit court and the role of the

Attorney General. *Cf.* Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 959, 962 (4th Cir.1963), cert. denied, 376 U.S. 938, 84 S.Ct. 793, 11 L.Ed.2d 659 (1964) (federal government attorneys, "unusually enough," refused to defend the validity of a racial "separate-but-equal" provision in a federal statute, although another party in the case defended the constitutionality of the provision).

#### <sup>12</sup> Article VIII, § 1, of the Maryland Constitution.

Instead of the legislative enactments under Article VIII, § 1, being clearly invalid, it is the plaintiffs' constitutional theory

which seems questionable in light of *Hornbeck v. Somerset* Co. Bd. of Educ., supra, 295 Md. 597, 458 A.2d 758. As discussed earlier, the plaintiffs in both cases below alleged that the "at risk" Baltimore City public school students were receiving a constitutionally inadequate education, and that this inadequacy was primarily shown by the students' scores on so-called "MSPP" and "MSPAP" tests. 13 According to the Bradford plaintiffs, this inadequacy primarily results from a lack of sufficient funding, "and the State's failure to assure such funding adequacy violates [its] constitutional duty." Similarly, the amended complaint in the Baltimore City case alleged that the "[d]efendants, in violation of the education clause [Article VIII, § 1], have failed to appropriate increases in State education funding necessary for all school districts, particularly Baltimore City, to provide all students with a basic public school education." In fact, as pointed out in Part II A of this opinion, the amended complaint in the Baltimore City case, read as a whole, appeared to be an attack upon the basic \*227 system of shared State and local fiscal responsibility for the schools.

As previously noted, "MSPP" stands for "Maryland School Performance Program." "MSPAP" stands for "Maryland School Performance Assessment Program."

The complaint in the *Bradford* case also alleged that the inadequacy was shown by the students' high rate of being "unlawfully absent from school," the number who do not complete high school, the number who are not qualified "for admission to the University of Maryland system," the difficulty in "attract[ing] and retain[ing] qualified teachers and professional staff," alleged insufficient "quantities of 'good quality' instructional materials and supplies," the alleged inadequate condition of the school buildings, and the alleged high "rate at which students enter, withdraw from, or transfer between schools."

Consequently, the complaints in both cases proceeded upon the primary theory that low test scores and other alleged deficiencies in students' performance and conduct, together with the State's system of public school funding, constituted a sufficient basis for the circuit court to determine that the education provided was constitutionally inadequate in violation of Article VIII, § 1, of the Maryland Constitution, and to afford appropriate relief which was additional state funding.

This Court in *Hornbeck v. Somerset Co. Bd. of Educ., supra,* 295 Md. at 620–632, 458 A.2d at 770–777, however, reviewed the history and meaning of Article VIII, § 1, and concluded as follows (295 Md. at 632, 458 A.2d at 776):

"The development of the statewide system under § 1 is a matter for legislative determination; at most, the legislature is commanded by § 1 to establish such a system, effective in all school districts, as will provide the State's youth with a basic public school education."

Chief Judge Murphy's opinion for the Court in *Hornbeck*, 295 Md. at 624, 458 A.2d at 772, pointed out that the framers of Article VIII, § 1, in the Constitutional Convention of 1867, rejected any constitutional requirement of a **\*\*1307** "detailed system" of public education, and decided " that the constitution should not be encumbered with the details'; and that the 'best plan was to leave the details ... to the legislature.' " The *Hornbeck* opinion stated that "[t]he central theme emerging from the debates [at the 1867 Constitutional Convention] was ... to permit the legislature to adopt any system ... and to implement it by statute." 295 Md. at 626, 458 A.2d at 773. The history of Article VIII, § 1, set forth

in *Hornbeck* is replete with the concept that "the legislature be left free to adopt the system it deemed best," that the Constitution " 'reserv[ed] to the Legislature full authority to provide for a system of education in each county and the city of Baltimore," "that the amount of funds necessary " 'is properly confided to the Legislature,' " and that the Constitution does not prescribe a **\*228** " 'system of public schools! " which is " 'perfect[ ].' " 295 Md. at 627, 458 A.2d at 774. The Court in *Hornbeck* made it clear that Article VIII, § 1, authorized "the principle of shared responsibility between State and local governments for public

school education," 295 Md. at 630, 458 A.2d at 775.

It appears somewhat difficult to reconcile the plaintiffs' theory and the circuit court's declaratory judgment with the *Hornbeck* opinion and the constitutional history therein reviewed. *Hornbeck* and the history of Article VIII, § 1, indicate that it is for the General Assembly, and not the circuit court, to determine the nature of the public school system and the method of funding. Furthermore, it seems doubtful that the framers of Article VIII, § 1, contemplated that students' scores on particular tests would be the standard for judicially measuring the General Assembly's compliance with its constitutional responsibility.

There is an additional aspect of the plaintiffs' theory which would have seemed to reinforce the view that ultimate judicial relief might be difficult to obtain and that their complaints should have been directed to the political branches of the Government. As discussed earlier, the plaintiffs complained on behalf of a "class" of "at risk" children who are disadvantaged chiefly because they "live in poverty," "live with fewer than two parents," have parents who did not graduate from high school, "live with parents who are unemployed," "are homeless," "are parents or pregnant," or live under threats of violence. The plaintiffs' argument was that such children, because of these disadvantages not caused by the school system, "require greater or different resources and services than others to receive an adequate education from the public schools." Although it is certainly desirable, from a social standpoint, for government to take steps to rectify the results of poverty, unemployment, etc., as a general rule government is not constitutionally responsible for deprivations not caused by government action. See, e.g.,

National Collegiate Athletic Ass'n v. Tarkanian, 488 U.S.
 179, 191, 109 S.Ct. 454, 461, 102 L.Ed.2d 469, 484 (1988);
 Blum v. Yaretsky, 457 U.S. 991, 1002–1003, 102 S.Ct.

2777, 2785, 73 L.Ed.2d 534, 545 (1982); \*229 Rendell-Baker v. Kohn, 457 U.S. 830, 837–840, 102 S.Ct. 2764, 2769–2771, 73 L.Ed.2d 418, 425–427 (1982); Waters v. State, 320 Md. 52, 57–59, 575 A.2d 1244, 1246–1247, cert. denied, 498 U.S. 989, 111 S.Ct. 529, 112 L.Ed.2d 539 (1990); State v. Burning Tree Club, Inc., 315 Md. 254, 293–294, 554 A.2d 366, 386, cert. denied, 493 U.S. 816, 110 S.Ct. 66, 107 L.Ed.2d 33 (1989); Riger v. L & B Ltd. Partnership, 278 Md. 281, 288–289, 363 A.2d 481, 485–486 (1976).

Of course, the State's obligation under Article VIII, § 1, of the Maryland Constitution to provide a free public education, fully extends to "at risk" students, and remedial measures are obviously called for. Nevertheless, the nature of the remedial measures, the amount of funding, etc., involves a balancing of educational, political, social, and fiscal considerations which is peculiarly within the province and expertise of the political branches of government.

By pointing to apparent difficulties in the plaintiffs' legal theories and in their requests for judicial relief, I am not suggesting that their lawsuits were frivolous, or that the *Hornbeck* opinion cannot be reexamined, or that *Hornbeck* may not be distinguishable in light of evidence that might be adduced at a trial, or that the Maryland system of public school financing, with its significant reliance on local funding ability, is absolutely immune from judicial challenge. I do suggest that, in **\*\*1308** light of the apparent uphill legal battle that was facing the plaintiffs, the position of the Attorney General and the State defendants, as well as the declaratory judgment of unconstitutionality without any trial, is extremely surprising and highly unusual. A situation is presented which clearly calls for intervention by a truly adverse party.

#### (3)

In refusing to consider the State defendants' and Attorney General's apparent acquiescence in the plaintiffs' questionable legal position, and their consent to a declaratory judgment that Article VIII, § 1, has been violated, the majority opinion seems to hold that "subsequent events" have no relevance to the matter of intervention in these cases. The majority again **\*230** myopically views the present cases as if they constituted ordinary local lawsuits. Nevertheless, in major public interest cases involving challenges to the validity of statutes or other governmental action, this Court,

#### 691 A.2d 1281, 117 Ed. Law Rep. 638

in reviewing the matter of intervention, has considered "subsequent events."

Thus, in Board of Trustees v. City of Baltimore, supra, 317 Md. at 88–92, 562 A.2d at 727–729, the Board of Trustees of Baltimore City's employee pension systems challenged the validity of city ordinances requiring that the pension systems divest their holdings in corporations doing business in South Africa. Prior to trial, four pension fund beneficiaries moved to intervene on the side of the Board, and the Circuit Court for Baltimore City denied the motion for intervention. In holding that the circuit court erred, this Court pointed to the possibility that the Board, as a city agency, might not fully contest the position of Baltimore City. In this connection we noted the event, subsequent to the circuit court's denial of intervention, "that, during Baltimore's last mayoral election campaign, one of the issues between the candidates concerned the propriety of permitting the Trustees to prosecute an appeal in the present

case." 317 Md. at 91, 562 A.2d at 729. Moreover, in our opinion upholding the right of the beneficiaries to intervene, we pointed to the *subsequent* possibility "that the Trustees might not ask the United States Supreme Court to review an unfavorable ruling in this Court," *ibid. See* the discussion in *Coalition v. Annapolis Lodge, supra,* 333 Md. at 369–371, 635 A.2d at 416–417.<sup>14</sup> See also \*231 Meek v. Metropolitan Dade County, Fla., 985 F.2d 1471, 1478 (11th Cir.1993); Nash v. Blunt, supra, 140 F.R.D. at 402–403; Palmer v. Nelson, 160 F.R.D. 118, 122 (D.Neb.1994) ("intervention necessarily focuses upon potential *future harm* to the non-party's interest in the subject matter of the pending litigation") (emphasis in original).

14 It should be noted that, at the time the circuit court denied intervention, there were indications of the possibility that the litigation might become collusive. The State defendants, represented by the Attorney General, vigorously opposed Montgomery County's motions to intervene on the side of the State defendants and to support the validity of the General Assembly's enactments. This opposition was unusual; ordinarily parties in the position of the State defendants would have gladly welcomed the assistance of Montgomery County and the very able attorneys representing the County. Moreover, the State defendants, in responding to the motions for intervention, seem to have adopted much of the plaintiffs' theory regarding the nature of the cases.

#### III.

The present cases are ones in which the public interest and the integrity of the judicial process require intervention. There is no existing party either defending the constitutionality of the public school system provided by the General Assembly under Article VIII of the Maryland Constitution, or challenging the circuit court's jurisdiction to abolish a government agency and create a new one with specified organization, powers and duties, or challenging the court's decree that 250 million additional dollars be provided for the Baltimore City public school system. The position of the State defendants and the nature of the circuit court's decree are so unusual that one might reasonably wonder whether the parties and the court have incorporated a particular political agenda into the "Consent Decree," and are using the judicial process and the decree simply as leverage to attain their political goals from the General **\*\*1309** Assembly.<sup>15</sup> In any event, if the Circuit Court for Baltimore City is going to assume the role of a super legislature for Maryland public education, at least the largest Maryland political subdivision should be represented in that legislature.

15 References in newspaper articles and editorials to pending proposed legislation in the General Assembly, relating to Baltimore City schools, as having the purpose "to enact the terms of a court consent decree" or being "court-approved" have become legion during the past several months. *See, e.g., The Sun,* March 27, 1997, at 12A, 22A. Furthermore, the view has apparently been expressed to the General Assembly that the language of the pending legislation cannot deviate "from the consent decree" unless the deviation is "agreed to by all parties" to this litigation. *See The Sun,* March 28, 1997, at 10B.

Judge RAKER has authorized me to state that she concurs with the views expressed herein.

#### \*232 RODOWSKY, Judge, dissenting.

I respectfully dissent. In my view the issue of intervention is not mooted by the consent decree because the conditions to which operation of the latter is subject have not been Montgomery County v. Bradford, 345 Md. 175 (1997) 691 A.2d 1281, 117 Ed. Law Rep. 638

fulfilled, to date. Further, I believe that Montgomery County, Maryland, should have been permitted to intervene for the reasons stated in Part II.A of the dissenting opinion by Judge ELDRIDGE.

#### **All Citations**

345 Md. 175, 691 A.2d 1281, 117 Ed. Law Rep. 638

**End of Document** 

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# **App. 7**

## Nov. 26, 1996

KEITH A. AND STEPHANTE E IN THE BRADFORD, et al. **CIRCUIT COURT** Plaintiffs. FOR V. BALTIMORE CITY MARYLAND STATE BOARD OF EDUCATION, et al., Defendants and Third-Party Plaintiffs, Case No. 94340058/CE189672 V. BO ARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY, et al., Third-Party Defendants. BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY, et al., Plaintiffs. V. Case No. 95258055/CL202151 MARYLAND STATE BOARD OF EDUCATION, et al., Defendants.

#### CONSENT DECREE

WHEREAS, Plaintiffs Keith A. Bradford, et al., seek declaratory and injunctive relief to ensure that all school children within the Baltimore City Public Schools ("BCPS") who are at risk of educational failure are provided with a public school education that is adequate when measured by contemporary educational standards, pursuant to Article VIII, Section 1, of the Maryland Constitution;

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WHEREAS, Plaintiffs and Third-Party Defendants Board of School Commissioners of Baltimore City and Phillip Farfel seek a declaratory judgment that the State has not fulfilled the requirement of Article VIII, Section 1, of the Maryland Constitution to provide a thorough and efficient education to the students enrolled in the BCPS and also seek additional resources to increase student achievement in the BCPS;

WHEREAS, Defendants and Third-Party Plaintiffs Maryland State Board of Education (the "State Board" or "MSBE") and State Superintendent Nancy Grasmick allege that BCPS has failed to manage its existing resources effectively and therefore seek reform within BCPS before additional State funds are devoted to BCPS,

WHEREAS, Plaintiffs in Vaughn G., et al. v. Mayor, et al., Civil Action No. MJG-84-1911 in the United States District Court for the District of Maryland, seek in that federal action the establishment of a receivership over all operations of the BCPS or, in the alternative, appointment of a partial receiver with full authority to expend resources, effect personnel actions, and manage and oversee all matters affecting special education, and Plaintiffs' Motion for Additional Remedial Measures has been joined for trial with the above-captioned cases by order of the federal Court;

WHEREAS, the Court herein has entered partial summary judgment holding that Article VIII, Section 1, of the Maryland Constitution requires that the General Assembly provide all students in Maryland's public schools with an education that is adequate when measured by contemporary educational standards and that the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards;

WHEREAS, there remain among the parties differing claims as to the causes of and

appropriate remedies for the failure of the BCPS to provide public school children in Baltimore City with an education that is adequate when measured by contemporary educational standards;

WHEREAS, all the parties to the above captioned cases herein and the Vaughn G. Plaintiffs jointly desire to resolve their differing claims through an amicable settlement in order to provide a meaningful and timely remedy crafted to meet the best interests of the school children of Baltimore City;

THEREFORE, all parties agree and the Court ORDERS that:

1. The Consent Decree entered in the Vaughn G. case is incorporated by reference and attached hereto as Exhibit A.

2. Governance and functions of the Baltimore City Public Schools will be restructured in accordance with paragraphs 8 through 42 and 55 through 67 of this Decree, and with proposed City-State partnership legislation (the "partnership legislation") in the form attached hereto as Exhibit B and incorporated by reference herein.

3. Additional funds, as provided in paragraphs 43 through 54 of this Decree shall be provided by the State to BCPS in Fiscal Years 1998 through 2002.

#### Effective Dates of Decree

4. This Decree shall not become fully effective until (a) the Governor signs the partnership legislation in a form that does not affect the substantive rights of the parties established by this Decree; and (b) the State Budget for FY 1998 is approved with the additional funds for FY 1998 as provided in paragraph 47. The transition provisions of paragraphs 55 through 58 shall be effective upon entry of this Decree.

5. If both contingencies described in paragraph 4 have not occurred by May 1, 1997, this

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Decree, including the transition provisions of paragraphs 55 through 58, shall be null and void. In this event, trial of these actions shall commence jointly with the Plaintiffs' Motion for Additional Remedial Measures in the Vaughn G. case on Monday, May 12, 1997.

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6. If the partnership legislation is enacted with any variance from the form attached hereto, the parties may waive the variance in writing. If any variance is not waived in writing, any party may file a motion with this Court, no later than 10 business days after the legislation is signed by the Governor, seeking a determination whether the variance affects the party's substantive rights under this Decree. If no party files a timely motion seeking such a determination, the parties shall be deemed to have waived any variance. If any variance either is waived or is determined by the Court not to affect the substantive rights of any party, the terms of this Decree shall be interpreted consistent with the legislation.

7 If the General Assembly revises or modifies the partnership legislation after the 1997 legislative session and before the expiration of this Decree, all parties reserve their rights to challenge any variances in the manner provided in paragraph 6.

#### Establishment of the <u>New Board of School Commissioners for Baltimore City</u>

8. The new Board of School Commissioners for Baltimore City ("Board") shall be established as a City-State partnership and shall be held directly accountable for improving the academic achievement of Baltimore City school children as measured by the Maryland School Performance Program ("MSPP"). The Board shall not be deemed an agency of the State.

9. The Board shall be vested with full control of all functions relating to BCPS in accordance with the partnership legislation.

10. The Board shall consist of nine voting Members and one non-voting student Member, all of whom shall serve without compensation.

11. Each Member must reside in Baltimore City. To the extent practicable, the membership of the Board shall reflect the demographic composition of Baltimore City.

12. At least four members of the Board shall possess a high level of expertise concerning the successful administration of a large business, non-profit, or governmental entity and shall have served in a high-level management position within such an entity.

13 At least three Members shall possess a high level of knowledge and expertise in the field of education.

14. At least one Member shall be the parent of a student who is enrolled in the Baltimore City Public Schools as of the date of appointment.

15 Among the nine voting members, at least one Member shall also possess knowledge and/or experience in the education of children with disabilities. This knowledge and/or experience may be derived from being the parent of a child with a disability.

16 One non-voting Member shall be a student in the Baltimore City Public Schools, who will be chosen in the same fashion as are the student members of the Boards of Education for Maryland's other Local Educational Agencies.

17. The voting Members shall be appointed jointly by the Mayor of Baltimore City and the Governor from a list of qualified candidates submitted to them by the Maryland State Board of Education. The list shall contain at least twice the number of names as there are vacancies. To the extent practicable, the list shall include twice the number of names as there are vacancies in each category of qualifications. The Mayor and the Governor may jointly request that MSBE supplement

the list with additional qualified candidates. In assembling the list of candidates, the State Board shall solicit and receive recommendations from a wide variety of sources, including, but not limited to, the Mayor, the Plaintiffs in *Vaughn G.*, the Plaintiffs in *Bradford*, and various community organizations.

18. All voting Members shall serve three-year terms with staggered expiration dates. Student members shall serve one-year terms. The lengths of the initial terms shall be varied to establish staggered expiration dates. A Member whose term has expired shall remain in office for all purposes until a successor Member is appointed. Appointments shall be terminable during the term of appointment only for cause in accordance with §3-108 of Md. Educ. Code Ann., upon the joint approval of the Mayor and the Governor.

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19 Upon appointment of the Board, the Mayor and the Governor shall jointly select one of the voting Members to serve as Chairperson for two years. Thereafter, the Board shall elect its Chairperson from among the voting members to serve no more than two years.

20 Meetings of the Board shall require a quorum of a majority of the voting Members then serving. Any Board action shall require the affirmative vote of a majority of the voting Members then serving on the Board.

#### Management Structure

21. The Board shall hire a Chief Executive Officer (CEO), who shall report directly to the Board and who shall be a member of the Mayor's Cabinet. If the Board hires or appoints an interim CEO, the interim CEO shall not be eligible for appointment as CEO. The CEO shall be paid a salary established by the Board. The CEO will be responsible for the overall administration of the Baltimore City Public School system. The CEO shall serve at the pleasure of the Board. The CEO's employment contract shall include provisions making the CEO's continued employment contingent

upon demonstrable and continuous improvement in the academic performance of students in the public schools in Baltimore City and sound management of the school system.

22. The CEO, with the Board's approval, shall select a Chief Academic Officer (CAO) who shall be responsible for system-wide curriculum and instruction and who shall report directly to the CEO. The CEO shall establish the salary of the CAO, subject to the approval of the Board. The CAO shall serve at the pleasure of the CEO and the Board. The CAO's employment contract shall include provisions making the CAO's continued employment contingent upon demonstrable and continuous improvement in the academic performance of students in the public schools in Baltimore City.

23 The CEO, with the Board's approval, shall select a Chief Financial Officer (CFO) who shall be responsible for the fiscal operations of the school system and who shall report directly to the CEO The CEO shall establish the salary of the CFO, subject to the approval of the Board. The CFO shall serve at the pleasure of the CEO and the Board. The CFO's employment contract shall include provisions making the CFO's continued employment contingent upon continuous effective fiscal management of the school system.

24. The Board and the CEO shall be held ultimately accountable for all functions delegated.

25. Upon the appointment of a CEO or an interim CEO, a Parent and Community Advisory Board shall be established to ensure parental involvement in the school improvement process. The Parent and Community Advisory Board shall consist of 14 persons, a majority of whomshall be parents of students currently enrolled in BCPS. Two members of the Advisory Board shall be selected by the *Bradford* Plaintiffs and three members shall be selected by the *Vaughn G*. Plaintiffs.

The remaining members shall be appointed by the CEO, subject to Board approval, as follows: three shall be from a list proposed by the Baltimore City Council of Parent-Teacher Associations; two shall be from a list proposed by the area-based parent networks; two shall be from a list proposed by the area-based parent networks; two shall be from a list proposed by the Title I liaisons; and two shall be selected by the CEO from other parent and/or community groups. In the event that one of the enumerated groups fails to propose a sufficient number of nominees to fill its allotted positions, the Board shall fill the position(s) with person(s) from other parent and/or community groups. The term of a member of the Parent and Community Advisory Board shall be two years, and no member may serve more than two terms. A member whose term has expired shall remain on the Advisory Board until a successor member is appointed. When all members have been appointed to the Parent and Community Advisory Board, this Advisory Board shall replace the Community Advisory Board established under the Stipulation and Order of April 4, 1994 entered in *Vaughn G*.

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26. The Board and CEO shall consult regularly with the Parent and Community Advisory Board. The CEO shall meet with the Parent and Community Advisory Board on at least a quarterly basis. The CEO and Board shall also seek parental input from a variety of other sources, including the Parent Participation Project and school improvement teams.

#### Transition Plan for 1997-98

27. On or before September 1, 1997, after opportunity for public comment, the Board shall adopt a Transition Plan to guide the operation of the BCPS during the 1997-98 school year. In preparing the Transition Plan, the Board may review any planning for the 1997-98 school year already undertaken by the current Board and BCPS administration and shall receive and consider comments from the *Bradford* and *Vaughn G*. Plaintiffs. The Transition Plan shall identify the steps

to be taken to comply with this Decree (including all *Vaughn G.* orders) and the partnership legislation, to make progress in implementing the key recommendations from the 1992 Cresap Report and the 1994 and 1995 MGT Reports, to make use of the additional funds to be provided under this Decree, and to implement any major educational reform initiatives to be undertaken in the first year of operation of the Board in areas such as curriculum, instruction, and assessment.

28 The Transition Plan shall be a public document and shall be provided to this Court, the United States District Court in Vaughn G., the Governor, the Mayor, the General Assembly, the State Board and the Bradford and Vaughn G. Plaintiffs.

#### Master Plan

29 On or before January 1, 1998, the CEO, or the interim CEO, shall submit to the Board for approval a Master Plan to increase student achievement in the BCPS. The Board shall review and approve the Master Plan at a public hearing on or before March 1, 1998.

30. In developing the Master Plan, the CEO or the CEO's designees shall receive and consider comments from the *Bradford* and *Vaughn G*. Plaintiffs and may consult with parents, teachers, students, representatives of the business community, and experts in educational instruction and administration.

31. The Master Plan shall include measurable outcomes and time lines, and shall include timetables for implementation, evaluation, and reporting.

32. The Master Plan shall include a comprehensive design for improvement of school management and accountability of all personnel, and shall include implementation of the key recommendations contained in the 1992 Cresap Report and the 1994 and 1995 MGT Reports.

33. The Master Plan shall identify the actions necessary to improve student achievement

in the BCPS. It shall address the following topics:

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A. The curriculum and instructional programs of BCPS, including the development and implementation of: (i) a city-wide curriculum framework reflecting State learning outcomes and an appropriate developmental sequence for students; (ii) an adequate program of professional development and training for BCPS staff that is coordinated with and supports the implementation of the city-wide curriculum framework; and (iii) an effective educational program for meeting the needs of students at risk of educational failure;

B. The financial management and budgeting system needed to ensure maximization and appropriate utilization of all available resources;

C. The planning and provision of construction, repair, and maintenance services within BCPS,

D BCPS' management information systems;

E The provision of adequate instructional materials, support services, student assessment and remediation;

F. Staff hiring, assignment, professional development and evaluation, recruitment, and retention;

G. The status of schools designated to be reconstitution eligible;

H. The delivery of special education services;

I. Parental participation; and

J. Compliance with all provisions of this Decree.

34. The Master Plan, as proposed and as adopted, shall be a public document and shall be provided to this Court, the United States District Court in *Vaughn G.*, the Governor, the Mayor,

the General Assembly in accordance with §5-109 of Md. Educ. Code Ann., the State Board, and the *Bradford* and *Vaughn G.* Plaintiffs.

#### Personnel and Procurement

35. The Board shall have complete control of all personnel and procurement involving the Baltimore City Public Schools. Upon appointment, the Board will review all collective bargaining agreements to determine if the provisions of the agreements are consistent with the purposes of this Decree and the partnership legislation and may negotiate changes.

36. Current collective bargaining agreements applicable to BCPS personnel shall remain in effect pending appointment of the new Board and the Board's exercise of its authority under paragraph 35 of this Decree and the partnership legislation. All current collective bargaining agreements shall expire on June 30, 1997. Notwithstanding any extensions and any discussions with the agents for the collective bargaining units applicable to BCPS personnel, neither the Mayor and City Council of Baltimore ("City") nor the current Board shall vary the terms and conditions or agree to issues for reopeners of the agreements, as they relate to BCPS personnel. The new Board shall be responsible for negotiations for agreements in FY 1998. The new Board shall retain its own chief negotiator for all collective bargaining.

37. The Board shall adopt the MBE/WBE goals of the City relating to procurement.

38. The new Board and the CEO shall consult with the Mayor and his designees regarding an orderly transition process for the Board to assume full responsibility for all personnel and procurement. This transition process shall be completed as quickly as possible and no later than . June 30, 1998.

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#### Reporting

39. By December 31 of each year during the term of this Decree, the Board shall issue an annual public report. This report shall include a financial statement, a comprehensive accounting of progress in implementing the Transition Plan or the Master Plan, and other information as required by State law. The annual reports shall be public documents and shall be provided to this Court, the United States District Court in *Vaughn G.*, the Governor, the Mayor, the General Assembly in accordance with §2-1312 of Md. State Gov't Code Ann., the State Board, and the *Bradford* and *Vaughn G.* Plaintiffs.

#### **Review and Evaluation**

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40. No later than July 1, 1999, the Board and the Maryland State Board of Education jointly shall select and the Board shall contract with an independent consultant to evaluate the interim progress of reform in the City schools. The City and the State shall bear equally the cost of the independent consultant. By April 30, 2000, the independent consultant shall report the results of the interim evaluation. The report shall be provided to this Court, the United States District Court in Vaughn G., the Governor, the Mayor, the General Assembly, the State Board, and the Bradford and Vaughn G. Plaintiffs. The interim evaluation shall be a public document.

41. The Board and the Maryland State Board of Education jointly shall develop the scope of the consultant's evaluation, which shall include, at a minimum, assessment of the educational and management reforms of the Board; assessment of the performance of students in the City schools; assessment of compliance with the terms of this Decree and the *Vaughn G*. orders; assessment of the utilization of the additional funding provided pursuant to this Decree; and an assessment of the sufficiency of the additional funding provided by the State. The independent consultant may make

recommendations concerning changes to the educational programs of the BCPS; the structure of the City-State partnership or the BCPS administration; modifications to the Master Plan or the Long Term Compliance Plan for special education; and the need for funding in excess of the amounts provided herein in order for the BCPS to provide its students with an education that is adequate when measured by contemporary educational standards.

42. On or before January 1, 2001, the Board shall contract with an independent consultant to conduct a final comprehensive review and evaluation of the Baltimore City Public Schools. This independent consultant may be the same consultant provided for in paragraph 40 of this Decree. The City and the State shall bear equally the cost of the independent consultant. The Board and the Maryland State Board of Education shall jointly select the consultant and determine the scope of the review and evaluation. At a minimum, the final review and evaluation shall examine the extent of progress made in improving schools and all of the topics examined in the interim evaluation. By December 1, 2001, the consultant shall issue a final review and evaluation. The final report shall be provided to this Court, the United States District Court in *Vaughn G.*, the Governor, the Mayor, the General Assembly, the State Board, and the *Bradford* and *Vaughn G*. Plaintiffs. The consultant's final report shall be a public document.

#### **Financial Resources**

43. As provided in this section, the State of Maryland shall provide BCPS with additional funds to assist the Board in implementing the City-State partnership, to improve the quality of public education in Baltimore City, and to raise the level of academic achievement in BCPS. This financial\_ commitment shall be separate from established State funding pursuant to APEX and other current State funds provided to BCPS. The additional funds enumerated below may not be used to supplant

funds provided to or for the benefit of BCPS by the City, and may not be used to meet any statutory obligation of the City to maintain levels of local funding for education.

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44. If new revenue becomes available to the State during FY 1998 through FY 2002, and if the State dedicates all or part of those new revenues to education generally, then BCPS shall receive its designated share of those revenues without reduction of the additional funds detailed in this Decree

45. The additional funds provided by the State as described in this Decree shall not be provided by reducing any other State funds provided to Baltimore City. Nothing in this Decree, however, shall prevent the Governor or the General Assembly from reducing local aid to Baltimore City as part of any general statewide reduction in local aid or from exercising executive and legislative discretion with respect to any local aid for a special project or purpose.

46. The \$12 million in additional State discretionary funds appropriated for reconstitution eligible schools and teacher salary parity in the FY 1997 State budget bill shall be released as provided by the terms of that bill. For purposes of implementing this provision, the phrase "creation of and progress in implementation of a City-State Partnership" shall mean the date upon which this Decree shall become fully effective in accordance with paragraph 4 of this Decree. Upon implementation and approval of the performance-based evaluation system required by the terms of the FY 1997 State Budget Bill, the Board in FY 1998 may request payment of the \$2 million withheld in the FY 1997 State Budget Bill.

47. The State shall provide to the Baltimore City Public Schools the following additional funds, subject to appropriation by the General Assembly:

 FY 1998
 \$30 million

 FY 1999
 \$50 million

 FY 2000
 \$50 million

 FY 2001
 \$50 million

 FY 2002
 \$50 million

If these additional funds are not appropriated in any of the designated fiscal years, this entire Decree shall become null and void as of the end of the last fiscal year for which these additional funds were appropriated

48. In each of Fiscal Years 1998 through 2002, the State shall also provide at least \$10 million to BCPS through the Maryland School Construction Program ("Program"). These funds shall be made available in the proportion of 90% State funds to 10% City funds. The State shall provide the funds before the City is required to provide its share. Any additional funds requested by the Board under the Program in excess of \$10 million per year, if granted, shall be provided subject to the formula applicable to the City for matching funds in the Program.

49. In Fiscal Years 1998 through 2002, if BCPS' actual audited enrollment for any fiscal year is less than BCPS' current enrollment projections for those fiscal years, BCPS will not be required to return to the State APEX funds to the extent of the difference between the current enrollment projections and the audited enrollment for each fiscal year. For purposes of this Decree, "BCPS current enrollment projections" means the following:

FY1998	101,648.0	FTE
FY1999	97,842.5	FTE
FY2000	94,616.5	FTE
FY2001	91,479.0	FTE
FY2002	89,197.5	FTE

50. The additional funds described in paragraph 47 are provided: (a) to improve the educational performance of schools having a high percentage of students living in poverty; (b) to improve the educational performance of reconstitution eligible schools and other schools that are both failing to meet MSPP standards and failing to show progress toward meeting those standards; (c) to make progress toward meeting teacher salary parity with Baltimore County; and (d) to implement other improvements bearing a direct relationship to classroom instruction, such as investments in technology, management information systems, professional development and evaluation, and curriculum. A substantial proportion of the additional funds shall be utilized for programs, services, and/or resources that have a direct and substantial effect on improving academic achievement.

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51. The dispute between the State and the BCPS related to the legislative audit of the 1994-95 school enrollment count is resolved by this Decree with no further action to be taken.

52. For Fiscal Years 1999 through 2002 the Board may request funds in amounts greater than those described in paragraph 47 from the State through the currently established State budget process, if the Board presents a detailed plan showing why such funds are needed and how they would be spent. The State will use best efforts to satisfy any such request, subject to the availability of funds.

53. For Fiscal Years 2001 and 2002, the Board may also request funds in amounts greater than those described in paragraph 47, after completion of the interim evaluation described in paragraphs 38 and 39. If the Board requests such funds, the *Bradford* Plaintiffs and *Vaughn* G. Plaintiffs will be offered an opportunity to present to the Board and to the State in writing their views on the request for such funds. The State and the Board may negotiate from April 30, 2000 through June 1, 2000 regarding such requests, and the State and the Board shall consider the views of the

independent consultant and the Plaintiffs in the *Bradford* and *Vaughn G*. cases If the State and the Board do not reach agreement, the Board, on or after June 1, 2000, may seek relief from the Circuit Court for Baltimore City for funding amounts greater than those described in paragraph 47, through the following process:

A. The matter shall be placed on an expedited schedule, with a hearing commencing no later than fifteen days after any motion for relief is filed. All parties to this Decree may appear and present evidence at this hearing, and the interim evaluation shall be received into evidence The State reserves all of its defenses as to any Court order for such funds in amounts greater than those provided in paragraph 47.

B. Any party may appeal the Circuit Court's ruling to the Court of Appeals of Maryland, but the *Bradford* Plaintiffs may appeal only if the Board appeals. The Circuit Court shall stay any order pending appeal, and all parties shall jointly request expedited consideration of the matter by the Court of Appeals. The partnership legislation shall include statutory authority providing for direct review by the Court of Appeals of Maryland and requesting that the Court of Appeals of Maryland issue a decision within 60 days after briefing is completed.

54. The State shall provide the additional funds described in paragraph 47 notwithstanding any dispute regarding the provision of funds in amounts greater than the amounts enumerated in that paragraph.

#### Transition From Current Governance of BCPS

55. Upon entry of this Decree, the Governor, the Mayor, and the State Board each shall designate one representative to serve on a Transition Committee. The Transition Committee shall

(1) solicit and receive recommendations for the initial new Board members, and forward the recommendations to the State Board; and (2) identify and collect data and information necessary for the new Board to examine upon its establishment. Representatives of the *Bradford* and *Vaughn G*. Plaintiffs may attend meetings of the Transition Committee. This Decree does not constitute a determination that Plaintiffs or their representatives are entitled to compensation for such attendance.

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56. Within 60 days after entry of this Decree, the State Board shall submit a list of candidates to the Governor and the Mayor for appointment to the new Board. The terms of the current Board of School Commissioners shall end upon the later of: (a) the date upon which the Governor signs the partnership legislation described in paragraph 2; or (b) the date of enactment of the Budget Bill containing the appropriations for Fiscal Year 1998 described in paragraph 47. The terms of the Members of the new Board shall begin on the same date, and the Transition Committee shall dissolve on the same date.

57. The Board may appoint an interim CEO if it is not feasible or desirable for the Board to hire a CEO promptly. Any interim CEO shall not be eligible for appointment as the CEO.

58 The parties to this Decree shall take no actions so as to impede the ability of the new Board to implement the educational and management reforms contemplated by this Decree. Before appointment of the new Board, neither the current Board of School Commissioners, nor any party to this Decree, may (1) enter into contracts, make expenditures, dispose of property, or incur liabilities on behalf of BCPS, except in the ordinary course of business; or (2) increase the compensation of or award bonuses to officers, employees or agents of BCPS, except as provided in current employment contracts.

#### Modifications Relating to Special Education

59. Upon the effective date of appointment of the new Board, the operation of the Management Oversight Team ("MOT") established pursuant to the April 4, 1994 Stipulation and Order of the United States District Court in *Vaughn G*. at paragraph 5 shall be modified as follows: Actions of the MOT shall be effective unless the Administrator for Special Education objects to the action. Either the State Superintendent or the Plaintiffs may seek judicial review of any dispute in the United States District Court under the standard set out in paragraph 5 of the April 4, 1994 Stipulation and Order. If judicial review is not sought, the decision of the Administrator, with regard to the disputed matter, is final.

60. Upon the appointment of a CEO or an interim CEO by the Board, the Administrator of Special Education's position shall be abolished and the MOT shall be eliminated. All other provisions of paragraph 3 of the April 4, 1994 Stipulation and Order shall remain in effect.

61 In April 1997, the parties to the Vaughn G. litigation shall determine whether the extent of BCPS' progress toward meeting its compensatory awards obligations is such that the Monitor's functions pursuant to the September 24, 1996 orders relating to compensatory awards should be terminated upon the conclusion of the 1996-97 school year, or whether the Monitor's functions should be extended, or modified. If the parties cannot agree that the Monitor's functions should be extended modified, or terminated, the parties shall submit the issue to the United States District Court for resolution.

62. Upon the appointment of a CEO or an interim CEO:

A. A new Monitor shall be selected by agreement of the parties in the Vaughn G. case. If the parties cannot agree on the selection of a new Monitor within 30 days after the

effective date of appointment of the CEO or interim CEO, the nominees shall be submitted to the United States District Court, which shall select the new Monitor.

B. If the Monitor's functions relating to compensatory awards are to continue past the conclusion of the 1996-97 school year, the role of the Monitor will be modified as follows:

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(i) The current Monitor will be designated the "Remedial Monitor" and will continue to arrange for compensatory awards and will continue to conduct mediation/arbitration conferences to resolve individual students' disputes concerning temporary education plans and compensatory services; and

(ii) The new Monitor will be designated the "Reporting Monitor" and will assume all functions assigned to the Court Monitor under the *Vaughn G*. orders other than those described in paragraph 62.B.(i) above. However, if, on the date that the CEO or interim CEO takes office, fewer than 90 days remain before the Monitor's next semi-annual report is due, the Remedial Monitor will complete that report.

C. If the Monitor's functions relating to compensatory awards are to be terminated upon the conclusion of the 1996-97 school year, the parties will select an Arbitrator to resolve individual students' disputes concerning temporary education plans and compensatory services. If the parties cannot agree on the selection of an Arbitrator within 30 days of the conclusion of the 1996-97 school year, the nominees shall be submitted to the United States District Court, which shall select the Arbitrator. If no Arbitrator is in place upon the termination of the current Monitor's term, the current Monitor will continue to perform the mediation/arbitration function until the Arbitrator is in place.

63. When the new CEO takes office, the Vaughn G. Plaintiffs will select a new Plaintiffs' representative. All existing obligations of BCPS with respect to the Vaughn G. Plaintiffs' representative shall continue in accordance with all orders entered in the Vaughn G. case. If, at the time the new CEO takes office, the Long Term Compliance Plan for special education has not yet been completed or approved by the United States District Court, the current Vaughn G. Plaintiffs' representative shall serve as a consultant to Plaintiffs for the purpose of participating in the completion of the plan and BCPS will continue to pay his reasonable fees and expenses until the plan has been completed and approved by the United States District Court.

64. After the MOT is eliminated, the Vaughn G. Plaintiffs shall be provided with reasonable advance notice of proposed actions or decisions affecting compliance with the orders entered in Vaughn G. After the appointment of a CEO or an interim CEO, the CEO or interim CEO shall meet with the Vaughn G. Plaintiffs' representative to establish procedures for such reasonable advance notice. For purposes of this Decree, items "affecting compliance" include but are not limited to the special education tracking system, development and implementation of the Long Term Compliance Plan, the operation of the departments with responsibility for implementing the Long Term Compliance. If Plaintiffs object to a proposed action or decision, BCPS agrees not to implement the proposed action or decision for ten days or such other period of time agreed to by the parties, in order that review by the Court may be sought pursuant to the April 4, 1994 Stipulation and Order. If there is disagreement regarding whether a proposed action or decision affects compliance, the dispute will be resolved by the United States District Court.

65. The Vaughn G. Plaintiffs may present problems relating to compliance with IDEA or

the Vaughn G. orders to the CEO or interim CEO for resolution. Plaintiffs may seek judicial resolution of such problems in federal court pursuant to the April 4, 1994 Stipulation and Order if BCPS' action or failure to act violates or may violate the terms of the Vaughn G. consent decree or if BCPS' action or failure to act has resulted or may result in a violation of a free and appropriate public education to eligible students.

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66. If, after the CEO has been in place for one year, the Vaughn G. parties agree or the United States District Court finds, based upon school audits, reports by the Monitor and consultant, and school tours by Plaintiffs' expert, that the Long Term Compliance Plan is being implemented and substantial progress toward compliance is being made, then paragraph 64 will be modified to change the requirement of advance notice to Plaintiffs prior to implementation of an action or decision affecting compliance to a requirement of reasonable consultation with plaintiffs regarding actions or decisions affecting compliance. The parties will, at the time such modification goes into effect, determine whether further modifications to the terms of this Decree and any other Orders or Decrees in the Vaughn G. case shall be made in the event that the long term plan continues to be implemented and substantial progress toward compliance continues to be made for another year.

67. Court orders entered in Vaughn G. are modified only to the extent necessary to effectuate the above enumerated changes. The United States District Court for the District of Maryland retains exclusive jurisdiction to enforce those orders and to resolve disputes brought to the Court by the parties pursuant to the process established in the April 4, 1994 Stipulation and Order at paragraph 5.

#### Term of the Decree

68. This Decree shall be in effect through June 30, 2002, unless the Court extends the

term upon timely motion of one of the parties and upon a showing of good cause to extend the Decree.

69. The Court retains continuing jurisdiction during the term of this Decree to monitor and to enforce compliance with the terms of this Decree. Except as expressly provided otherwise, any party to this Decree may seek to enforce the terms of this Decree. Notwithstanding termination of this Decree, the Court shall retain jurisdiction to resolve any disputes that may have arisen during the term of this Decree.

Having approved the terms of this Consent Decree, signed by all parties as set forth below, it is hereby ORDERED on this 26th day of November, 1996.

udge Court for Baltimore City

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#### Consent of the Parties:

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Susan Goering ACLU Foundation of Maryland 2219 St. Paul Street Baltimore, Maryland 21218

William L. Webber Howrey & Simon 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004

Dr. Nancy S. Grasmick State Superintendent of Schools

Christopher T. Cross President Maryland State Board of Education

Lóuis M. Bograd

ACLU Foundation 122 Maryland Avenue, N.E. Washington, D.C. 20002

Counsel for Plaintiffs Keith A. Bradford, et al.

Arnita Hicks McArthur Acting President Baltimore City Board of School Commissioners

Acrona City Solucitor Phillip Farfel

#### Counsel:

For Plaintiffs Keith A. Bradford, et al.:

Susan Goering Malissa Ruffner ACLU Foundation of Maryland 2219 St. Paul Street Baltimore, Maryland 21218

William L. Webber Howrey & Simon 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004

Louis M. Bograd ACLU Foundation 122 Maryland Avenue, N.E. Washington, D.C. 20002

For Third-Party Defendants Board of School Commissioners of Baltimore City, et al.:

Abbey G. Hairston Alexander, Bearden, Hairston & Marks Lee Plaza, Suite 805 8601 Georgia Avenue Silver Spring, Maryland 20910

Paul Mark Sandler Freishtat & Sandler 1500 One Calvert Plaza 201 E. Baltimore Street Baltimore, Maryland 21202

Wilbur D. Preston Whiteford, Taylor, Preston, LLP Seven Saint Paul Street Baltimore, Maryland 21202

Otho Thompson Acting City Solicitor City Law Department 165 City Hall Baltimore, Maryland 21202 For Defendants and Third-Party Plaintiffs Maryland State Board of Education, et al.

J. JOSEPH CURRAN, JR. Attorney General of Maryland

Evelyn O. Cannon Margaret Ann Nolan Lawrence P. Fletcher-Hill Valerie Cloutier Assistant Attorneys General 200 Saint Paul Place Baltimore, Maryland 21202

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## **App. 8**

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KEITH BRADFORD, et al. Plaintiffs					*	IN T	HE					
					*	CIR	CIRCUIT COURT					
v.					*	FOR						
MARYLAND STATE BOARD OF EDUCATION et al.,					*	BAL	BALTIMORE CITY					
EDUC	Defendants.					CAS	CASE NO.: 94340058/CE 189672					
* * * * * * * * BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY et al., Plaintiffs,					* S *							
					*	CASE NO. 95258055/CL20251						
v.	Ι.							·				
MARYLAND STATE BOARD OF EDUCATION et al.,				*								
*	Defendants.	<b>.</b>	<b>.</b>	<b>.</b>	*	-14	<b>.</b>			<b>-</b>		
MEMORANDUM OPINION												

#### **INTRODUCTION**

#### A. Background

Six years ago, the Bradford Plaintiffs and the City plaintiffs filed two separate suits in this Court, both alleging that the State was failing to provide the students of Baltimore City with the constitutionally required "thorough and efficient" education. The Bradford Plaintiffs are parents of children attending Baltimore City public schools who are "at risk" of educational failure, meaning that they live in poverty or otherwise are subject to economic, social, or educational circumstances increasing the odds that they will not receive an adequate education. The Bradford Plaintiffs sued the Maryland State Board of Education, the Governor, the State Superintendent of

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Schools, and the State Comptroller of the Treasury on December 7, 1994. The City case, filed on September 15, 1995, was brought by the Mayor, the City Council of Baltimore, and the Board of School Commissioners of Baltimore City and its President against the same State defendants. The Governor and the Comptroller of the Treasury were dismissed from both suits after the Court found that "relief can be granted without the Governor being a party to the litigation." (Transcript of Apr. 4, 1995, at 12). The suits were consolidated for trial.

On October 18,1996, this Court entered partial summary judgment for the City and for the Bradford Plaintiffs and held that BCPSS schoolchildren were not receiving the constitutionally required "thorough and efficient" education. The Court first affirmed the relevant legal standard, holding that the "thorough and efficient" language of Article VIII requires that "all students in Maryland be provided with an education that is adequate when measured by contemporary standards." (10/18/96 Order ¶ 1). Next, this Court held:

There is no genuine material factual dispute in these cases as to whether the public school children in Baltimore City are being provided with an education that is adequate when measured by contemporary educational standards. This Court finds, based on the evidence submitted by the parties . . . that the public schoolchildren in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards.

(Id. ¶ 2).

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The Court's partial summary judgement decision did not resolve the parties' disputes over the cause of that inadequate education and the appropriate remedy. During the 1996 proceedings, the State contended that the City was to blame for failing to manage the BCPSS adequately. The City contended that the State was not providing funding sufficient to support a constitutionally adequate educational system. The Bradford Plaintiffs contended that a combination of factors

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was involved, and that a remedy would need to address both inadequate funding and management problems. The Court set the case for trial to resolve these issues.

After numerous court-assisted negotiations, the parties reached a settlement and signed the five-year Consent Decree, which imposed two primary obligations on the parties. First, it addressed the State's concerns with management of the Baltimore City schools by setting up the "City-State Partnership," embodied in the New Board of School Commissioners jointly appointed by the Governor and the Mayor, to manage the schools. Second, it provided additional funds for the schools, \$30 million in Fiscal Year 1998 and \$50 million in each of Fiscal Year 1999 through 2002 for operating funds, plus \$10 million annually for capital improvements. (Consent Decree ¶¶ 47-48). In April 1997, the General Assembly of Maryland codified the principal terms of the Decree at S.B. 795. See S.B. 795, 1997 Reg. Session (Md. 1997).

Because the parties were aware in 1996 that \$230 million over five years was not enough to provide an adequate education to Baltimore City's unique population of disadvantaged children, the Consent Decree provides a mechanism for the New Board to request additional funds from the State throughout the term of the Decree. It also provides that, after June 1, 2000, if the State fails to satisfy the New Board's request for additional funds, the New Board may go back to Court for a determination of whether additional funding is needed in order for the BCPSS to provide a Constitutionally Adequate Education.

Thus, in any year during the Decree's five-year term (from Fiscal Year 1998 through 2002), the New Board may ask the State for additional funds necessary to run the schools. If the Board presents the State with a detailed plan setting out why it needs more money and what it

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will be used for, the State has an obligation to use its "best efforts" to satisfy the New Board's request for additional funds, subject only to the availability of funds. (Consent Decree ¶ 52).

For its last two years, FY 2001 and 2002, the Decree provides an additional mechanism for the New Board to ask for funds after an "interim evaluation" of the schools has occurred, and authorizes a return to Court if the funds are not forthcoming. To implement this interim evaluation, the Decree requires the State and New Board jointly to hire an independent consultant halfway through the five-year term to assess the schools' performance and needs. (Consent Decree ¶¶ 40, 41). "The consultant must assess, among other things, the sufficiency of additional funding provided by the State." (Id. ¶ 41). The parties also agreed that the consultant could make recommendations concerning "the need for funding in excess of the amounts provided herein in order for the BCPSS to provide its students with an education that is adequate when measured by contemporary standards." (Id.)

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Once the independent expert has issued the interim evaluation, the Decree permits the New Board to request additional funds from the State based on the results of the evaluation. (Consent Decree ¶ 53). The independents expert's report was due on February 1, 2000. (S.B. 795, § 6). The State and the New Board jointly chose and hired Metis as an expert to perform the interim evaluation required by the Consent Decree. The Metis Report was issued on February 1, 2000, and it confirms the need for substantial additional funding. The State and New Board had until June 1, 2000 to negotiate over the request. On June 9, 2000 the New Board and the Bradford Plaintiffs filed with this Court a Petition For Further Relief Pursuant to the Consent Decree. In this petition the Plaintiffs are seeking additional funding from the State.

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This Court held a hearing on the New Board and the Bradford Plaintiffs' Petition For Further Relief Pursuant to the Consent Decree on June 26,2000. All of the evidence presented by counsel for the Plaintiffs' and Defendants' during the hearing was admitted by agreement of counsel for all parties.

#### THE COURT'S FINDINGS OF FACT

Based on the evidence presented, this Court makes the following factual determinations: A. The Negotiation Process Between the New Board, the Bradford Plaintiffs and the State on the Plaintiffs' Request for Additional Funding

According to the undisputed evidence presented, this Court finds the following events occurred regarding the negotiation process. On May 19, 1999, Abbey Hairston, Special Counsel and J. Tyson Tildon met with Louis Bograd and Bebe Verderey, representing the American Civil Liberties Union, concerning paragraph 53 of the Consent Decree <u>Bradford v. Maryland State</u> <u>Board of Education, et al,</u> which allows the Board to request from the State funding in amounts greater than those identified in Paragraph 47 of the Consent Decree in fiscal year 2001 and 2002.

A workgroup consisting of J. Tyson Tildon; Commissioners Colene Daniel and C. William Struever; Judith Donaldson, Board Executive; Dr. Elizabeth Morgan, Chief Academic Officer; Roger Reese, Chief Financial Officer; Gail Amos, Special Education and Support Services Officer; Monzella Owings, General Counsel; Abbey Hairston, Special Counsel; Bebe Verderey, ACLU Representative; Louis Bograd, ACLU Representative; Susan Goering, ACLU Representative; and Beth McCallum, Bradford Plaintiffs' Representative; was convened on June 3, 1999 to develop a plan identifying the programs and funding required in order to provide a constitutionally adequate education for the children of Baltimore City.

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The Board hired Pamela Shaw, a consultant, on June 15, 1999 to facilitate the development of a case statement to support the appropriation of additional State funding to the Baltimore City Public School System.

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On, or about, June 11, 1999, J. Tyson Tildon contacted Senator Barbara Hoffman, Chairperson of the Senate Budget and Taxation Committee; Senator Clarence Blount, Chairperson of the Economic and Environmental Affairs Committee; and Delegate Howard P. Rawlings, Chairperson of the House Appropriations Committee; to advise them of paragraph 53 of the Consent Decree, the development of the plan and case statement to support additional funding and the Board's intent to pursue additional State funding.

On, or about, June 11, 1999, J. Tyson Tildon contacted Dr. Nancy Grasmick, State Superintendent of Schools, to advise her concerning the provisions of Paragraph 53 of the Consent Decree, development of the plan and case statement, and the Board's intent to pursue State funding, and to invite John Sarbanes, Special Assistant to Dr. Grasmick, to join the workgroup.

On, or about, June 11, 1999, Commissioner C. William Struever contacted Kathleen Kennedy Townshend, Lt. Governor, to advise her concerning the provisions of paragraph 53 of the Consent Decree, the development of the plan, and case statement to support additional funding, and the Board's intent to pursue additional State funding.

On June 28, 1999, Pam Shaw, Consultant, conducted a meeting with representatives of educational organizations, advocates, and foundations to solicit detailed input into the case statement to support the appropriation of additional State funding.

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Between June 1999 and September 24, 1999, the workgroup researched, developed, and refined the case statement and plan to support the request for additional State funding.

On July 7, 1999, Ms. Aubrey Block, Ms Katerina Kaler, Ms. Syvilla Woods, and Mr. Seth Harris, teachers for the Baltimore City Public School System, were hired to assist Pam Shaw in researching and documenting educational issues to support the additional state funding.

On September 24, 1999, the Board directed that a detailed Executive Summary be created and that the Board's top ten funding priorities be identified within the Executive Summary.

On August 14, 1999, John Sarbanes, special assistant to Dr. Nancy Grasmick, State Superintendent of Education, was provided with a copy of the working draft of the Integrated Reform Plan.

On October 6, 1999, the Board issued the final draft of its case study and plan to support additional State funding. The final draft requested total funding of \$265 million and highlighted \$48.2 million annually for ongoing funding support for the ten highest priority initiatives.

On October 6, 1999, Dr. Robert Booker, Commissioners Bill Struever and J. Tyson Tildon met with Dr. Grasmick, State Superintendent of Schools, and presented the final draft of the Remedy Plan - Building On Success, dated October 5, 1999, and the Integrated Reform Plan, dated October 6, 1999.

On October 28, 1999, Commissioner Bill Struever, Roger Reese, Chief Financial Officer, and J. Tyson Tildon met with Major Riddick, the Governor's Chief of Staff, to discuss the Baltimore City Public School System's capital budget request, and the Remedy Plan - Building On Success, dated October 5, 1999, and the Integrated Reform Plan, dated October 6, 1999. Major Riddick advised the Board that a realistic expectation of funding for capital improvements would

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approximate \$40 million and that any realistic request for additional State operating funds should approximate the capital funding request.

On November 4, 1999, Dr. Robert Booker and J. Tyson Tildon, met with Dr. Nancy Grasmick, State Superintendent of Schools, to solicit support for the Remedy Plan and Integrated Reform Plan, and to advise Dr. Grasmick concerning the meeting with Major Riddick. Dr. Grasmick advised the Board to limit its funding request to the top ten priorities and to link the priorities to the Maryland State Department of Education Initiatives.

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On November 10, 1999, Dr. Robert Booker and J. Tyson Tildon, met with Senator Barbara Hoffman to solicit support for The Remedy Plan, dated October 5, 1999 and the Integrated Reform Plan, dated October 6, 1999. Senator Hoffman advised the Board to restrict its funding request to the top ten priorities and to link the priorities to the Maryland State Department of Education Initiatives.

On November 13, 1999, John Sarbanes, Special Assistant to Dr. Grasmick, State Superintendent of Schools, called Jude Pasquariello, Executive Assistant to Dr. Robert Booker, to discuss the reformatting of the Remedy Plan to include intent, rationale, budget assumptions, and MSDE linkages.

On November 13, 1999, John Sarbanes, Special Assistant to Dr. Nancy Grasmick, State Superintendent of Schools, met with Judith Donaldson, Board Executive, and Jude Pasquariello, Executive Assistant to Dr. Robert Booker, and offered suggestions concerning the basic structure of the plan and specific language for the opening section and the priorities.

On December 9, 1999, the Board and Dr. Robert Booker issued Building On Success: A Remedy Plan to Address Continuing Funding Needs of the Baltimore City Public School System.

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The final Remedy Plan requests additional funding of \$49.7 million for the top ten academic initiatives of the Baltimore City Public School System.

On December 9, 1999, Dr. Robert Booker, Commissioner Struever, Roger Reese, Chief Financial Officer, and J. Tyson Tildon met with Fred Puddester, Secretary of the Maryland State Department of Budget Management, to request the State's inclusion of the funding request in the Fiscal Year 2001 budget.

On December 9, 1999, Dr. Robert Booker and the Board presented the Remedy Plan to the Baltimore City delegation to the General Assembly. The Board asked the delegation to support the Remedy Plan and to request the Governor to fully fund the Remedy Plan in the Fiscal Year 2001 budget.

On December 10, 1999, Dr. Robert Booker and J. Tyson Tildon met with Baltimore City Mayor Martin O'Malley to solicit his support for the Remedy Plan and to request that he include full funding of the Remedy Plan as a top priority of his administration and that he request the Governor to fully fund the Remedy Plan in the Fiscal Year 2001 budget.

On December 11, 1999, Dr. Robert Booker and J. Tyson Tildon met with Baltimore City Deputy Mayor, Jeanne Hitchcock, to solicit her support for the Remedy Plan and to request that the O'Malley Administration work with the State to assure full funding of the Remedy Plan in the Governor's Fiscal Year 2001 budget.

On December 13, 1999, Governor Parris Glendening visited Mount Royal Elementary/Middle School with Senator Clarence Mitchell, IV. Also present were Dr. Robert Booker and J. Tyson Tildon. Senator Mitchell discussed with the Governor the great needs of the children of Baltimore City. Dr. Booker and J. Tyson Tildon advised the Governor that the Board

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was requesting an additional \$49.7 million in funding for Fiscal Year 2001 and that the request had been shared with Dr. Grasmick, Mayor O'Malley, and Secretary Puddester. The Governor was further advised that the Board was scheduled to meet with him on December 23, 1999 to further discuss funding of the Remedy Plan. The Governor's office canceled the meeting of December 23, 1999, and rescheduled the meeting for January 6, 2000.

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On January 6, 2000, Governor Glendening, Major Riddick, Chief of Staff, and Karen Johnson, Deputy Chief of Staff met with J. Tyson Tildon, Dr. Robert Booker, and Commissioner Struever to discuss funding for the Remedy Plan. Governor Glendening indicated that the original budget submission had been finalized and that he would consider funding for the Remedy Plan during the supplemental budget process.

On January 7, 2000, Dr. Robert Booker met with the Baltimore City Council to solicit their support for the Remedy Plan and to request the Council to work with Mayor O'Malley's Administration to assure full funding of the Remedy Plan in the Governor's fiscal Year 2001 budget.

On January 10, 2000, Dr. Robert Booker, Roger Reese, Commissioner Struever, Judith Donaldson and J. Tyson Tildon met with the House of Delegates Speaker Casper Taylor to explain the components of the Remedy Plan and to solicit his support for full funding of the Remedy Plan in the Fiscal Year 2001 budget.

On January 17, 2000, Judith Donaldson and Mindy Binderman, legislative consultant, met with Delegate Salima Marriott, Chairperson of the Baltimore City delegation to the House of Delegates, to explain the components of the Remedy Plan and to solicit the delegation's support for full funding for the Remedy Plan in the Fiscal Year 2001 budget.

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On January 21, 2000, Roger Reese, Judith Donaldson and Mindy Binderman met with Delegate Howard P. Rawlings, chairperson of the House Appropriations Committee to explain the components of the Remedy Plan and to solicit his support for full funding for the Remedy Plan in the Fiscal Year 2001 budget.

In January 2000, Senators Hoffman and McFadden sent a letter to Governor Glendening requesting full funding for the Remedy Plan in the Fiscal Year 2001 budget.

On February 2, 2000, Dr. Booker, Dr. Grasmick and J. Tyson Tildon briefed the House Ways and Means Committee concerning the recommendations and conclusions of the interim evaluation conducted by Metis Associates, Inc.. As a part of this briefing, the recommendations and conclusions were linked to the Remedy Plan and the additional funding request for the Fiscal Year 2001 budget. Dr. Booker, Dr. Grasmick and J. Tyson Tildon supported full funding for the Remedy Plan in the Fiscal Year 2001 budget.

On February 16, 2000, Dr. Booker, Dr. Grasmick and J. Tyson Tildon briefed the House Appropriations Committee concerning the recommendations and conclusions of the interim evaluation conducted by Metis Associates, Inc.. As part of this briefing, the recommendations and conclusions were linked to the Remedy Plan and the additional funding request for the Fiscal Year 2001 budget. Dr. Booker, Dr. Grasmick and J. Tyson Tildon supported full funding for the Remedy Plan in the Fiscal Year 2001 budget.

On February 23, 2000, Mindy Binderman met with Senators Nathaniel McFadden and Clarence Blount to solicit support for the Remedy Plan and to request their assistance in requesting full funding for the Remedy Plan in the Fiscal Year 2001 budget.

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On February 23, 2000, the Baltimore City Senators signed a letter to Governor Parris N. Glendening requesting that the Baltimore City Public School System receive an additional \$49.7 million as part of the supplemental budget.

On March 3, 2000, Dr. Booker, Commissioner Struever, Roger Reese, Judith Donaldson, and Mindy Binderman met with State Department of Budget and Management Secretary Fred Puddester to discuss progress in achieving full funding for the Remedy Plan. Secretary Puddester was advised that failure to fully fund the Remedy Plan could result in the Board going back to court pursuant to paragraph 53 of the Consent Decree. Secretary Puddester advised that he and the Governor were aware of the provisions of the Consent Decree and that they were working to achieve maximum funding for the Remedy Plan.

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On March 13, 2000, Dr. Booker, Commissioner Struever and J. Tyson Tildon met with Senator Hoffman to discuss progress in achieving full funding for the Remedy Plan and to solicit her assistance in achieving full funding for the Remedy Plan in the Fiscal Year 2001 budget.

On March 15, 2000, Dr. Booker, Commissioner Struever, and Judith Donaldson met with Governor Glendening to discuss progress toward fully funding the Remedy Plan and to offer suggestions for possible funding sources. The Governor was advised that failure to fully fund the Remedy Plan could result in the Board returning to court to seek appropriate funding. Governor Glendening indicated that he had been made aware of the provisions of the Consent Decree and that he was working with his staff to maximize funding for the Remedy Plan.

Subsequent to the March 15, 2000 meeting, when the Governor released his Supplemental Budget #2, \$8 million was targeted specifically to fund the Baltimore City Remedy Plan.

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On April 6, 2000, Fred Puddester, Secretary of the Department of Budget and Management, provided the Board with a list of educational initiatives funded during the 2000 general assembly session and the specific funds that would accrue to Baltimore City Public Schools. That list contained funding in the amount of \$30.7 million.

On April 24, 2000, Dr. Booker, Roger Reese, Judith Donaldson, Commissioner Struever and J. Tyson Tildon met with Fred Puddester, Secretary of the Department of Budget and Management to discuss the total amount of funding that Baltimore City would receive under the Remedy Plan. Secretary Puddester was asked to review the \$30 million and to remove any monies that would not align with the Remedy Plan. The Board also discussed the need to begin the process of negotiation under paragraph 53 of the Consent Decree.

Subsequent to the April 24, 2000 meeting, Secretary Puddester sent the Board a revised listing of educational initiatives aligned with the Remedy Plan and the corresponding funding for Baltimore City Public Schools. The total funding under this listing was \$27.4 million.

On May 22, 2000, the New Baltimore City Board of School Commissioners met with Major Riddick, the Governor's Chief of Staff; Karen Johnson, Deputy Chief of Staff; T. Eloise Foster, Secretary for the Department of Budget and Management; and MaryEllen Barbera, Counsel to the Governor, to negotiate for full funding for the Remedy Plan under the conditions of the Consent Decree. Major Riddick stated that the Governor had agreed to fund, at a minimum, an additional \$3 million to support after school programs or summer school programs and an additional \$3 million to be obtained from State agency budgets.

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#### B. The findings and Recommendations of the Metis Report

#### 1. Overall Conclusions of the Metis Report

This Court also finds and adopts the overall conclusions of the Metis Report as its

findings. The Metis report concluded that :

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1. The City-State Partnership created by the Maryland General Assembly in 1997 has played a key role in the System's reform effort. The impact of the Partnership is seen not only in the availability and utilization of funds, but also in contributions to policy issues.

2. During its brief history, the New Baltimore City of School Commissioners has taken meaningful and essential steps to improve the BCPSS.

3. BCPSS has made progress in improving management, including reorganizing the human resources function and overhauling the management information systems (MIS).

4. BCPSS has made meaningful progress in implementing instructional initiatives at the elementary grade levels, recruitment and retention initiatives, and professional development initiatives.

5. BCPSS has demonstrated mixed results in improving student achievement but that is a reasonable expectation at such an early stage in a multi year reform effort.

6. Although in need of some design changes, overall the Master Plan provides a strong focus and structure for reform. It includes most of the kinds of strategies that are believed to promote successful student outcomes, and is tailored to specific problems that have been identified in the System, such as high rates of teacher turnover and large class sizes

7. Overall financial resources available to BCPSS are not adequate. On the basis of the analysis conducted by the Council of the Great City Schools, an additional \$2,698, resulting in a total per pupil expenditure of \$10,274, is necessary for adequacy.

8. Metis has identified certain specific strategies in the Master Plan that require specific funding: full day prekindergarten and kindergarten, middle and highschool

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initiatives, extended learning opportunities for all eligible students, teacher and principal recruitment, mentoring, coaching and ongoing school-based professional development, alternative learning settings, additional classroom technology, and school facilities improvement. Metis notes that BCPSS has developed a Remedy Plan (December 9, 1999) that includes most of these initiatives.

9. In order for BCPSS to be effective in building support for identified adequacy levels, it will need to go beyond the partial programmatic budget it has created for certain key "driver" actions in the Master Plan and develop a System-wide budget that is grounded at the school level and incorporates the initiatives that the System must take to reach its goals.

#### 2. Specific conclusions and recommendations of the Metis Report

This Court also finds and adopts the specific conclusions and recommendations of the

Metis Report as its findings.

#### Sufficiency of Funding for BCPSS

The Metis Report made the following specific conclusions and recommendations on the

issue of sufficiency of funding for BCPSS :

1. Based on a model that ties academic standards to resources needed to attain them, the Council of Great City Schools concludes that the overall resources available to the BCPSS are not adequate, and that adequate resources would equal \$10,274 per pupil, an amount \$2,698 higher than the current per pupil expenditure of \$7,576.

<u>Recommendation</u>: Seek increased funding to bring BCPSS up to the level of adequacy identified by the Council of Great City Schools.

2. An analysis of spending patterns comparing BCPSS expenditures by category with those of the average large city school system and the national average, found that Baltimore schools spend their resources in about the same way that other school systems spend theirs.

3. Several critical strategies are not included as priority initiatives in the Master Plan, (e.g., early childhood -

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full day pre-kindergarten and kindergarten - and middle and high school initiatives).

4. Other strategies are not funded at a level that would fully meet the need (e.g., extended learning opportunities for all eligible students; additional strategies that would improve the System's competitive position in teacher recruitment and retention; expanded teacher and principal mentoring, coaching, and ongoing school-based professional development; additional alternative learning settings; additional technology in the classroom; and school facilities improvements).

<u>Recommendation</u>: Additional funds should be used for the following:

full-day pre-kindergarten; middle and high school initiatives; extended learning opportunities for

all eligible students;

strategies to improve the BCPSS'

competitive position for teacher recruitment and retention; additional opportunities for teacher and principal mentoring, coaching, and ongoing school-

based professional development;

additional alternative learning

settings;

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technology in the classroom; and school facilities improvements.

5. BCPSS reports. by Master Plan objective and strategies, only the additional amounts to fund "Driver Actions/Key Priority Initiatives". Total BCPSS budget and expenditures are reported according to functional categories.

<u>Recommendation</u>: Align the System's total budget and expenditures by Master Plan objective and strategy, and develop a programmatic budget for all funds so that the amount of total funding for programmatic initiatives is clear and so that student outcomes can be measured against levels of investment."

#### C. The Findings and Recommendations of the New Board's Remedy Plan

This Court also finds that in accordance with the provisions of the Consent Decree the

New Board has submitted a detailed remedy plan requesting \$265 million annually for

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instructional programs and \$133 million annually for capital improvements (including wiring projects).

At the State's request, the New Board also submitted a plan entitled Building on Success A Remedy Plan to Address Continuing Funding Needs of the Baltimore City Public School System. This plan, submitted on December 9, 1999 identified BCPSS's most pressing immediate needs for additional instructional programs in FY 2001. At the State's request, the New Board limited that FY 2001 funding request to an increase of no more than \$50 million, ultimately seeking \$49.7 million in additional funding for instructional programs. This December 1999 remedy plan asked for a downpayment of \$49.7 million for the critical priorities the Board identified for FY 2001.

The New Board's Remedy Plan submitted on December 9, 1999 listed the ten most pressing priorities for which the New Board was requesting State funding totaling \$49.7 million. These priorities include:

- 1. Recruiting/Retaining Quality Teacher; seeking.\$4,200,000 in additional State funding.
- 2. Professional Development; seeking \$3,200,000 in additional State funding.
- Student Academic Interventions (Extended Year/Extended Day); seeking \$12,000,000 in additional State funding.
- Ready to Learn (Expanding pre-kindergarten and full-day kindergarten programs); seeking
   \$5,000,000 in additional State funding.
- High School Reform to Prepare for High School Assessments; seeking \$5,400,000 in additional State funding.

6. Middle School Reform; seeking \$3,600,000 in additional State funding.

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7. Student Support Services; seeking \$4,500,000 in additional State funding.

8. Instructional Leadership; seeking \$950,000 in additional State funding.

- 9. Enriched Instructional Curriculum
  - a. Arts and Physical Education in Schools; seeking \$3,000,000 in additional State funding.
  - b. Gifted and Talented Programs; seeking \$1,750,000 in additional State funding.
  - c. Modern and Classical Languages; seeking \$2,000,000 in additional State funding.

10. Instructional Technology; seeking \$4,100,000 in additional State funding.

#### D. The Maryland State School Superintendent's Response to The Metis Report and the

#### New Board's Remedy Plan

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This Court further finds that Dr. Grasmick, The Maryland State Superintendent of Schools, in her February 24, 2000 letter to Senator Blount, Chairman of the Senate Economic and Environmental Affairs Committee; Delegate Hixson, Chairman of the House Ways and Means Committee; Senator Hoffman, Chairman of the Senate Budget and Taxation Committee and Chairman of the Senate Spending and Affordability Committee; and Delegate Rawlings, Chairman of the House Appropriations Committee, commented on BCPSS's progress and, in doing so, made observations on the Metis report. Dr. Grasmick stated in this letter that, "we concur with the Independent Evaluator that the City-State Partnership continues to be a viable and important structure for driving reform across the system."

In commenting on the issue of sufficiency, Dr. Grasmick in her letter stated:

we are not surprised by the observations and the Council of Great City Schools on the sufficiency of the overall funding for BCPSS. While the specific levels of funding recommended are subject to debate, there is no question that the high concentration of poverty and high percentages of special needs

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children in Baltimore City place a heaver burden on the schools and justify calls for increased resources. We agree with Metis that increased funding for certain specific strategies in the BCPSS Master Plan is warranted and note that many of the strategies identified by Metis are ones BCPSS has addressed in its Remedy Plan.

#### Dr. Grasmick concluded the letter by stating:

Finally, the System should continue to make the case for additional funding in certain key areas. The Building on Success Remedy Plan (dated December 9, 1999) presents BCPSS' request for additional State funding of ten key priorities in FY 2001. The Remedy Plan is the product of hard thinking about where new monies can have most sufficient impact on the achievement of the Baltimore City Students. The Plan deserves careful consideration in the current legislative session. Please note that the State Board of Education recently endorsed the Remedy Plan as an important and strategic response to the ongoing needs of BCPSS.

#### E. Senator Hoffman and Delegate Rawlings Recommendation Regarding the State's Efforts

#### to Fund the BCPSS Remedy Plan

This Court also finds that Senator Hoffman, Chairman of the Senate Budget and Taxation Committee and Chairman of the Senate Spending and Affordability Committee; and Delegate Rawlings, Chairman of the House Appropriations Committee; asserted their recommendation to Governor Paris Glendening on the issue of funding the BCPSS Remedy Plan in a letter to the Governor dated January 26, 2000. In this letter Senator Hoffman and Delegate Rawlings state:

> As Baltimore City representatives on the Budget and Taxation Committee, and after reviewing the budget submission for FY 2001, we felt impelled to write about our sense that Baltimore City was poorly served. In the midst of a year of plenty, Baltimore City is like the starving Little Match Girl, with her nose pressed up against the window of

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the grocery store. The proprietor (Governor) is cheerfully doling out goodies to the mostly prosperous, while the destitute (Baltimore City) sinks further into despair. The FY 2001 budget looks like the state of our economy prosperous, cheerful and full of good news, but like our economy, the budget is sadly lacking support for the neediest counties, especially Baltimore City.

This budget should be adjusted to provide a more balanced approach to the range of needs of the state. Allow us to make some suggestions:

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Fund, on a one-time basis, a total of \$25 million for wiring the Baltimore City Public Schools for the Internet. This can be done over two years. Currently only 41 of the 181 schools are wired. The goal of making Maryland a technology leader is a sham when the larger urban area is left out. The Internet and technology have the potential of leveling the playing field for children born into poverty. Allowing the "digital divide" to widen is unconscionable.

While we are grateful for an increase in school construction funds, the Baltimore City Public Schools has an even greater need for an increase in their operating budget. SB 795 which created the City/State partnership for the schools, allows the BCPS to request additional funding from the state for specific purposes of their master plan. This year BCPS asked the state for \$50 million to help them fund the master plan. As far as we can tell, there is no money in the budget at all in this category. We're sure that you remember that under the terms of the bill and the court settlement, it is likely that we will find ourselves back in court if the state does not attempt to meet some of these needs since the bill says that the state should attempt to meet the needs of the school system if it has the resources. Obviously, we have the resources, but somehow the special situation of the Baltimore City Public Schools has been ignored. The school system is making progress and deserves to be assisted to continue in this path.

Not too long ago some of us met with representatives of the Annie E. Casey Foundation to talk about Maryland's children and families. Doug Nelson made a cogent point that should be remembered. When a state

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reviews its situation and finds that there is a concentration of problems in one area, the right thing to do is focus resources to solve those problems, and not worry so much about spreading money around to everyone. Realistically we know that is hard to do, so we don't expect you to have a budget that is totally tilted towards the needy. But this budget, Governor, is much too tilted in the other direction. We implore you to focus some of your attention and resources to those that need it the most ..... the children and families of Baltimore.

#### F. The Reconstitution of Three Baltimore City Public Schools

This Court finds that the disadvantages which affect the students of the reconstituted schools in Baltimore City are mirrored by students in the rest of the BCPSS population. This Court further finds that in the second Affidavit of Howard Linaburg, the Director of Budget Services for the Baltimore City Public Schools, dated June 25, 2000, Mr. Linaburg evaluates the cost of funding three reconstituted schools in Baltimore City. Mr. Linaburg in his second affidavit shows that the per pupil amount that the State proposes to pay to Edison, Inc. to operate the reconstituted schools exceeds the BCPSS' own actual costs of operating those schools. The evidence specifically shows based on the total cost of operating the three reconstituted schools. Montebello Elementary School would have received \$5,025.17 per pupil; Gilmor Elementary School would have received \$5,229.15; and Furman Templeton would have received \$6,485.56 per pupil- for a weighted average of \$5,513.74 per pupil.

Howard Linaburg's second Affidavit also shows that under the Edison contract, Edison will receive \$2,436.83 more per pupil to manage and operate Montebello Elementary School; \$2,232.85 more per pupil to manage and operate Gilmor Elementary School; and \$976.44 more

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per pupil to manage and operate Furman Templeton Elementary School- for a weighted average of \$1,948.26 per pupil.

In his second Affidavit Linaburg concludes and this Court adopts as its findings that if State funding for all Baltimore City Public Schools was increased by the same \$1,948.26 per pupil figure. State support for BCPSS would increase by \$190,257,330.

#### Applicable Law and Discussion

#### I. The Maryland State Statutory Requirement of Best Efforts

According to the evidence presented, the Consent Decree, paragraph 52, sets out the procedure by which the Board may request funds greater than those described in paragraph 47 of the Consent Decree. Paragraph 47 states that: "The State shall provide to the Baltimore City Public Schools the following additional funds, subject to appropriation by the General Assembly:

FY 1998 \$30 million FY 1999 \$50 million FY 2000 \$50 million FY 2001 \$50 million FY 2002 \$50 million."

#### (Consent Decree ¶ 47).

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"For Fiscal years 2001 and 2002 the Board may request funds in amount greater than those described in paragraph 47 from the State through the currently established State budget process, if the Board presents a detailed plan showing why such funds are needed and how they would be spent. The State will use best efforts to satisfy any such request, subject to the availability of funds." (Consent Decree ¶ 52).

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### A. The State's Efforts To Fund the Ten Most Critical Priorities in the BCPSS' \$49.7 Million Remedy Plan

According to the evidence presented to this Court, the State has provided to the BCPSS a list of State funds for fiscal year 2001 and 2002 that the State asserts are directly tied to the BCPSS' \$49.7 million Remedy Plan for fiscal year 2001. In examining this list, the Court declares that there are items in this list that cannot be expended on the Remedy Plan in either fiscal year 2001 or fiscal year 2002. These funds cannot be counted toward the Remedy Plan because BCPSS does not meet requirements to qualify for these funds.

The evidence presented to this Court indicates that \$1.1 million of the \$33.8 million promised by the State can not be expended on BCPSS' \$49.7 million Remedy Plan for fiscal year 2001 because BCPSS does not meet requirements to qualify for these funds and \$12.8 million is the funding BCPSS would have otherwise received. Therefore, this Court declares that the State is only providing \$19.9 million in additional funding that will be able to be used to fund the \$49.7 million Remedy Plan in 2001.

Based on the evidence presented, this Court further declares that of the \$49.7 million that the State asserts is to be allocated to the Remedy Plan for fiscal year 2002, \$1.1 million cannot be expended on the Remedy Plan and \$24.7 million would have otherwise been received by the BCPSS. Therefore, this Court declares that the State is only providing \$23.9 million in additional funding that will be able to be used to fund the Remedy Plan in 2002.

#### B. The Court's Determinations on the State's Best Efforts to Fund BCPSS

Based on the evidence presented, this Court must declare that in light of the Constitutional mandate of "thorough and efficient" education the allocation of \$19.9 million for 2001 and the

-23-

allocation of \$23.9 million for 2002 out of a \$940 million budget surplus in Fiscal Year 2001 is not making a "best effort" out of the available funds.

#### II. The Maryland State Constitutional Requirement of Educational Adequacy

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As this Court recognized in 1996 during proceedings on Plaintiffs' motion for partial summary judgment, an education is not only of paramount importance to children and society, it is also a constitutional right of every Maryland schoolchild. This conclusion is mandated by the Maryland Court of Appeals' direction in <u>Hornbeck v. Somerset County Bd. of Educ.</u>, 295 Md. 597, 638-39 (1983). In <u>Hornbeck</u> the Court of Appeals held that the right to an adequate education is guaranteed by Article VIII of the Maryland Constitution. Article VIII of the Maryland Constitution provides:

"The General Assembly . . . shall by Law establish throughout the State a thorough and efficient System of free Public Schools; and shall provide by taxation or otherwise, for their maintenance." Md. Const. Art. VIII § 1 . Consistent with <u>Hornbeck</u>, this Court previously held in this Court's Order of October 18, 1996 filed in the instant cases that "the thorough and efficient language of Article VIII requires that all students in Maryland's public schools be provided with an education that is adequate when measured by contemporary educational standards."

In granting partial summary judgment to the Bradford plaintiffs and the City, this Court in its Order of October 18, 1996 filed in the instant cases, determined that the State's own educational standards, as well as, other contemporary education standards, established that Baltimore City schoolchildren were not receiving a constitutionally adequate education.

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### The Court's Determination on The Maryland State Constitutional Requirement of Educational Adequacy

In examining the evidence presented to this Court at the hearing held on June 26, 2000 this Court declares that, although the management changes and new funding brought about by the Consent Decree have resulted in improvements to both the management and instructional programs of the Baltimore City public schools, the public schoolchildren in Baltimore City still are not being provided with an education that is adequate when measured by contemporary educational standards. They still are being denied their right to a "thorough and efficient" education under Article VIII of the Maryland Constitution.

This Court also declares that additional funds provided for the Baltimore City public schools in the State budget for Fiscal Year 2001 fall far short of these levels and will not enable the New Baltimore City Board of School Commissioners to provide the City's schoolchildren with a Constitutionally Adequate Education when measured by Contemporary Educational Standards during Fiscal Years 2001 and 2002. The level of new operating funds provided by the State budget also falls substantially short of the \$49.7 million sought by the New Board as an initial first step in implementing its comprehensive remedy plan. Given the substantial budget surplus and new sources of revenue available in Fiscal Year 2001 the State has not made its "best efforts" to fund the \$49.7 million Remedy Plan and to make a reasonable downpayment on the additional funding of approximately \$2,000 to \$2,600 per pupil that is need in order for students of Baltimore City Public School to receive a Constitutionally Mandated Adequate Education when measured by Contemporary Educational Standards.

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#### CONCLUSION

Upon examination of all of the evidence presented at the June 26, 2000 hearing and for the reasons stated in this Opinion, this Court declares that additional funding is required to enable the Baltimore City public schools to provide an adequate education measured by contemporary educational standards. The amount of additional funding required cannot be determined with absolute precision. The Court determines, however, that the Baltimore City public schools need additional funding of approximately \$2,000 to \$2,600 per pupil for educational operating expenses for Fiscal Years 2001 and 2002, based on: (a) the findings of the independent evaluator jointly hired by the Maryland State Board of Education and the New Baltimore City Board of School Commissioners; (b) the comprehensive Remedy Plan developed by the New Board; (c) the amount the funds the State has provided to Reconstitute the three Baltimore City Schools, discussed previously; and (d) all of the other evidence presented by the parties.

Having determined and declared that the State is not fulfilling its obligations under Article VIII of the Maryland Constitution, as well as under the Consent Decree, the Court trusts that the State will act to bring itself into compliance with its constitutional and contractual obligations under the Consent Decree for the Fiscal Years 2001 and 2002 without the need for Plaintiffs to take further action.

#### DATED:

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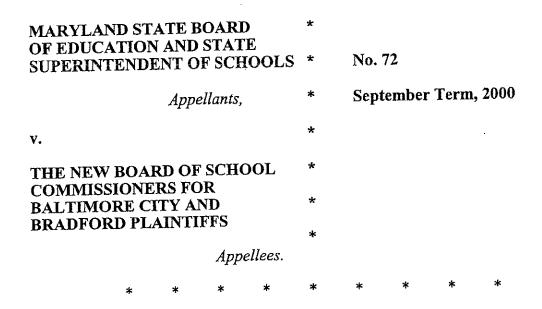
June 5/7. 2000

Joseph H. Baltimore City ircuit Court for Signature Appears on the Original Document Titd

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# **App. 9**

#### IN THE COURT OF APPEALS OF MARYLAND



#### NOTICE OF DISMISSAL

Appellants file this Notice pursuant to Rule 8-601(a) and hereby dismiss their appeal

in this case.

Respectfully Submitted,

J. JOSEPH CURRAN, JR. Attorney General of Maryland

MAUREEN M. DOVE VALERIE V. CLOUTIER RANDOLPH STUART SERGENT Assistant Attorneys General 200 Saint Paul Place Baltimore, MD 21202 (410) 576-6330

Attorneys for Appellants

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2001, copies of the foregoing

Notice were served by first-class mail, postage prepaid, on:

Anthony Trotta General Counsel New Board of School Commissioners for Baltimore City 200 East North Avenue, Room 405 Baltimore, MD 21202 Counsel for the New Board of School Commissioners for Baltimore City

Susan Goering, Esquire American Civil Liberties Union of Maryland 2219 St. Paul Street Baltimore, MD 21218 Counsel for the *Bradford* Plaintiffs

Louis Bograd, Esquire American Civil Liberties Union 1875 Connecticut Avenue, N.W. Suite 410 Washington, D.C. 20009 Counsel for the *Bradford* Plaintiffs Wilber D. Preston, Esquire
Warren N. Weaver, Esquire
Whiteford, Taylor & Preston
7 St. Paul Street
Baltimore, MD 21202-1626
Counsel for the New Board of School
Commissioners for Baltimore City

William L. Webber, Esquire Helen K. Michael, Esquire Elizabeth B. McCallum, Esquire Howrey, Simon, Arnold & White 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004 Counsel for the *Bradford* Plaintiffs

Randolph Stuart Sergent Assistant Attorney General

# **App. 10**

### **EXHIBIT 90**

THE UNITED STATES DISTRICT COURT 1 2 FOR THE DISTRICT OF MARYLAND 3 4 VAUGHN G., et al. \* 5 PLAINTIFFS \* б VS. \* CIVIL NO. MJG-84-1911 7 MAYOR AND CITY COUNCIL \* OF BALTIMORE, et al., 8 \* \* DEFENDANTS 9 10 KEITH A. BRADFORD, et al.\* PLAINTIFFS \* 11 12 VS. \* CASE NO. 94340058/CE 189672 MARYLAND STATE BOARD OF \* 13 EDUCATION, et al., \* 14 DEFENDANTS August 4, 2004 15 BOARD OF SCHOOL \* Baltimore, Maryland 16 COMMISSIONERS OF BALTIMORE CITY, et al. \* VOLUME II 17 PLAINTIFFS \* 18 19 VS. \* CASE NO. 95258055/CL 202151 20 MARYLAND STATE BOARD OF \* EDUCATION, et al., 21 \* DEFENDANTS 22 23 BEFORE: THE HONORABLE MARVIN J. GARBIS THE HONORABLE JOSEPH H. H. KAPLAN 24 25 ALSO PRESENT: AMY TOTENBERG, SPECIAL MASTER

witnesses on more than one day. I don't think we can 1 2 do it here. Now with that, but I am going to be out of here 3 4 before 6:15. 5 JUDGE KAPLAN: We will take a five minute б recess. 7 (A recess was taken.) JUDGE GARBIS: How long, Mr. Murphy? 8 MR. MURPHY: 15 minutes, Judge. 9 JUDGE KAPLAN: Okay. That's 20 after. 10 MS. MCCALLUM: Your Honor, I will have some 11 questions as well, and I'll try to be very short. 12 JUDGE KAPLAN: Okay. 13 14 CROSS-EXAMINATION BY MR. MURPHY 15 16 Good afternoon. Q Good afternoon. 17 Α How are you? 18 Q 19 Α I'm good. 20 Q You know I've got to come right after you. 21 А I know that. All right. Now --22 Q 23 Please do. А 24 Q Let me start with this. The State originally 25 appealed Judge Kaplan's order and dismissed the

1 appeal. Correct?

2 (The witness nodded in an affirmative fashion.) Α And by dismissing the appeal -- and that's ayes 3 0 4 for the record. 5 By dismissing the appeal, the State agreed to be bound by Judge Kaplan's order, correct? 6 Correct. 7 Α Now under Judge Kaplan's order, as the City has 8 0 9 interpreted it, using those calculations, the City has 10 been deprived of State funds to the tune of between .8 billion dollars, in other words, \$800 million over 11 12 five years to \$1.4 billion over five years. JUDGE KAPLAN: Million -- yeah, billion. 13 .8 billion to 1.4 billion. That's the 14 0 arithmetic under Mr. Tyler calculations, correct? 15 16 That's the arithmetic. Δ 17 Now assuming that that is a violation just for 0 the sake of argument here, don't you understand, Dr. 18 Grasmick, that your critics can say and the kids in 19 20 Baltimore City can say that you have starved the 21 system by disobeying Judge Kaplan's order to the tune 22 of as much as \$1.4 billion, and now you are accusing the system of being malnourished because you say it 23 can't cook. Isn't that about what it is? 24 25 Mr. Murphy, no. I have no independent funds. Α Ι

1	REPORTER'S CERTIFICATE
2	I hereby certify that the foregoing transcript in
3	the matter of Vaughn G., et al., Plaintiffs versus
4	Mayor and City Council of Baltimore, et al.,
5	Defendants, Civil Action Number MJG-84-1911, Keith A.
6	Bradford, et al., Plaintiffs versus Maryland State
7	Board of Education, et al., Defendants, Case No.
8	94340058/CE 189672, Board of School Commissioners of
9	Baltimore City, et al., Plaintiffs versus Maryland
10	State Board of Education, et al., Case No. 95258055/CL
11	202151, before the Honorable Marvin J. Garbis, United
12	States Senior District Judge, the Honorable Joseph H.
13	H. Kaplan, Circuit Court Judge and Special Master Amy
14	Totenberg, on August 4, 2004 is true and accurate.
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18	Gail A. Simpkins
19	Official Court Reporter
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# **App. 11**

KEITH BRADFORD, et al.	*	IN TH	E		RECEIVED					
Plaintiffs	*	CIRCU	JIT COU	URT	zau2 Ji	<b>1</b> 25	PH 1: 14			
ν.	*	FOR			CIRCUIT COURT BALTIMORE CITY					
MARYLAND STATE BOARD OF EDUCATION et al.,	*	BALTIMORE CITY								
Defendants.	*	CASE NO.: 94340058/CE189672								
* * * * * * * * * BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY et al.,	*	*	*	*	*	*	*			
Plaintiffs,	*	CASE NO. 95258055/CL20251								
v.	*									
MARYLAND STATE BOARD OF EDUCATION et al.,	*									
Defendants. * * * * * *	*									
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#### ORDER

For the reasons stated in the Memorandum Opinion of even date herewith and upon consideration of the Joint Motion of the Board of School Commissioners and the Bradford Plaintiffs for Extension of Judicial Supervision, the opposition to the Motion and the response thereto, the evidence submitted to the Court in connection with it, and the entire record in this case, it is this 25th day of June, 2002,

ORDERED, ADJUDGED and DECREED, pursuant to paragraph 68 of the Consent Decree, that this Court will retain jurisdiction and continue judicial supervision of this matter until such time as the State has complied with this Court's June 1990 order.

DATE 25th 2002

**D90** order. TIDG The Jud on the origi CONSTRACT E.456

June 25, 2002

KEITH BRADFORD, et al.	*	IN THE RECEIVED									
Plaintiffs	*	CIRCUIT COURT 2012 JUII 25 Fit 1: 14									
<b>v</b> .	*	FOR CIRCUIT COURT BALTIMORE CITY CITYIL DIVISION									
MARYLAND STATE BOARD OF EDUCATION et al.,	*	BALTIMORE CITY									
Defendants.	*	CASE NO.: 94340058/CE189672									
* * * * * * * * BOARD OF SCHOOL COMMISSIONERS	*	* * * * * *									
OF BALTIMORE CITY et al.,	*										
Plaintiffs,	*	CASE NO. 95258055/CL20251									
V.	*										
MARYLAND STATE BOARD OF EDUCATION et al.,	*										
Defendants.	*										
* * * * * *	*	<b>.</b>									

#### **MEMORANDUM OPINION**

#### BACKGROUND

On December 7, 1994, the Bradford plaintiffs filed suit against the Maryland State Board of Education, the Governor, the State Superintendent of Schools, and the State Comptroller of the Treasury (hereinafter collectively referred to as "MSBE") alleging that the State was failing to provide the students of the Baltimore City Public School System ("BCPSS") with the "thorough and efficient" education guaranteed by Article VIII of Maryland's Constitution.. The Bradford plaintiffs are parents of children attending the BCPSS who are "at risk" of educational failure, meaning that they live in poverty or otherwise are subject to economic, social, or educational circumstances increasing the odds that they will not receive an adequate education.

On September 15, 1995, the Board of School Commissioners of Baltimore City and its President, the Mayor, and the City Council of Baltimore ("hereinafter collectively referred to as "School

-1-

Commissioners") filed suit in this Court also alleging the failure of the MSBE to provide an adequate education for City students.<sup>1</sup> The suits were consolidated for trial.

On October 18,1996, this Court entered partial summary judgment for the School Commissioners and for the Bradford plaintiffs, holding that Article VIII, Section 1, of the Maryland Constitution requires that the General Assembly provide all students in Maryland's public schools with an education that is adequate when measured by contemporary standards and that the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards. (October 18, 1996 Order).

On November 26, 1996, the parties reached a settlement and signed a five-year Consent Decree, which imposed two primary obligations on the parties. First, it addressed the State's concerns with management of the Baltimore City schools by setting up the "City-State Partnership," embodied in the New Board of School Commissioners (hereinafter "Board") jointly appointed by the Governor and the Mayor, to manage the schools. Second, it provided additional funds for the schools, \$30 million in Fiscal Year 1998 and \$50 million in each of Fiscal Year 1999 through 2002 for operating funds, plus \$10 million annually for capital improvements. (Consent Decree ¶¶ 47-48).<sup>2</sup>

In June 2000, the Board and the Bradford plaintiffs sought additional funding, under a provision in the Decree that permitted the Board to return to Court based on an expert "interim evaluation" of the schools' progress.<sup>3</sup> Based on the evaluation and other evidence submitted, this Court found that the State 2

<sup>&</sup>lt;sup>1</sup>The Governor and the Comptroller of the Treasury who were original parties, were dismissed from both suits after the Court found that "relief can be granted without the Governor being a party to the litigation." (Transcript of Apr. 4, 1995, at 12).

<sup>&</sup>lt;sup>2</sup>In April 1997, the General Assembly of Maryland codified the principal terms of the Decree at S.B. 795. See S.B. 795, 1997 Reg. Session (Md. 1997).

<sup>&</sup>lt;sup>3</sup>"For Fiscal years 2001 and 2002 the Board may request funds in amount greater than those described in <sup>3</sup>" paragraph 47 from the State through the currently established State budget process, if the Board presents a detailed plan showing why such funds are needed and how they would be spent. The State will use best efforts to satisfy any such request, subject to the availability of funds." (Consent Decree ¶ 52).

was still not providing a constitutionally adequate education to Baltimore public school students, and that approximately \$2,000 to \$2,600 per pupil in additional operational funding, annually was necessary to meet constitutional standards. (06/30/00 Memorandum Opinion and Order).

This Court's judicial supervision over the remedy established by the Consent Decree will terminate on June 30, 2002 unless this Court extends its supervision for "good cause."

On May 24, 2002, the School Commissioners and the Bradford Plaintiffs' filed a Joint Motion for Extension of Judicial Supervision until such time as the constitutional adequacy of the education provided by the BCPSS has been remedied. This Court held a hearing on Joint Motion on June 20, 2002.

#### DISCUSSION

In 1999, the General Assembly enacted legislation that created the Governor's Commission on Education Finance, Equity, and Excellence ("Thornton Commission" or "Commission"). The Commission was charged with studying, evaluating, and making recommendations to largely endeavor to support the outcomes embodied in the Consent Decree. After two years, the Commission proposed an education finance system. The Commission's proposal called for an increase in State aid of \$1.1 billion by fiscal 2007 and it urged the Governor, the President of the Senate, the Speaker of the House, and other members of the General Assembly to make every possible effort to re-prioritize appropriations in the fiscal year 2003 State budget in order to begin implementation of the Commission's recommendations in fiscal year 2003.

The Maryland General Assembly accepted the challenge posed by the Thornton Commission and on April 4, 2002, enacted Senate Bill 856, the *Bridge to Excellence in Public Schools Act*. 2002 Laws of Maryland Ch. 288. This Act restructures Maryland's public school finance system and increases annual State aid to public schools. If all the planned S.B. 856 increases take effect, Baltimore City schools will receive approximately \$258 million in increased state aid, annually, by FY 2008. The increases, *\** however, are not certain to be fully funded because the General Assembly has not identified a revenue

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source for the bulk of them, instead making such increases contingent on a joint legislative resolution affirming that the necessary revenue is available. The MSBE concedes this in the State Defendant's Memorandum in Opposition to Motion for Extension of Judicial Supervision when it stated, "While the General Assembly must pass a joint resolution supporting the funding levels contained in SB 856 for future fiscal years, given the General Assembly's passage of SB 856 and its overwhelming support of the Thornton Commission's recommendations, it is highly unlikely that it would not pass such a resolution." *Id.* at 29.

#### APPLICABLE LAW

The parties agreed in the Consent Decree that the Court may extend judicial supervision on a showing of "good cause." (Consent Decree, ¶ 68). Plaintiffs assert that "good cause" exists for two reasons: 1) The constitutional violation that this Court identified in 1996 and in 2000 is continuing, and 2) So that the Court may continue to monitor and enforce compliance with its June 2000 Order.

The Court does not need to address the merits of the first proposition, as the second proposition alone provides an adequate basis for extending jurisdiction. Wholly apart from the Consent Decree, this Court has the inherent power and jurisdiction to enforce its own orders. See Reich v. Walker W. King Plumbing & Heating Contractor, 98 F. 3d 147, 154 (4<sup>th</sup> Cir. 1996); Virginia Panel Corp. v. MAC Panel Co., 139 F. Supp. 2d 753, 756 (W.D. Va. 2001); Link v. Link, 35 Md. App. 684, 688, 371 A.2d 1146, 1149 (1977). In the education funding arena courts regularly declare what the Constitution requires, and then retain jurisdiction to monitor actions the executive and legislative branches take to comply with constitutional mandates. See, e.g., Washakie County Sch. Dist. No. 1 v. Herschler, 606 P.2d 310, 337 (Wy. 1980) (directing the trial court to "retain jurisdiction until a constitutional body of [public school financing] legislation [was] enacted"); Robinson v. Cahill, 355 A.2d 129, 139 (N.J. 1976) (court retained jurisdiction to ensure the legislature complied with its order).

In June 2000, the Court declared that the State was not providing the children of BCPSS with a constitutionally adequate education and that approximately an additional \$2,000 to \$2,6000 per pupil was needed (June 30, 2000 Order). Now, two years have passed and the State has yet to comply with this Court's order, even though the State's own Thornton Commission identified funding needs substantially greater than those the Court recognized in June 2000. Although S.B. will arguably result in substantial compliance with the June 2000 order by 2008, it is uncertain that all the recommended increases will be funded. The State's lack of compliance to date with the June 2000 order, and the uncertainty over S.B. 856's funding stream, provide an independent basis for extending judicial supervision in this matter, as does the fact that the U.S. District Court for the District of Maryland's jurisdiction over the Special Education portion of the BCPSS will not end in all probability before fiscal year 2005.

#### CONCLUSION

Upon examination of all of the evidence presented at the June 20, 2002 hearing and for the reasons stated in this Opinion, this Court should, pursuant to paragraph 68 of the Consent Decree, retain jurisdiction and continue judicial supervision of this matter until such time as the State has complied with this Court's June 2000 Order.

June 25th 2002 DATE

on the of HIEFIUDGE

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FRANK M. CONAWAY, CLERK

# **App. 12**

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	Plaint	iffs		•		*		CIR	CUIT (	COURT				
v.		•.		•		*		FOR	2					
				ARD O		*		BALTIMORE CITY						
EDUCATION, et al., Defendants.						*		CAS	E NO.:	943400	)58 / CI	E18967:	2	
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	Plaint	iffs <sup>i</sup>				*								
V.			·			*								
	YLANI			ARD OF		*		CAS	E NO.:	952580	55 / CI	20251		
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The Court having considered the arguments of counsel, and the record: Pursuant to the Memorandum Opinion of even date herewith, it is hereby this 20<sup>th</sup> day of August, 2004, by the Circuit Court for Baltimore City, ordered, adjudged and declared that:

1. The constitutional violation that this Court found in October 1996 and June 2000 is continuing. The students in Baltimore City, as of August 2004, still are not receiving an education that is adequate when measured by contemporary educational

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standards. They are still being denied their right to a "thorough and efficient" education under Article VIII of the Maryland Constitution.

2. Full compliance with the Court's June 2000 declaration will not occur until the BCPSS receives at least \$225 million in additional State funding under the Thornton Act by, at the latest, FY 2008.

3: Funding sufficient for the BCPSS to achieve constitutional adequacy will not occur until the BCPSS receives at least \$225 million in additional State funding by, at the latest, FY 2008.

4. The children of Baltimore City should not have to wait another three years for adequate funding, given the continued constitutional inadequacy they face. The State has unlawfully underfunded the Baltimore City school system by \$439,35 million to \$834.68 million representing amounts owed under this Court's final 2000 order for fiscal years 2001, 2002, 2003 and 2004. Given the substantial underfunding of the BCPSS, the Court declares that it would be appropriate for the State to accelerate increases in full Thornton funding to the BCPSS. The Court will not, in any event, tolerate any delays in full Thornton funding for the BCPSS beyond FY 2008.

5. Had the State of Maryland honored its commitment under this Court's 2000 order by front-loading Thornton funding for the at-risk student population of the BCPSS, the Court would not have been compelled to extend the period for deficit reduction established by S.B. 894 and the Memorandum of Understanding.

6. The Court will continue to retain jurisdiction to ensure compliance with its orders and constitutional mandates, and to continue monitoring funding and management issues. When the full funding outlined herein is received, the Court will revisit the issue of its continuing jurisdiction, and determine whether the Consent Decree should then be additionally extended for good cause

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7. A number of the steps taken to address the fiscal crisis did reduce educational opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore schoolchildren. Specifically, elimination of a systemic summer school program, increases in class size by up to four children, reduction of experienced teachers and elimination or reduction of mentors and academic coaches, elimination of guidance counselors in elementary school, among other things, reduced educational opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore schoolchildren.

8. Accordingly, the Court declares that, in order to ensure continued progress towards constitutional adequacy, the parties should ensure that educational opportunities for the school children are not reduced, by making available to the children of Baltimore City at least the amount of funding representing the savings achieved from those reduced educational opportunities described above, to be spent solely on programs and services that benefit at-risk children. The Court further declares that that amount constitutes at least an additional \$30-45 million in operational funding this fiscal year.

9. The Court believes that the best way to accomplish this goal would be for the parties with revenue raising capacity (the State or City) to increase the funding available to the BCPSS for the upcoming year.

10. To ensure that the necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that S.B. 894's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is unconstitutional as applied to the BCPSS.

11. To ensure that the necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that the MOU's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is null and void as against public policy.

12. Notwithstanding this Court's abrogation of the MOU's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006, the City shall be repaid the remaining \$8 million of its \$42 million loan as scheduled.

13. Absent additional funding from the State of Maryland, BCPSS shall not retire the deficit before fiscal year 2008 and BCPSS shall not dedicate more than \$5 million per year toward the creation of a \$20 million cash reserve.

14. The City of Baltimore shall continue to monitor BCPSS' finances and accounting through the mechanisms established under the MOU, shall ensure that expenditures do not exceed revenues and may make recommendations concerning BCPSS' continued solvency. They shall not, however, through the MOU, impose budget cuts or restrict program funding. Such decisions must be made independently by the Board of School Commissioners under the direction of the Maryland State Board of Education.

15. The parties shall report to the Court in four weeks on the status of the additional funding and plans for its use. The report shall specifically list educational initiatives to be provided with the additional funding and describe how those initiatives will ensure continued progress towards constitutional adequacy. The report shall also update the Court and parties about the BCPSS' budget and fiscal situation.

16. Having issued this declaration, the Court trusts that the parties shall act in good faith and with all deliberate speed to ensure compliance without the necessity of further action by plaintiffs.

Date: august 20,2001

# Judge Joseph H.H. Kaplan

Judge's signature appears on original.

Chief Mage Circuit Court for Baltimore City

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August 20, 2004

KEITH BRADFORD, et al.	*.	IN T	HE									
Plaintiffs	*	CIRCUIT COURT										
ν.	*	FOR										
MARYLAND STATE BOARD OF EDUCATION, et al.,	*	BALTIMORE CITY										
•	*											
Defendants.		CAS	E NO.:	943400	)58 / CI	E189672	2					
* * * .***	*	<b>*</b>	*	*	*	* *	*					
BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY, et al.,	*											
Plaintiffs	*	•										
<b>v.</b>	*											
MARYLAND STATE BOARD OF	*		*				•					
EDUCATION, et al.,												
Defendants.	*	CAS	E NO.:	95258	055 / C	L20251						
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#### MEMORANDUM OPINION

The Court would like to commend each of the parties for submitting superb proposed findings of fact and conclusions of law. Where appropriate, the Court has adopted and incorporated those proposed findings into its opinion.

## I. BACKGROUND

On December 7, 1994, the Bradford plaintiffs filed suit against the Maryland State Board of Education, the Governor, the State Superintendent of Schools, and the State Comptroller of the Treasury alleging that the State was failing to provide the students of the Baltimore City Public School System ("BCPSS") with the "thorough and efficient" education guaranteed by Article VIII of Maryland's Constitution. The Bradford plaintiffs are parents of children attending the BCPSS who are "at risk" of educational failure, meaning that they live in poverty or otherwise are subject to economic, social, or educational circumstances increasing the odds that they will not receive an adequate education.

On September 15, 1995, the Board of School Commissioners of Baltimore City and its President, the Mayor, and the City Council of Baltimore filed suit in this Court alleging the failure of the Maryland State Board of Education to provide an adequate education for City students.<sup>1</sup> The suits were consolidated for trial.

On October 18, 1996, this Court entered partial summary judgment for the School Commissioners and for the Bradford plaintiffs, holding that Article VIII, Section 1, of the Maryland Constitution requires that the General Assembly provide all students in Maryland's public schools with an education that is adequate when measured by contemporary educational standards and that the public school children in Baltimore City were receiving an inadequate education when measured by contemporary educational standards. (October 18, 1996 Order).

On November 26, 1996, the parties reached a settlement and signed a five-year Consent Decree, by which they undertook "to provide a meaningful and timely remedy... . to meet the best interests of the schoolchildren of Baltimore City." The Decree imposed

<sup>&</sup>lt;sup>1</sup> The Governor and the Comptroller of the Treasury who were original parties, were dismissed from both suits after the Court found that "relief can be granted without the Governor being a party to the litigation." (Transcript of Apr. 4, 1995, at 12).

two primary obligations on the parties. First, it addressed the State's concerns with management of the Baltimore City schools by establishing the "City-State Partnership," embodied in the New Board of School Commissioners jointly appointed by the Governor and the Mayor to manage the schools. Second, it provided additional funds for the schools: \$30 million in Fiscal Year 1998 and \$50 million in each of Fiscal Years 1999 through 2002 for operating funds, plus \$10 million annually for capital improvements. (Consent Decree P 47-48).<sup>2</sup> Since 1996, this Court has supervised this gradual, phased-in remedy.

In June 2000; the Board and the Bradford plaintiffs sought additional funding under a provision in the Decree that permitted the Board to return to Court based on an expert "interim evaluation" of the schools' progress.<sup>3</sup> Based on the interim evaluation and other evidence submitted, this Court ruled that the constitutional violation it found in 1996 was continuing and that approximately \$2,000 to \$2,600 per pupil in additional annual operational funding was necessary to meet constitutional standards. (06/30/00 Memorandum Opinion and Order).

In response to the Court's 2000 ruling, the State enacted the Bridge to Excellence in Public Schools Act, or "Thornton" bill, in 2002, which dedicated an additional \$258.6 million in funding (approximately \$2,600 per pupil) to the Baltimore City Public School System by 2008. Funds provided under "Thornton" were not intended to offset the

<sup>&</sup>lt;sup>2</sup> In April 1997, the General Assembly of Maryland codified the principal terms of the Decree at S.B. 795. See S.B. 795 Reg. Session (Md. 1997).

<sup>&</sup>lt;sup>3</sup> "For Fiscal years 2001 and 2002 the Board may request funds in amount greater than those described in paragraph 47 from the State through the currently established State budget process, if the Board presents a detailed plan showing why such funds are needed and how they would be spent. The State will use best efforts to satisfy any such request, subject to the availability of funds." (Consent Decree P 52).

increased cost of education, but were additional funds to be dedicated to the expansion of educational programs and capacity.

On May 24, 2002, the School Commissioners and the Bradford plaintiffs' filed a Joint Motion for Extension of Judicial Supervision until such time as the constitutional adequacy of the education provided by the BCPSS has been remedied. After a hearing on the issue, this Court retained jurisdiction, pursuant to Paragraph 68 of the Consent Decree, and determined that continued judicial supervision of the matter was warranted until such time as the State has complied with the Court's June 2000 Order. The court noted at that time that Thornton funding, although scheduled to result in full compliance with the June 2000 order by 2008, was uncertain. (06/25/02 Memorandum Opinion and Order).

By the spring of 2004, it became apparent to the parties, and to the court through a series of status conferences, that what progress had been made toward constitutional adequacy had been placed in severe jeopardy by a serious short-term cash-flow crisis facing BCPSS and by the school system's accumulation of a \$58 million structural deficit. On March 11, 2004, BCPSS' ongoing cash flow problem led this Court to issue an Order, which required the various governmental parties (i.e. Baltimore City, BCPSS and the State Defendants) to present their respective plans for the funding and fiscal management of BCPSS. In July 2004, the Bradford Plaintiffs filed a Motion for Declaration Ensuring Continued Progress Toward Compliance with Court Orders and Constitutional Requirements. Hearings were held over the course of four days on July 22, 23 and August 3, 4, 2004.

#### **II. FINDINGS OF FACT**

#### A. The Court Found In October 1996 That The Children Attending Baltimore City Public Schools Are Not Receiving A "Thorough & Efficient" Education

1. This litigation began in December 1994, when the *Bradford* plaintiffs sued the Maryland State Board of Education and the State Superintendent of Schools, alleging that the State was failing to provide the students of Baltimore City with the "thorough and efficient" education required by Article VIII of Maryland's Constitution.

2. The *Bradford* plaintiffs are parents of children attending Baltimore City public schools who are "at risk" of educational failure, meaning that they live in poverty or otherwise are subject to economic, social, or educational circumstances increasing the odds that they will not receive an adequate education.

3. The Mayor, the City Council of Baltimore, and the Board of School Commissioners of Baltimore City and its President sued the same State defendants alleging the same constitutional violation in 1995. The two suits were consolidated.

4. The *Bradford* plaintiffs moved to certify a class of plaintiffs, all present and future students in the Baltimore City public schools who are at risk of educational failure.

5. On December 14, 1995, this Court ordered that the named plaintiffs would be permitted to pursue their claims as representative plaintiffs on behalf of the class, although a class would not be formally certified. (Stipulation and Order of Dec. 14, 1995, ¶ 1.)

6. On October 18, 1996, this Court made its first determination of constitutional inadequacy in this case, when it entered partial summary judgment for the City and for the *Bradford* plaintiffs. The Court found that undisputed evidence – such as woefully low scores on the State's Maryland School Performance Program standards, Baltimore City's high drop-out rate, and other objective gauges of academic performance

demonstrated that "public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards." (Order of Oct. 18, 1996 ¶ 2; see also Memorandum Opinion of June 30, 2000 at 2; Memorandum Opinion of June 25, 2002 at 2.)

# B. The Consent Decree Provided For Management Changes, Limited Additional Funding, And A Provision For An Interim Court Determination Of Additional Funding Needs In 2000

8. The Decree addressed the State's concerns regarding management deficiencies in the BCPSS by reorganizing the Baltimore City school board, creating a "new Board" jointly appointed by the Governor and the Mayor from a panel proposed by the State Board of Education pursuant to specified guidelines designed to ensure that the Board had members with educational and operational expertise. (*Id.* ¶¶ 8-20; Memorandum Opinion of June 30, 2000 at 3.)

9. The Decree also required additional management changes, including the development of a "Master Plan" approved by the State, to improve management and education in the schools. (Consent Decree ¶ 21-23, 29-34.)

Finally, the Decree provided for modest annual increased operational funding, \$30 million in FY 1998 and \$50 million annually from FY 1999 through FY 2002 for operating funds. (Consent Decree ¶¶ 47-48.)

11. In April 1997, the General Assembly of Maryland codified the principal terms of the Decree in S.B. 795. (See S.B. 795, 1997 Reg. Sess.)

12. The Consent Decree largely followed the State's preferred remedy of management reform, with some limited additional funding.

13. It was plain in 1996 that an additional \$230 million provided by the Consent Decree over five years was not enough to provide an adequate education to Baltimore City's population of disadvantaged children. (Memorandum Opinion of June 30, 2000 at 3.)

14. For that reason, the parties agreed to include provisions in the Decree authorizing the Board<sup>1</sup> to seek additional funds from the State during the term of the Decree, once the management changes and limited additional funds had begun to operate to improve the system. If the State did not cooperate to provide additional necessary funds to the BCPSS voluntarily, the Board was permitted to seek an order for such funding from the Court. (Memorandum Opinion of June 30, 2000 at 3-4; Consent Decree ¶¶ 52-53.)

## C. The Court Declared in June 2000 That Substantial Additional Per-Pupil Funding Is Necessary For Constitutional Adequacy

15. In June 2000, the Board and the *Bradford* plaintiffs returned to Court, seeking additional funds as authorized by the Decree after the State failed to provide such funds voluntarily. (Memorandum Opinion of June 30, 2000 at 3-4.)

16. As required by the Consent Decree, an independent expert (Metis Associates) jointly selected by State and Board had assessed the BCPSS' performance. Metis issued a report entitled Interim Evaluation of the BCPSS: 1998-99 Master Plan Implementation and Related Issues, on February 1, 2000 ("Interim Evaluation"). (Memorandum Opinion of June 30, 2000 at 4.) The Interim Evaluation was submitted to the Court and was admitted into evidence in the June 2000 proceeding. (*Id.* at 5.)

<sup>&</sup>lt;sup>1</sup> The term "Board" refers to the jointly-appointed Board of School Commissioners for Baltimore City created by the Consent Decree and S.B. 795. The term "State Board" refers to the State Board of Education.

17. The Interim Evaluation concluded that academic performance in the system was showing reasonable improvement, and that the Board had demonstrated "meaningful progress in implementing instructional initiatives at the elementary grade levels, recruitment and retention initiatives, and professional development initiatives." (Interim Evaluation, Executive Summary, at 3.) It also concluded that management in the system was demonstrating improvement. (*Id.*)

18. The Interim Evaluation concluded, however, that substantial additional funding, of approximately \$2,700 per pupil, was necessary for the schools to achieve adequacy. (Interim Evaluation, Executive Summary, at 29-30.)

19. In its June 2000 order, the Court incorporated and relied on certain of the Interim Evaluation's findings, conclusions, and recommendations. (Memorandum Opinion of June 30, 2000 at 15-16.)

20. Specifically, the Court concluded, as had the Interim Evaluation, that substantial additional funds were necessary for adequacy. (*Id.* at 15.)

21. The Court also adopted the Interim Evaluation's recommendation that additional funds should be used for, among other things, "extended learning opportunities for all eligible students" (for example, summer school and extended-day programs); "middle and high school initiatives;" "strategies to improve the [BCPSS] competitive position for teacher recruitment and retention;" and additional opportunities "for teacher and principal mentoring, coaching, and on-going school-based professional development." (Memorandum Opinion of June 30, 2000 at 16.)

22. The Court adopted as well the Interim Evaluation's finding and recommendation that the BCPSS lacked sufficient funding for school facilities improvements. (*Id.*)

23. By June 2000, the Board also had independently developed a "Remedy Plan" entitled "Seeing Success: Baltimore City Public School System: Integrated Reform Plan" (Oct. 6, 1999) (the "2000 Remedy Plan"). (Memorandum Opinion of June 30,

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2000 at 16-17.) The 2000 Remedy Plan was first sent to the State as part of the BCPSS' request for additional funding, and then submitted to the Court and admitted into evidence in the June 2000 proceeding. (*Id.* at 5.)

24. The 2000 Remedy Plan represented the judgment of the Board and the educators running the system about the kinds of programs and services necessary to educate BCPSS' at-risk student population. It estimated the additional cost of such programs at approximately \$265 million, or approximately \$2,650 per pupil at thencurrent enrollment levels. (Memorandum Opinion of June 30, 2000 at 16-17.)<sup>2</sup> It also sought an additional \$133 million annually for capital improvements. (*Id.* at 17.)

25. Among the necessary programs and services that the Board identified in the Remedy Plan and for which it sought additional funding through the June 2000 proceeding were several of those now at issue, including (1) increasing instructional time by extending the school day, *providing for summer school programs*, and providing intensive individualized tutorials for all children performing below grade level; (2) expanding the instructional curriculum by implementing art, music and physical education in all elementary schools, enriching gifted and talented programs, and by offering foreign language classes in all schools; (3) hiring additional teachers to provide for *smaller class size at all levels*, system-wide pre-kindergarten, and full day kindergarten; (4) implementing a plan to increase instructional technology; (5) expanding alternative offerings for disruptive students and expanding dropout prevention programs; (6) expanding student support services by adding social workers, mental health

At the State's request, the Board engaged in a "triage" process and also submitted a substantially narrowed plan asking for a \$49.7 million "downpayment" on the programs and services for which the system had the most immediate and critical need. (Memorandum Opinion of June 30, 2000 at 17.) That narrowed "remedy plan," entitled "Building on Success: A Remedy Plan to Address Continuing Funding Needs of The Baltimore City Public School System" (Dec. 9, 1999), was also admitted into evidence in the June 2000 proceeding. The submission of the narrowed "remedy plan" has created some confusion as to which plan was the Board's real Remedy Plan. When these findings refer to the "2000 Remedy Plan" they mean the *full* plan estimating that some \$265 million in additional funding was necessary for additional programs and services.

professional services and guidance counselors; and (7) extending the school year to allow for extended professional development and increased teacher compensation. (Bradford Exhibit 78, 2000 Remedy Plan at 1-11.)

26. Based on the Interim Evaluation, the Board's 2000 Remedy Plan, the declaration of educational expert Stephen M. Ross, Ph.D., and over 100 additional exhibits and affidavits, the Court in June 2000 reaffirmed its 1996 determination that schoolchildren in BCPSS have a constitutional right to an education that is adequate when measured by contemporary educational standards. (Memorandum Opinion of June 30, 2000, at 1, 25, 26.)

27. The Court declared that "the State of Maryland is still not providing the children of the Baltimore City Public Schools with a Constitutionally Adequate Education when measured by Contemporary Educational Standards," so the students "still are being denied their right to a 'thorough and efficient' education under Article VIII of the Maryland Constitution." (*Id.* at 25.)

28. The Court further declared that an additional \$2,000 to \$2,600 per pupil in State aid was needed to provide the children of the Baltimore City Public Schools with a constitutionally adequate education. (*Id.*)

29. In addition, the Court found the State had violated its contractual obligation to use "best efforts" to fund requests from the Board. (*Id.* at 23-24.)

30. Having declared a constitutional and contractual violation and estimated the amount of additional funding necessary for adequacy, the Court stated that it trusted that the executive and legislative branches would act to remedy the violation without the necessity for further action by plaintiffs. (*Id.* at 26.)

31. The State initially appealed the Court's June 2000 declaration, as contemplated and authorized by the Consent Decree. (Consent Decree ¶ 53.)

32. The State later withdrew its appeal. The June 2000 order is now final and binding on the State, therefore. (Tr. 1562:24-1563:7.)

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33. In Response to the June 2000 Declaration, The State Provided For Substantial Increases In Additional Per-Pupil Funding For the BCPSS, To Be Fully Phased-In By FY 2008

# 1. The Thornton Commission Found That Funding Increases Even More Substantial Than The Court's Order Were Necessary

34. In response to the June 2000 declaration, the State enacted the Bridge to Excellence in Education Act, largely adopting the recommendations of the Commission on Education Finance, Equity, and Excellence, commonly known as the "Thornton Commission." (Tr. 1425:11-20, 1425:24-1426:8.)

35. The State directed the Thornton Commission to assess the amount of additional funding that all schools in Maryland, including the BCPSS, needed to meet state adequacy standards. (Bradford Exhibit 72, Commission on Education Finance, Equity, and Excellence, Final Report, Jan. 2002 ("Thornton Commission Report"), at ix, xiii; Tr. 1425:11-20, 1425:24-1426:8; State Exhibit 2, Rohrer Aff. ¶ 6, 11.)

36. The Commission issued its report in January 2002. The Commission found a substantial gap between the resources currently available to school systems in Maryland and the resources necessary for educational adequacy. (Bradford Exhibit 72, Thornton Commission Report, at x-xi.)

37. The Commission relied on expert studies, following accepted school finance adequacy assessment models, to determine how much additional funding was necessary to enable students to meet state standards. (Bradford Exhibit 72, Thornton Commission Report, at x-xii; Tr. 1425:11-1426:8, 1575:15-1576:1; State Exhibit 2, Rohrer Aff. ¶¶ 7-10.)

38. The Commission found that substantial additional resources in addition to then- current funding were necessary to educate students who live in poverty, to enable those students to meet state standards and receive an adequate education. (Bradford

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Exhibit 72, Thornton Commission Report, at xiii-xiv, 53-56; Tr. 1426:9-18, 1491:5-14, 1540:12-:18, 1575:18-22; State Exhibit 2, Rohrer Aff. ¶ 10, 12.)

39. The Commission also found that substantial additional resources over current funding are necessary to educate students who have special educational needs, to enable those students to meet state standards and receive an adequate education. (Bradford Exhibit 72, Thornton Commission Report, at xiii-xiv, 53-56; Tr. 1426:9-18, 1491:5-14, 1540:12-18, 1575:18-22; State Exhibit 2, Rohrer Aff. ¶ 10, 12.)

40. Consistent with the Court's June 2000 ruling and its own determination that students who live in poverty or face similar disadvantages cost more to educate, the Commission found that Baltimore City's "adequacy gap" – the difference between current funding and the funds necessary to provide an adequate education – was the highest in the State.

41. The Commission cited evidence demonstrating that Baltimore City needed an additional \$2,938 to \$4,250 per pupil to achieve educational adequacy. (Bradford Exhibit 72, Thornton Commission Report, at 27, 28, 33; Bradford Exhibit 128, Woolums Dec. ¶ 17.)

#### 2. The General Assembly Adopted The Thornton Commission's Findings In The Bridge to Excellence Act, S.B. 856

42. In May 2002, the State enacted a bill that substantially incorporated the Thornton Commission's recommendations, the "Bridge to Excellence in Public Schools Act," S.B. 856. (State Exhibit 2, Rohrer Aff. ¶ 4.) S.B. 856 phases in a new statewide funding system that will result in \$1.3 billion in additional annual State funding for all counties over a six-year period from FY 2003 through FY 2008.

43. In enacting S.B. 856, the State also recognized a substantial "adequacy gap" for Baltimore City, of \$3,380 per pupil. (Bradford Exhibit 64, Dept. of Legis. Services, S.B. 856 Fiscal Note, Revised May 10, 2002, at Ex. 1; State Exhibit 2, Rohrer

Aff. ¶ 11 (cited State-determined adequacy gap of \$3,400-\$3,500); Bradford Exhibit 128, Woolums Dec. ¶ 17.)

44. If all of the increases projected by S.B. 856 had been fully funded
Baltimore City was predicted to receive increases in State aid (over previously
anticipated APEX increases and other funding streams) of approximately \$18.7 million in
FY 2003, \$28.1 in FY 2004, \$68.9 million in FY 2005, \$125.5 million in FY 2006,
\$187.6 million in FY 2007, and \$258.6 million in FY 2008. (Bradford Exhibit 64, Dept.
of Legis. Services, S.B. 856 Fiscal Note, Revised May 10, 2002, at Ex. 8.) As part of the
phase-in of this new formula, S.B. 856 also phased out the funding provided by the
Consent Decree and other funding for the Baltimore City-State partnership starting in FY
2004.

45. Local funding is also a substantial part of S.B. 856's formula for adequacy. The Act anticipated that local jurisdictions would contribute to the cost of adequacy. (Bradford Exhibit 64, Dept. of Legis. Services, S.B. 856 Fiscal Note, Revised May 10, 2002, at 17-18 and Exhibit 10.)

46. All Maryland's districts will eventually receive substantial increases under S.B. 856, even those that the Thornton Commission found already have the funds necessary for adequacy. For instance, the Thornton Commission and the State found that Montgomery County and Howard County had no "adequacy gaps" between current and needed funding – i.e., they had enough money to educate their students. (*Id.* at Ex. 1.) Montgomery County will eventually receive additional funding of approximately \$274.2 million under S.B. 856, however, and Howard County will receive approximately \$117 million. (*Id.* at Ex. 8.)

47. Districts with the greatest demonstrated need do not receive a faster phasein of the increased funding provided under Thornton. To the contrary, portions of S.B.
856 were "front-loaded" so that richer districts with fewer needs received greater

increases in the earlier years. Baltimore City's first "big contribution" from Thornton, therefore, begins this year. (Tr. 1571:1-15; Bradford Exhibit 128, Woolums Dec. ¶ 13.)

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48. S.B. 856 directed a further adequacy analysis to be done at the end of the funding phase in, by 2012. (Bradford Exhibit 72, Dept. of Legis. Servs., S.B. 856 Fiscal Note, at 8.)

# D. State Resources Available To The BCPSS Continue To Be Far Too Low To Permit The BCPSS To Educate Its At-Risk Student Population Adequately

#### 1. Full Thornton Funding (At Least) Is Necessary For Students To Meet State Standards and To Attain Constitutional Adequacy

49. The Thornton Commission, the State Superintendent of Schools, the Department of Legislative Services, and others repeatedly have confirmed that at least full funding under the S.B. 856 is necessary to enable students to meet state standards for adequacy. (Bradford Exhibit 64, Dept. of Legis. Servs., S.B. 856 Fiscal Note, Revised May 10, 2002, at 10; Bradford Exhibit 72, Thornton Commission report, at 5; Bradford Exhibit 70, Memorandum from Nancy Grasmick re Update on the Thornton Commission Recommendations; Tr. 1575:15-1576:1; Bradford Exhibit 55, MSDE Fact Sheet, at 1; Bradford Exhibit 56, Dept. of Legis. Servs., 90-Day Report, Apr. 11, 2003, at L-1; Bradford Exhibit 62, Dept. of Legis. Servs., Major Issues Renew, at 1-6; Bradford Exhibit 46, Dept. of Legis. Servs., The Commission on Education Finance, Equity, and Excellence and the Bridge to Excellence Act., Oct. 22, 2003, at 5-10.

50. As Department of Legislative Services director John Rohrer explained, "the [Thornton] Act bases State education funding on the concept of 'adequacy' – an empirical estimate of the amount of funding that schools and school systems require in order to obtain the resources they need to reasonably expect that students can meet the State's academic performance standards." (State Exhibit 2, Rohrer Aff. ¶ 6).

51. Indeed, the State Superintendent has confirmed that full funding under S.B. 856 is necessary to permit students to achieve the "thorough and efficient" education required under Article VIII of Maryland's Constitution. In a resolution she submitted to the State Board of Education to adopt (and that was adopted), the State Superintendent urged the State Board to push for full Thornton funding because such funding would enable Maryland to achieve a "thorough and efficient system of free public schools." (Bradford Exhibit 70, at Ex. IV.)

52. Moreover, there is evidence that state standards now in effect are different, and higher, than the standards in effect when the Thornton Commission in 2001-02 estimated the amount necessary for students to meet state standards. (Bradford Exhibit 128, Woolums Dec. ¶ 18.)

53. The Thornton Commission, for instance, assessed amounts necessary for high school students to pass the then-current "functional tests." (Tr. 1576:20-1577:4, 1578:5-8.) Now, the State requires high school students to pass "High School Assessment" tests for graduation. (Tr. 1576:20-1577:4; Bradford Exhibit 128, Woolums Dec. ¶ 18.) The HSA tests are required for graduation, and are substantially more difficult than the functional tests. (Tr. 1576:25-1577:12.)

54. Similarly, standards imposed by the federal No Child Left Behind act are now in place, requiring, among other things, *all* students to achieve satisfactory achievement on state tests. (Bradford Exhibit 128, Woolums Dec. ¶ 18.)

55. These increases in standards, not considered by the Thornton Commission, mean that it is likely that the Thornton Commission's estimates were too low. (Bradford Exhibit 47, Dept. of Legis. Servs., Office of Policy Analysis, Comparison of Bridge to Excellence and No Child Left Behind Legislation at 8, Bradford Exhibit 128, Woolums Dec. ¶ 18.)

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56. The State Superintendent testified, moreover, that the needs of children in poverty have increased since the Thornton recommendations were issued. (Tr. 1540:24-1541:14.)

### 2. This Court Already Has Determined, Correctly, That Full Thornton Funding Will Not Occur, If At All, Until FY 2008

57. Since S.B. 856 was enacted, the BCPSS has received the following annual increases in Thornton funding: \$18.5 million in FY 2003, \$16.5 million in FY 2004, and \$53.5 million in FY 2005. (Tr. 1572:2-4.; *see also* Bradford Exhibit 6, DLS Charts, at unnumbered page 18 (showing \$48.7 million in increased Thornton finding in FY 2005; Bradford Exhibit 21, BCPSS Budget for FY 2005, at 31 (same).) These increases already are substantially less than the increases projected when Thornton was enacted. (*See supra* paragraph 43; Bradford Exhibit 64, Dep't of Legislative Servs., S.B. 856 Fiscal Note, Revised May 10, 2002, at Ex. 8.)

58. This year, the BCPSS received approximately \$53.5 million in additional Thornton money. (Tr. 1571:22-23; Bradford Exhibit 6, DLS Charts, at unnumbered page 18 (showing \$48.7 million in increased Thornton finding in FY 2005; Bradford Exhibit 21, BCPSS Budget for FY 2005, at 31 (same).) Because the funding stream was "frontloaded" to benefit richer counties, that amount represents BCPSS' first substantial Thornton contribution. (Tr. 1571:10-15.)

59. Accordingly, at least \$225 million in additional funding to the BCPSS remains to be phased in under S.B. 856. (Tr. 1431:25-1432:2, 1576:13-19; State Exhibit 2.)

60. In June 2002, the Court entered an order extending the Consent Decree's initial five-year term and its own jurisdiction over the case. (Memorandum Opinion of June 25, 2002 at 5.) The Decree provided for such an extension for "good cause." (Consent Decree ¶ 68.)

61. In its June 2002 Order extending the Consent Decree and judicial supervision over the remedy phase of this matter, this Court determined that even "arguable" compliance with the June 2000 Order would not occur unless and until the Bridge to Excellence in Public Schools Act is fully funded, which is not scheduled to occur until FY 2008. (Memorandum Opinion of June 25, 2002 at 5.)

62. The Court also concluded that full funding of the Act was uncertain. (*Id.*)

63. By that order, the Court extended its jurisdiction to supervise the remedy "phase-in" provided by the Thornton bill, to ensure continued progress towards that remedy.

64. Testimony by State witnesses confirms that both of the Court's determinations in 2002 – that full compliance will not occur until, at the earliest, FY 2008, and that full funding is uncertain – remain valid today. In his affidavit, John Rohrer, the Coordinator of Fiscal and Policy Analysis for the State Department of Legislative Services, estimates that state education aid to BCPSS, including the increases mandated by the Bridge to Excellence in Public Schools Act, "will essentially eliminate the adequacy gap," but states that that elimination will not occur until FY 2008. (State Exhibit 2, Rohrer Aff. ¶ 11.)

65. State Superintendent Grasmick also acknowledged in her testimony that full Thornton funding will not occur until FY 2008, and further acknowledged that the General Assembly may, in its discretion, delay or reduce the planned funding increases to BCPSS under the act. (Tr. 1576:1-4; 1587:4-6; *see also* Bradford Exhibit 128, Woolums Dec. ¶¶ 19-23; Bradford Exhibit 1, July

14, 2004 Memorandum of Bill Ratchford, former director of the State Department of Fiscal Services ("Ratchford Mem.") at 1.)<sup>3</sup>

> 3. State and BCPSS Witnesses Repeatedly Confirmed That The BCPSS Continues To Need Substantial Additional Resources

66. Witnesses from the State and BPCSS uniformly recognized that, as of August 2004, the BCPSS continues to need substantial additional resources to educate its at-risk student population. (Tr. 647:21-648:2; Tr. 648:12-14; Tr. 711:15-20.)

67. State Superintendent Nancy Grasmick testified that BCPSS needs additional resources to meet state standards. (Tr. 1576:13-19). Indeed, Dr. Grasmick testified that adequate funding was an essential part of any remedy for the BCPSS. (Tr. 1574:21-15786:4.) In fact, Superintendent Grasmick admitted that Baltimore City needs \$225 million for adequacy as defined by the Thornton Commission. (Tr. :1576:13-19.)

68. BCPSS Chief Executive Officer Bonnie Copeland testified that the BCPSS needs substantial additional resources to provide an adequate education. (Tr. 1283:10-1285:7).

69. Dr. Copeland noted, for instance, that the BCPSS does not have enough resources to focus on three areas that are critical to ensuring an adequate education: providing the best and most talented teachers in the classroom; providing the best and most talented leaders at the principal and administrative level; providing the support services necessary to allow at-risk students to learn. (Tr. 1283:1-1285:7).

70. Chief Academic Officer Linda Chinnea testified that BCPSS needs more money to provide a constitutionally adequate education to its students. (Tr. 711:15-20; Tr. 734:16-23.) As Ms. Chinnea explained, "[i]f I had the money, it would be my, my hope that the system would have a full program of interventions, where summer school

<sup>&</sup>lt;sup>3</sup> The Governor, however, has *no* discretion to reduce Thornton funding. He must include full Thornton funding in the budget submitted to the General Assembly. (Tr. 1427:13-18; Bradford Exhibit 128, Woolums Dec.  $\P$  20.)

would be included, along with during the year interventions. (Tr. 647:21-648:2; Tr. 648:12-14 (if had money, would reduce class sizes).)

71. Officer for Student Support Services Gayle Amos testified that BCPSS needs more money to provide students with the services necessary for adequacy. Ms. Amos stated: "[i]f I had more money, the first thing I would do would be to give it to capital improvement and improve the schools. The second thing would be to make sure we did have qualified teachers and qualified leaders in the schools by having programs dedicated to that." (Tr. 934:18-935:2.)

72. Declarations and petitions submitted by hundreds of parents, students, teachers, and principals demonstrate that the BCPSS needs more money to provide students with services necessary for adequacy. (Tr. 504-511; Bradford Exhibit 113; Bradford Exhibit 126.)

4. The Final Evaluation And BCPSS' Most Recent Remedy Plan Confirms That The BCPSS Needs Substantial Additional Resources

73. In addition to the Interim Evaluation submitted into evidence in the June
2000 proceeding, the Consent Decree also called for a Final Evaluation by an
independent expert to be appointed jointly by the State and BCPSS. (Consent Decree ¶
40.)

74. That expert, Westat, submitted its Report on the Final Evaluation of the City-State Partnership on December 3, 2001 ("Final Evaluation"). The Westat Report was submitted to the Court and admitted into evidence in the June 2002 proceedings in which the Court considered whether to extend the Consent Decree as Bradford Exhibit 76.

75. Based on its extensive inspection and evaluation of the schools, the Final Evaluation concluded generally that the system is "tremendously improved" under the Consent Decree. (Final Evaluation at vi). It noted, however, that the "task of

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reengineering the school system and establishing it as a system that effectively serves the children of Baltimore is far from complete." (*Id.* at xxiii).

76. In the area of instructional reforms, the Final Evaluation concluded that BCPSS has "accelerated its rate of progress at the elementary grades where the vast majority of resources have been targeted," and in many areas the rate of progress in Baltimore's schools has exceeded the progress of the State overall. (*Id.* at vi, 345). The Final Evaluation attributed the improvement in student achievement in considerable degree to the Board's targeted and effective application of the additional funds provided under the Consent Decree. "[W]here the monies have been spent," the Final Evaluation concluded, progress has been made, but that "where monies have been more scarce, such as at the high school level, less progress is seen." (*Id.* at 320).

77. The Final Evaluation also found that substantial additional funding is necessary for the BCPSS. (*Id.* at xiii, 338, 347).

78. In the same time period, the BCPSS completed an updated Remedy Plan. (Bradford Exhibit 78, The Baltimore City Remedy Plan for FY 2003, Aug. 31, 2001 (the "2001 Remedy Plan".) The 2001 Remedy Plan, like the earlier 2000 Remedy Plan on which the Court in part based its June 2000 declaration, reflected the BCPSS' assessment of the additional programs and services necessary to provide an adequate education, and also reflected estimates of the costs of such programs and services.

79. The updated 2001 Remedy Plan called for approximately \$435 million in additional operational funding. (*Id.*, cover letter.) The Plan requested additional funding for a number of initiatives, many of which are among the programs and services recently reduced to deal with the budget crisis. The initiative included additional efforts to recruit and retain quality teachers; the implementation of whole-school reform models, like Achievement First, in elementary schools; *expansion of class size reductions to grades beyond 1-3 in elementary schools*; provision of a variety of academic interventions to improve achievement, such as *expanded summer school* and extended day programs and

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increased interventions during the school year; adding "reading coaches" and extensive, focused interventions for students performing below grade level; providing mathematics intervention programs; expanding the gifted and talented program; expanding fine arts, music, foreign language, and physical education programs; *reducing class size in middle schools*; providing additional focus on middle schools; creating smaller "academy" schools in middle and high schools; expanding access to *summer school* for middle school students; and expanding professional development for teachers, along with a number of other initiatives. (*Id., passim.*)

# 5. The State Has Not Yet Complied With The June 2000 Declaration

80. As of FY 2005, the State has not yet come close to complying with the Court's June 2000 direction that an additional \$2,000 to \$2,600 per pupil be provided to the BCPSS.

81. In June 2000, this Court ruled that substantial additional state funds were necessary on top of funding already in the budget for FY 2001 and FY 2002. The Court stated: "[A]dditional funds provided for the Baltimore City public schools in the State budget for Fiscal Year 2001 fall far short of [constitutional] levels and will not enable the New Baltimore City Board of School Commissioners to provide the City's schoolchildren with a Constitutionally Adequate Education when measured by Contemporary Educational Standards during Fiscal Years 2001 and 2002.... the Baltimore City public schools need additional funding of approximately \$2,000 to \$2,600 per pupil for educational operating expenses for Fiscal Years 2001 and 2002." (Memorandum Opinion of June 30, 2000 at 25-26 (emphasis added).)

82. State education aid to the Baltimore City Public Schools has *not* been increased by \$2,000 to \$2,600 per pupil since FY 2001 and 2002. Accepting the figures provided by the State in the Attachments to the Declaration of Stephen

A. Brooks, in FY 2005 such funding will have increased by only \$1,650 per pupil over FY 2001 and by only \$1,353 since FY 2002. (State Exhibit 1, Declaration of Stephen A. Brooks, Attachment A; Bradford Exhibit 128, Woolums Dec. ¶ 8.)

83. Moreover, the foregoing figures significantly overstate the real increase in state support for education in Baltimore City since this Court's June 2000 declaration, because they include mandated increases in pre-existing state aid formulas and other funding streams that BCPSS would have received even if the Bridge to Excellence in Public Schools Act had never been enacted. (Bradford Exhibit 1, Ratchford Mem.; Bradford Exhibit 128, Woolums Dec. ¶ 12.)

84. Even using the FY 2000 for measuring increases, the State still did not comply with its constitutional obligations and substantially underfunded the BCPSS for a number of years after this Court's declaration. (Tr. 1534:5-1537:2, 1563:8-16.)

85. The State, through the sworn testimony of Dr. Nancy Grasmick, State Superintendent of Education, admits that it has not complied with the June 30 Order. (Tr. 1433:10-1434:3).

86. At an absolute minimum (assuming the low-end increase of \$2,000 per pupil per year) and using FY 2000 as the base year, the State underfunded BCPSS in the amount of \$439.35 million for fiscal years 2001, 2002, 2003 and 2004.

87. At a potential maximum (assuming the high-end increase of \$2,600 per pupil per year) and using FY 2001 as the base year, the State underfunded BCPSS in the amount of \$834.68 million for fiscal years 2001, 2002, 2003 and 2004.

88. The proper measure of increased funding is the amount of increase per pupil over pre-existing funding streams, which is the way that the State

Department of Legislative Services described and estimated the fiscal impact of the Bridge to Excellence in Public Schools legislation. (Bradford Exhibit 64, Dep't of Legislative Services, S.B. 856, Fiscal Note (Revised); Bradford Exhibit 128, Woolums Dec. ¶ 12.)

89. This Court also intended the increased funding required under its June 2000 declaration to be provided on top of pre-existing mandated increases, as demonstrated by the fact that the Court declared that BCPSS needed an additional \$2,000 to \$2,600 per pupil in both FY 2001 and FY 2002, even though state aid to BCPSS was scheduled to increase by nearly \$400 per pupil between those two years. (Memorandum Opinion of June 30, 2000 at 25-26; Bradford Exhibit 1, Ratchford Mem. at 3 (total state aid of \$5,807 in FY 2001, \$6,197 in FY 2002).)

90. When pre-existing planned increases in state education aid are factored out, the increase in state education aid to BCPSS in FY 2005 as a result of the Bridge to Excellence in Public Schools Act amounts to just over \$500 per pupil. (Bradford Exhibit 1, Ratchford Mem.; Bradford Exhibit 128, Woolums Dec. ¶ 14.)

91. According to an analysis prepared by Bill Ratchford, the former director of the State's Department of Fiscal Services, from data prepared by the State Department of Legislative Services in July 2004, the increase in total state education funding per pupil to BCPSS over the amount anticipated under prior law will not exceed \$2,000 per pupil until FY 2008, and then only if the Bridge to Excellence in Public Schools Act is fully funded. (Bradford Exhibit 1, Ratchford Mem. at 3.)

92. The cost of education has increased substantially in the four years since this Court issued its June 2000 declaration and, at a minimum, the funding increases called for in that declaration should be adjusted to reflect that increased

cost. One reasonable measure of this cost increase is the rise in teachers' salaries, because professional salaries account for more than three quarters of the total cost of education in BCPSS and most other school districts. (Tr. 51:16-52:2; Bradford Exhibit 128, Woolums Dec. ¶ 15.)

93. Average teacher salaries in both BCPSS and across the state of Maryland have increased by more than fifteen percent over the past four years. (Bradford Exhibits 119, MSDE, Analysis of Professional Salaries, 1999-2000 and 2003-2004.

94. The higher "contemporary education standards" that have been adopted since 2000, discussed *supra* in paragraphs 51 through 54, against which educational adequacy in the BCPSS must be measured, also increased the cost of an adequate education. (Bradford Exhibit 47, Dept of Legislative Services, Office of Policy Analysis, Comparison of Bridge to Excellence and No Child Left Behind Legislation at 8, Bradford Exhibit 128;Woolums Dec. ¶ 18.)

# E. Student Scores And Other Objective Indicators From The BCPSS Remain Far Below State Standards And Far Below State Averages

95. Almost eight years have passed since the Court first found a constitutional violation in September 1996, and four years have passed since the June 2000 declaration.

96. There are students now about to enter high school who were first graders in 1996, and who thus have at least spent eight years in an unconstitutional and inadequate system.

97. Named plaintiff Keith Bradford, for instance, brought this suit when his son Brandon was in third grade and his sons Kendall and Adrian were in pre-school. Brandon graduated from high school this year, never having attended a constitutionally adequate system. Kendall is starting high school, and Adrian is starting middle school. (Tr. 1249:12-23.)

98. Student scores and other objective evidence continue to demonstrate, as they did in 1996 and 2000, that the BCPSS students are performing at levels far below state standards, and far below state averages, although there have been some improvements in recent years.

# 1. Maryland School Assessment Scores Are Far Below Standards and State Averages

99. In 2003, Maryland replaced the Maryland School Performance Assessment Program ("MSPAP") tests with the Maryland School Assessment ("MSA") tests, pursuant to the federal No Child Left Behind law. That law requires each state to require schools to make "Adequate Yearly Progress" towards a specified level of performance on a statewide test.

100. In Maryland, all students must be "proficient" in the subject matters tested by the MSA by 2014. Students who show a "basic" performance for reading are "unable to adequately read or comprehend grade appropriate literature and informational passages." Those with "basic" performance in mathematics "demonstrate only partial mastery of the skills and concepts defined in the Maryland Mathematics Content Standards."

101. In Baltimore City, 2003 scores on the MSA showed that a majority of students (from 45% to 65%, depending on grade level) were functioning only at a "basic" – i.e., unsatisfactory – level in reading and from 58% to 89% (again, depending on grade level) of students were functioning only at a "basic" level in mathematics. (Bradford Exhibit 117; BCPSS Exhibit 37.)

102. In Baltimore City, therefore, nearly two-thirds of the City's tenth-grade students (65%) do not "adequately read or comprehend" grade level reading material.

103. There are similar gaps between the BCPSS performance and state requirements, and state averages, at every grade level and on every test. (Bradford Exhibit 117.)

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104. The gap between the City and the State average increases as the children get older. (Bradford Exhibit 117.)

105. Baltimore City's 2004 achievement scores indicate that the majority of students are functioning at "basic" - that is, inadequate - levels in reading and mathematics. (Bradford Exhibit 5.) Approximately 50-65% of Baltimore City children scored at a basic level in reading and 60-80% scored at a basic level in math. (Tr. 451:18-452:19; Bradford Exhibit 117.)

106. The 2004 achievement scores reported on the Maryland State Department of Education website indicate a wide gap between Baltimore City special education students and their counterparts in Montgomery County. (BCPSS Exhibit 37, Data from 2004 Maryland Report Card-Achievement Gap on 2004 MSA Administraton.). Specifically, the scores shows 53.2% of special education students in Montgomery County at the proficient level compared to the only 28% of Baltimore City special education students who scored at the proficient level. (*Id.*)

107. These scores also show that special education students in Montgomery County reached close to the same level of proficiency as the *regular* education students in Baltimore City. (Tr. 813-818.)

### 2. The State Superintendent Has Placed The Entire System in Corrective Action Based On Those Scores

108. Based on the BCPSS' performance on the MSA tests last year, the State Board of Education placed the entire school system in "corrective action," pursuant to the requirements of the No Child Left Behind act, and directed it to perform a number of specified actions designed to enhance performance. (Bradford Exhibit 30, Letter from Nancy Grasmick to the Hon. Thomas V. Miller, *et al.*, March 31, 2004, at 9-10, Tr. 1462:21- 1463:5.) A system in "corrective action" is one which has demonstrated "consistent academic failure." (20 U.S.C. § 6316(b)(7).)

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109. Even though MSA results demonstrated some encouraging improvement in 2004, approximately 96 of the approximately 180 schools in Baltimore City remain on various levels of the State's "watch list" for required improvement. (Tr. 1457:15–1458:6; Bradford Exh. 103.) Schools identified for improvement are those that have failed for two consecutive years to meet adequate yearly progress goals under the No Child Left Behind act. (20 U.S.C. § 6316(b)(1)(A).)

#### 3. High School Assessment Scores Are Far Below Standards and State Averages

110. The BCPSS' performance on the High School Assessment tests also demonstrates a substantial failure to meet state standards. On these new "high-stakes" tests that will be required for high-school graduation, Baltimore City students performed well below the rest of the state in 2002 and 2003. (Bradford Exhibits 117, 30 and 57.)

111. For instance, only 20.7% of Baltimore City students passed the Algebra exam compared to the more than 50% who passed throughout the State. Likewise, in 2003, only 26% of Baltimore City students passed the Biology exam compared to the State passing average of over 54%. (Bradford Exhibit 117.)

112. Superintendent Grasmick expressed extreme concern over the low percentage of students in Baltimore City passing the high school assessment. At some schools, she noted, only .7 percent students taking the exams passed. (Tr. 1459:11-1460:16.) Of the 300 students at Douglass who took the Algebra I exam, only 2 passed, and of the 275 students that took English I, only 7 passed. (*Id.*).

#### 4. Dropout Rates and Graduation Rates Continue To Be Unacceptable

113. Baltimore City's dropout rate still substantially exceeds the state
satisfactory standard (3%), and still hovers close to 11% (down from almost 14% in
1997). (Bradford Exhibit 117.)

114. BCPSS representative Gayle Amos testified that BCPSS' dropout rate is not only the highest in the state, but is increasing (Tr. 989:6-12) and that the system needs substantial additional funds for dropout prevention programs. (Tr. 989:10-992:1.)

115. The BCPSS rate of graduation is only 54.18%, meaning that slightly more than half the students graduate. (Bradford Exhibit 117.) Statewide, the graduation rate is 85%. (*Id.*)

#### 5. Attendance Rates Continue To Be Unacceptable

116. Attendance rates are also low and absenteeism is a large issue for BPCSS, another objective indicator of continuing inadequacy. (Tr. 914; 940; 943-45.) As Gayle Amos explained, under No Child Left Behind, the attendance rate in Maryland must be 96% to make AYP (adequate yearly progress.) In 2003, however, the high school attendance rate was 80% and in 2004 it was 88%. (Tr. 938:15-940:20.) On any given day in 2003, therefore, one out of five students was not in class.

6. Suspensions and Expulsions Are The Highest In The State

117. The BCPSS' suspension and expulsion rate is the highest in the State generally, and the highest even at the elementary school level. (Tr. 864:9-870:13; *see also* Tr. at 992:2-13 (BPCSS leads the state in long-term suspensions and expulsions).)

7. Expert Testimony Demonstrated, and The State And BCPSS Both Concede, That These Scores Indicate An Inadequate Level Of Educational Services

118. Educational expert Steven Ross concluded: "By any measure, a system demonstrating those outcomes has not achieved acceptable educational goals either locally or nationally." (Bradford Exhibit 5, Ross Dec. at 5.)

119. As Dr. Ross explained at the hearing, "Baltimore ranks last in Maryland" with approximately 50-65% of the children scoring at a basic level in reading and 60-

80% scoring at a basic level in math. (Tr. 451:18-452:19.) "Basic," as Dr. Ross explained, "means inadequate," and students performing at the "basic" level need extra help to succeed. (Tr. 452:4-8, 452:16-19.)

120. The State has repeatedly acknowledged the continuing gap between Baltimore City and the rest of the state on these objective indicators of educational quality. (*See, e.g.*, Bradford Exhibit 30, Letter from Nancy Grasmick to the Hon. Thomas V. Miller, *et al.*, March 31, 2004, at 9; Bradford Exhibit 57, Letter from Nancy S. Grasmick, *et al.* to Hon. Thomas V. Miller, Jr., *et al.*, March 2003, at 4.)

121. BCPSS representatives also concluded that BCPSS achievement levels are unacceptable. (Tr. 917:17-921:17; 956:15-958:1; 961:19-962:6; 1335:2-11.)

8. The BCPSS' Student Population Contains Substantial Numbers of Students Who Live In Poverty And Have Other Needs That Require Increased Educational Focus And Resources

122. The BCPSS student population has a high percentage of students eligible for free and reduced lunches, which is the common measure of at risk or disadvantaged students. In 2003, 83% of Baltimore City's elementary students lived in poverty by this measure. (Bradford Exhibit 5, Ross Dec. at 3; Tr. 451:10-17 ("free and reduced price lunch, meaning these are disadvantaged students that need financial help").) As Dr. Grasmick explained, Baltimore City has "the largest percentage" of economically disadvantaged students in the State. (Tr. 1386: 16-1387:3; 1491:17-24.)

123. As Dr. Ross opines, it is "harder to teach these [disadvantaged] kids." (Tr. 451:15-16.)

124. Dr. Copeland testified that Baltimore City has the highest poverty level in the state and the BCPSS has a significant number of children at risk of educational failure. (Tr. 1303: 3-8.)

125. Among Maryland's jurisdictions, Baltimore City ranks last in wealth per pupil. (State Exhibit 2, Rohrer Aff. ¶ 5.)

### F. The Budget Deficit And The Measures Taken To Address It

#### 1. The Deficit and the BCPSS' Corrective Measures

126. Starting in FY 2002, the BCPSS began to engage in deficit spending. By the end of FY 2002, the cumulative deficit reached \$21 million. It grew to \$52 million at the end of FY 2003, and reached \$58 million by FY 2004. (Bradford Exhibit 24, Draft Financial Recovery Plan, May 30, 2004, at 9.)

127. In April 2004, the accumulated deficit led to a serious cash flow crisis, raising the possibility that the BCPSS would be unable to meet its short-term financial obligations. (Bradford Exhibit 15, Draft Financial Recovery Plan.)

128. Initially, the Governor proposed a plan, to be effectuated by act of the General Assembly, which would have advanced additional State monies to the BCPSS and, in return, established substantial additional State control over the system.

129. As an alternative to the State's plan, the City provided a short-term loan of\$42 million from its rainy day fund. (Bradford Exhibit 15, Draft Financial RecoveryPlan.)

130. As a condition of receiving this loan, under a Memorandum of
Understanding signed by BCPSS and City, the BCPSS was required to repay \$34 million
in August 2004, and to repay the remaining \$8 million, plus interest, in FY 2006.
(BCPSS Exhibit 23, MOU ¶ 3; Bradford Exhibit 24, Draft Financial Recovery Plan at 14;
Tr. 1314-15.)

131. On August 1, 2004, the BCPSS repaid \$34 million of the loan from the City as promised. (Tr. 1114, 1314.)

132. As a further condition of receiving the short-term loan from the City, the BCPSS also agreed, in the MOU, to retire the accumulated \$58 million deficit by June 30, 2006. (BCPSS Exhibit 23, MOU ¶ 3; Bradford Exhibit 24, Draft Financial Recovery Plan at 14 Tr. 1314-15.)

133. A state statute passed this legislative session, S.B. 894, also purports to require the BCPSS to retire its accumulated deficit within two years.

134. Consistent with these requirements, the BCPSS has determined to institute cost savings sufficient to retire 60% of the deficit (\$35 million) in FY 2005 and 40% (\$23 million) in FY 2006. (Tr. 1314-15, 1204.)

135. The BCPSS has also determined to institute cost savings sufficient to create \$10 million surplus in FY 2005 and a \$10 million surplus in FY 2006 as a reserve against unanticipated expenses. (Bradford Exhibit 24 Draft Financial Recovery Plan at 14; Bradford Exhibit 21, BCPSS FY 2005 Budget.)

136. It appears that the BCPSS currently is operating within its means.(Bradford Exhibit 24, Draft Financial Recovery Plan at 11-12.) The BCPSS finished FY2004 with a balanced budget for the first time in several years. (Tr. 1218.)

2. City and State Oversight Responsibility of the BCPSS Requires Them To Bear Some Responsibility For The Budget Issues

137. The City and State, as well as the BCPSS, bear some responsibility for the BCPSS management and the budget crisis facing the BCPSS.

138. Under S.B. 795 and the Consent Decree, the City Council reviews and approves the BCPSS' budget on an annual basis and could and should have been aware of the mounting deficit and the system's fiscal woes. Indeed, audits and assessments of the budget issues were performed in 2003.

139. The State similarly has substantial oversight responsibility under the City-State Partnership, the Consent Decree, and S.B. 795.

140. For instance, the Board is jointly appointed by Governor and Mayor, from a slate of candidates recommended by the State Board. (Tr. 1532.)

141. The State has other involvements with the system as well, including technical assistance, review and approval of the Master Plan, the ability with withhold money, oversight liason counsel, and actia; numerous site visits to schools. (Tr. 1439-1442, 1479.)

142. Moreover, the State Superintendent is required by the Decree and S.B. 795 to submit an annual report to the legislature each year on the progress of the BCPSS. (Tr. 1441.) The Superintendent's 2003 report specifically informed the General Assembly of the deficit problem as it then existed, describing a lack of fiscal controls and a FY 2002 deficit, and projecting an additional \$31.2 million deficit in FY 2003. (Bradford Exhibit 57, Letter from Nancy Grasmick to the Hon. Thomas V. Miller, *et al.*, at 10, Tr. 1501-02.)

143. The three-person audit panel found that "City and State officials <u>should</u> <u>have</u> known" about challenges faced on the budget as early as 2000, and "failed to intervene and aggressively work to assist BCPSS with the deficit identified at that time." (State Exhibit 11, at 8.)

# G. The Measures Taken To Address The Budget Deficit Have Reduced Educational Opportunity in the BCPSS And Slowed Progress Toward Constitutional Adequacy

144. In order to address the fiscal issues, repay the City, retire the accumulated deficit and accumulate a substantial rainy-day fund over two years, the BCPSS has instituted a number of cost savings measures that will reduce educational opportunities offered to Baltimore City's students and slow progress towards constitutional adequacy.

145. The BCPSS' total budget next year is approximately \$963 million. (Tr. 73:24-74:1.) That represents an increase of approximately \$63 million from last year's budget of approximately \$900 million. (Tr. 74:4-11.)

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146. To address the deficit, BCPSS has instituted some \$45 million in reductions. The determination to retire 60% of the \$58 million deficit in FY 2005 requires the system to institute \$35 million in reductions to outlays for education in FY 2005. (Tr. 1244:4-7.) The determination to institute a \$10 million "rainy day fund" in FY 2005 requires the system to institute an additional \$10 million in reductions to outlays for educations to outlays for education in FY 2005. (Tr. 1204:3-1205:2.)

147. In order to accomplish this approximately \$45 million in reductions to outlays for FY 2005 the BCPSS instituted a number of cuts to educational programs and services, all of which are described more specifically below.

148. As Dr. Copeland conceded, the BCPSS made choices to cut educational services in order to quickly reduce the deficit and build up a reserve fund. (Tr. 1244:16-1446:3.)

149. For example, it achieved approximately \$10 million in savings by eliminating systemic summer school for children in grades K-8 and by requiring high school students to pay \$150 a course for summer school offerings; it achieved approximately \$12.5 million in savings by eliminating some 250 teaching positions and increasing class sizes by 2 students; and it achieved approximately \$24 in savings by reducing administrative and part time staff by some 1,000 employees, including among many others guidance counselors in elementary schools, attendance officers, and academic coaches and teacher mentors. (Tr. 255: 9-18; 1298:4-15, 1303:9-1304:7.)

150. The reductions in educational outlays, including decisions to eliminate systemic summer school for at-risk children in elementary and middle school, to increase class sizes, to eliminate guidance counselors and other specialists, to reduce the availability of mentor teachers and academic coaches, to encourage the retirement/attrition of experienced teachers and principals, and others – all without any adequate assurance that funds or focus shifted to other programs will compensate for such reductions in services to children – will immediately and adversely affect the quality

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of education being provided to children in Baltimore City, as more specifically described below. (Ross, Tr. 450:6-451:9; 457:14-25; 468:4-7; McLaughlin, Tr. 612:3-20; 617:8-20; 622:8-623:20, Chinnea, Tr. 647-48; 713-15; Amos, Tr. 942:24-943:9; 993:11-994:10.)

151. The programmatic and staffing cuts initiated by the BCPSS negatively impact the educational opportunities for all students enrolled in the BCPSS, many of whom are economically and socially disadvantaged and thus "at risk." For at risk students who receive special education services the negative impact of the programmatic and staffing cuts is magnified by the presence of a disability that interferes with the student's ability to achieve. (Tr. 498.)

152. The reductions in educational outlays also created significant morale
issues both within the system and among the parents and students it served. (Tr. 494-97;
Tr. 504-511; Bradford Exh. 113, Buettner Dec. at 3, Eller Dec. ¶¶ 7, 9, Harrison Dec. ¶
9.)

153. Notwithstanding a budget increase of approximately \$63 million, including approximately \$50 million in increased Thornton funding from the State, spending on academic programs is at best flat this fiscal year. (Tr. 121:19–123:1.)

154. Instead of being used to provide increased educational opportunities to Baltimore's student population, much of the new Thornton money provided to the BCPSS this year is being used simply to ameliorate the effect of the proposed budget cuts. (Tr. 1215:22-1217:1.)

155. There are also a number of initiatives required by the State as a part of the system's status in "corrective action" and as requirements to improve the master plan, including middle and high school reform, etc. (Tr. 1458:12-1459:7; Bradford Exhibit 12.) Although all of these initiatives require expenditures, no additional money has been provided. As a consequence, the system must institute these required actions within the

confines of its current budget and the reductions to that budget necessitated by the determination to eliminate the deficit over two years and build up a reserve fund.

156. BCPSS witnesses all recognized that the reduction in educational opportunities is a necessary result of the choices made this year to reduce the deficit, uniformly indicating that the choices made to eliminate programs and increase class sizes were "difficult" ones and testifying that if the funds were available their preferences as educators would be to continue the programs and reduce class sizes. (Tr. 647-48; Tr. 1282:2-1285:7.)

157. The City's sole witness, similarly, conceded that the Financial Recovery Plan as suggested by the City and the Fiscal Operating Committee did not take into account classroom impacts, and agreed that a plan that does not take into account educational needs is "misguided." (Tr. 1173-74; Bradford Exhibit 24, Draft Financial Recovery Plan at 9.)

158. The State has said that to assume no educational impact from the cuts would be "naïve." (Bradford Exhibit 30, Letter from Nancy Grasmick to the Hon. Thomas V. Miller, *et al.*, March 31, 2004, at 9.)

159. General and special education are intricately linked. Students with disabilities cannot be successful without a successful general education system. (Grasmick, Tr. 1450-1451, 1466, 1477, 1517-1518; McLaughlin, Tr. 641-642.)

# 1. The Increase In Class Sizes Has Reduced Educational Opportunity

160. The BCPSS has achieved a savings of approximately \$12.5 million by reducing teaching staff by approximately 250 and, as a result, increasing class sizes by 2.

161. The system is raising class size by two students for the 2004-2005 school year. (Tr. 106:2-4; 563:9-13; 1204:20-21.)

162. The increase in class size for 2004-05 builds on earlier increases to class size that were implemented in the 2003-04 school year. (Tr.1245: 25-1246:4; Bradford E.2327

Exhibit 63, June 13, 2002 Memorandum to School Principals re: Allocations for School-Year 2002-2003; Bradford Exhibit 65, April 17, 2002 Memorandum to Area I Principals re: Projections/Budget FY 2003.)

163. This additional increase will mean that class sizes have now been increased by up to four since the 2002-03 school year. (Tr. 1296:2-5; Tr. 563:14-24; Tr. 565:7-10; Tr. 648:8-11.)

164. The following table illustrates the changes in class size from FY 2003 to FY 2005:

The second s		and the second	
	FY 2003	FY 2004	FY 2005
Pre-K	1:20 w/asst.	No change	No change
K	1:25 w/asst.	No change	No change
Gr 1-3	1:18	1:20	1:22
Gr. 4-5	1:27	1:27	1:29
Gr. 6-8	1:27	1:28	1:30
Gr 9-12	1:28	1:30	1:32

(Bradford Exhibit 21, BCPSS FY 2005 Budget; Bradford Exhibits 63, 65.)

165. These planned class size increases mean that Baltimore City, despite having the highest percentage of at-risk students who could benefit from small classes, will once again have the largest average class size of comparable Maryland districts. (Tr. 1311:19-24; Bradford Exhibits 96-101.)

166. In contrast, Montgomery County has instituted a program focusing resources on high-need, low performing schools that, among other things, has sharply reduced class size in kindergarten to 15 and in grades 1-3 to 17. There has been an

encouraging increase in test scores as a result of these reductions in class size. (Bradford Exhibit 5, Ross Dec. at 13; Bradford Exhibits 17, 19, 97.)

167. BCPSS previously has indicated that the increased class sizes are averages, not caps – meaning that classes may have *more* students than the anticipated limits. (Bradford Exhibit 13; (Letter from Sally A. Robinson to Judges Garbis and Kaplan, June 1, 2004, ("Robinson Letter").) BCPSS representatives testified, however, that the class sizes are caps, meaning that except in rare and exceptional circumstances no class will exceed the anticipated size. (Tr. 567-72; 1246:18-1247:3.)

168. The system is using its Thornton funds in part to reduce the effect of an otherwise planned class size increase, meaning that the system had planned to increase class sizes by three and it used Thornton funds to increase class sizes only by two this year. (Tr: 108:1-9.)

169. This increase in class size is particularly worrisome because one of Board's key initiatives to improve and ultimately attain adequacy – one of the centerpieces of the Remedy Plans submitted to this Court in 2000 and 2002, for instance – was smaller class size. (Tr. 1195:7-17; Bradford Exhibit 78.)

170. Students, parents, and teachers all testified that the increases in class size will adversely affect educational opportunity. As named plaintiff Keith Bradford explained, "[d]ue to budget cuts . . . [o]vernight, [his son] Andrew's two classes increased in size from approximately 21 students to a class size of approximately 27 students in one class and 33 students in the other." (Bradford Exhibit 113, Bradford Dec. ¶ 5.) This class size increase led to a sharp decrease in Andrew's grades, made it more difficult for the teachers to control the students, and caused Andrew to lose "his enthusiasm and his interest in education." (Id. ¶ 6.)

171. Mr. Bradford also testified that his son Kendall experienced losses in educational opportunities due to increased class sizes. For example, Kendall failed science because his class was "too large" (over 32 students) making it a difficult

environment in which to learn. (Tr. 1264:12-1267:17). Dunbar only provided one twilight science class for the hundred plus students that failed science that semester. (*Id.*). Only after significant pressure from the parents did the administration at Dunbar add one more twilight science class (leaving 90 plus students still without recourse), explaining that there was no "money in the budget to pay a teacher." (*Id.*).

172. Expert testimony demonstrates that the increase in class sizes will adversely affect educational opportunity for all BCPSS' students. Educational expert Steven Ross concluded that that larger class sizes "can only work in the direction of increasing teaching demands and reducing the potential to raise student achievement," and he notes that research demonstrates that smaller class sizes are particularly important in high-need districts like Baltimore City. (Bradford Exhibit 5, Ross Dec. at 16.) Increases in class size, according to Dr. Ross, "creates a less attractive situation for a teacher to stay in Baltimore" and "creates additional demands." (Tr. 451:2-4.) Dr. Ross points to the research demonstrating that larger class sizes disproportionately affect disadvantaged children. (Tr. 453:2-5, 15-18.)

173. Dr. Ross also raises serious question about the validity of the argument raised by the BCPSS in some court submissions that modest class size increases will not cause "significant liabilities." He concludes, to the contrary, that "there are logical and scientific reasons to believe that 'liabilities' occur with *any* increase in enrollment ." (Bradford Exhibit 5, Ross Dec. at 12.) As Dr. Ross explains, "[a]ny increase in class size will be harmful, particularly in a district that serves many at risk students." (Tr. 450:7-13.) In Dr. Ross' opinion, "[e]very kid you add in a disadvantaged urban setting is increasing the demand on that teacher, decreasing the attractiveness of teaching in that district, [and] making it harder to be successful." (Tr. 455:8-13.) Ultimately, in Dr. Ross' opinion, given BCPSS' low 2004 scores, particularly the high percentage of students performing only at the "basic" level, there is an increased likelihood that larger classes will include more than a handful of students who need special attention to move

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beyond the basic level. (Tr. 450-460; *see also id.* at 612:15-23; 613:25-614:24 (Dr. McLaughlin recognizing the burden on regular education teachers if there are not enough assistants trained in special education in large classrooms with students that have IEPs).)

.174.... The staffing cuts and increased class size also will diminish achievement outcomes for students receiving special education services. (Tr. 498-500; Tr. 603-607, 610-614, 622-623; Tr. 1466.)

175. Witnesses from the BCPSS conceded that, as educators, if the funds were available, their preference would be to reduce, rather than increase, class sizes. (Tr. 648:12-14.)

# 2. Teacher Reduction and Attrition and Reduction in Teacher-Mentor Program Have Reduced Educational Opportunity

176. The proposed reduction in the actual number and quality of teachers through layoffs and attrition, as well as the elimination or reduction of academic coaches and mentors that help less experienced teachers learn to teach, likely will, as Dr. Ross opines, also have an adverse impact on educational quality. (Tr. 469:17-471:12; Bradford Exhibit 5, Ross Dec. at 15-16.)

177. In order to increase class sizes for school year 2004-05, the system has reduced its teaching force by 250 teachers. (Tr. 1305:12-16).

178. A number of part-time teacher mentors, retired teachers whose function was to mentor and help train new teachers, were also laid off. (Tr. 1303:25-1304:2.) About 100 academic coaches, who also helped train teachers and provided professional development opportunities, were laid off at the beginning of the 2003-04 school year. (Tr. 1298:4-18.)

179. As educational expert Dr. Ross notes, "teacher effectiveness is by far the most important extrinsic determinant of student success" (Bradford Exhibit 5, Ross Dec.

at 15), and a policy that leads to experienced teachers leaving and provides fewer resources to assist new teachers is unwise.

180. BCPSS representative Bill Boden testified that the attrition and retirements are more likely to apply to experienced teachers than brand-new teachers. (Tr. 364-65.)

181. Dr. Ross testified that there is "very clear evidence" showing "that veteran teachers have significantly higher effectiveness scores" and that "[e]ffectiveness scores mean how much you bring your class of students up on the standardized tests than beginning teachers." (Tr. 470:6-14.)

182. It is unclear from the evidence whether the BCPSS will have sufficient teachers focusing in certain hard-to-hire specialties after the reduction/attrition to fully staff classes in those subject matter areas. (Bradford Exhibit 11, Letter from Valerie V. Cloutier to Hon. Joseph H.H. Kaplan, *et al.*, June 14, 2004, at 2; Tr. 1306.)

183. The State has repeatedly pointed out the importance of continuing to attract and retain qualified teachers and providing sound mentoring programs for them to continued progress for the BCPSS. (Bradford Exhibit 57, Letter from Nancy S. Grasmick, *et al.*, to Hon. Thomas V. Miller, Jr. *et al.*, March 2003, at 6; Bradford Exhibit 30, Letter from Nancy Grasmick to the Hon. Thomas V. Miller, et al., March 31, 2004, at 9; *id.* at 10; *id.* at 11; *id.* at 13.)

184. The loss of experienced teachers and the loss of mentoring resources already has, and will continue to, contribute to the substantial decline in morale throughout the system. As Dr. Ross explained, teacher disenfranchisement or lack of morale is one of the top two factors "in impeding reform" because "[i]t is the teachers who are the ones in the classroom interacting with the kids. If the teachers don't want to do the reform, don't embrace it, feel disenfranchise[d], it is not going to happen." (Tr. 494:7-21.)

185. Steve Buettner, a former principal who decided to take a job in Baltimore County, submitted a declaration, in which he describes the impact of the budget cuts on morale: "the budget cuts are bad enough, but the level of morale was absolutely morose. School staff cannot take these constant budget issues. It is one thing to lose a guidance counselor, secretary, and custodian, but it truly another blow to the children of this City to make their teachers feel they can lose their jobs at any time." (Bradford Exhibit 113, Buettner Dec. at 3.)

186. As described by Justine Jenkins in one of the student petitions submitted to the Court by the Algebra Project, "we lost some of the best teachers because of the crisis." (Bradford Exhibit 126; Tr. 509:11-18.) Chelsea Carson likewise described the lack of "qualified teachers" in the petition she submitted. (*Id.*; Tr. 510:1-5.)

187. A declaration submitted by Kathy Bacon, a teacher at Pimlico Middle School, emphasizes the important role that mentors play to young teachers. (Bradford Exhibit 113.) As Ms. Bacon explains, "when [my mentor] was laid off I was at a loss" and without mentors "I suspect that new teachers will be left to their own devices, causing them to make a large number of avoidable mistakes." (*Id.* at 3-4.)

188. Sheila Eller, a retired speech pathologist who served as a teacher-mentor, also submitted a declaration, in which she describes the impact of the elimination of mentors: "The budget cuts and subsequent dismissal of part-time mentors had a tremendous impact on Pimlico. For instance, teacher-administration communication suffered, after school workshops were no longer available and general teaching instruction was no longer available for novice teachers. Without teacher mentors ... new teachers were without basic school supplies as many mentors supplied, out of their own pocket, money, chalk, pencils and paper for students." (Bradford Exhibit 113, Eller Dec. **1**6).

189. Niki Moghbeli, a former BCPSS teacher, likewise submitted a declaration highlighting the valuable role of mentors, particularly for new teachers. As a "brand new

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teacher, the guidance I received from [my mentor] became an invaluable resource that improved my teaching skills and helped me provide quality lessons to my students." (Bradford Exhibit 113, Moghbeli Dec. ¶ 5; see also id. ¶ 10 ("[t]he mentor system was my most valuable tool".) After her mentor was laid off, Niki explains that, "both my teaching ability and my students' educational experience suffered. I lacked guidance in providing properly prepared materials and lessons for my students. Additionally, I could no longer provide my students with adequate school supplies – I could not even supply every student with a pencil based on the amount of supplies the school afforded me. [My mentor], however, had many outside contacts, such as her church, that donated paper, pencils and crayons to my students." (Id. ¶ 9.)

190. Sarah Reckhow, another new BCPSS teacher, also found her mentor to be a very valuable resource, but like others, had to survive without a mentor during the 2003-2004 school year. (Bradford Exhibit 113, Reckhow Dec. ¶ 2 (noting that "[t]he first year of teaching is incredibly challenging" and that she has "no doubt that the presence of mentors for first year teachers is an important way to improve the level of instruction for students in Baltimore City.").)

191. The impact of the high level of vacancies for special education teachers (115 vacancies) and the lack of certified special educators is exacerbated by BCPSS' cust in support staff and professional development opportunities. (Ross, Tr. 494-499; McLaughlin, Tr. 615-617; Grasmick, Tr. 1460-1462; Amos Tr. 780-786, 883-890, 908-913.)

# 3. Elimination of Systemic Summer School for Struggling Elementary and Middle School Students Has Reduced Educational Opportunity

192. The BCPSS purports to save approximately \$10 million for FY 2005 by eliminating systemic summer school offerings for elementary and middle school students who are struggling academically and who have been retained in a grade. (Tr. 105:13 –

106:1: 1204:22-25; Tr. 521:13-17 (Chinnea – budget allocation for summer school in 2003 was between \$11 and \$14 million); Tr. 523:10-13 (2003 summer program was a systemic program).)

193. That represents an additional reduction from summer school offerings from 2002-03. For the 2002-03 school year, the system had budgeted \$17 million to summer school. (Bradford Exhibit 45, BCPSS, An Evaluation of Summer School 2003: Phase I, Nov. 21, 2003, at 17.)

194. Previously, the system offered systemic summer school to all elementary school children who performed poorly on the Comprehensive Test of Basic Skills and who were at risk of being retained a grade. In 2002, 43,257 students were eligible for this summer school program, and approximately 30,600 attended. In 2003, similarly, 39,541 students were eligible, and 18,965 attended. (Bradford Exhibit 45, BCPSS, An Evaluation of Summer School 2003: Phase I, Nov. 21, 2003, Executive Summary; Bradford Exhibit 67, BCPSS, An Evaluation of Summer School 2002: Phase I, August 2002 at 22.)

195. Retained students from grades K-8 in need of summer school programs are no longer given the opportunity to make up that grade over the summer. (Tr.1300:24-1301:3; Tr. 529:17-25.) As student Malika Howell said, "[m]y little sister can't go to summer school and she is going to have to repeat the first grade." (Bradford Exhibit 126; Tr. 509:1-10.)

196. There is no plan in place for a systemic summer school program for 2005 either. (Tr. 655:24-656:8.)

197. Systemic summer school provided a substantial benefit to students who attended. Testimony and evidence from the BCPSS and the State, as well as educational experts, uniformly so indicates.

198. As the BCPSS noted in its June 1 submission to the Court and in the draft "intervention plan" submitted as an exhibit, students "lose approximately 2.6 months" of

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grade level equivalency over the summer, and "[s]ummer learning loss contributes to the achievement gap in reading performance between lower income and higher income children and youth." (Bradford Exhibit 13, Robinson Letter, Attachment 1, Slide 1, quoting the Johns Hopkins University's Center for Summer Learning; Tr. 645:14-646:1; Tr. 714:12-19; BCPSS Exhibit 11.)

199. The system's own evaluations describe the benefits to students attending systemic summer school. as detailed in the BCPSS Remedy Plan for FY 2003 "BCPSS decided on summer school as one intervention, based on positive results from its own pilot research conducted in 1999 and the success of The Summer 2000 program." (Bradford Exhibit 78, The Remedy Plan.) (Bradford Exhibits 45, 67.)

200. Increased summer school offerings over the past few years have been credited with helping city schools improve their performance by the independent evaluators required by the Consent Decree and S.B. 795. (*See, e.g.*, Interim Evaluation, Executive Summary, at 3, 29-30 (noting that summer school "helped to increase achievement for a majority of students who participated").) as detailed in the BCPSS Remedy Plan for FY 2003 "BCPSS decided on summer school as one intervention, based on positive results from its own pilot research conducted in 1999 and the success of The Summer 2000 program." (Bradford Exhibit 78, The Remedy Plan.)

201. Representatives of the BCPSS testified that systemic summer school benefited students and was a "successful" program, and that elimination of summer school diminished opportunities for students. (Tr. 545:13-546:4; Tr. 645:21-646:1; Tr. 713:9-16; Tr. 1245: 16-21.)

202. System officials also testified that if the money was available, their preference would be a continuation of a systemic summer program, along with a full program of intervention during the school year. (Tr. 647:21-648:2; Tr. 1288: 4-9.)

203. The State, similarly, has conceded that systemic summer school provided a substantial benefit to students who attended. In her 2003 report to the General

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Assembly, similarly, the State Superintendent noted that summer school was "critical to BCPSS students." (Bradford Exhibit 57, Letter from Nancy S. Grasmick, *et al.* to Hon. Thomas V. Miller, Jr., *et al.*, at 10). Superintendent Grasmick testified that the ideal program would combine interventions during the school year with a systemic summer school system. (Tr. 1544:17-1545:25.)

204. Expert testimony demonstrates that the elimination of systemic summer school reduces educational opportunities for students. Educational expert Steven Ross confirms that elimination of a systemic summer school program for struggling elementary and middle school programs will adversely affect educational opportunities. (Bradford Exhibit 5, Ross Dec. at 3-10.) As Dr. Ross testified, "[e]limination of a systemic summer school program is moving in the wrong direction. It is detrimental to the children of Baltimore. It would be detrimental to the children at risk in any environment." (Tr. 457:21-25.)

205. Dr. Ross bases this conclusion on research that shows that "[s]ummer school is one area that has a positive effect on disadvantaged students." (Tr. 458:1-7.) Dr. Ross also points to research showing that "during the summer, at risk kids lose about three months relative to where they were before [the] recess started" compared to "[m]iddle class kids or less disadvantaged kids only lose one month." (Tr. 458:18-22.)

206. In place of this systemic summer program, this summer BCPSS is offering (1) a patchwork of community-based programs to significantly fewer students, approximately 7,000; (2) a "summer learning challenge" developed by the mayor, in which students are expected to solve a daily math problem and read 30 minutes a day; and (3) a draft plan for targeted student interventions to take place in 2005. (Bradford Exhibit 13, Robinson Letter at 3-4; BCPSS Exhibit 11; Tr. 528-40.)

207. These programs do not provide an acceptable substitute for a systemic summer school program designed to provide academic help to struggling students and to prevent the inevitable summer learning loss that occurs when students are not in school.

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208. The community-based summer programs serve substantially fewer students than the systemic summer school program – approximately 7,000, as compared to 18, 965 last year and 30,600 the year before. (Tr. 1300:20-23; BCPSS Exhibit 7, BCPSS Exhs. 25, 34.)

209. The community-based programs, moreover, are largely continuations of supplemental programs also offered last year. (Tr. 650:1-7; Bradford 124, 125.)

210. They do not offer students the opportunity to avoid repeating a grade. (Tr. 529.)

211. The community-based programs are ad hoc, developed by individual community groups and schools, without either the systemic, unified curriculum or the formal evaluative component that both Dr. Ross and the BCPSS recognized are important. (Tr. 457-67; Bradford Exh. 5) As Chief Academic Officer Linda Chinnea testified, there is no "formal evaluation" planned for the 2004 summer school program like the "evaluation of the [2003] systemic summer school program." (Tr. 540:3-17; *compare* Tr. 646:15-647:11 (noting importance of evaluative and systemic components for effective programs).)

212. Educational expert Stephen Ross opined that this patchwork of community-based programs, although they appear well-intentioned and may be individually valuable to a limited population of students, are not a sufficient substitute for a systemic program designed to stem the inevitable summer learning loss. (Bradford Exhibit 5, Ross Dec. at 6; Tr. 457-67.)

213. Similarly, Dr. Ross observed that programs like the Mayor's Summer Learning Challenge, although well intentioned, are not a "substitute for a research-based, well-designed, well-implemented program that gets kids learning during the summer." (Tr. 463:19-22.)

214. Finally, the system's draft "intervention plan," although it contains some promising indications of additional systemic focus on children who need help in reading

and math, does not substitute for a systemic summer school program. As Dr. Ross noted, the system's draft plan is "pretty thin;" appears to be just "a list of objectives" and lacks a "rigorous evaluation component." (Tr. 466:12-467:12.)

# 4. Adding A Fee To Summer School for High School Students Has Reduced Educational Opportunity

215. The 2004 summer program for high school children who need credits to graduate also has been scaled back significantly as a result of the budget cuts.

216. The high-school summer program is a credit replacement program. It permits high school students who have failed classes for which they need credits to graduate to earn those credits during the summer. Students may take two classes during the summer program. (Tr. 531, 668; Bradford Exhibits 45, 67, 102.)

217. In the summer of 2002, the summer school program for high school students was free. In 2003, students were charged \$75 total to attend. In 2004, high school students were charged \$150 per course or, if a student takes the maximum two courses, \$300. (Tr. 522; Tr. 531:14-21; 673:22-674:25; 669:22-670:4.)

218. The system does provide a "waiver" program. There is evidence that students did not learn of the waiver (or, indeed, of their eligibility for summer school) until very shortly before summer school was to start, and there is also evidence that the administration of the waiver program was confused and did not provide students with appropriate opportunities to obtain waivers. (*See* Bradford Exh. 113, Foy Dec. at 2-3.)

219. Of the 2,646 students enrolled in the high school summer courses this summer, only 1,000 waiver applications were submitted. 800 waivers – representing about a third of the students attending – were granted. (Tr. 537:4-11; Tr. 670:25-671:4.) Most of the waivers granted were partial, not full, waivers. (Tr. 126:22-127:7.)

220. There was a substantial drop in the number of high school students that attended the 2004 summer program compared to both the 2002 program, which was free, and the 2003 program, in which students were charged only \$75. (Tr. 673:22-674:25.)

221. The BCPSS' summer school reports reflect that in 2002, 6,489 attended at the high school level and that in 2003, 4,086 high school students attended summer school. (Bradford Exhibit 67, BCPSS, An Evaluation of Summer School 2002; Phase I at 28, table 11; Bradford Exhibit 45, BCPSS, An Evaluation of Summer School 2003: Phase I at 42, table 12.) In 2004, only 2,646 attended. (Tr. 673:22-674:25.)

222. Educational expert Dr. Steven Ross testified, "[t]he high school students having the strongest need for summer school experiences are also those least likely to have financial resources" so the fee "will serve as a barrier or deterrent for many students in need." (Bradford Exhibit 5, Ross Dec. at 8; Tr. 464: 15-19 ("the students most likely to need the summer school program are the least likely to have \$150").)

# 5. Elimination of Elementary-School Guidance Counselors, Attendance Monitors, and Other Support Personnel Has Reduced Educational Opportunity

223. The BCPSS also decreased costs by eliminating guidance counselors and other essential staff, including employees charged with monitoring attendance and addressing student attendance problems. (Bradford Exhibit 21, BCPSS Fiscal Year 2005 Proposed Operating Budget at 77, 83; Tr: 109:9-17; Tr. 520:6-9; Tr. 940; Tr. 1091:12-1096:1)

224. Ms. Amos testified that 24 guidance counselors for elementary schools were eliminated leaving no guidance counselors to serve elementary age students, and that the guidance counselor to student ratio for middle and high school is 1:100. (Tr. 774-76; 945-46.)

225. At-risk students, in both elementary and high school, benefit from guidance counselors. (Tr. 914; 940; 943-45.) This is because BCPSS, in Ms. Amos' opinion, has to consider more than the academic side of the equation for at risk kids, "[y]ou have to consider the whole child, and support programs should be an integral part of a child's instruction, instructional program." (Tr. 943.) Irma Johnson submitted a declaration in which she describes the vital role that guidance counselors play in a system with high at-risk population. Bradford Exhibit 113, Johnson Dec. at 2 ("I was perplexed when it was announced that all elementary school counselors in BCPSS were going to be removed as of January 2, 2004. This service is vital to student living in low social economic areas!!")

226. Ms. Amos testified that the best model in her opinion would be to have guidance counselors and outside mental health services in place for the kids because "a lot of the guidance counselors don't do wraparound services, and our students come to school with family issues and issues that don't just end at 3 o'clock or 2:35, that they do need support in the community. A lot of them come from drug-infested areas. We have a lot of grandparents raising students. A lot of our attendance problems are due to, when we investigate, parents or grandparents not being able to get the kids to attend school, and for truancy, Juvenile Services doesn't really -- they are overwhelmed, so they don't really handle it very well. So a lot of mental health providers follow through outside of school. They visit the home. They work with the family and they do other things besides the guidance program. (Tr. 943-946.)

227. Dr. Ross has opined that such cuts will have an adverse educational impact. (Bradford Exhibit 5, Ross Dec. at 14-15.) As Dr. Ross notes, "[a]t risk kids, disadvantaged kids and schools need guidance counselors . . . in a very serious way in terms of helping" because "[t]here are more behavior problems, more suspensions, more referrals." (Tr. 468:4-7.) Thus, in Dr. Ross' opinion, "it is negative to eliminate some of the guidance counselor positions." (Tr. 468:18-19.) Special Education expert Dr.

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McLaughlin also explained that the lack of guidance counselors and mentors affects teacher attrition. (Tr. 616.)

228. Students also testified to adverse effects from the loss of guidance counselors. Chantel Morant, a student representing an advocacy and tutoring group, the Algebra Project, explained that the loss of a guidance counselor at a crucial time in a student's academic career, for example, in the 11<sup>th</sup> grade when SAT exams and college recommendations need to be completed, can have a devastating impact. (Tr. 507:14-508:4.) Likewise, in one of the petitions submitted to the Court by the Algebra Project, Jaree Colbert explained that, "I lost my guidance counselor, leaving me to talk to a stranger about my personal life." (Bradford Exhibit 126; Tr. 509:19-25.)

229. The system also has eliminated most of the central office staff that address and track attendance issues, adding those duties to the workloads of employees in the area offices. Moreover, many of the attendance clerks in the area offices (who make phone calls to parents about truancy) were part-time staff and also were let go. The system also has eliminated "truancy courts" from a number of schools. (Tr. 1091:12-1096:1.)

230. Similarly, the loss of employees charged with monitoring attendance will have an adverse educational impact, particularly given the system's substantial problems with attendance and truancy described above.

# 6. Failure to Expand Existing Programs Will Reduce Educational Opportunity

231. In addition to these cuts and others, there are a number of areas in which the BCPSS has decided not to implement planned expansions in services designed to help educate at-risk students.

232. The February 2004 revised Master Plan currently on file indicates that the BCPSS intends not to implement previously planned expansions in music and arts and physical education programs, in gifted and talented programs, in pre-Kindergarten

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programs, in technology models to early learning environments, in providing bilingual translators for parents with difficulty speaking English, and the like. (Bradford Exhibit 38, Revised Master Plan, at 173, 175, 187, 203, 236, 238.)

# H. There Are A Number Of Ways To Infuse Extra Cash For Education Into The BCPSS For This Academic Year

233. The evidence demonstrated that there are a number of ways that the BCPSS could ensure that at least an additional \$30 to \$35 million is spent on improving educational opportunity for children this year.

234. The BCPSS and the State Superintendent could request a deficiency appropriation from the General Assembly.

235. Indeed, the most recent revision to the Financial Recovery Plan, submitted by Chief Executive Officer to the Board based on a report from the Financial Operating Committee, dated July 20, 2004, recites that the BCPSS intends to seek a deficiency appropriation for at least the approximately \$10 million that a geographic cost of education index would have yielded to Baltimore City if that adjustment had been included in the state budget for FY 2005.<sup>4</sup>

236. The City could arrange a bond issue to accelerate the approximately \$31.5 million in accrued but unpaid leave time that the City is currently paying the BCPSS over time.

237. After school system employees were transferred from the city payroll to the school system payroll as part of the creation of an independent Board under the Consent Decree and S.B. 795, the City agreed to pay the Board an amount to cover the cost of accrued unpaid leave for those employees, over a number of years. The current

<sup>&</sup>lt;sup>4</sup> The Board has recently provided the Court with copies of the new Plan, which apparently was approved by the Board during a meeting on August 10.

balance owed comes to \$31.6 million, to be paid in 11 payments, the first ten in the amount of \$2.8 million each and the balance in a final payment. (Tr. 1147-49.)

238. City Finance Director Peggy Watson testified that the City is prepared to arrange a bond issue that would yield the present value of those payments to the BCPSS. (Tr. 1149-50.) Ms. Watson and a number of documents confirm that the BCPSS could then use the amount yielded by that issue to provide educational benefits to children. (Tr. 1150; Bradford Exhibits 34, 37, 94.)

239. The BCPSS has indicated a willingness to engage in such a transaction. The most recent Financial Recovery Plan drafted by the CEO, and recently submitted (after the hearing) to the Court, provides that the "City of Baltimore will accelerate its payments to BCPSS for unpaid leave."

240. The City could increase its local share of school funding. The Court notes that the City's local share of school funding has remained flat since the Court issued its June 2000 declaration finding that substantial additional funds were necessary, while the State's share of school funding has increased, albeit not enough for compliance with the June 2000 declaration. (Tr. 1168-70; State Exhibit 1, Brooks Dec. Attachment A, at 4.)

241. The City could arrange a further long-term loan to its partner, the BCPSS, and could arrange for repayment on more generous terms than the almost immediate repayment of the bulk of the \$42 million loan it already has offered. City Finance Director Peggy Watson and City documents confirm that at least one major bond rating agency, Standard & Poor, has determined that the City's level of reserves was "satisfactory" even after the \$42 million initial loan was made. (Tr. 1132-1136; City Exhibit 4.)

242. The BCPSS also could cut its planned \$10 million "rainy day" fund by a substantial amount, recognizing that if there ever were a "rainy day" for the students of Baltimore City, this is it.

# I. Management Of The System, While Still Exhibiting Deficiencies, Seems To Be Improving Under The New CEO And Management Team

243. The BCPSS is currently operating under almost entirely new management, including a new CEO, a new CAO, a new CFO, a new Director of Human Resources, and several new Area Officers.

244. The BCPSS, under this new management team, appears to be moving to address a number of the issues that led to the accumulation of the deficit. It is instituting a new computerized tracking system that should permit it to accurately track vacancies and salaries, which has been an issue in the past, and it has imposed significant new budgeting and fiscal controls. It has a timeline to address and appears to a making progress toward, the issues raised by the Ernst & Young and Greater Baltimore Committee audits.

245. Most of the evidence of mismanagement presented at the hearing appeared to relate to issues that are not current, and that were not attributable to current to management.

246. The Court believes at this time that the current new management should be permitted to continue its work.

247. The Court has continuing concerns, however, about the management of the system. In particular, there was troubling evidence at the hearing about the reporting and tracking of student credits, graduation requirements, and other information. There was also troubling evidence about continuing issues with correctly determining the number of students in the free and reduced price lunch program, continuing issues tracking Medicaid payments, and the like, all of which could have financial consequences for the system and harmful effects in the students. (Tr. 1450:24-1451:9.)

#### **III. APPLICABLE LAW**

A. The Maryland State Constitutional Requirement of Educational Adequacy

As this Court first recognized in 1996 during proceedings on Plaintiffs' motion for partial summary judgment, an education is not only of paramount importance to children and society, it is also a constitutional right of every Maryland schoolchild. This conclusion is mandated by the Maryland Court of Appeals' direction in *Hornbeck v. Somerset County Bd. of Educ.*, 295 Md. 597, 638-39 (1983). In *Hornbeck* the Court of Appeals held that the right to an adequate education is guaranteed by Article VIII of the Maryland Constitution. Article VIII of the Maryland Constitution provides:

"The General Assembly . . . shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation or otherwise, for their maintenance."

Md. Const. Art. VIII § 1. Consistent with *Hornbeck*, this Court previously held in this Court's Order of October 18, 1996, that "the thorough and efficient language of Article VIII requires that all students in Maryland's public schools be provided with an education that is adequate when measured by contemporary educational standards." In granting partial summary judgment to the Bradford plaintiffs and the City, this Court determined that the State's own educational standards, as well as other contemporary education standards, established that Baltimore City schoolchildren were not receiving a constitutionally adequate education.

This Court has continuing jurisdiction to remedy the constitutional violation it found in October 1996 and June 2000. See Green v. County Sch. Bd., 391 U.S. 430, 439 (1968)("the court should retain jurisdiction until it is clear that state-imposed segregation

has been completely removed"); Washakie County Sch. Dist. No. 1 v. Herschler, 606 P.2d 310, 337 (Wyo. 1980)(directing the trial court to "retain jurisdiction until a constitutional body of [public school financing] legislation [was] enacted").

B. The Court's Inherent Power and Jurisdiction to Enforce its Own Orders

This court has the inherent power and jurisdiction to enforce its own orders. See e.g., Reich v. Walker W. King Plumbing & Heating Contractor, 98 F.3d 147, 154 (4<sup>th</sup> Cir. 1996); Virginia Panel Corp. v. MAC Panel Co., 139 F. Supp. 2d 753, 756 (W.D. Va. 2001); Link v. Link, 35 Md. App. 684, 688, 371 A.2d 1146, 1149 (1977); Memorandum Opinion of June 25, 2002, at 4-5.

#### **IV. CONCLUSIONS OF LAW**

The focus of these proceedings was on the ability of the Baltimore City Public School System (BCPSS) to operate financially and programatically during the upcoming school year given the system's serious cash-flow crisis and accumulation of a \$58 million structural deficit. The system is in its current precarious position due to the cumulative effect of substantial under-funding by the State, past mismanagement by the School Board and prior administrators and the City's hastily conceived bail-out, which has imposed an unreasonable and unnecessary timetable for financial recovery. Clearly, the economic downturn of the system was set in motion by the State's failure to provide the financial support the experts and this court found to be necessary in 2000. The City exacerbated the problem by taking over the system when it did not have the economic wherewithal to operate the system. It is evident, however, that money alone cannot solve

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the system's problems. The school system has lacked leadership at all levels, lacked control of its finances, lacked accountability and was top-heavy with administrative positions.

The Court is gravely concerned that measures taken by the State, City and School Board to address the current fiscal crisis have compromised the quality of education being provided to Baltimore City's schoolchildren. It is clear from the sheer weight of the evidence adduced during the July and August hearings that the constitutional violation that this Court found in October 1996 and June 2000 is continuing. Given the existence of this persistent constitutional violation, the System must not significantly reduce educational opportunities available to children. The BCPSS, however, under the direction of the Fiscal Operating Committee, has diverted funds toward the rapid pay down of the deficit which would otherwise be used to pay for fundamental educational services and programs for Baltimore City schoolchildren. Compounding the problem, the State has been unwilling to provide immediate funding in accord with this Court's final 2000 order and will not arguably comply with that order until 2008 when full funding under the *Bridge to Excellence Act* is received.

In the mean time the children cannot be rnade to suffer for the mistakes of the adults. To that end, the court will declare that both the Memorandum of Understanding between BCPSS and Baltimore City and S.B. 894, which require the pay down of the \$58 million deficit in two short years, null and void as applied to BCPSS. Additionally, the Court will declare that the State should make every effort before FY 2008 to provide the substantial additional funding which it has unlawfully failed to provide in contravention of this Court's final 2000 order. For this school year alone, the State and BCPSS should

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make available \$30-45 million in operational funding to be spent on programs and services that benefit at-risk children. The Court sees no reason at this time for a major restructuring of the BCPSS. The Court, however, is concerned with the City's role under the MOU, which gives the City increased authority over the BCPSS budget through the Fiscal Operating Committee. The City has impressive capacity to assist the BCPSS in book-keeping and accounting. It lacks the capacity, however, to link educational outcomes to mandated budget cuts. Therefore, the Court will further declare that the City shall continue to monitor BCPSS' accounting and finances through the Fiscal Operating Committee and the MOU, but decisions regarding program funding and the BCPSS operating budget must be made solely by the School Board under the direction and assistance of the Maryland State Board of Education.

# A. The Constitutional Violation This Court Idenitified in October 1996 and June 2000 is Continuing

Article VIII of Maryland's Constitution provides that the "General Assembly ... shall by Law establish throughout the State a thorough and efficient System of Free Public Schools, and shall provide by taxation or otherwise, for their maintenance." Md. Const. Art. VIII § 1. Under Article VIII, a "thorough and efficient" education, meaning an education that is adequate when measured by contemporary educational standards, is the constitutional right of every Maryland schoolchild. *Hornbeck v. Somerset County Bd. of Educ.*, 295 Md. 597, 639, 458 A.2d 758, 780 (1983); *Montgomery County v. Bradford*, 345 Md. 175, 181, 691 A.2d 1281, 1284 (1997); Order of October 16, 1996; Memorandum Opinion of June 30, 2000, at 24-25 (final, binding, and the law of this case because the State dismissed its appeal). Under these standards, the constitutional

violation that this Court found in October 1996 and 2000 is continuing. A number of objective indicators, including the student scores, dropout rates, and other indicators described in the Court's finding of facts above, demonstrate that the students in Baltimore City, as of August 2004, are still not receiving an education that is adequate when measured by contemporary educational standards. They are still being denied their right to a "thorough and efficient" education under Article VIII of the Maryland Constitution.

B. The Court is Supervising A Phased-In, Gradual Remedy For That Constitutional Violation, And Until That Remedy Is Achieved The System Must Not Reduce Educational Opportunities Available to Children

The State of Maryland enacted the historic Bridge to Excellence Act in 2002 in direct response to this Court's June 2000 order declaring that additional State funding of \$2,000 to \$2,600 per pupil was required for constitutional adequacy. The Bridge to Excellence Act was intended to eliminate the "adequacy gap" between pre-existing funding and the amounts necessary for school systems to comply with state educational standards. Under the Bridge to Excellence Act, Baltimore City is to receive increases in State funding over pre-existing funding of approximately \$258 million, to be fully phased in by FY 2008. This money is meant to provide Baltimore City with sufficient State funding to achieve adequacy. Evidence at the hearing indicates that the system should receive at least another \$225 million over current levels under Thornton by FY 2008. Full compliance with this Court's June 2000 declaration will not arguably occur until the BCPSS receives at least \$225 million in additional State funding under the Thornton Act. Therefore the State and BCPSS are under a continuing obligation to remedy the inadequacy of the education provided to students in the BCPSS. Until that constitutional violation has been corrected, the system must continue to make progress toward

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constitutional adequacy. To that end, the parties shall not substantially reduce the educational opportunities provided to Baltimore's school children.

C. Declaratory Relief Ensuring Continued Progress Towards That Gradual Remedy, And No Deprivation of Educational Opportunities As A Result of The Budget Crisis, Is Appropriate

This Court has the authority and jurisdiction to enforce its own orders and to remedy the constitutional violation it found in October 1996 and 2000. See e.g., Reich, 98 F.3d 147, 154 (4th Cir. 1996); Virginia Panel Corp., 139 F. Supp. 2d 753, 756 (W.D. Va. 2001); Link, 35 Md. App. 684, 688 (1977); Memorandum Opinion of June 25, 2002, at 4-5; Green v. County Sch. Bd., 391 U.S. 430, 439 (1968)("the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed"); Washakie County Sch. Dist. No. 1 v. Herschler, 606 P.2d 310, 337 (Wyo. 1980)(directing the trial court to "retain jurisdiction until a constitutional body of [public school financing] legislation [was] enacted"). Accordingly, the Court rules that, as a matter of law, the steps taken to address the fiscal crisis facing the Baltimore City public schools must not stop the progress towards providing a constitutionally adequate education for Baltimore schoolchildren. The following steps taken to address the fiscal crisis did reduce educational opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore schoolchildren: elimination of a systemic summer school program, increases in class size by up to four children, reduction of experienced teachers and elimination or reduction of mentors and academic coaches, elimination of guidance counselors in elementary school. Among other things, the steps taken above, while achieving cost savings, reduced educational

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opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore school children.

The court hereby finds that the financial savings associated with these steps exceeds \$30 million. The Court finds that the current BCPSS budget reserves \$45 million (\$35 million for deficit reduction and \$10 million in reserve fund) to address fiscal issues rather than devoting those funds to education programs. Therefore, a declaration is appropriate which directs the BCPSS and the State to make available an additional \$30-45 million in operational funding this fiscal year to be spent on programs and services that benefit at-risk children. The Court further directs the parties to report to it in four weeks on the status of the additional funding and plans for its use.

D. The Schedule Established for the Elimination of the \$58 Million Structural Deficit and The Creation of a \$20 Million Cash Reserve Starves the School System of the Operational Funds Needed to Sustain The System's Progress Toward Academic Achievement and Constitutional Adequacy

Senate Bill 894 and the Memorandum of Understanding ("MOU") between the City of Baltimore and the Baltimore City Public School System ("BCPSS") both require the accumulated \$58 million deficit to be eliminated by FY 2006. The Court has the power and authority to strike the statute, as applied to Baltimore City, to the extent that it violates the children's constitutional right to an adequate education by requiring funds to pay down the deficit at the expense of reduced educational opportunities. *See, e.g., Sugarloaf Citizens Ass'n, Inc. v. Gudis,* 319 Md. 558, 568, 573 A.2d 1325, 1331 (1990) (declaring section 19A-22(b) of Montgomery County Code unconstitutional and explaining that "[c]ourts can invalidate legislation on grounds of unconstitutionality."); *Bd. of Pub. Works v. Baltimore County,* 288 Md. 678, 421 A.2d 588 (1980) (invalidating provisions of Chapter 889 of the Acts of 1980 that authorized the expenditure of state

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funds); Beauchamp v. Somerset County Sanitary Comm'n, 256 Md. 541, 261 A.2d 461 (1970) (affirming the unconstitutionality of Chapter 674 of the Laws of 1996 that provided a property exemption from the levy of taxes); Brigham v. State, 692 A.2d 384 (Vt. 1997) (system for funding public education held in violation of state constitution); Seattle Sch. Dist. No. 1 v. State, 585 P.2d 71 (Wash. 1978) (statutory funding scheme found unconstitutional). Similarly, the Court may invalidate the MOU to the extent that it stands in direct conflict with the Board's constitutional duty and is contrary to public policy. See 15 Grace McLane Geisel, Corbin on Contracts § 79.1-.3 (revised ed. 2003)(courts have the right to refuse contract enforcement when necessary to protect a public interest)(constitutions are declarations of public policy); Medex v. McCabe, 372 Md. 28, 811 A.2d 297 (2002)(contracts conflicting with public policy are invalid); Jennings v. Gov't Employees Ins. Co., 302 Md. 352, 488 A.2d 166 (1985)(holding insurance policy clause contrary to public policy invalid and unenforceable). For the reasons discussed below, the Court finds both S.B. 894 and the MOU void to the extent they require the deficit to be eliminated by the end of fiscal year 2006. Additionally, the Court finds that, absent additional funding from the State of Maryland, the deficit should be retired no sooner than fiscal year 2008 and that no more than \$5 million per year should be dedicated to the creation of a \$20 million cash reserve.

The City's effective take over of the BCPSS through the MOU accomplished one thing, it brought the budget into line, though it did so at the expense of the most important job of the school system, educating the children. The City had a myopic view of the system. Their focus was on rescuing a bankrupt system and returning it to solvency regardless of the impact on the system's capability to educate its students. The City's

effort has gone a long way in restoring financial stability to the school system. It's \$42 million loan met the system's short-term cash-flow needs and allowed the system to close out FY 04 with a balanced budget. But the funds used to pay back \$34 million of the city loan were drawn directly from the \$90 million payment the School System received from the State on July 31, 2004. These funds were intended for classroom instruction and to expand educational programs and opportunities for the city's at-risk student population, not for debt service. Instead, these funds were siphoned away to repay the City. The City knew when it extended the loan that the School Board was scheduled to receive the \$90 million payment from the State. In short, the City risked very little to effectively retake control of the school system pursuant to the MOU. The School Board, in crisis, had no choice but to sign on and sign on they did.

The MOU requires the immediate pay down of the \$58 million accumulated deficit over two years. Sixty percent, \$35 million, is to be paid down by the close of FY05 and the remaining forty percent, \$23 million, is to be paid down by close of FY06. (BCPSS Ex. 11, draft Financial Recovery Plan at p. 14). Additionally, the MOU requires that \$10 million be set aside in each of FY 05 and FY 06 as a reserve against unanticipated expenses. (*Id.*) This schedule for eliminating the deficit starves the school system of the operational funds needed to sustain the system's progress toward academic achievement and constitutional adequacy. The great weight of the evidence submitted over the course of the four day hearing in this case clearly establishes that the constitutional violation this court first found in 1996 is continuing. Resolving the present fiscal crisis while simultaneously ensuring that educational quality and opportunity are not further compromised requires a greatly more nuanced approach than the immediate

and abrupt pay down of the deficit. Article VIII's emphasis on educational adequacy demands nothing less. Simply put, the children of the Baltimore City Public School System continue to receive an inadequate education as measured by contemporary educational standards and, while that constitutional violation persists, the system must not reduce educational opportunities available to them.

Going forward, balanced budgets are undoubtedly the goal, and a necessary component of a "thorough and efficient" system of education. The court is keenly aware that one "cannot spend more than it earns." But neither can the State, School Board nor City, if allowed to exert continued control over BCPSS' budget, shirk their constitutional obligation by cutting fundamental educational programs to resolve the budget crisis in the most expedient manner available. The court sees no reason why the \$58 million structural deficit needs to be eliminated in a manner that suffocates operational cash flow and that ultimately results in disproportionately high class sizes, drastic reductions in administrative capacity and the elimination of fundamental educational programs. The State (and Sen. Robert Neall, who then was consulting on the BCPSS' financial problems) all have previously represented to the Court that if BCPSS is running a currently balanced budget (which it is) there is no fiscal reason why it should not take a longer period of time to retire the deficit, so that more money would be available for educational purposes. (Tr. 1584-85.) Indeed, Senator Neall suggested a 10-year period. (*Id.*)

Abbreviated time-lines and expedited repayment schedules are inappropriate here, in the context of public education, where the state and school system, in the face of a persistent constitutional violation, must continue to strive toward the goal of a thorough

and efficient education for the children of Baltimore City. To do otherwise would jeopardize, if not destroy, the gains made under the City-State partnership since 1996. For the above reasons, both S.B. 894 and the MOU between the City and BCPSS should be declared null and void to the extent that they require retirement of the \$58 million deficit in two years. Additionally, the Court finds that, absent additional funding from the State of Maryland, the deficit should be retired no sooner than fiscal year 2008 and that no more than \$5 million per year should be dedicated to the creation of a \$20 million cash reserve.

## E. The State Has Not Complied With Its Constitutional Obligations Or its Obligations Under the June 2000 Declaration

The State of Maryland has not complied with its constitutional obligations to provide and fund a thorough and efficient education for the students in Baltimore City public schools, nor has it complied with this Court's June 2000 order, a final order of this court, which constitutes the law of this case. The State has failed to provide the additional \$2,000 to \$2,600 per pupil that was ordered by this Court in 2000. The State will not even arguably comply with that declaration until, at the earliest, the full amount of funding provided for in the *Bridge to Excellence Act* is received by BCPSS. Even then, the State will have substantially underfunded the amounts due under the 2000 declaration. For the fiscal years 2001, 2002, 2003 and 2004 alone, the State has unlawfully underfunded BCPSS by an amount ranging from \$439.35 million to \$834.68 million<sup>4</sup>. The State

<sup>&</sup>lt;sup>4</sup> The City and BCPSS have set forth two different methods of calculating the amounts still owed by the State under this Court's 2000 order for its failure to adequately fund during FY 2001, 2002, 2003 and 2004. The City's method uses FY 2000 as the base year for calculating increases in State funding, while the BCPSS method uses FY 2001 as the base year. The Court will not rule at this time on which is the appropriate calculation, suffice to say, the State continues to owe BCPSS significant and meaningful sums under

cannot avoid its constitutional obligation to provide adequate funding to BCPSS by focusing on management deficiencies at BCPSS. While the Court recognizes that management problems would have persisted regardless of the State's increased funding, those problems are no defense to the State's on-going and continuous violation of its obligations under the Maryland constitution and a final order of this court. Had the State fully complied with this Court's June 2000 order to provide \$2,000 to \$2,600 per pupil, BCPSS would not have been faced by such a crippling fiscal crisis.

Based on the findings of fact set out above, the Court holds that the State has not complied with its constitutional obligation to the children of Baltimore City, and will not comply, until, at the earliest, the full amount of funding provided for in the *Bridge to Excellence Act* is received. Moreover, the State has unlawfully underfunded BCPSS by \$439.35 million to \$834.68 million in contravention of a final order of this court. The State should not only continue to move toward full funding of the *Bridge to Excellence Act*, but should endeavor to repay over the next several years the amounts it failed to fund pursuant to this Court's 2000 order.

### F. At The Present Time, A Major Restructuring of BCPSS, As Suggested By the State, Is Not Necessary For the System to Function Efficiently and Effectively

The Court sees no reason at this time for a major restructuring of the BCPSS. The BCPSS is currently operating under almost entirely new management, including a new CEO, a new CAO, a new CFO, a new Director of Human Resources, and several new Area Officers. The BCPSS, under this new management team, appears to be moving to address a number of the issues that led to the accumulation of the deficit. It is instituting a

this Court's 2000 order. Were even a fraction of such money made available to BCPSS, the system could move toward financial recovery without reducing the basic educational programming offered to city students.

new computerized tracking system that should permit it to accurately track vacancies and salaries, which has been an issue in the past, and it has imposed significant new budgeting and fiscal controls. It has a timeline to address and appears to be making progress toward, the issues raised by the Ernst & Young and Greater Baltimore Committee audits. Indeed, most of the evidence of mismanagement presented at the hearing appeared to relate to issues that are not current, and that were not attributable to current management. The Court believes at this time that the current new management should be permitted to continue its work.

The Court, however, is concerned with the City's role under the MOU, which gives the City increased authority over the BCPSS budget through the Fiscal Operating Committee. The City has impressive capacity to assist the BCPSS in book-keeping and accounting. It lacks the capacity, however, to link educational outcomes to mandated budget cuts. The City has admitted that its Fiscal Operating Committee recommended cuts without regard to the impact on the classroom. (Tr. 1143, 1145). The result, for the moment, is a financially stable, yet educationally inadequate, "bare bones" system. Therefore, the Court will further declare that the City shall continue to monitor BCPSS' accounting and finances through the Fiscal Operating Committee under the MOU, but decisions regarding program funding and cuts to the operating budget must be made solely by Board of School Commissioners under the direction and assistance of the Maryland State Board of Education.

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#### V. CONCLUSION

The foregoing findings and conclusions of law establish, beyond any question, that the Baltimore City public schools remain constitutionally inadequate, that they remain substantially under funded, and that the budgetary steps taken to address the recent fiscal crisis significantly impair the already inadequate educational opportunities available to Baltimore City's school children. For these reasons, the Court will render the following rulings and declarations:

1. The constitutional violation that this Court found in October 1996 and June 2000 is continuing. The students in Baltimore City, as of August 2004, still are not receiving an education that is adequate when measured by contemporary educational standards. They are still being denied their right to a "thorough and efficient" education under Article VIII of the Maryland Constitution.

2. Full compliance with the Court's June 2000 declaration will not occur until the BCPSS receives at least \$225 million in additional State funding under the Thornton Act by, at the latest, FY 2008.

3. Funding sufficient for the BCPSS to achieve constitutional adequacy will not occur until the BCPSS receives at least \$225 million in additional State funding by, at the latest, FY 2008.

4. The children of Baltimore City should not have to wait another three years for adequate funding, given the continued constitutional inadequacy they face. The State has unlawfully underfunded the Baltimore City school system by \$439.35 million to \$834.68 million representing amounts owed under this Court's final 2000 order for fiscal years 2001, 2002, 2003 and 2004. Given the substantial

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underfunding of the BCPSS, the Court declares that it would be appropriate for the State to accelerate increases in full Thornton funding to the BCPSS. The Court will not, in any event, tolerate any delays in full Thornton funding for the BCPSS beyond FY 2008.

5. Had the State of Maryland honored its commitment under this Court's 2000 order by front-loading Thornton funding for the at-risk student population of the BCPSS, the Court would not have been compelled to extend the period for deficit reduction established by S.B. 894 and the Memorandum of Understanding.

6. The Court will continue to retain jurisdiction to ensure compliance with its orders and constitutional mandates, and to continue monitoring funding and management issues. When the full funding outlined herein is received, the Court will revisit the issue of its continuing jurisdiction, and determine whether the Consent Decree should then be additionally extended for good cause.

7. A number of the steps taken to address the fiscal crisis did reduce educational opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore schoolchildren. Specifically, elimination of a systemic summer school program, increases in class size by up to four children, reduction of experienced teachers and elimination or reduction of mentors and academic coaches, elimination of guidance counselors in elementary school, among other things, reduced educational opportunities and impermissibly interfered with progress towards providing a constitutionally adequate education for Baltimore schoolchildren.

8. Accordingly, the Court declares that, in order to ensure continued progress towards constitutional adequacy, the parties should ensure that educational opportunities for the school children are not reduced, by making available to the children of Baltimore City at least the amount of funding representing the savings achieved from those reduced educational opportunities described above, to be spent solely on programs and services

that benefit at-risk children. The Court further declares that that amount constitutes at least an additional \$30-45 million in operational funding this fiscal year.

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9. The Court believes that the best way to accomplish this goal would be for the parties with revenue raising capacity (the State or City) to increase the funding available to the BCPSS for the upcoming year.

10. To ensure that the necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that S.B. 894's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is unconstitutional as applied to the BCPSS.

11. To ensure that the necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that the MOU's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is null and void as against public policy.

12. Notwithstanding this Court's abrogation of the MOU's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006, the City shall be repaid the remaining \$8 million of its \$42 million loan as scheduled.

13. Absent additional funding from the State of Maryland, BCPSS shall not retire the deficit before fiscal year 2008 and BCPSS shall not dedicate more than \$5 million per year toward the creation of a \$20 million cash reserve.

14. The City of Baltimore shall continue to monitor BCPSS' finances and accounting through the mechanisms established under the MOU, shall ensure that expenditures do not exceed revenues and may make recommendations concerning BCPSS' continued solvency. They shall not, however, through the MOU, impose budget cuts or restrict program funding. Such decisions must be made independently by the Board of School Commissioners under the direction of the Maryland State Board of Education.

15. The parties shall report to the Court in four weeks on the status of the additional funding and plans for its use. The report shall specifically list educational initiatives to be provided with the additional funding and describe how those initiatives will ensure continued progress towards constitutional adequacy. The report shall also update the Court and parties about the BCPSS' budget and fiscal situation.

16. Having issued this declaration, the Court trusts that the parties shall act in good faith and with all deliberate speed to ensure compliance without the necessity of further action by plaintiffs.

Date: august 20,2 ooch

Judge Joseph H.H. Kaplan

Judge's signature appears on original.

Circuit Court for Baltimore City

# **App. 13**

KEITH A. BRADFORD, et al.,	*	IN THE				
Plaintiffs,	*	<b>CIRCUIT COURT</b>				
<b>v.</b>	*	FOR				
MARYLAND STATE BOARD OF EDUCATION	*	BALTIMORE CITY, PART 23				
Defendant.	*	Case No.: 24-C-94-340058				

#### MEMORANDUM OPINION

This matter comes before the Court on the Maryland State Board of Education's ("Defendant") Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105000), filed June 19, 2019, Keith Bradford, et al.'s ("Plaintiffs") Opposition to Motion to Dismiss (docket # 00105001), filed August 23, 2019, the Baltimore City Board of School Commissioners' ("City Board") Response/Opposition to the Motion to Dismiss (docket # 00105004), filed September 17, 2019, Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105005), filed October 18, 2019, Plaintiffs' Sur-reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105006), filed November 18, 2019, and the City Board's Sur-Reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105007), filed November 18, 2019.

I. Facts & Procedural History

On December 7, 1994, Plaintiffs filed suit against Defendant alleging that students in the Baltimore City Public Schools System ("BCPSS") were not receiving an adequate education, as required under Article VIII of the Maryland Constitution, due to Defendant's failure to provide adequate funding. The parties entered into a consent decree on November 26, 1996 ("Consent Decree").

The Consent Decree in relevant parts states:

47. The State shall provide to the Baltimore City Public Schools the following additional funds, subject to appropriation by the General Assembly.

FY 1998 \$30 million FY 1999 \$50 million FY 2000 \$50 million FY 2001 \$50 million FY 2002 \$50 million

### Consent Decree at 15, ¶ 47.

53. For Fiscal Years 2001 and 2002, the Board may also request funds in amounts greater than those described in paragraph 47, after the completion of the interim evaluation described in paragraphs 38 and 39. If the Board requests such funds, the *Bradford* plaintiffs and *Vaughn G*. Plaintiffs will be offered an opportunity to present to the Board and to the State in writing their views on the request for such funds. The State and the Board may negotiate from April 30, 2000 through June 1, 2000 regarding such requests, and the State and the Board shall consider the views of the independent consultant and the Plaintiffs in the *Bradford* and *Vaughn G*. cases. If the State and the Board do not reach an agreement, the Board, on or after June 1, 2000, may seek relief from the Circuit Court for Baltimore City for funding amounts greater than those described in paragraph 47...

#### *Id.* at 16-17, ¶ 53.

68. This Decree shall be in effect through June 30, 2002, unless the Court extends the term upon timely motion of one of the parties and upon a showing of good cause to extend the Decree.

69. The Court retains continuing jurisdiction during the term of this Decree to monitor and to enforce compliance with the terms of this Decree. Except as expressly provided otherwise, any party to this Decree may seek to enforce the terms of this Decree. Notwithstanding termination of this Decree, the Court shall retain jurisdiction to resolve any disputes that may have arisen during the term of this Decree.

#### *Id.* at 22-23, ¶ 68-69.

The City Board filed a petition for further relief requesting an additional \$49.7 million for fiscal year 2001 on June 9, 2000. Mem. Op. at 4, June 30, 2000. The Circuit Court determined that the changes brought about by the Consent Decree resulted in improvements to the

management and instructional programs of Baltimore City schools, but that the education provided remained inadequate due to insufficient funding. *Id.* at 25. Therefore, the Circuit Court concluded that additional funding was required to enable the schools to provide an adequate education. *Id.* at 26. The State appealed the decision; however, the appeal was dismissed upon the parties reaching an agreement. Mem. Op. at 10, Aug. 20, 2004.

In response to the 2000 Circuit Court Memorandum Opinion, the State Legislature enacted the Bridge to Excellence in Education Act ("S.B. 856"), in May 2002. Mem. Op. at 3, 12, Aug. 20, 2004. S.B. 856 adopted many recommendations made by the Commission on Education Finance, Equity, and Excellence, referred to as the "Thornton Commission." *Id.* at 3.

The Thornton Commission, and S.B. 856, recognized the substantial adequacy gap in Baltimore City, with S.B. 856 declaring a gap of \$3,380 per pupil. *Id.* at 12. In efforts to close the gap, S.B. 856 noted increases in State aid in Baltimore City by approximately \$18.7 million in FY 2003, \$28.1 in FY 2004, \$68.9 million in FY 2005, \$125.5 million in FY 2006, \$187.6 million in FY 2007, and \$258.6 million in FY 2008. *Id.* at 13. Additionally, S.B. 856 mandated a further adequacy analysis to be conducted at the end of the phase in of funding, in 2012. *Id.* at 14.

On May 24, 2002, in anticipation of the termination of judicial supervision pursuant to the Consent Decree on June 30, 2002, the City Board and Plaintiffs filed a Joint Motion for Extension of Judicial Supervision until such time as the constitutional adequacy of the education provided by the BCPSS has been remedied. *See* Mem. Op. at 3, June 25, 2002. Following a hearing, the Circuit Court concluded that pursuant to paragraph 68 of the Consent Decree, the

Court should retain jurisdiction and continue supervision of the matter until such time as the State has complied with the Court's 2000 Order. *Id.* at 5.

Plaintiffs filed a Motion for Declaration Ensuring Continued Progress Toward Compliance with Court Orders in July 2004. Mem. Op. at 4, Aug. 20, 2004. The 2004 Circuit Court issued an opinion rendering sixteen declarations. *Id.* at 67-70. The first five (5) declarations address the continuing inadequacy of Baltimore City schools and failure of the State to properly fund the schools. *Id.* at 67-68. Declaration six (6) states:

The Court will continue to retain jurisdiction to ensure compliance with its orders and constitutional mandates, and to continue monitoring funding and management issues. When the full funding outlined herein is received, the Court will revisit the issue of continuing jurisdiction, and determine whether the Consent Decree should then be additionally extended for good cause.

*Id.* at 68. The opinion of the Circuit Court continued, discussing the steps that had been taken, admonishing the BCPSS to not reduce opportunities, and declaring that parties with revenue raising capacity should increase available funding. *Id.* at 68-69. Declarations ten (10), eleven (11), and thirteen (13) discuss Senate Bill 894, 2004 Md. Laws ch. 148, § 4 ("S.B. 894") and the Memorandum of Understanding ("MOU") between BCPSS and Baltimore City, both of which required payment of the \$58 million deficit within two years.

10. To ensure that the necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that S.B. 894's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is unconstitutional as applied to the BCPSS.

11. To ensure that necessary operational funding is available for BCPSS to provide the basic educational programs that have been reduced, the Court declares that the MOU's provision that the BCPSS' deficit must be eliminated by the end of fiscal year 2006 is null and void as against public policy.

13. Absent additional funding from the State of Maryland, BCPSS shall not retire the deficit before fiscal year 2008 and BCPSS shall not dedicate more than \$5 million per year toward the creation of a \$20 million cash reserve.

*Id.* at 69. The remaining declarations address Baltimore City's role in monitoring the BCPSS's expenditures and the duty of the parties to report to the Circuit Court for Baltimore City as to the status of additional funding in the future. *Id.* at 69-70.

Defendant appealed the 2004 Circuit Court Order and the Court of Appeals of Maryland granted certiorari prior to proceedings in the Court of Special Appeals. Marvland State Bd. of Educ. v. Bradford, 387 Md. 353, 382 (2005). The Court of Appeals addressed only four of the sixteen declarations in the 2004 Memorandum Opinion, of which the Court then narrowed the declarations into two appealable issues: Paragraph 12 and intertwined Paragraphs 10, 11, and 13. Id. at 386-87. It noted that although appealable, Paragraph 12, which ordered that the City be repaid the \$8 million balance of its loan as scheduled, was not objected to by the State and would therefore not be considered by the Court of Appeals. Id. at 386. Paragraphs 10, 11, and 13 were determined to be intertwined because Paragraphs 10 and 11 were the underpinnings for the directive in Paragraph 13. Id. at 387. Paragraph 10 declared S.B. 894's provision that the deficit be eliminated by the end of fiscal year 2006 to be unconstitutional, Paragraph 11 stated that the contractual obligation under the MOU of the BCPSS to eliminate the deficit by FY 2006 is null and void as against public policy, and Paragraph 13 gave the directive that absent additional funding the deficit will not be retired before FY 2008 and the BCPSS shall not dedicate more than \$5 million per year to creating the reserve. Id. at 386-87; Mem. Op. at 69, Aug. 20, 2004. The Court of Appeals determined that the challenged directive, Paragraph 13, as well as its underpinnings in Paragraphs 10 and 11, were invalid and void. Bradford, 387 Md. at 387. It

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declared that no other aspects of the of the August 2004 order, or any other orders, were properly before them at that time. *Id.* at 388.

Plaintiffs' filed the Petition for Further Relief on March 7, 2019. In the Petition, Plaintiffs allege that State's violations of Article VIII have been continuous since litigation commenced in 1994. They aver that the State has halted full funding as required under the Thornton Commission, resulting in the growth of the adequacy gap.

Defendant filed their Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105000) on June 19, 2019. On August 23, 2019, Plaintiffs filed their Opposition to Motion to Dismiss (docket # 00105001). The City Board filed their Response/Opposition to the Motion to Dismiss (docket # 00105004) on September 17, 2019. Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105005) was filed on October 18, 2019. Plaintiffs filed their Sur-reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105005) was filed their Sur-reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105006) on November 18, 2019 and the City Board filed their Sur-Reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105007) on November 18, 2019. This Court held a hearing on Defendant's Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105007) on December 10, 2019.

II. Analysis

#### A. Plaintiff's Petition is not barred by statute of limitations or laches.

In the Motion to Dismiss Plaintiffs' Petition for Further Relief, Defendant claims that relief is barred by applicable statute of limitations and laches.

Defendant alleges that the Petition is barred by the twelve (12) year statute of limitations on judgments, or, if inapplicable, by the general three (3) year statute of limitations. Def. Mot. to

Dismiss at 33-34. Md. Courts & Judicial Proceedings Art., § 5-102(a)(3) provides that "[a]n action on one of the following specialties shall be filed within 12 years after the cause of action accrues, or within 12 years from the date of the death of the last to die of the principal debtor or creditor, whichever is sooner . . . Judgment." However, Plaintiffs Petition requests three types of relief: a declaratory ruling that the State is violating Article VIII by failing to provide an adequate education, an injunction ordering the State to comply with the previous orders of the Court by closing the annual funding gap, and ordering Defendant to develop a plan for compliance with Article VIII and previous Court orders. Pls. Opp. at 26-27. These requests for equitable relief are not subject to statutes of limitations.

Additionally, Defendant claimed that the Petition was barred by laches based upon the delay. Def. Mot. to Dismiss at 34-38. Laches is a defense in equity against stale claims. *Ross v. State Bd. of Elections*, 387 Md. 649, 668 (2005). As such, laches applies only in cases where there is an unreasonable delay and the delay results in prejudice to the opposing party. *Frederick Road Ltd. P'ship v. Brown & Sturm*, 360 Md. 76, 117 (2000). Here, the requested relief is of an equitable nature, yet laches is inapplicable. Where a party seeks primary relief of a simple declaration, there will be no time bar to that cause of action. *Murray v. Midland Funding, LLC*, 233 Md. App. 254, 261 (2017).

Even if laches does apply to the relief requested, the defense would not bar the Petition. First, Defendant must show that there was an unreasonable or impermissible delay in asserting the claim. Courts look to "the motivations of the parties" and consequences of permitting or precluding the suit in determining whether the delay was unjustifiable and inexcusable. *State Cir., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 608 (2014). Here, Plaintiffs have continued to raise the issue of inadequate funding through numerous methods over the years. *See* Pl. Opp. at 35-39. Therefore, Plaintiffs were not sitting idly as time passed allowing for a defense of laches.

Additionally, the delay that did occur in filing did not prejudice the Defendant. The second prong of laches requires a showing of prejudice to the opposing party because of the unreasonable delay. *Frederick Road Ltd. P'ship*, 360 Md. at 117. Mere passage of time is not enough to constitute prejudice. *Jones v. State*, 445 Md. 324, 339-40 (2015). Defendant is required to show in what specific way their case has actually been damaged by the delay of Plaintiffs. *Id.* Defendant alleges that its case was prejudiced by a delay in filing because of faded memories, specifically those of former Superintendent Nancy Grasmick. Def. Mot. to Dismiss at 37-38. However, "memory problems alone do not establish . . . that he has been prejudiced." *State v. Christian*, 463 Md. 647, 654 (2019). Therefore, memory loss of a witness to previous inadequacies of state funding of BCPSS would not be sufficient prejudice to bar the Petition.

As Defendant cannot meet the burden, Plaintiffs' Petition is not barred by statute of limitations or laches.

#### B. Plaintiff's Petition is authorized by the Consent Decree entered November 26, 1996.

Defendant alleges in their Motion to Dismiss Plaintiffs' Petition for Further Relief that the Petition is not authorized by the 1996 Consent Decree. As a final judgement, the Defendant alleges that the Consent Decree controls the proper disposition of the case, cannot be modified, and as written does not allow for this remedy. Def. Mot. to Dismiss at 38-42.

The Consent Decree is a binding contract and judgment; however, there is no need to modify the terms to find authorization within the Consent Decree. The Consent Decree specifically derives certain authorizations.

[T]he Board may also request funds in amounts greater than those described in paragraph 47...

Consent Decree at 16, ¶ 53.

If the State and the Board do not reach an agreement, the Board, on or after June 1, 2000, may seek relief from the Circuit Court for Baltimore City for funding amounts greater than those described in paragraph 47...

Consent Decree at 17, ¶ 53.

This Decree shall be in effect through June 30, 2002, unless the Court extends the term upon timely motion of one of the parties and upon a showing of good cause to extend the Decree.

Consent Decree at 22-23, ¶ 68.

This Court retains continuing jurisdiction during the term of this Decree to monitor and to enforce compliance with the terms of this Decree. Except as expressly provided otherwise, any party to this Decree may seek to enforce the terms of this Decree. Notwithstanding termination of this Decree, the Court shall retain jurisdiction to resolve any disputes that may have arisen during the term of this Decree.

Consent Decree at 23,  $\P$  69.

Defendant avers that the Consent Decree terminated in 2002. However, the terms of the

Consent Decree includes references to "amounts greater than" and "on or after." See Consent

Decree at 16-17, ¶ 53. Additionally, the 2002 Memorandum Opinion and Order issued by Judge

Joseph H.H. Kaplan, lengthens the timeframe of judicial supervision until such time as

compliance with the 2000 Order. Mem. Op. at 5, June 30, 2002. This Court retains jurisdiction

under the terms of the Consent Decree. In fact, Defendant's position was rejected by Judge

Kaplan in this case. *See generally* Mem. Op. June 30, 2000; Mem. Op. June 25, 2002; Mem. Op. Aug. 20, 2004. This Court retains jurisdiction under the terms of the Consent Decree.

#### C. The issues presented in Plaintiff's Petition are not non-justiciable issues.

Defendant alleged in their Motion to Dismiss Plaintiffs' Petition for Further Relief that the issues raised in the Petition are non-justiciable issues because funding for public schools is authority left to the political branches of government. Def. Mot. to Dismiss at 51. Determining whether an issue is a non-justiciable political question requires answering two questions: "whether the claim presented and the relief sought are of the type which admit of judicial resolution' and second, whether the structure of government "renders the issue a political question—that is, a question which is not justiciable in federal [or State] court because of the separation of powers provided by the Constitution." *Estate of Burris v. State*, 360 Md. 721, 744-45 (2000) (citing *Powell v. McCormack*, 395 U.S. 486, 516-17 (1969). The political question doctrine is applied narrowly, constraining review by the courts only where actions "are not within the express purview of the textually demonstrable constitutional commitment." *Jones v. Anne Arundel Cty.*, 432 Md. 386, 400-01 (2013). Defendant claims that the issue of school funding fails under the second element as a political question because it is a violation of the separation of powers. Def. Mot. to Dismiss at 52.

Judicial review of constitutional violations, such as violations of Article VIII of the Maryland Constitution's right to an adequate education, are not prohibited by separation of powers. Defendant alleges that Plaintiffs are asking the judiciary to partake in matters that are under the sole authority of the legislative and executive branches. Def. Mot. to Dismiss at 54. However, the Maryland courts maintain an inherent authority to review constitutional adequacy.

Indeed, "executive and legislative budget authority is subject to constitutional limitations." *Ehrlich v. Perez*, 394 Md. 691, 736 (2006) (*citing Judy v. Schaefer*, 331 Md. 239, 266 (1993). Therefore, review of adequacy of funding of public education in Maryland is within the purview of the Maryland Judiciary, though the actual appropriation of funds is the duty of other branches of government.

Defendant previously alleged here that the issues of adequacy of funding were nonjusticiable political questions. Authority of the judiciary to weigh in on the issue of sufficiency of funding for education was previously argued before both the Circuit Court for Baltimore City and the Court of Appeals of Maryland. *See generally* Mem. Op. June 30, 2000; Mem. Op. June 25, 2002; Mem. Op. Aug. 20, 2004; *Maryland State Bd. of Educ. v. Bradford*, 387 Md. 353 (2005). Defendant's position is deficient in light of the history of this matter.

#### D. Plaintiff's Petition is not precluded by sovereign immunity.

Finally, Defendant claims that the Plaintiffs' Petition for Further Relief is barred by sovereign immunity. The doctrine of sovereign immunity shields the State, absent direct waiver of the General Assembly, from actions for monetary damages. *Rodriguez v. Cooper*, 458 Md. 4425, 451 (2018). The protection provided by sovereign immunity extends only to actions seeking monetary damages. Here, as discussed *supra* Section II, A, the primary relief requested by Plaintiffs is of equitable nature. The requested relief referenced by Defendant in alleging the bar of sovereign immunity is merely a declaration that Defendant *may* be subject to monetary sanctions if they fail to comply with the orders of this Court. Plaintiffs' Petition is not barred by the doctrine of sovereign immunity.

III. Conclusion

For the foregoing reasons, Defendant's Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105000), filed June 19, 2019, be, and the same is, hereby **DENIED**; and it is further

ORDERED that parties shall confer and provide a proposed scheduling order to this

Court within thirty (30) days from the date of this Order.

IT IS SO ORDERED, this  $10^{10}$  day of January, 2020.

AUDREY J.S. CARRION Part 23 Judge's Signature appears on the original document

> Judge Audrey J.S. Carrión Case No.: 24-C-94-340058

CC:

Elizabeth A. McCallum, Esq., Baker & Holstetler, LLP 1050 Connecticut Avenue NW Washington, DC 20036 *Attorneys for Plaintiffs* 

Deborah A. Jeon, Esq., American Civil Liberties Union Foundation of American 3600 Clipper Mill Road, Suite 350 Baltimore, Maryland 21211 Attorney for Plaintiffs

Ajmel Quereshi, Esq., Cara McClellan, Esq., Sherrilyn Ifill, Esq., NAACP Legal Defense Fund 700 14<sup>th</sup> Street, NW, 6<sup>th</sup> Floor Washington, DC 20005 *Attorneys for Plaintiffs* 

Steven M. Sullivan, Esq., Elizabeth M. Kameen, Esq., Elliot L. Schoen, Esq., Assistant Attorneys General 200 Saint Paul Place, 19<sup>th</sup> Floor Baltimore, Maryland 21202 *Attorneys for Defendant Maryland State Board of Education* 

MARING BENILEY, CLOPK

Warren N. Weaver, Esq., Ilana Subar, Esq., Whiteford, Taylor & Preston, LLP 7 Saint Paul Street, Suite 1500 Baltimore, Maryland 21202 *Attorneys for Baltimore City Board of School Commissioners* 

Sent via U.S. Mail Case No.: 24-C-94-340058

KEITH A. BRADFORD, et al.,						*	IN THE							
Plaintiffs,						*	CIF	CIRCUIT COURT						
<b>v.</b>						*	FO	R						
MARYLAND STATE BOARD OF EDUCATION					*	BAJ	LTIMO	DRE CI	TY, PA	RT 23				
		endant.				*	Cas	e No.: 2	24-C-94	-34005	8			
*	*	*	*	*	*	*	*	*	*	*	*	*		

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### **ORDER**

Upon consideration of the Maryland State Board of Education's ("Defendant") Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105000), filed June 19, 2019, Keith Bradford, et al.'s ("Plaintiffs") Opposition to Motion to Dismiss (docket # 00105001), filed August 23, 2019, the Baltimore City Board of School Commissioners' ("City Board") Response/Opposition to the Motion to Dismiss (docket # 00105004), filed September 17, 2019, Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105005), filed October 18, 2019, Plaintiffs' Sur-reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105006), filed November 18, 2019, City Board's Sur-Reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105007), filed November 18, 2019, the arguments presented at the hearing held before the undersigned on December 10, 2019, wherein Plaintiffs, Defendant, and the City Board were represented by counsel, the record herein, and in accordance with the reasoning contained in the Memorandum Opinion issued on even date, it is this \_\_\_\_\_\_day of January, 2020, by the Circuit Court for Baltimore City, Part 23, hereby

**ORDERED** that Defendant's Motion to Dismiss Plaintiffs' Petition for Further Relief (docket # 00105000), filed June 19, 2019, be, and the same is, hereby **DENIED**; and it is further

**ORDERED** that parties shall confer and provide a proposed scheduling order to this

Court within thirty (30) days from the date of this Order.

### AUDREY J.S. CARRION Part 23 Judge's Signature appears on the original document

Judge Audrey J.S. Carrión Case No.: 24-C-94-340058

CC:

Elizabeth A. McCallum, Esq., Baker & Holstetler, LLP 1050 Connecticut Avenue NW Washington, DC 20036 *Attorneys for Plaintiffs* 

Deborah A. Jeon, Esq., American Civil Liberties Union Foundation of American 3600 Clipper Mill Road, Suite 350 Baltimore, Maryland 21211 *Attorney for Plaintiffs* 

Ajmel Quereshi, Esq., Cara McClellan, Esq., Sherrilyn Ifill, Esq., NAACP Legal Defense Fund 700 14<sup>th</sup> Street, NW, 6<sup>th</sup> Floor Washington, DC 20005 *Attorneys for Plaintiffs* 

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Steven M. Sullivan, Esq., Elizabeth M. Kameen, Esq., Elliot L. Schoen, Esq., Assistant Attorneys General 200 Saint Paul Place, 19<sup>th</sup> Floor Baltimore, Maryland 21202 Attorneys for Defendant Maryland State Board of Education

Warren N. Weaver, Esq., Ilana Subar, Esq., Whiteford, Taylor & Preston, LLP 7 Saint Paul Street, Suite 1500 Baltimore, Maryland 21202 Attorneys for Baltimore City Board of School Commissioners

Sent via U.S. Mail Case No.: 24-C-94-340058

# **App. 14**

KEIT	HA.B	RADFO	ORD, et	al.,		*	IN TH	IE					
	Plaint	iffs,				*	CIRCUIT COURT						
v.						*	FOR						
		) STAT FION, e		RD		*	<b>BALTIMORE CITY, PART 23</b>						
OF EI	Defen	,	,			*	Case 1	No.: 24	-C-94-3	40058			
*	*	*	*	*	*	*	*	*	*	*	*	*	*

#### ORDER

Upon consideration of Maryland State Board of Education's ("MSBE") Motion to Dismiss Plaintiffs' Petition for Further Relief (docket #00183000), filed November 10, 2021, MSBE's Motion to Dissolve November 26, 1996 Consent Decree (docket #00184000), filed November 10, 2021, Plaintiffs' Motion to Strike Defendant's Second Motion to Dismiss and Memorandum in Support of Motion to Strike and in Opposition to Defendant's Second Motion to Dismiss Plaintiffs' Petition for Further Relief and Dissolve Consent Decree (docket #00189000), filed December 22, 2021, Baltimore City Board of School Commissioners'("BCBSC") Opposition to Defendant's Motion to Dismiss Plaintiffs' Petition for Further Relief (docket #00183001), filed December 23, 2021, BCBSC's Opposition to Defendant's Motion to Dissolve Consent Decree (docket #00184001), filed December 23, 2021, MSBE's Reply in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction and to Dissolve Consent Decree (docket #00183002), filed February 11, 2022, MSBE's Opposition to Plaintiffs' Motion to Strike MSBE's Motion to Dismiss for Lack of Subject Matter Jurisdiction and to Dissolve Consent Decree (docket #00189003), filed February 11, 2022, and Plaintiffs' Reply in Support of Defendant's Second Motion to Dismiss (not yet docketed), filed March 4, 2022, it is this 7<sup>th</sup> day of March 2022, by the CIRCUIT COURT FOR BALTIMORE CITY, PART 23, hereby

**ORDERED** that MSBE's Motion to Dismiss Plaintiffs' Petition for Further Relief

(docket #00183000) filed November 10, 2021, and MSBE's *Motion to Dissolve November 26, 1996 Consent Decree* (docket #00184000) filed November 10, 2021, are hereby **DENIED**; and it is further

**ORDERED** that Plaintiffs' Motion to Strike Defendant's Second Motion to Dismiss and Memorandum in Support of Motion to Strike and in Opposition to Defendant's Second Motion to Dismiss Plaintiffs' Petition for Further Relief and Dissolve Consent Decree (docket #00189000), filed December 22, 2021, is hereby **DENIED**.

The papers and exhibits submitted, and the review of the record, are sufficient for this Court's consideration of this matter. A hearing would not aid the Court in the decision-making process.

> AUDREY J.S. CARRION Part 23 Judge's Signature appears on the original document

> > Judge Audrey J.S. Carrión Circuit Court for Baltimore City Case No.: 24-C-94-340058

CC:

Elizabeth McCallum, Esq., Baker & Holstetler, LLP 1050 Connecticut Ave. NW Washington, DC 20036 *Counsel for Plaintiffs* 

Deborah Jeon, Esq., ACLU of Maryland 3600 Clipper Mill Rd., Suite 350 Baltimore, MD 21211 *Counsel for Plaintiffs* 

Ajmel Quereshi, Esq., NAACP Legal Defense Fund 700 14<sup>th</sup> St. NW, 6<sup>th</sup> Floor Washington, DC 20005 *Counsel for Plaintiffs*  **TRUE CO** 

MARILYN BEN TLEY, CLERK

Sherrilyn Ifill, Esq., Cara McClellan, Esq., NAACP Legal Defense Fund 40 Rector St., 5<sup>th</sup> Floor New York, NY 10006 *Counsel for Plaintiffs* 

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Steven M. Sullivan, Esq., Elliot L. Schoen, Esq., Assistant Attorneys General 200 Saint Paul Pl., 19<sup>th</sup> Floor Baltimore, MD 21202 *Counsel for Maryland State Board of Education* 

Charles Monk, II, Esq., Jason St. John, Esq., Mark Simanowith, Esq., Saul Ewing Arnstein & Lehr LLP 500 E. Pratt St., Suite 800 Baltimore, MD 21202 *Counsel for Maryland State Board of Education* 

Warren Weaver, Esq., Ilana Subar, Esq., Whiteford, Taylor & Preston, L.L.P. 7 Saint Paul St., Suite 1500 Baltimore, MD 21202 *Counsel for Baltimore City Board of School Commissioners* 

James L. Shea, Esq., City Solicitor Lydie E. Glynn, Esq., Stephen T. Salsbury, Esq., Baltimore City Law Department 100 N. Holliday St. Baltimore, MD 21202 *Counsel for the Mayor and City Council of Baltimore City* 

Clerk's Office to send copies via U.S. Mail. Case No.: 24-C-94-340058 (Consolidated Case No.: 24-C-95-258055)

# **App. 15**

E-FILED Court of Special Appeals Gregory Hilton 5/11/2022 11:14 AM

MARYLAND STATE BOARD OF	IN THE *
EDUCATION,	COURT OF SPECIAL APPEALS
Appellant,	OF MARYLAND
<b>v.</b>	* SEPTEMBER TERM 2022
KEITH A. BRADFORD, ET AL.,	* No. 201
Appellees.	* Cir. Ct. No. 24-C-94-340058
* * * * *	* * * * * * *

### **ORDER**

Upon consideration of the "[Appellees'] Motion to Dismiss [Appellant's] Notice of Appeal and Request for a Hearing," and the appellant's opposition thereto, it is this <u>11th</u> day of May 2022,

ORDERED that the motion is granted and the captioned interlocutory appeal is dismissed pursuant to Maryland Rule 8-602(b)(1) as not allowed by law. The order of the circuit court denying the appellant's request to dissolve the Consent Decree does not constitute a refusal to dissolve an injunction for purposes of Md. Code Ann., Cts. & Jud. Proc. § 12-303(3)(ii). The Consent Decree is not an injunction—an order of the court mandating or prohibiting a specified act—but is instead the circuit court's endorsement of the agreement of the parties. *Suter v. Stuckey*, 402 Md. 211, 225 (2007) ("Consent judgments 'are essentially agreements entered into by the parties which must be endorsed by the court."). Additionally, the circuit court's order declining to dismiss the action is not an appealable order. Although the appellant also filed a request to dissolve the Consent Decree together with its request for dismissal (assuming for the sake of

argument that the Consent Decree constitutes an injunction), these requests together do not render the otherwise unappealable order appealable. See Security Administration Services v. Baltimore Gas & Electric, 62 Md. App. 50, 53 (1985) ("It is true that under, § 12-303(3)(iii), an appeal will ordinarily lie from an interlocutory order refusing to grant an injunction, but that provision cannot be used" as an "artifice for appealing that which is not appealable.").

Upon consideration of "Appellant Maryland State Board of Education's Motion to Stay Circuit Court Proceedings Pending Appeal," and the appellees' opposition thereto, it is ORDERED that the motion is denied both on its merits and as moot in light of the dismissal of this interlocutory appeal.



FOR A PANEL OF THE COURT

Consisting of Nazarian Tang Albright JJ. THE JUDGE'S SIGNATURE APPEARS ON THE ORIGINAL OF THIS DOCUMENT

Douglas R. M. Nazarian, Judge

# **App. 16**

E-FILED Court of Appeals Suzanne C. Johnson, Clerk of Court 7/8/2022 12:31 PM

MARYLAND STATE BOARD OF EDUCATION	*	IN THE
	*	<b>COURT OF APPEALS</b>
	*	OF MARYLAND
	*	Petition Docket No. 131
<b>v.</b>	*	September Term, 2022
		(No. 201, Sept. Term, 2022
	*	<b>Court of Special Appeals</b> )
	*	(No. 24-C-94-340058, Circuit
KEITH A. BRADFORD, et al.		<b>Court for Baltimore City)</b>

# **O R D E R**

Upon consideration of the petition for a writ of certiorari to the Court of Special

Appeals and the answers filed thereto, it is this  $\underline{8^{th}}$  day of July, 2022

**ORDERED**, by the Court of Appeals of Maryland, that the petition is DENIED.

/s/ Matthew J. Fader Chief Judge

# **App. 17**

Circuit Court of Maryland

#### Go Back Now

#### **Case Information**

Court System:Circuit Court for Baltimore City - Civil SystemCase Number:24C94340058Title:Keith Bradford, Et Al VS MD State Board Of EducationCase Type:General Equity Filing Date: 12/06/1994Case Status:Closed/InactiveCase Disposition:Judgment/Verdict Disposition Date: 08/20/2004

#### Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: Plaintiff Party No.: 1

Name: Bradford, Keith A

Name:	Baron, Esq, Alan I
Removal Date:	04/21/2004
Practice Name:	Dorsey & Whitney, LLP
Address:	Suite 300 South
	1001 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Farinacci, Esq, Andrea D
Appearance Date:	07/13/2004
Practice Name:	Howey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	McCallum, Esq, Elizabeth A
Appearance Date:	07/08/2004
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Kimmel, Esq, Melissa B
Appearance Date:	07/08/0404
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	
Removal Date:	06/24/2022
	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street

123, 12.10 PIVI	Case momation
	5th Floor
City:	New York State: NY Zip Code: 10006
Party Type: Plain	tiff Party No.: 2
Name: Bradford,	Stephanie E
-	the Plaintiff/Petitioner
Attorney(3) for	
Name:	Baron, Esq, Alan I
Removal Date:	04/21/2004
Practice Name:	Dorsey & Whitney, LLP
Address:	Suite 300 South
	1001 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Farinacci, Esq, Andrea D
Appearance Date:	
Practice Name:	Howey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	McCallum, Esq, Elizabeth A
Appearance Date:	
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Kimmel, Esq, Melissa B
Appearance Date:	07/08/2004
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Peprah, Esq, Tierney S
Appearance Date:	
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

# Party Type: Plaintiff Party No.: 3 Name: Fulton, Lawrence H

Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
City: Name:	Genecin, Esq, Victor

8/14/23, 12:18 PM

Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

Party Type: Plaintiff Party No.: 4 Name: Dean, Michelle

Attorney(s) for the Plaintiff/Petitioner

Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

Party Type: Plaintiff Party No.: 501

Name: BRADFORD, KEITH A

Name	Frainssei Fra Andres D
Name:	Farinacci, Esq, Andrea D
Appearance Date:	07/13/2004
Practice Name:	Howey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	McCallum, Esq, Elizabeth A
Appearance Date:	07/08/2004
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Kimmel, Esq, Melissa B
Appearance Date:	07/08/2004
Practice Name:	Howrey, Simon, Arnold & White, LLP
Address:	1299 Pennsylvania Ave NW
City:	Washington State: DC Zip Code: 20004
Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
1	

# 8/14/23, 12:18 PM

Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

Party Type: Plaintiff Party No.: 502

Name: BRADFORD, STEPHANIE E

# Attorney(s) for the Plaintiff/Petitioner

Farinacci, Esq, Andrea D
07/13/2004
Howey, Simon, Arnold & White, LLP
1299 Pennsylvania Ave NW
Washington State: DC Zip Code: 20004
McCallum, Esq, Elizabeth A
07/08/2004
Howrey, Simon, Arnold & White, LLP
1299 Pennsylvania Ave NW
Washington State: DC Zip Code: 20004
Kimmel, Esq, Melissa B
07/08/2004
Howrey, Simon, Arnold & White, LLP
1299 Pennsylvania Ave NW
Washington State: DC Zip Code: 20004
Peprah, Esq, Tierney S
02/09/2021
Ammerican Civil Liberties Union
3600 Clipper Mill Road
Suite 350
Baltimore State: MD Zip Code: 21211
Genecin, Esq, Victor
06/21/2022
06/24/2022
NAACP Legal Defense & Educational Fund Inc.
40 Rector Street
5th Floor
New York State: NY Zip Code: 10006
Koorji, Esq, Alaizah
06/21/2022
06/24/2022
NAACP Legal Defense & Educational Fund Inc.
40 Rector Street
5th Floor
New York State: NY Zip Code: 10006

Party Type: Plaintiff Party No.: 503

Name: Rogers, Sha Ron

Case Information

# Attorney(s) for the Plaintiff/Petitioner

Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

# Party Type: Plaintiff Party No.: 504 Name: FULTON, LAWRENCE H

Attorney(s) for the Plaintiff/Petitioner

Name:	Peprah, Esq, Tierney S
Appearance Date:	02/09/2021
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

# Party Type: Plaintiff Party No.: 505

Name: Washington, Erik J

Name:	Peprah, Esq, Tierney S	
Appearance Date:	02/09/2021	
Practice Name:	Ammerican Civil Liberties Union	
Address:	3600 Clipper Mill Road	
	Suite 350	
City:	Baltimore State: MD Zip Code: 21211	
City: Name:	Genecin, Esq, Victor	
	-	

Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	06/21/2022
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006

Party Type: Plaintiff Party No.: 506 Name: PISKOR, RAMONA Attorney(s) for the Plaintiff/Petitioner

Name:	Peprah, Esq, Tierney S			
Appearance Date:	02/09/2021			
Practice Name:	Ammerican Civil Liberties Union			
Address:	3600 Clipper Mill Road			
	Suite 350			
City:	Baltimore State: MD Zip Code: 21211			
Name:	Genecin, Esq, Victor			
Appearance Date:	06/21/2022			
Removal Date:	06/24/2022			
Practice Name:	NAACP Legal Defense & Educational Fund Inc.			
Address:	40 Rector Street			
	5th Floor			
City:	New York State: NY Zip Code: 10006			
Name:	Koorji, Esq, Alaizah			
Appearance Date:	06/21/2022			
Removal Date:	06/24/2022			
Practice Name:	NAACP Legal Defense & Educational Fund Inc.			
Address:	40 Rector Street			
	5th Floor			
City:	New York State: NY Zip Code: 10006			

Party Type: Plaintiff Party No.: 507

Name: Kupfer, Kimberly

Name: Appearance Date:			
Practice Name:	Ammerican Civil Liberties Union		
Address:	3600 Clipper Mill Road		
	Suite 350		
City:	Baltimore State: MD Zip Code: 21211		
Name:	Genecin, Esq, Victor		
Appearance Date:	06/21/2022		
Removal Date:	06/24/2022		
Practice Name:	NAACP Legal Defense & Educational Fund Inc.		
Address:	40 Rector Street		
	5th Floor		
City:	New York State: NY Zip Code: 10006		
Name:	Koorji, Esq, Alaizah		
Appearance Date:	06/21/2022		
Removal Date:	06/24/2022		
Practice Name:	NAACP Legal Defense & Educational Fund Inc.		
l			

23, 12:18 PM	Case Information
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Party Type: Plain	tiff Party No.: 508
Name: Dyson, La	Donna
	the Plaintiff/Petitioner
Name:	Peprah, Esq, Tierney S
Appearance Date:	
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
	5th Floor
City:	New York State: NY Zip Code: 10006
Attorney(s) for	the Plaintiff/Petitioner
Name:	Peprah, Esq, Tierney S
Appearance Date:	- , , -
Practice Name:	Ammerican Civil Liberties Union
Address:	3600 Clipper Mill Road
	Suite 350
City:	Baltimore State: MD Zip Code: 21211
Name:	Genecin, Esq, Victor
Appearance Date:	
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
<b>C</b> 11	5th Floor
City:	New York State: NY Zip Code: 10006
Name:	Koorji, Esq, Alaizah
Appearance Date:	
Removal Date:	06/24/2022
Practice Name:	NAACP Legal Defense & Educational Fund Inc.
Address:	40 Rector Street
City	5th Floor New York, State: NY, Zin Code: 10006
City:	New York State: NY Zip Code: 10006
Party Type: Plain	tiff Party No.: 509
Business or Organ	ization Name: BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
Attorney(s) for	the Plaintiff/Petitioner
-, (-) - 3-	
Name	Warvar Eas Warran
Name:	Weaver, Esq, Warren

8/14/23, 12:18 PM

Appearance Date:	09/14/2005			
Practice Name:	Whiteford, Taylor & Preston			
Address:	Suite 1400			
	7 St Paul St			
City:	Baltimore State: MD Zip Code: 21202-1626			
Name:	Trotta, Esq, Anthony J			
Appearance Date:	09/14/2005			
Practice Name:				
Address:	4930 Belair Rd			
City:	Baltimore State: MD Zip Code: 21206			
Name:	Peprah, Esq, Tierney S			
Appearance Date:	02/09/2021			
Practice Name:	Ammerican Civil Liberties Union			
Address:	3600 Clipper Mill Road			
	Suite 350			
City:	Baltimore State: MD Zip Code: 21211			
Name:	Genecin, Esq, Victor			
Appearance Date:	06/21/2022			
Removal Date:	06/24/2022			
Practice Name:	NAACP Legal Defense & Educational Fund Inc.			
Address:	40 Rector Street			
	5th Floor			
City:	New York State: NY Zip Code: 10006			
Name:	Koorji, Esq, Alaizah			
Appearance Date:	06/21/2022			
Removal Date:	06/24/2022			
Practice Name:	NAACP Legal Defense & Educational Fund Inc.			
Address:	40 Rector Street			
	5th Floor			
City:	New York State: NY Zip Code: 10006			

#### Defendant/Respondent Information

(Each Defendant/Respondent is displayed below) Party Type: Defendant Party No.: 1 Business or Organization Name: Maryland State Board Of Education Address: 200 W. Baltimore Street City: Baltimore State: MD Zip Code: 21201 Attorney(s) for the Defendant/Respondent

Name:	Fletcher-Hill, Esq, Lawrence P
Removal Date:	04/21/2004
Practice Name:	Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC
Address:	233 East Redwood Street
City:	Baltimore State: MD Zip Code: 21202
Name:	Cloutier, Valerie V
Appearance Date:	08/18/2004
Practice Name:	Office Of The Attorney General
Address:	200 St. Paul Place
	19th Floor
City:	Baltimore State: MD Zip Code: 21202
Name:	Monk, II, Charles O
Appearance Date:	09/25/2020
Practice Name:	Saul Ewing Arnstein Lehr& LLP
Address:	1001 Fleet Street
	9th Floor
City:	Baltimore State: MD Zip Code: 21202-4359
Name:	Schoen, Esq, Elliott L
Appearance Date:	07/16/2004
Practice Name:	Office Of The Attorney General
1	

8/14/23, 12:18 PM

4/23, 12:18 PM	Case Information
Address:	200 St Paul Place
	19th Floor
City:	Baltimore State: MD Zip Code: 21202
Name:	Parker, Esq, Lelia F
Appearance Date:	
Removal Date:	
	Saul Ewing Arnstein & Lehr LLP
Address:	500 E. Pratt Street
	Suite 800
City:	Baltimore State: MD Zip Code: 21202
Name:	Simanowith, Esq, Mark A
Appearance Date:	05/14/2021
Practice Name:	Saul Ewing LLP
Address:	500 East Pratt Street
	8th Floor
City:	Baltimore State: MD Zip Code: 21201
Name:	Dunklow, Esq, Alan J
Appearance Date:	
	Assistant Attorney General Maryland State Department Of Education
Address:	200 St Paul Place
Auuress:	200 St Paul Place 19th Floor
Citere	
City:	Baltimore State: MD Zip Code: 21202
Name:	Sullivan, Esq, Steven M
Appearance Date:	
Practice Name:	Assistant Attorney General
Address:	200 St. Paul Place
City:	Baltimore State: MD Zip Code: 21202
Name:	John, Esq, Jason St
Appearance Date:	09/25/2020
Practice Name:	Saul Ewing Attorneys At Law
Address:	500 East Pratt Street
	8th Floor
City:	Baltimore State: MD Zip Code: 21202
Name:	Kameen, Elizabeth M
Appearance Date:	
	Assistant Attorney General
Address:	200 Saint Paul Place
City:	Baltimore State: MD Zip Code: 21202-2021
Darty Types Defe	ndant Party No.: 2
Business or Organ	nization Name: Board Of School Commissioners Of Baltimore City
Attorney(s) for	the Defendant/Respondent
Name:	Hairston, Esq, Abbey G
Removal Date:	04/21/2004
Practice Name:	Seyfarth Shaw
Address:	815 Connecticut Ave N W
	Suite 500
City:	Washington State: DC Zip Code: 20006-4004
Name:	Weaver, Esq, Warren
Appearance Date:	
Practice Name:	Whiteford, Taylor & Preston
Address:	Suite 1400
nuur 035.	7 St Paul St
City	
City:	Baltimore State: MD Zip Code: 21202-1626
Name:	Trotta, Esq, Anthony J
Appearance Date:	08/18/2004
Practice Name:	
Address:	4930 Belair Rd
City:	Baltimore State: MD Zip Code: 21206
· · ·	

Party Type: Defendant Party No.: 3 Business or Organization Name: Mayor And City Council Of Baltimore Address: 100 Holliday Street City: Baltimore State: MD Zip Code: 21202 Attorney(s) for the Defendant/Respondent

Name:	Thompson, Esq, Otho M		
Removal Date:	04/21/2004		
Practice Name:			
Address:	1983 West Street		
City:	Annapolis State: MD Zip Code: 21401		
Name:	Tyler, III, Ralph S		
Appearance Date:	08/18/2004		
Removal Date:	01/24/2007		
Practice Name:	Venable LLP		
Address:	750 East Pratt Street		
	Suite 900		
City:	Baltimore State: MD Zip Code: 21202		
Name:	Nilson, Esq, George A		
Appearance Date:	01/24/2007		
Practice Name:	The Law Department Of Baltimore City		
Address:	Room 101 City Hall (LL82)		
	100 N. Holliday St.		
City:	Baltimore State: MD Zip Code: 21202		
Name:	Salsbury, Esq, Stephen		
Appearance Date:	08/12/2022		
Practice Name:	Baltimore City Department Of Law		
Address:	100 N Holliday Street		
	Suite 101		
City:	Baltimore State: MD Zip Code: 21202		
Name:	Harris, Esq, Elizabeth F		
Appearance Date:	09/01/2004		
Removal Date:	01/24/2007		
Practice Name:	Baltimore City Dept Of Law		
Address:	101 City Hall		
	100 North Holliday Street		
City:	Baltimore State: MD Zip Code: 21202		
Name:	Shea, Esq, James L		
Appearance Date:	08/13/2021		
Practice Name:			
Address:	100 N Holliday Street		
	Suite 101, City Hall		
City:	Baltimore State: MD Zip Code: 21202		

Party Type: Defendant Party No.: 501

Business or Organization Name: MARYLAND STATE BOARD OF EDUCATION

Attorney(s) for the Defendant/Respondent

Name:	Cloutier, Valerie V
Appearance Date:	08/18/2004
Practice Name:	Office Of The Attorney General
Address:	200 St. Paul Place
	19th Floor
City:	Baltimore State: MD Zip Code: 21202
Name:	Sullivan, Esq, Steven M
Appearance Date:	06/19/2019
Practice Name:	Assistant Attorney General
Address:	200 St. Paul Place
City:	Baltimore State: MD Zip Code: 21202
Name:	Schoen, Esq, Elliott L

https://casesearch.courts.state.md.us/casesearch/inquiryByCaseNum.jis

Appearance Date		
Due attack Manager	07/16/2004	
Practice Name:	Office Of The Attorney General	
Address:	200 St Paul Place	
	19th Floor	
City:	Baltimore State: MD Zip Code: 21202	
Name:	Simanowith, Esq, Mark A	
Appearance Date		
Practice Name:	0	
Address:	500 East Pratt Street	
	8th Floor	
City:	Baltimore State: MD Zip Code: 21201	
Party Type: Defe Name: ANDREW	ndant Party No.: 502 S, EDWARD	
Party Type: Defe Name: CROSS, C	ndant Party No.: 503 HRISTOPHER T	
Party Type: Defe Name: EMBRY, J	ndant Party No.: 504 R, ROBERT C	
Party Type: Defe Name: FISHER,	ndant Party No.: 505 GEORGE W	
Party Type: Defe Name: GOLDSTE	ndant Party No.: 506	
Name: GRASMIC	ndant Party No.: 508	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date	ndant Party No.: 508 CK, NANCY S <i>the Defendant/Respondent</i> Schoen, Esq, Elliott L	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name:	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City:	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City: Party Type: Defe Name: GRANT, C	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202 ndant Party No.: 509 CHRISTOPHER E ndant Party No.: 510	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City: Party Type: Defe Name: GRANT, C Party Type: Defe Name: JONES, M	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202 ndant Party No.: 509 CHRISTOPHER E Indant Party No.: 510 IARVIN E	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City: Party Type: Defe Name: GRANT, C Party Type: Defe Name: JONES, M Party Type: Defe Name: KAELIN,	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202 Indant Party No.: 509 CHRISTOPHER E Indant Party No.: 510 IARVIN E Indant Party No.: 511 ELMER B	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City: Party Type: Defe Name: GRANT, C Party Type: Defe Name: JONES, M Party Type: Defe Name: KAELIN, Party Type: Defe Name: LAPLACA	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202 ndant Party No.: 509 CHRISTOPHER E Indant Party No.: 510 IARVIN E Indant Party No.: 511 ELMER B Indant Party No.: 512 , ROSE	
Party Type: Defe Name: GRASMIC Attorney(s) for Name: Appearance Date Practice Name: Address: City: Party Type: Defe Name: GRANT, C Party Type: Defe Name: JONES, M Party Type: Defe Name: KAELIN, Party Type: Defe Name: LAPLACA Party Type: Defe Name: MAYNAR	ndant Party No.: 508 CK, NANCY S the Defendant/Respondent Schoen, Esq, Elliott L : 09/10/2004 Office Of The Attorney General 200 St Paul Place 19th Floor Baltimore State: MD Zip Code: 21202 Indant Party No.: 509 CHRISTOPHER E Indant Party No.: 510 IARVIN E Indant Party No.: 511 ELMER B Indant Party No.: 512 , ROSE Indant Party No.: 513 D, JOAN C	

Name:	YATES,	EDMONIA	т
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# Party Type: Defendant Party No.: 516

Business or Organization Name: MAYOR AND CITY COUNCIL OF BALTIMORE

# Party Type: Defendant Party No.: 517

Business or Organization Name: BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE

Attorney(s) for the Defendant/Respondent

# Name:Civin, Esq, JoshuaAppearance Date:05/01/2020Practice Name:Baltimore City Public SchoolsAddress:200 E. North Avenue<br/>Suite 208City:Baltimore State: MD Zip Code: 21202

Party Type: Defendant Party No.: 518 Name: AMPREY, WALTER G

Party Type: Defendant Party No.: 519 Name: BELL, M.D, STEPHEN M Attorney(s) for the Defendant/Respondent

Na	me:	Leary, Es	sq, Francis	x
Ар	pearance Date:	09/01/2	2004	
Re	moval Date:	07/10/2	022	
Pra	actice Name:	Chason,	Rosner, Lea	ary & Marshall LLC
Ad	dress:	210 Alle	geny Avenı	ie
		Suite 20	0	
Cit	y:	Towson	State: MD	Zip Code: 21204

### **Court Scheduling Information**

Event Type: Motion Hearing (Civil) Notice Date: Event Date: 06/26/2000 Event Time: 09:30 AM Result: Held/Concluded Result Date: 06/26/2000

Event Type: HearingNotice Date: 09/19/2005Event Date:09/30/2005Event Time: 09:00 AMResult:Held/ConcludedResult Date: 09/30/2005

Event Type:HearingNotice Date:11/26/2019Event Date:12/10/2019Event Time:09:30 AMResult:Held/ConcludedResult Date:01/17/2020

Event Type:Motion Hearing (Civil)Notice Date:07/02/2021Event Date:07/15/2021Event Time:09:30 AMResult:Cancelled/VacatedResult Date:01/23/2023

Event Type: Motion Hearing (Civil)Notice Date: 06/16/2022Event Date: 07/14/2022Event Time: 09:30 AMResult:Held/ConcludedResult Date: 06/21/2022

Event Type:Motion Hearing (Civil)Notice Date: 11/16/2022Event Date:12/14/2022Event Time:09:30 AMResult:Held/ConcludedResult Date:01/23/2023

**Related Persons Information** 

/23, 12:18 PM (Each Related person is displayed below)	
Party Type: Conversion Defence Attorney Name: TITUS, ESQ, ROGER	Party No.: 501
Party Type: Conversion Defence Attorney Name: NOLAN, MARGARET A	Party No.: 502
Party Type: Conversion Defence Attorney Name: CANNON, ESQ, EVELYN	Party No.: 503
Party Type: Conversion Defence Attorney Name: HAIRSTON, ABBEY	Party No.: 504
Party Type: Conversion Defence Attorney Name: SANDLER, ESQ, PAUL	Party No.: 505
Party Type: Conversion Defence Attorney Name: NESSON, JEFFREY P	Party No.: 506
Party Type: Conversion Defence Attorney Name: WARBASSE, BRADFORD W	Party No.: 507
Party Type: Conversion Defence Attorney Name: FLETCHER-HILL, LAWRENCE P	Party No.: 508
Party Type: Conversion Defence Attorney Name: KRONMILLER, WENDY A	Party No.: 509
Party Type: Conversion Defence Attorney Name: CLOUTIER, ESQ, VALERIE	Party No.: 510
Party Type: Conversion Defence Attorney Name: GOEDERT, JOANN	Party No.: 511
Party Type: Conversion APL, ALA, APT, AP Name: GOERING, SUSAN	X, Party No.: 501
Party Type: Conversion APL, ALA, APT, AP Name: BARON, ALAN I	X, Party No.: 502
Party Type: Conversion APL, ALA, APT, AP Name: BOGRAD, LOUIS	X, Party No.: 503
Party Type: Conversion APL, ALA, APT, AP Name: WEBBER, WILLIAM L	X, Party No.: 504
Party Type: Conversion APL, ALA, APT, AP Name: BOYD, KAREN F	X, Party No.: 505
Party Type: Conversion APL, ALA, APT, AP Name: REED, THOMAS	X, Party No.: 507
Party Type: Intervenor Party No.: 1 Business or Organization Name: Acorn Plain Address: C/o William H Murphy, Jr, Esq City: Baltimore State: MD Zip Code: Attorney(s) for the Related Persons	
Name: Murphy, Jr, William H	

/23, 12:18 PM	Case Information
Address:	One South Street 30th Floor Penthouse
City:	Baltimore State: MD Zip Code: 21202
Party Type:	Interested Party Party No.: 1
Business or	Organization Name: BALTIMORE CITY PUBLIC SCHOOL STUDENTS
Attorney(s	) for the Related Persons
Name:	Carter, Jill Priscilla
	ne: Craig And Henderson, LLC
Address:	200 E. Lexington Street19
City:	Baltimore State: MD Zip Code: 21202
Party Type:	Interested Party Party No.: 2
	Organization Name: Maryland Department Of Legislative Services
	) for the Related Persons
Accorney (S	
Name	Buentlau, Fee, Candra Danaan
Name: Practice Nar	Brantley, Esq, Sandra Benson ne: Assistant Attorney General
Address:	90 State Circle
	Room 104
City:	Annapolis State: MD Zip Code: 21401
	Conversion APL, ALA, APT, APX, Party No.: 506
	CALLUM, ELIZABETH
Attorney(s	) for the Related Persons
Name:	Foix, Esq, Danyll W
Practice Nar Address:	ne: Baker & Hostetler, LLP 1050 Connecticut Ave NW
Audress:	Suite 1100
City:	Washington State: DC Zip Code: 20036
Document Tra	acking
	acking ocument listed. Documents are listed in Document No./Sequence No. order)
<i>(Each Do</i> Doc No./Seo	cument listed. Documents are listed in Document No./Sequence No. order) No.: <b>1/0</b>
<i>(Each Dc</i> Doc No./Sec File Date:	<pre>comment listed. Documents are listed in Document No./Sequence No. order) q No.: 1/0 02/24/1999 Entered Date: 02/24/1999 Decision:</pre>
<i>(Each Dc</i> Doc No./Seo File Date:	cument listed. Documents are listed in Document No./Sequence No. order) No.: <b>1/0</b>
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	********* CASE ********* 94340058 ********Party to Pay Costs: WAIV Consolidated:Judge J. KAPLANCourt Code: CE Transcript Pages:Case Title: BRADFORD V MD
	ST BOARD OF EDUCATION CE189672Case Category: OTHER Date Filed: 120794
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	******* EVENTS ********94340058 ***********************************
	120594 MEMO ******** CASE PROTRACTED T
	JUDGE JOSEPH H. H. KAPLAN ************************************
	FORMA PAUPERIS (1)120694 PLEA CERTIFICATION OF COUNSEL AS TO MOTION (2)120794 ORDR ORDER OF COURT WAIVING PREPAYMENT OF FILING FEES (KAPLAN, J) (3)120794
	FILE COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (4)120794 PROC DEF
I	MARYLAND STATEPRIVATE CREATED: 12/07/94 SERVED: / /.120794 PROC DEF GRANT,
	CHRISTOPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF ANDREWS,
1	EDWARPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF EMBRY, ROBERT PRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF FISHER, GEORGEPRIVATE
	CREATED: 12/07/94 SERVED: / / .120794 PROC DEF JONES, MARVIN PRIVATE CREATED:
	12/07/94 SERVED: / / .120794 PROC DEF KAELIN, ELMER PRIVATE CREATED: 12/07/94
	SERVED: / / .120794 PROC DEF LAPLACA, ROSE PRIVATE CREATED: 12/07/94 SERVED: / /
	.120794 PROC DEF MAYNARD, JOAN PRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF SHAPIRO, HARRYPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF
	YATES, EDMONIAPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF SCHAEFER,
	WILLPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF GRASMICK,
	NANCPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF GOLDSTEIN, LOUPRIVATE CREATED: 12/07/94 SERVED: / / .120794 PROC DEF CROSS, CHRISTOPRIVATE
	CREATED: 12/07/99 SERVED: / / .122894 PLEA AMENDMENT BY INTERLINEAGE FD.
	(5)010595 PLEA DEFT'S CERTIFICATE OF SERVICE (6)012095 MOTN DEFTS' MOT. FOR
	EXTENSION OF TIME TO PLEAD (7)012095 PLEA RETURN AFFDT.OF SERV. BY C.M. (ROBERT
	EMBRY JR.12/28/94) (7A)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(EDWARD ANDREWS,01/03/95) (7B)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(CHRISTOPHER
	CROSS,01/03/95) (7C)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(GEORGE
	FISHER,12/31/94) (7D)012095 PLEA RETURN AFFDT.OF SERV. BY C.M. (CHRISTOPHER
	GRANT,12/29/94) (7E)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(MARVIN JONES,12/29/94) (7F)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(ELMER
	KAELIN,12/29/94) (7G)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(ROSE
	LAPLACA,12/30/94) (7H)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(HARRY
	SHAPIRO,12/28/94) (7I)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(JOAN MAYNARD,01/03/95) (7J)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(EDMONIA
	YATES,12/29/94) (7K)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(NANCY
	GRASMICK,12/28/94) (7L)012095 PLEA RETURN AFFDT.OF SERV. BY C.M.(HON.WILLIAM
	SCHAEFER,12/28/94) (7M)012495 MEMO CASE SENT TO MARZETTA ON ENTRY 7012495 MEMO FILE RETURNED.012595 MOTN MOT. OF MONTGOMERY CO., MD. TO INTERVENE, FD. B
1	ATTY., ROGER W.012595 TITUS FD. (8)012795 MEMO CASE SENT TO JUDGE HELLER ON
	ENTRY 7 AS PER MARZETTA013095 ORDR ORDER OF COURT DEFTS' MOTION FOR EXTENSION
	OF TIME TO PLEAD013095 "GRANTED" (HELLER J)(9)013195 MOTN PLTFFS MOTION TO DISMISS DEFT (LOUIS L. GOLDSTEIN) FD. (10)013195 PLEA NOTICE OF SUBSTITUTION OF
	PARTY FD. (11)021395 PLEA PLTFFS' RESPONSE IN OPPOSITION TO THE MOT. OF
	MONTGOMERY CO. TO021395 INTERVENE (12)021395 PLEA DEFTS' RESPONSE TO MOTION
	OF MONTGOMERY COUNTY, MARYLAND TO INTER021395 VENE AND SUPPORTING
	MEMORANDUM (13)021395 MOTN MOTION TO DISMISS DEFT GOVERNOR PARRIS N. GLENDENING AND MEMO-021395 RANDUM OF LAW (14)021395 MOTN MOTION TO DISMISS
(	COMPLAINT FOR FAILURE TO JOIN NECESSARY PARTIES021395 REQUEST FOR HEARING AN
	SUPPORTING MEMORANDUM OF LAW (15)030395 PLEA PLTFF OPPOSITION TO DEFTS MOTION TO DISMISS COMPLAINT FOR FAILURE030395 TO JOIN NECESSARY PARTIES FD.
	(16)031695 PLEA PLTFFS' RESPONSE TO DEFTS' MOT. TO DISMISS GOVERNOR, PARTIES FD.
	N.031695 GLENDENING (17)032995 PLEA DEFTS' REPLY TO PLTFFS' OPPOSITION TO DEFTS
	MOT. TO DISMISS COM-032995 PLAINT FOR FAILURE TO JOIN NECESSARY PARTIES
	(18)032995 PLEA MEMORANDUM IN REPLY TO RESPONSES TO MOTION OF MONTGOMERY COUNTY,032995 MARYLAND TO INTERVENE. (19)040495 CAL P12 10:00 234 MOT MOT HRD
	KAPLAN, J H 8825041195 ORDR ORDERED, THAT DEFT. GOVERNOR PARRIS N. GLENDER IS
	HEREBY DISMISS-041195 ED FROM THE CASE; DEFDTS. MOTION TO DISMISS THE
	COMPLAINT FOR041195 FAILURE TO JOIN THE BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE041195 CITY AND WALTER G. AMPREY, SUPERINTENDENT OF PUBLIC
	INSTRUCTION041195 AS PARTIES IS HEREBY DENIED; THE MOTION OF MONTGOMERY
(	COUNTY TO041195 INTERVENE IS HEREBY DENIED; BUT THE COUNTY MAY FILE BRIEFS
	AND041195 AND MAKE ARGUMENT AS AMICUS CURIAE. JUDGE KAPLAN (20)050195 PLEA
	PLTFFS'S NOTICE OF FILING DISCOVERY. (21)050395 PLEA DEFTS NOTICE OF DISCOVERY. (22)050395 ANSW DEFTS BY ATTY MARGARET NOLAN ANSWERS COMPLAINT.(22A)050895
	APPL NOTICE OF APPEAL FD BY ATT. FOR MONTGOMERY CO, ROGER W. TITUS (23053095
(	ORDR ORDER TO PROCEED, J. ALPERT (24)060195 PLEA PLTFFS' NOTICE OF DISCOVERY.
	(25)060895 PLEA DEFTS DISCOVERY NOTICE FD. (26)061395 PLEA DEFTS DESIGNATIN OF
	EXPERT WITNESSES FD. (57)061595 PLEA DEF. (OFF. OF THE ATTY. GEN.) DISCOVERY
I	NOTICE FD. (27)062095 PLEA DEF. DISCOVERY NOTICE FD. (28)071895 PLEA DEFT'S (MONTGOMERY COUNTY, MD) LINE FILED (29)071895 MEMO OFFICIAL TRANSCRIPT OF

	PG. 1-35.072195 PLEA PLTFFS' NOTICE OF SERVICE. (30)072595 MEMO ORIGINAL PAPERS FWD TO C.O.S.A. VIA CERTIFIED MAIL Z 011 724 216090595 PLEA DEFT'S NOTICE OF DISCOVERY (31)092795 PLEA DISCOVERY NOTICE FD.100395 MOTN MOTION FOR SPECIAL ADMISSION OF OUT-OF-STATE ATTY UNDER100395 RULE 14 OF THE RULES GOVERNING ADMISSION TO THE BAR (32)100695 PLEA NOTICE OF DISCOVERY MATERIAL101395 PLEA DISCOVERY NOTICE FD.102095 PLEA DEFTS BY THEIR ATTY MARGARET NOLAN FILES THIRD PARTY102095 COMPLAINT. (33)102495 APPR STRIKE THE APPEARANCE OF HELEN HERSHKOFF AS CO-COUNCIL FOR
Doc No./Seq	1/4
No.:	
	01/20/1999 Entered Date: 01/20/1999 Decision: Converted Docket
Name:	
	******* MORE EVENTS *********94340058 ********DATE CODE TEXT102495 PLAINTIFF, G31)102595 PROC DEF MARYLAND STATEPRIVATE CREATED: 10/25/95 SERVED: / /.102595 PROC DEF AMPREY, WALTERPRIVATE CREATED: 10/25/95 SERVED: / /.102795 MOTN BOARD OF SCHOOL COMMISSIONER OF BALTIMORE CITY'S MOTION AND102795 MEMORANDUM OF LAW IN SUPPORT THEREOF FOR PROTECTIVE ORDER (35)111495 PLEA DEFTS THIRD PARTY PLTFFS RESPONSE TO THIRD PARTY DEFTS MOTION FOR111495 PROTECTIVE ORDER, MEMORANDUM & EXHIBITS FD. (36)111595 MOTN PLTFF'S MOTION TO DISMISS, MEMO IN SUPPORT FD. (37)11595 PLEA DISCOVERY NOTICE FD.111795 MOTN PLTFF'S MOTION FOR CLASS CERTIFICATION FD. (38)111795 PLEA DISCOVERY NOTICES FD.112095 PLEA NOTICE OF SERVICE120195 PLEA BALTIMORE CITY PUBLIC SCHOOLS' OPPOSITION TO PLTFFS' MOTION FOR CLASS CERTIFICATION AND MEMORANDUM (39)120195 APPR ENTER THE APP. OF ATTYS (PAUL MARK SANDLER & JOSEPH J. COPPOLA)120195 FD. (39)120195 MEMO ATTY (JOSEPH J. COPPOLA) CANNOT BE ENTERED WITHOUT SIGNATURE120495 PLEA DEFTS/THIRD PARTY PLTFFS BY THEIR ATTY FILES RESPONSE 120495 TO THIRD-PARTY DEFTS MOTION TO DISMISS, MEMORANDUM, AND120495 AND PROPOSED ORDER. (40)120695 PLEA DEFTS/THIRD PARTY PLTFFS RESPONSE TO PLTFFS MOTION FOR CLASS120695 CERTIFICATION FD. (41)120695 ORDR STIPULATION FOR PROTECTIVE ORDER, ORDER OF COURT (KAPLAN, J) (42)121395 PLEA DISCOVERY NOTICE FILED121995 PLEA THIRD PARTY DEFTS' MEMORANDUM IN REPLY TO DEFTS/THIRD PARTY 121995 PLFS ORDES TO FLIRD PARTY DEFTS' MOTION TO DISMISS (43)122895 ORDR MEMORANDUM OPINION AND ORDER OF COURT THAT THE CITY'S MOTION TO122895 DISMISS THIRD PARTY DEFTS' MATING ANDUM IN REPLY TO DEFTS/THIRD PARTY PLTFFS COMPLAINT, & EXHIBITS. (45)021396 PLEA NOTICE OF DISCOVERY NOTICE FILED121995 PLEA THIRD PARTY DEFTS' MOTION TO DISMISS (43)122895 DRAM MEMORANDUM OPINION AND ORDER OF COURT THAT THE CITY'S MOTION TO INTERVENE AFFIRMELY MATERIALSERVED.031696 PLEA NOTICE OF DISCOVERY NOTICE FOLDSCOVERY MATERIALSERVED.031696 PLEA NOTICE OF DISCOVERY NOTICE OF DISCOVERY MATERIALSERVED.031696 PLEA DISCOVERY NOTICE
	STRIKE THE APP. OF043096 ATTY (RALPH S. TYLER) FD. (51)043096 MEMO CANNOT STRIKE ATTY (RALPH S. TYLER) WITHOUT SIGNATURE051496 PLEA DISCOVERY NOTICES (2)
	FD.051596 PLEA THIRD-PARTY PLTFFS DESIGNATION OF EXPERT WITNESSES. (52)051696 PLEA NOTICE OF SERVICE OF DISCOVERY MATERIALS (54)052096 PLEA DISCOVERY NOTICE FD.052896 PLEA NOTICE OF DISCOVERY MATERIAL SERVED, FD.052896 PLEA NOTICE OF
	SERVICE.053196 PLEA NOTICE OF DISCOVERY MATERIAL060596 PLEA NOTICE OF DISCOVERY MATERIAL SERVED060796 APPR ENTRY OF APPEARANCE OF JEFFREY P. NESSON ESQ. AS COUNSEL FOR060796 DEFT. MD BOARD OF EDUCATION, FD. (55)061196 ORDR
	ORDER OF APPEALS OF MARYLAND, 6/10/96, THAT WRIT OF CERTIORARIO61196 IS GRANTED AND CASE SHALL BE TRANSMITTED TO C.O.S.A. WITHOUT061196 DELAY, C.J. MURPHY (56)061396 PLEA NOTICE OF SERVICE061396 PLEA NOTICE OF SERVICE061396
	PLEA DISCOVERY NOTICE FD.061996 PLEA NOTICE OF DISCOVERY MATERIAL SERVED. (56- A)061996 PLEA DEFDTS' DESIGNATION OF EXPERT WITNESSES. (56-B)062196 MEMO ORIGINAL PAPERS FWD TO C.O.S.A. ON WRIT OF CERTIORARI VIA062196 CERTIFIED MAIL   368 890 652.062496 PLEA NOTICE OF DISCOVERY MATERIAL SERVED, FD. (56-C)062896 ORDR ORDER OF COURT PERMITTING RELEASE OF PERSONALLY IDENTIFYING062896
	INFORMATION CONTAINED ON CERTAIN DATA TAPES (KAPLAN, J) (57)062896 PLEA (2) NOTICE OF DISCOVERY (57-A AND 57-B)062896 PLEA NOTICE OF DISCOVERY (57-C)070396 PLEA NOTICE OF SERVICE OF DISCOVERY (57-D)071996 PLEA DISCOVERY NOTICE FD. (57- E)073096 MOTN DEFT'S (MONTGOMERY COUNTY, MD) MOTION FOR CONTINUANCE AND
	REQUEST073096 FOR HEARING FD. (58)080196 PLEA DISCOVERY NOTICE FD. (58-A)080196 ORDR ORDER DATED 7-26-96 FROM COURT OF APPEALS OF MARYLAND ON ITS080196 MOTION, WRIT OF CERTIORARI TO THE COURT OF SPECIAL APPEALS080196 SHALL ISSUE CASE. (CHIEF JUDGE ROBERT C. MURPHY) (58-B)080296 ORDR ORDER OF COURT THAT THE

	MOTION FOR CONTINUANCE OF TRIAL FILED BY080296 MONTGOMERY COUNTY IS DENIED (KAPLAN, J.) (59)
, Doc	
lo./Seq	1/5
lo.: ilo Dato:	01/20/1999 Entered Date: 01/20/1999 Decision:
ame:	Converted Docket
	01/20/1999 Entered Date: 01/20/1999 Decision: Converted Docket ******* MORE EVENTS ********94340058 *******DATE CODE TEXT082896 PLEA PLTFS MOTION FOR SUMMARY JUDGMENT, PROPOSED ORDER & MEMORANDUM(60)082896 MOTN DEFTS (MD ST. BOARD OF EDUCATION & STATE SUPPRINTENDENT OF082896 SCHOOL NANCY S. GRASMICK) MOTION FOR SUMMARY JUDGMENT, MEMORAN-082896 DUM & EXHIBITS FD. (62)083096 PLEA MEMORANDUM IN SUPPORT OF PLTFFS' MOTION FOR PARTIAL SUMMARY JUDG-083096 MENT FD. (61)091796 PLEA PLTFFS MOTION FOR PARTIAL SUMMARY JUDG-083096 MENT FD. (61)091796 PLEA PLTFFS' MOTION FOR PARTIAL SUMMARY JUDG-083096 MENT FD. (61)091796 PLEA PLTFFS' MOTION FOR PARTIAL SUMMARY JUDG-091796 MENT & EXHIBITS FD. (62A)091796 PLEA STATE DEFTS'. MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR091796 PLEA AFTIDAVIT OF ELIZABETH B. MCCALLUM WITH EXHIBIT, FD. (63)100196 PLEA AFFIDAVIT OF ELIZABETH B. MCCALLUM WITH EXHIBIT, FD. (63)100196 FOR PARTIAL SUMMARY JUDGMENT AND EXHIBITS, FD. (64)100996 PLEA JOINT PRE-TRIAL STATEMENT & EXHIBITS (65)101896 OURD ROPER OF CT. PLTFFS'(BRADFORD)MOTION FOR PARTIAL SUMMARY101896 JUDGMENT "GRANTED IN PAR & DENIED IN PART" (KAPLAN J)(66)102196 MOTN MOTION FOR SPECIAL ADMISSION OF OUT-OF-STATE ATTYS UNDER RULE 14102196 OF THE RULES GOVERNING ADMISSION TO THE BAR FD. (67)102296 APPR ENTER APPEARANCE OF LAWRENCE P. FLETCHER-HILL, ESQ., WENDY A.102296 KRONMILLER, ESQ., VALERIE V. CLOUTIER, ESQ. AND JOANN G. GOEDERT, 102296 APPR ENTER APPEARANCE OF LAWRENCE P. FLETCHER-HILL, ESQ., ELIZABETH MCCALLUM, 50,103096 ORDR ORDER OF COURT THAT KAREN F. BOYD, ESQ., ELIZABETH MCCALLUM, 51,013096 CARD RORDER OF COURT THAT KAREN F. BOYD, ESQ., ELIZABETH MCCALLUM, 51,013096 CARD RORDER OF COUNT THAT KAREN F. BOYD, ESQ., ELIZABETH MCCALLUM, 52,1103096 CASE AS CO-COUNSE LFOR PLEAFS'. ORDER ADDATED 10-23- 96. JUDGE103096 KAPLAN (72)110496 PLEA SAFDFOR PLEFFS' MEMORANDIN IN OPPOSITION TO STATE DEFTS'1110AT96 ETAL., MOTION IN LIMINE (76)112796 CLOS CONSENT DECRE OF COUNS (75)110796 PLEA PLTFFS' MEMORANDIN IN OP
	EMPLOYEES COUNCIL 67 A/W AMERICAN FEDERATION OF TEACHERS LOCAL122496 800; MARTLAND POBLIC EMPLOYEES COUNCIL 67 A/W AMERICAN FEDERATION122496 OF STATE, COUNTY, MUNICIPAL EMPLOYEES; AND BALTIMORE MUNICIPAL122496 EMPLOYEES LOCAL 44 A/W AMERICAN FEDERATION OF STATE, COUNTY AND122496 MUNICIPAL EMPLOYEES, AFL-CIO, APPLICANTS FOR INTERVENTION. (78)122496 MOTN MOTION TO INTERVENE ON BEHALF OF HARRIETT GHEE; INEZ CHAMBERS;122496 JEANETTE SOMERVILLE; GWENDOLYN CHRISTOPHER, BALTIMORE TEACHERS122496 UNION, AMERICAN FEDERATION OF TEACHER
	LOCL 340, AFL-CIO; THE122496 CITY UNION OF BALTIMORE, AMERICAN FEDERATION OF TEACHERS LOCAL122496 800; MARYLAND PUBLIC EMPLOYEES COUNCIL 67 A/W AMERICAN FEDERATION122496 OF STATE, COUNTY, MUNICIPAL EMPLOYEES; AND BALTIMORE MUNICIPAL122496 EMPLOYEES; AND BALTIMOMRE MUNICIPAL EMPLOYEES LOCAL 44 A/W AMER-122496 ICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-
	CIO122496 AND REQUEST FOR HEARING FD. (79)122496 MOTN UNDESIGNATED INTERVENORS' MOTION TO MODIFY THE CONSENT DECREE122496 FD. (80)122796 PLEA PROPOSED ORDER.010997 PLEA VERIFIED MOTION TO INTERVENE, VERIFIED MEMO. IN SUPPORT, PROPOSED010997 ANSWER OF APPLICANT FOR INTERVENTION IF INTERVENOR IS REQUIRED TO010997 ASSUME PARTY STATUS AND PROPOSED ORDER, FD. (81)011697
	ORDR JOINT STIPULATION TO MODIFY PARAGRAPH 56 OF THE CONSENT DECREE011697 AN ORDER GRANTING SAME. (KAPLAN, J) (82)011697 MOTN PLTFFS & DEFTS JOINT MOTION T EXTEND TIME TO RESPOND TO011697 TO MOTIONS FOR INTERVENTION AND EXHIBITS & PROPOSED ORDER. (83)021297 PLEA STIPULATION TO EXTENSION OF TIME TO RESPOND T MOTIONS TO INTER-021297 VENE FD. (84)021897 ORDR ORDER DATED 2-12-97 JOINT STIPULATION TO EXTENSION OF TIME TO021897 RESPOND TO MOTIONS TO INTERVENE
	(DANCY J)(85)032897 ORDR ORDER OF C.O.S.A, DATED 3/27/97, DIRECTS THAT THE ABOV CAPTIONED032897 APPEAL PROCEED WITHOUT A PREHEARING CON. C.J. MURPHY, JR. (86)041897 PLEA NOTICE OF DISMISSAL OF APPEAL FD. IN C.O.S.A. BY ROGER W. TITUS,041897 ESQ. FOR MONT. CO. (87)042297 MEMO ORIGINAL PAPERS HAND DEL. TO COURT OF APPEALS.043097 PLEA STIPULATION AND PROPOSED ORDER FILED (88)050897
	ORDR ORDER CONSENT DECREE (KAPLAN, J)(89)ALSO 95258055050897 PLEA APPELLANT'S(MON. CO.) NOTICE OF DISMISSAL FD. IN C.O.S.A.,050897 ON 4/21/97.05089 ORDR DISPOSITION IN C.O.S.A.: JUDGMENT: 4/21/97: NOTICE OF DISMISSAL050897 FD. B COUNSEL FOR THE APPELLANT. APPEAL DISMISSED. 5/5/97:050897 CLOS MANDATE ISSUE C.O.S.A PHC #: 1100, SEPTEMBER TERM, 1996.051397 MEMO ONE MANILLA ENVELOPE
	RETURNED FROM COURT OF APPEALS >*ONLY*<051397 CONTAINING EXHIBITS TO PLEADING # 65.051597 MEMO ORIGINAL PAPERS RETURNED BACK FROM CT OF APPEALS.051597 ORDR DISPOSITION OF APPEAL IN CT. OF APPEALS: 4/4/97:

F S (	UDGMENTS051597 AFFIRMED: COSTS TO BE PAID BY MONTGOMERY COUNTY, MD.,061897 PLEA THE NEW BOARD OF SCHOOL COMMISSIONERS OF BALTO. CITY JOINT061897 STIPULATION FOR ENLARGEMENT OF TIME TO APPOINT THE INTERIM CEO061897 FD. 90)091697 PLEA NOTICE OF COMPLETION OF TRANSITION PLAN. (91)102698 MOTN STATE DEFTS MOTION FOR EXTENSION OF TIME TO PLEAD TO REQUEST
· · · · ·	1/6
No.: File Date: (	01/20/1999 Entered Date: 01/20/1999 Decision:
Document	Converted Docket
	****** MORE EVENTS ********94340058 ********DATE CODE TEXT102698 FOR DECLARATORY JUDGMENT AND ORDER (92)110598 ORDR ORDER THAT DEFTS MOTION FOR EXTENSION OF TIME TO RESPONG TO110598 REQUEST FOR DECLARATORY JUDGEMENT IS GRANTED (KAPLAN, J) (93)111698 MOTN DEFT (STATE PARTIES) MOTION TO DISMISS (PHILLIP H. FARFEL) RE-111698 QUEST FOR DECLARATORY JUDGMENT AND MOTIO TO ENFORCE CONSENT DE-111698 CREE FD. (94)111698 MOTN STATE PARTIES MOTION TO DISMISS PHILLIP H FARFEL'S FOR111698 DECLARATORY JUDGMENT & MOTION TO ENFORC CONSENT DECREE, MEMO.123199 MEMO ******** CASE PROTRACTED TO JUDGE JOSEPH H H. KAPLAN *******123199 MEMO **PLEADING # 60 & 65 TO LARGE TO ENCLOSE-SEE STORAGE AREA***
Doc No./Sec	a No.: 2/0
File Date:	02/25/1999 Entered Date: 02/25/1999 Decision: Granted
Party Type: Document N	Defendant Party No.: 1 Jame: Motion Previously Entered on Mainframe
Doc No./Sec	2/1
File Date:	02/25/1999 Entered Date: 02/25/1999 Decision:
Document	Order of Court
Name:	that the State parties' motion is GRANTED and Dr. Farfel's Motion is hereby
	DISMISSED.
Doc No./Sec No.:	<sup>,</sup> 3/0
File Date: Party Type:	06/09/2000 Entered Date: 06/13/2000 Decision: Defendant Party No.: 2
Document Name:	PETITION OF THE NEW BOARD OF SCHOOL
	COMMISSIONERS FOR BALTIMORE CITY FOR FUTHER RELIEF PURSUANT TO THE CONSENT DECREE MEMORANDUM AND EXHIBITS PLACED IN THREE (3) MANILLA ENVELOPE
Doc No./Sec	3/1
File Date:	06/23/2000 Entered Date: 06/27/2000 Decision:
Party Type:	Defendant Party No.: 1
Document Name:	OPPOSITION OF MARYLAND STATE BOARD OF
	EDUCATION TO PLAINTIFFS' PETITION FOR FURTHER RELIEF MEMORANDUM AND EXHIBITS FD.
Doc No./Sec No.:	3/2
File Date: Party Type:	06/28/2000 Entered Date: 06/30/2000 Decision: Defendant Party No.: 1
Document Name:	MARYLAND STATE BOARD OF EDUCATION'S
name.	SUPPLEMENTAL SUBMISSION IN SUPPORT OF THE STATE'S OPPOSITION TO THE NEW BOARDS'S PETITION FOR FURTHER RELIEF AND EXHIBITS FILED (PLACED IN MANILLA ENVELOPE)
Doc No./Seq	4/0
No.:	
File Date:	06/21/2000 Entered Date: 06/23/2000 Decision:

Document Name:	NOTICE OF FILING THREE VOLUMES OF SUPPLEMENTAL EXHIBITS TO THE NEW BOARD OF SCHOOL COMMISSIONERS AND THE BRADFORD PLAINTIFF'S JOINT MEMORANDUM IN SUPPORT OF THE NEW BOARD'S PWTITION FOR FURTHER RELIEF PURSUANT TO THE CONSENT DECREE (FNALP) PLACED IN THREE MANILLA ENVELOPS
Doc No./Sec	5/0
File Date: Party Type:	06/20/2000 Entered Date: 06/27/2000 Decision: Defendant Party No.: 2
Document Name:	THE NEW BOARD OF SCHOOL COMISSIONERS AND
	THE BRADFORD PLAINTIFF'S SUPPLEMENTAL SUBMISSION IN SUPPORT OF THE NEW BOARD'S PETITION FOR FURTHER RELIEF PURSUANT TO THE CONSENT DECREE AND EXHIBITS (FNALP)
Doc No./Sec File Date: Document N	No.: 6/0 06/26/2000 Entered Date: 06/28/2000 Decision: lame: AFFIDAVIT OF THOMAS LEE
Doc No./Sec File Date: Document N	No.: 7/0 06/26/2000 Entered Date: 06/28/2000 Decision: Name: AFFIDAVIT OF ELOISE FOSTER
Doc No./Sec File Date: Party Type: Document N	No.: 8/0 06/26/2000 Entered Date: 07/03/2000 Decision: Denied Defendant Party No.: 501 Jame: Motion in Limine (LOOSE PLEADING)
Doc No./Sec File Date: Document N	No.: 8/1 07/03/2000 Entered Date: 07/03/2000 Decision: lame: Order of Court 6/26/00 MOTION IN LIMINE IS DENIED (KAPLAN, J.) (LOOSE ORDER)
Doc No./Sec File Date: Document N	No.: 8/2 07/03/2000 Entered Date: 07/03/2000 Decision: lame: Copies Mailed
Doc No./Seq No.:	9/0
	06/29/2000 Entered Date: 07/03/2000 Decision: Plaintiff Party No.: 1
Document Name:	NEW BOARD OF SCHOOL COMMISSIONERS AND
	BRADFORD PLAINTIFF'S MOTION TO STRIKE PORTIONS OF THE STATE'S SUPPLEMENTAL SUBMISSION OF JUNE 28, 2000, AND RESPONSES TO THAT SUPPLEMENTAL SUBMISSION (FNALP) Filed by PLT001-Bradford, Keith A, PLT002-Bradford, Stephanie E, DEF002-Board Of School Commissioners Of Baltimore City,
File Date:	No.: 10/0 07/06/2000 Entered Date: 07/06/2000 Decision:
Document N	lame: Memorandum Opinion AND ORDER (LOOSE ORDER)
File Date:	No.: 10/1 07/06/2000 Entered Date: 07/06/2000 Decision: lame: Copies Mailed
	No : 11/0

	Case Information
File Date: Document N	07/06/2000 Entered Date: 07/06/2000 Decision: Granted lame: Order of Court (LOOSE ORDER)
Doc No./Sec	1 No.: 12/0
File Date:	07/19/2000 Entered Date: 07/20/2000 Decision:
Party Type:	
	lame: Notice to Strike appearance
Doc No./Sec	
File Date: Document N	07/31/2000 Entered Date: 09/22/2000 Decision: lame: Appeal Order to COSA or COA
Doc No./Sec	-
File Date:	09/11/2000 Entered Date: 09/22/2000 Decision:
Document N	ame: Order of Court of special appeals order to proceed without a prehearing conference.
Doc No./Sec	· ·
File Date:	09/14/2000 Entered Date: 09/22/2000 Decision:
Document N	ame: Miscellaneous Document writ of certiorari, fd.
Doc No./Sec	
File Date:	09/14/2000 Entered Date: 09/22/2000 Decision:
,	lame: Order of Court of appeals petition for writ of certiorari granted.
Doc No./Sec No.:	17/0
File Date:	10/02/2000 Entered Date: 10/02/2000 Decision:
Document	Record on Appeal Forwarded to coa
Name:	original papers forwarded to the coa via certified mail #7000 0600 0022 4696 8437, 8444, 8420, 8413, 8383, 8390 & 8406
Doc No./Sec	18/0
File Date:	10/26/2000 Entered Date: 11/27/2000 Decision:
Party Type:	Plaintiff Party No.: 1
Document Name:	Response To The States Motion To Dismiss
	Dr. Phillip Farfel's Motion To Compel The State To Release \$8 Million (FNA-LP) Filed by PLT001-Bradford, Keith A, PLT002-Bradford, Stephanie E
Doc No./Seq No.:	19/0
File Date:	02/09/2001 Entered Date: 02/09/2001 Decision:
Document Name:	Mandate, Court of Appeals of MD
	Original papers consisting of 8 volumes and various materials in 7 boxes returned from t Court of Appeals on 2/8/2001.MANDATE: Appeal from the Circuit Court for Baltimore City pursuant to Certiorari to the Court of Special Appeals.DISPOSITION OF APPEAL IN COUR OF APPEALS:January 31, 2001 - Case dismissed.
Doc No./Sec	20/0
	04/20/2001 Entered Date: 04/24/2001 Decision:
File Date:	
	Order of Court (FNALP)

23, 12:18 PM	Case Information		
Doc No./Seq	21/0		
No.: File Date:	05/24/2002 Entered Date: 05/24/2002 Decision:		
Party Type:	Defendant Party No.: 2		
Document	Joint Motion for Extension of Judicial		
Name:	Supervision, Memo in Support, Appendix of Exhibits and Proposed Order Note: placed in a box Filed by DEF002-Board Of School Commissioners Of Baltimore City, , PLT001-Bradford Keith A, PLT002-Bradford, Stephanie E		
Doc No./Seq	21/1		
File Date: Party Type:	06/13/2002 Entered Date: 06/13/2002 Decision: Defendant Party No.: 1		
Document Name:	Opposition to Joint Motion for Extension		
Name.	of Judicial Supervision, Exhibits, Affidavits and Proposed Order (FNALP) Filed by DEF001- Maryland State Board Of Education, , DEF501-MARYLAND STATE BOARD OF EDUCATION,		
Doc No./Seq	22/0		
File Date:	06/10/2002 Entered Date: 06/11/2002 Decision:		
Party Type:	Defendant Party No.: 1		
Document Name:	Unopposed Motion for Two-Day Extension		
	of Time to Respond Filed by DEF001-Maryland State Board Of Education, , DEF508- GRASMICK, NANCY S		
Doc No./Seq No.:	23/0		
File Date: Party Type:	06/19/2002 Entered Date: 06/19/2002 Decision: Defendant Party No.: 2		
Document Name:	Reply Memorandum and Exhibits (FNALP)		
	Filed by DEF002-Board Of School Commissioners Of Baltimore City, , PLT001-Bradford, Keith A, PLT002-Bradford, Stephanie E		
Doc No./Seq No.:	24/0		
File Date:	06/20/2002 Entered Date: 06/20/2002 Decision:		
Document Name:	Open Court Proceeding		
	062002 PLTFF'S JOINT MOITON FOR EXTENSION OF JUDICIAL SUPERVISION OVER REMEDY PROCEEDINGS IN THIS CASE HEARD AND HELD SUB CURIA PENDING OPINION AND ORDER TO BE FD. KAPLAN J		
Doc No./Seq No.:	25/0		
File Date:	06/25/2002 Entered Date: 06/25/2002 Decision: Granted		
Document Name:	Memorandum Opinion and Order of Court		
	Purusant to paragraph 68 of the Consent Decree, this Court will retain jurisdiction and continue judicial supervision of this matter until such time as the State has complied this Court's June 2000 Order, Kaplan J (Fna-Ip)		
Doc No./Seq No.:	26/0		
File Date:	03/16/2004 Entered Date: 03/16/2004 Decision:		
Document Name:	Order of Court signed on 3/11/04		
-	that the Order prepared by Judge Marvin J. Garbis US District Judge hereby adopts that Order (Kaplan J)		
Doc No./Seq			
File Date: Party Type:	04/08/2004 Entered Date: 04/09/2004 Decision: Defendant Party No.: 3		
	ame: Response of the Mayor and City Council of Baltimore to the Court's June 2000 Memorandum Opinion and Order of Court		
	Memorandum Opinion and Order of Court		

23, 12:18 PM	Case Information
Doc No./Seq N File Date: Party Type: Document Nar	<ul> <li>o.: 28/0</li> <li>04/08/2004 Entered Date: 04/09/2004 Decision:</li> <li>Defendant Party No.: 2</li> <li>ne: Response of the Baltimore City Public Schools to the Court's June, 2000</li> <li>Memorandum Opinion and Order of Court</li> </ul>
Doc No./Seq	
No.:	29/0
Party Type:	04/08/2004 Entered Date: 04/09/2004 Decision: Defendant Party No.: 501
Document Name:	Response of the Maryland State Department of Education to the Court's June, 2000
	Memorandum Opinion and Order of Court Filed by DEF501-MARYLAND STATE BOARD OF EDUCATION, DEF001-Maryland State Board Of Education
Doc No./Seq N	0.: 30/0
File Date:	04/21/2004 Entered Date: 04/21/2004 Decision:
Party Type: Document Nan	Defendant Party No.: 1 ne: Attorney Appearance Terminated
	Lawrence P Fletcher-Hill
Doc No./Seq N	
File Date:	04/21/2004 Entered Date: 04/21/2004 Decision:
Party Type: Document Nan	Defendant Party No.: 2 ne: Attorney Appearance Terminated
	Abbey G Hairston
Doc No./Seq N	
File Date:	04/21/2004 Entered Date: 04/21/2004 Decision:
Party Type: Document Nan	Defendant Party No.: 3 ne: Attorney Appearance Terminated
	Otho M Thompson
Doc No./Seq N	
File Date: Party Type:	04/21/2004 Entered Date: 04/21/2004 Decision: Plaintiff Party No.: 1
	ne: Attorney Appearance Terminated
	Alan I Baron
Doc No./Seq N	
File Date: Party Type:	04/21/2004 Entered Date: 04/21/2004 Decision: Plaintiff Party No.: 2
	ne: Attorney Appearance Terminated
,	Alan I Baron
Doc No./Seq N	
File Date: Party Type:	06/02/2004 Entered Date: 06/02/2004 Decision: Defendant Party No.: 3
	ne: Correspondence-copy of letter to Judge Kaplan (original letter with exhibits in case #95258055/CL202151)
Doc No./Seq 3	96/0
	7/08/2004 Entered Date: 07/14/2004 Decision:
	Plaintiff Party No.: 1
Document Name:	lotion For A Declaration Ensuring Continued Progress Towards
C A	Compliance With Court Orders And Constitutional Requirements, Memo In Support, Exhibit The In Large Brown Envelope. Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD
Doc No./Seq N	-
File Date:	07/16/2004 Entered Date: 07/20/2004 Decision:
Party Type:	Defendant Party No.: 3

23, 12:18 PM	Case Information
Document Na	me: BALTIMORE CITY'S OPPOSITION TO THE BRADFORD PLTFFS' MOTION SEEKING TO IMPOSE ADDITIONAL FINANCIAL RISK AND BURDENS ON THE CITY.
Doc No./Seq No.:	36/2
File Date: Party Type:	07/19/2004 Entered Date: 07/20/2004 Decision: Plaintiff Party No.: 1
Document Name:	NOTICE OF CORRECTIONS TO MEMORANDUM IN SUPPORT OF MOTION FOR
	DECLARATION ENSURING CONTINUED PROGRESS TOWARDS COMPLIANCE WITH COURT ORDERS AND CONSTITIONAL REQIREMENTS.
Doc No./Seq   File Date:	No.: 36/3 07/19/2004 Entered Date: 07/20/2004 Decision:
Party Type:	Defendant Party No.: 2
Document Na	me: BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY'S MEMORANDUM IN SUPPORT OF BRADFORD PLTFFS' MOTION FOR DECLARATION.
Doc No./Seq No.:	36/4
File Date:	07/19/2004 Entered Date: 07/22/2004 Decision:
Party Type: Document Name:	Plaintiff Party No.: 1 NOTICE OF FILING CORRECTED EXHIBIT 9 TO MEMORANDUM IN SUPPORT OF MOTION ETC.
Doc No./Seq	
File Date: Party Type:	07/13/2004 Entered Date: 07/14/2004 Decision: Plaintiff Party No.: 1
	me: Notice of Motion of Filing Of Amended Certificate Of Sevice Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFORD
Doc No./Seq No.:	38/0
File Date: Party Type:	07/16/2004 Entered Date: 07/19/2004 Decision: Defendant Party No.: 1
Document Name:	Motion For Declaratory Ruling And Other Relief, Memo In Support,
	Exhibits Filed by DEF001-Maryland State Board Of Education, DEF501-MARYLAND STATE BOARD OF EDUCATION
Doc No./Seq No.:	38/1
File Date: Party Type:	07/21/2004 Entered Date: 07/21/2004 Decision: Plaintiff Party No.: 1
Document Name:	THE BRADFORD PLTFFS' PRE-HEARING OPPOSITION TO STATE'S REQUEST
	FOR A DECLARATION THAT IT HAS COMPLIED WITH THIS COURT'S ORDERS AND ITS CONSTITUTION DUTY AND EXHIBITS. EXHIBITS IN FOLDER
Doc No./Seq I File Date:	No.: 38/2 07/20/2004 Entered Date: 07/22/2004 Decision:
Party Type:	Defendant Party No.: 517 me: Opposition to Motion
Doc No./Seq	38/3
File Date:	08/02/2004 Entered Date: 08/05/2004 Decision: Plaintiff Party No.: 1
Document Name:	Notice Of Filing Declaration Of John R Woolums In Opposition To
	State's Request For A Declaration That It Has Complied With This Court's Orders And Its Constitutional Duty, Exhibits Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD

8/14/23,	12:18 PM
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ile Date: Party Type:	Proposed Findings Of Fact And Conclusion Remedy Submitted On Behalf Of The Mayo	-
Doc No./Seq No.	45/0 08/18/2004 Entered Date: 08/18/2004 Defendant Party No.: 3	Decision:
Doc No./Seq No. File Date: Party Type: Document Name	44/0 08/18/2004 Entered Date: 08/18/2004 Defendant Party No.: 3 Baltimore City's Position On Trusteeship	Decision:
Doc No./Seq No. File Date: Party Type: Document Name	43/0 08/02/2004 Entered Date: 08/06/2004 Defendant Party No.: 3 BALTIMORE CITY'S NOTICE OF LOAN REP.	
Doc No./Seq No. File Date: Document Name	07/27/2004 Entered Date: 07/27/2004	Decision:
Doc No./Seq No. File Date: Document Name	42/0 07/27/2004 Entered Date: 07/27/2004 Order dated July 26, 2004 Directing Affida	
File Date: Party Type: Document Name	07/30/2004 Entered Date: 08/03/2004 Plaintiff Party No.: 1 Notice Of Filing Letter Objection To Motio Filed by PLT001-Bradford, PLT002-Bradfo	ni To Intervene
Doc No./Seq No.	-	
Doc No./Seq No. File Date: Document Name	07/23/2004 Entered Date: 07/23/2004	Decision:
Doc No./Seq No. File Date: Document Name	41/1 07/23/2004 Entered Date: 07/23/2004 Order of Court signed on 7/21/04 Motion to Interevene is "Granted"	Decision:
Doc No./Seq No. File Date: Document Name	41/0 07/20/2004 Entered Date: 07/21/2004 Motion to Intervene	Decision: Granted
Doc No./Seq No. File Date: Party Type: Document Name	40/0 07/21/2004 Entered Date: 07/21/2004 Plaintiff Party No.: 1 Notice of Filing Declarations	Decision:
Document Name	07/21/2004 Entered Date: 07/21/2004 Reopen Case	Decision:
Doc No./Seq No. File Date:	-	

	08/18/2004 Entered Date: 08/18/2004 Decision:	
Documont	Defendant Party No.: 1	
Name:	State Defts' Proposed Findings Of Fact, Conclusion of Law, And	
	Comment On Remedy Filed by DEF001-Maryland State Board Of Education, DEF002-B School Commissioners Of Baltimore City, DEF501-MARYLAND STATE BOARD OF EDUC DEF506-GOLDSTEIN, DEF507-GLENDENING, DEF508-GRASMICK, DEF517-BOARD OF S COMMISSIONERS OF BALTIMORE, DEF518-AMPREY	ATIC
Doc No./Seq	1 No.: <b>47/0</b>	
File Date:	<b>08/18/2004</b> Entered Date: <b>08/18/2004</b> Decision:	
Party Type:		
	lame: Proposed Findings Of Fact And Conclusions Of Law, Exhibits	
Doc No./Seq	<sup>4</sup> 48/0	
File Date:	08/19/2004 Entered Date: 08/19/2004 Decision:	
Party Type:	Plaintiff Party No.: 1	
Document		
Name:	Bradford Plaintiffs' Proposed Findings Of Fact, Conclusions Of Law,	
	And Remedy Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PL BRADFORD	.T50
Doc No./Seq No.:	49/0	
File Date: Party Type:	08/19/2004 Entered Date: 08/19/2004 Decision: Plaintiff Party No.: 1	
Document Name:	Notice of Filing Official Hearing Transcript	
_	NOTE: FOUR LARGE WHITE ENVELOPES CONTAINING HEARING TRANSCRIPTS FOR 7/22/04, 7/23/04, 8/03/04 and 8/04/04 HAVE BEEN PLACED IN LARGE BOX AND S TO FILE ROOM W/PLEADING. DF	SENT
Doc No./Seq	ן No.: 50/0	
File Date:	08/20/2004 Entered Date: 08/20/2004 Decision: Granted	
Document N	lame: Memorandum Opinion & ORDER (KAPLAN, J.)	
Doc No./Seq	· · ·	
File Date:	08/20/2004 Entered Date: 08/20/2004 Decision: Ruled	
Document N	lame: Order of Court (KAPLAN, J.)	
Doc No./Seq	1 No.: <b>52/0</b>	
File Date:	08/31/2004 Entered Date: 09/01/2004 Decision: Denied	
Party Type:		
	ame: MOTION FOR CLARIFICATION	
Doc No./Seq		
File Date:	09/14/2004 Entered Date: 09/14/2004 Decision:	
Document N	lame: Order of Court Motion is "Denied"	
	No.: 52/2	
File Date:	09/14/2004 Entered Date: 09/14/2004 Decision: Jame: Copies Mailed	
File Date: Document N	lame: Copies Mailed	
File Date: Document N Doc No./Seq No.:	Jame: Copies Mailed 52/3	
Doc No./Seq No.: File Date:	Same: Copies Mailed           52/3           09/14/2004 Entered Date: 09/16/2004 Decision:	
File Date: Document N Doc No./Seq No.:	Same: Copies Mailed           52/3           09/14/2004 Entered Date: 09/16/2004 Decision:	

23, 12:18 PIVI		
	Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFO	RD
Doc No./Seq	No.: 53/0	
File Date:	09/07/2004 Entered Date: 09/07/2004 Decision:	
Party Type:	Plaintiff Party No.: 1	
Document N	me: Correspondence-Letter to Judge Joseph H H Kaplan Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFO	RD
	4/0	
No.:		
	9/10/2004 Entered Date: 09/10/2004 Decision:	
Document	efendant Party No.: 1	
Name:	ppeal Order to COSA	
   	he maryland State Board of Education and the State Superintendent of Schools ("State efendants"), by and through their undersigned counsel, hereby note an appeal from tl Idgment and Order of the Court issued on August 20, 2004. Filed by DEF001-Maryland oard Of Education, DEF508-GRASMICK, ADF510-CLOUTIERFiled by Attorney: Elliott L choen EsqPleading sent to file room.	he
Doc No./Seq	No.: 55/0	
File Date:	09/10/2004 Entered Date: 09/13/2004 Decision: Denied	
Party Type:	Defendant Party No.: 1	
Document N	me: Motion to Stay Circuit Court Order Pending Appeal, Memo In Support Filed by DEF001-Maryland State Board Of Education, DEF508-GRASMICK	
Doc No./Seq	No.: 55/1	
File Date:	09/15/2004 Entered Date: 09/16/2004 Decision:	
Party Type:	Defendant Party No.: 3	
Jocument N	me: Opposition to Motion to Stay	
Doc No./Seq	No.: 55/2	
File Date:	09/16/2004 Entered Date: 09/17/2004 Decision:	
Party Type:	Defendant Party No.: 2	
Document N	me: Opposition to Motion to Stay	
Doc No./Seq	No.: 55/3	
File Date:	09/16/2004 Entered Date: 09/22/2004 Decision:	
Document N	me: Order of Court	
,	Motion is Denied, Kaplan J	
Doc No./Seq		
File Date:	09/22/2004 Entered Date: 09/22/2004 Decision:	
Jocument N	me: Copies Mailed	
Doc No./Seq	No.: 55/5	
File Date:	09/21/2004 Entered Date: 09/22/2004 Decision:	
Party Type:	Plaintiff Party No.: 1	
Document N	me: Opposition to Motion to Stay	
Þ	Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFO	RD
Doc No./Seq		
File Date:	09/14/2004 Entered Date: 09/17/2004 Decision:	
Party Type: Document N	Defendant Party No.: 3 me: CITY'S REPLY MEMORANDUM IN SUPPORT OF MOTION FOR CLARIFICATION	
,		
Doc No./Seq	-	
File Date:	09/21/2004 Entered Date: 09/23/2004 Decision:	
Party Type:	Defendant Party No.: 3	

Document Name: Miscellaneous Document-Status Report

	<sup>q</sup> 58/0
No.: File Date:	09/30/2004 Entered Date: 09/30/2004 Decision: Granted
Party Type:	Plaintiff Party No.: 1
Document Name:	Bradford Pltffs Response to September 20, 2004 Submissions and Motion for
	Further Order & Exhibits Filed by PLT001-Bradford, PLT002-Bradford, PLT502- BRADFORD
	q No.: <b>58/1</b>
File Date:	10/01/2004 Entered Date: 10/04/2004 Decision:
Party Type:	Defendant Party No.: 3 Name: City's Opposition to Bradford Pltffs Motion for Further Order
Document	
Doc No./Se No.:	<sup>q</sup> 58/2
File Date:	11/09/2004 Entered Date: 11/09/2004 Decision:
Document Name:	Order of Court signed on 11/1/04
	Motion is "Granted" that a revised report reporting fully on the status of the State's compliance be filed by 11/12/04
Doc No./Se	q No.: <b>58/3</b>
File Date:	11/09/2004 Entered Date: 11/09/2004 Decision:
Document	Name: Copies Mailed
Doc No./Se	q No.: <b>58/4</b>
File Date:	09/09/2005 Entered Date: 09/14/2005 Decision:
Party Type:	
Document I	Name: BOARD OF SCHOOL COMMISSIONER'S OF BALTIMORE CITY'S RESPONSE TO
	DD FADEEL'S MOTION FOD FUNDING ODDED
-	DR. FARFEL'S MOTION FOR FUNDING ORDER.
Doc No./Seq	DR. FARFEL'S MOTION FOR FUNDING ORDER. 59/0
	59/0
No./Seq No.: File Date: Document	59/0
No./Seq No.: File Date:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity t respond, and (2) this Court has the opportunity to review that response. It is, therefore,
No./Seq No.: File Date: Document Name:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity t respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN
No./Seq No.: File Date: Document Name:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity t respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.)
No./Seq No.: File Date: Document Name: Doc No./Se File Date:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity to respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.)
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity to respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.) q No.: 60/0 10/25/2004 Entered Date: 10/25/2004 Decision: Name: Acknowledgement of COA of Receipt of Request for Writ of Certiorari
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document I  Doc No./Seq No.:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity to respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.) q No.: 60/0 10/25/2004 Entered Date: 10/25/2004 Decision: Name: Acknowledgement of COA of Receipt of Request for Writ of Certiorari 61/0
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document I Doc No./Seq No.: File Date:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity to respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.) q No.: 60/0 10/25/2004 Entered Date: 10/25/2004 Decision: Name: Acknowledgement of COA of Receipt of Request for Writ of Certiorari
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document I  Doc No./Seq No.:	59/0 10/12/2004 Entered Date: 10/12/2004 Decision: Order of the Courtof Special Appeals that appellants Motion to Stay Circuit Court Order Pending Appeal, that htis Court is persuaded that the motion should be granted only until (1) appellees have an opportunity to respond, and (2) this Court has the opportunity to review that response. It is, therefore, ORDERED that appellants' motion to stay be and is hereby GRANTED in part and DENIED IN PART; etc.(Murphy, C.J.) q No.: 60/0 10/25/2004 Entered Date: 10/25/2004 Decision: Name: Acknowledgement of COA of Receipt of Request for Writ of Certiorari 61/0

	EBRUARY 14, 2005
	52/0
No.: File Date:	L1/10/2004 Entered Date: 11/10/2004 Decision:
Document	
vame:	
	DRDERED, BY THE COURT OF APPEALS OF MARYLAND, THAT THE PETITION, THE CROSS- PETITION AND THE REQUEST FOR EXPEDITED BRIEFING BE, AND THEY ARE HEREBY, GRANTED, AND A WRIT OF CERTIORARI TO THE COURT OF SPECIAL APPEALS SHALL ISSUE; AND IT IS FURTHEORERED, THAT SAID CASE SHALL BE TRANSFERRED TO THE REGULAR DOCKET AS NO. 85, SEPTEMBER TERM, 2004; ORDERED, THAT COUNSEL SHALL FILE BRIEFS AND PRINTED RECORD EXTRACT IN ACCORDANCE WITH MD RULES 8-501 AND 8-502, PETITIONERS' BRIEF(S) AND RECORD EXTRACT TO BE FILED ON OR BEFORE DECEMBER 14, 2004; RESPONDENTS'/CROSS-PETITIONES' BRIEF(S) TO BE FILED ON OR BEFORE JANUARY L3, 2005; CROSS-RESPONDENTS' BRIEF(S) TO BE FILED ON OR BEFORE FEBRUARY 14, 2005ORDERED, THAT THIS CASE SHALL BE SET FOR ARGUMENT DURING THE MARCH SESSION OF COURT. CHIEF JUDGE ROBERT M BELL
Doc No./Se	63/0
File Date:	11/10/2004 Entered Date: 11/16/2004 Decision:
Document	WRIT OF CERTIORARI
Name:	YOR ARE HEREBY COMMANDED TO HAVE THE RECORD TRANSMITTED TO COURT OF APPEALS OF MARYLAND ON OR BEFORE NOVEMBER 19, 2004
Doc No./Se	64/0
File Date:	11/12/2004 Entered Date: 11/18/2004 Decision:
Party Type:	Defendant Party No.: 1
Document Name:	Misc-State Defts' Report
vanie:	Filed by DEF001-Maryland State Board Of Education, DEF501-MARYLAND STATE BOARD O EDUCATION, DEF517-BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE
P	
Doc No./Se	No.: 65/0
File Date: Party Type:	No.: 65/0 11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 Jame: Misc-Third Status Report Of Mayor & City Council Of Baltimore
File Date: Party Type: Document N	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3
File Date: Party Type: Document N Doc No./Seq No.:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 Jame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0
File Date: Party Type: Document N Doc No./Seq No.: File Date:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision:
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 Jame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 Jame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision:
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Set	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS No.: 67/0 12/01/2004 Entered Date: 12/01/2004 Decision:
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Set File Date: Party Type:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date: Party Type: Document N	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 666/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS No.: 67/0 12/01/2004 Entered Date: 12/01/2004 Decision: Plaintiff Party No.: 1 ame: NOTICE OF FILING BRADFORD ADMITTED EXHIBITS
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS No.: 67/0 12/01/2004 Entered Date: 12/01/2004 Decision: Plaintiff Party No.: 1 Tame: NOTICE OF FILING BRADFORD ADMITTED EXHIBITS
File Date: Party Type: Document N Doc No.'Seq No.: File Date: Party Type: Document Name: Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS No.: 67/0 12/01/2004 Entered Date: 12/01/2004 Decision: Plaintiff Party No.: 1 ame: NOTICE OF FILING BRADFORD ADMITTED EXHIBITS No.: 68/0 12/01/2004 Entered Date: 12/08/2004 Decision: Plaintiff Party No.: 1 ame: JOINT STIPULATION TO INCLUSION OF ADMITTED EXHIBITS IN
File Date: Party Type: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type:	11/12/2004 Entered Date: 11/18/2004 Decision: Defendant Party No.: 3 ame: Misc-Third Status Report Of Mayor & City Council Of Baltimore 66/0 12/01/2004 Entered Date: 12/01/2004 Decision: Defendant Party No.: 1 Correspondence from State of Maryland Office of the Attorney General ENCLOSED FOR FILING IN THE ABOVE CAPTIONED CASES ARE THE PARTIES' JOINT DESIGNATION OF RECORD FROM 2000 THROUGH 2004. ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE JULY/AUGUST 2004 PROCEEDINGS SHOULD BE PART OF THE RECORD, ALONG WITH THE ORIGINAL TRANSCRIPTS OF THE PROCEEDINGS No.: 67/0 12/01/2004 Entered Date: 12/01/2004 Decision: Plaintiff Party No.: 1 No.: 68/0 12/01/2004 Entered Date: 12/08/2004 Decision: Plaintiff Party No.: 1

No.:		
	12/16	5/2004 Entered Date: 12/17/2004 Decision:
Document Name:	Order	of Court From Court of Appeals
Name.	LISTE INCLU THE H DOCU COMM IN 20 STATE	RED TO ADD TO THE RECORD IN THE ABOVE-CAPTIONED CASE THE DOCUMENTS D IN EXHIBITS A THROUG D ATTACHED TO THE PARTIES' JOINT STIPULATION TO JSION OF ADMITTED EXHIBITS IN APPELLATE RECORD, ADMITTED INTO EVIDENCE IN LEARINGS HELD IN 2004, AND IS FURTHER ORDERED TO ADD TO THE RECORD THE MENTS LABELED B-1 THROUGH B-99 ADMITTED BY THE BOARD OF SCHOOL IISSIONERS AND THE BRADFORD LAINTIFFS INTO EVIDENCE IN THE HEARINGS HELD 00 AND THE DOCUMENTS LABELED A THROUGH L ADMITTED INTO EVIDENCE BY THE E DEFENDANTS IN THE HEARINGS HELD IN 2000. IT IS SO ORDERED. DECEMBER 13TH, CHIEF JUDGE ROBERT M BELL
Doc No./Se File Date:		70/0 12/22/2004 Entered Date: 12/22/2004 Decision:
Party Type:		Defendant Party No.: 2
		Correspondence From WHITEFORD, TAYLOR & PRESTON
Doc No./Se	eq No.:	71/0
File Date:		01/04/2005 Entered Date: 01/04/2005 Decision:
Party Type:	:	Defendant Party No.: 3
Document	Name:	Correspondence From Mayor and City Council of Baltimore's exhibits
Doc No./Se		
File Date:		01/07/2005 Entered Date: 01/07/2005 Decision:
Party Type:		Plaintiff Party No.: 1 Correspondence From Elizabeth B McCallum
Document	name:	
Document Name:	PI	anscript of Testimony Received from Federal court ROCEEDING HELD ON JULY 22, 23, AUGUST 3, 4 BEFORE JUDGE MARVIN J GARBIS AND IDGE JOHSEPH H. H. KAPLAN.
, Doc		
	74/0	
No./Seq	74/0	
No./Seq No.:	-	2/2005 Entered Date: 01/12/2005 Decision:
No./Seq No.: File Date: Document	01/1	
No./Seq No.: File Date: Document	01/1 Orig 01/1 BINI	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK
No./Seq No.: File Date: Document Name:	01/1 Orig 01/1 BINI 2174	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068
No./Seq No.: File Date: Document Name: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2174	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068
No./Seq No.: File Date: Document Name: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2174	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision:
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document  Doc No./Se	01/1 Orig 01/1 BINI 2174 eq No.: Name:	2/2005 Entered Date: 01/12/2005 Decision:         inal Record sent to COA         12/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK         DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181         4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068         75/0         01/20/2005 Entered Date: 01/20/2005 Decision:         RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT         76/0
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2172 eq No.: Name:	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2172 eq No.: Name:	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT 76/0 01/20/2005 Entered Date: 01/20/2005 Decision:
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document Doc No./Se File Date: Document	01/1 Orig 01/1 BINI 2174 eq No.: Name: Name:	22/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 22/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 3, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT 76/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD 75/0
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document Doc No./Se File Date: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2172 eq No.: Name: eq No.: Name:	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT 76/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD 77/0 01/28/2005 Entered Date: 01/28/2005 Decision:
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document Doc No./Se File Date: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2172 eq No.: Name: eq No.: Name:	22/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 22/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181 3, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT 76/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD 75/0
No./Seq No.: File Date: Document Name: Doc No./Se File Date: Document Doc No./Se File Date: Doc No./Se File Date:	01/1 Orig 01/1 BINI 2174 eq No.: Name: eq No.: Name: eq No.: Name:	2/2005 Entered Date: 01/12/2005 Decision: inal Record sent to COA 2/05 25 VOLUMES, 7 TRANSCRIPTS, 7 ENVELOPES, 19 BROWN FOLDERS, 10 BLACK DERS AND 2 BOXES OF DOCUMENTS VIA CERTIFIED MAIL #7002 0860 0006 6074 2181, 4, 2167, 2150, 2143, 2129, 2112, 2136, 2105, 2099, 2082, 2075, 2068 75/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD AND CERTIFIED MAIL RECEIPT 76/0 01/20/2005 Entered Date: 01/20/2005 Decision: RECEIVED GREEN CARD 77/0 01/28/2005 Entered Date: 01/28/2005 Decision:

# 8/

	02/10/2005 Entered Date: 02/11/2005 Decision:
Party Type:	: Defendant Party No.: 2
Document Name:	NOTICE OF FILING BOAD OF SCHOOL COMMISSIONERS OF BALTO CIT'S ADMITTED EXHIBITS
	eq No.: <b>79/0</b>
File Date:	
Party Type: Document	: Defendant Party No.: 516 Name: Motion to Enforce this Court's Orders
Doc No./Se	<sup>2q</sup> 79/1
File Date: Party Type:	<b>09/22/2005</b> Entered Date: <b>09/26/2005</b> Decision: <b>Defendant</b> Party No.: <b>1</b>
Document Name:	Response of the State Defts to the Motion of the Mayor and City Council and to
	the Responses to the Farfel Motion filed by the Bradford Pltffs and by the Board of School Commissioners and Exhibits
Doc No./Se File Date:	eq No.: 79/2 10/04/2005 Entered Date: 10/06/2005 Decision:
	Name: Order of Court
	see Judge Kaplan's order in detail.
	eq No.: 79/3
File Date:	eq No.: 79/3 10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers
File Date: Document	10/06/2005 Entered Date: 10/06/2005 Decision:
File Date: Document Doc No./Seq No.:	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0
File Date: Document Doc No./Seq No.:	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0 09/14/2005 Entered Date: 09/14/2005 Decision:
File Date: Document Doc No./Seq No.: File Date: Document	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0
File Date: Document Doc No./Seq No.: File Date: Document Name: Document Name:	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0 09/14/2005 Entered Date: 09/14/2005 Decision: Hearing/Trial Notice Sent Event: HEAR Block Date: 09/30/05 Facility: 227PARTIES : Schoen, Elliott 200 St Paul Place 19th Floor, Baltimore, MD, 21202Cloutier, Valerie 200 St. Paul Place 19th Floor, Baltimore, MD, 21202Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 21202Trotta, Anthony 200 EAST NORTH AVENUE, SUITE 208, BALTIMORE, MD, 21202Tyler, Ralph 101 City Hall 100 N Holliday St, Baltimore, MD, 21202Harris, Elizabeth 101 City Hall 100 North Holliday Street, Baltimore, MD, 21202Murphy, William 12 W. Madison Street , Baltimore, MD, 21201Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004McCallum, Elizabeth 1299 Pennsylvania Ave
File Date: Document Doc No./Seq No.: File Date: Document Name: Doc No./Seq No.: File Date:	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0 09/14/2005 Entered Date: 09/14/2005 Decision: Hearing/Trial Notice Sent Event: HEAR Block Date: 09/30/05 Facility: 227PARTIES : Schoen, Elliott 200 St Paul Place 19th Floor, Baltimore, MD, 21202Cloutier, Valerie 200 St. Paul Place 19th Floor, Baltimore, MD, 21202Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 21202Trotta, Anthony 200 EAST NORTH AVENUE, SUITE 208, BALTIMORE, MD, 21202Tyler, Ralph 101 City Hall 100 N Holliday St, Baltimore, MD, 21202Harris, Elizabeth 101 City Hall 100 North Holliday Street, Baltimore, MD, 21202Murphy, William 12 W. Madison Street , Baltimore, MD, 21201Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004MicCallum, Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004
File Date: Document Doc No./Seq No.: File Date: Document Name: Doc No./Seq No.:	10/06/2005 Entered Date: 10/06/2005 Decision: Name: Copies Mailed from Chambers 80/0 09/14/2005 Entered Date: 09/14/2005 Decision: Hearing/Trial Notice Sent Event: HEAR Block Date: 09/30/05 Facility: 227PARTIES : Schoen, Elliott 200 St Paul Place 19th Floor, Baltimore, MD, 21202Cloutier, Valerie 200 St. Paul Place 19th Floor, Baltimore, MD, 21202Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 21202Trotta, Anthony 200 EAST NORTH AVENUE, SUITE 208, BALTIMORE, MD, 21202Tyler, Ralph 101 City Hall 100 N Holliday St, Baltimore, MD, 21202Harris, Elizabeth 101 City Hall 100 North Holliday Street, Baltimore, MD, 21202Murphy, William 12 W. Madison Street , Baltimore, MD, 21201Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 NW , Washington, DC, 20004

Document Name: Civil Cover Sheet generated

Party Type:		Plaintiff Party No.: 1
Document		Motion for Special Admission Pro Hac Vic
		Filed by PLT001-Bradford, PLT002-Bradford
Doc No./Seq No.:	84/0	
	10/19	/2005 Entered Date: 10/18/2005 Decision:
D	•	
Name:	Manda	te Received from Court of Special Appeals
	Appea PURSL Motior filed.D record grantin appella Unopp Appea 2005.J - Motion Nation Nation Associ file a t of the Coaliti to file State	dable Folders and Loose Exhibits in 13 Boxes returned from the Court of Special Is on October 18, 2005.APPEAL FROM THE CIRCUIT COURT FOR BALTIMORE CITY JANT TO CERTIORARI TO THE COURT OF SPECIAL APPEALS.December 9, 2004 - Joint to Correct Record filed.December 10, 2004 - Joint Motion for Correction of the Recor- becember 13, 2004 - Order of the Court of Appeals filed granting motion to correct the December 21, 2004 - The Bradford Class and Baltimore City Board's Unopposed Join for Extension of Time filed.December 21, 2004 - Order of the Court of Appeals filed ng the filing of brief of appellee to on or before January 21, 2005; reply brief of ants to on or before January 21, 2005.January 19, 2005 - The Bradford Class osed Motion for Extension of Time filed.January 20, 2005 - Order of the Court of Is filed advising that briefs of the Bradford Class shall be filed on or before January 24, January 24, 2005 - Motion for Special Admission of Louis Bograd filed.January 24, 2005 on for Special Admission of Elizabeth B. McCallum.January 21, 2005 - Motion of the hal School Boards Association, Education Law Center, Campaign for Fiscal Equity, Inc. ural School and Community Trust, Inc. for Leave to file a brief as amice curiae.Januar 05 - Motion of Dr. Alvin Thornton, the Maryland Education Coalition, the American ation of University Women, and the League of Women Voters of Maryland for leave to orief as amici curiae.January 21, 2005 - Joint motion of the Maryland State Conference National Association for the Advancement of Colored people, the Maryland Latino on of JUSTICE< AND THE MARYLAND Caucus of Black School Board Members for Leave A brief as amicus curiae.January 24, 2005 - Motion for Special Admission of Out-of- Attorney, Louis Bograd, as co-counsel for respondents.January 28, 2005 - Order of th
	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz a 11 and	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 of for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Television verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1
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 Doc No./Se File Date:	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz : 11 and costs t	of Appeals filed granting the special admission of Louis Bograd for the limited purpes earing and participating in the above-captioned case as co-counsel.January 24, 2005 in for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Televisio verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 3 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision:
Doc No./Se File Date: Party Type:	of app Motior purpos Appea 24, 20 Bradfo for cox Mintz a costs t	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 of for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Television verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 13 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0
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Doc No./Se File Date: Party Type: Document Doc No./Se	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz : 11 and costs t eq No.:	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 of for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court ls filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Televisio verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 3 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision: Defendant Party No.: 501 Status Report of the State Defendants 86/0
Doc No./Se File Date: Party Type: Document Doc No./Se	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz : 11 and costs t eq No.:	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 of for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Television verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 13 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision: Defendant Party No.: 501 Status Report of the State Defendants
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Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Party Type:	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz : 11 and costs t eq No.: : Name: eq No.: : Name:	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to rd Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Television verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 3 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision: Defendant Party No.: 501 Status Report of the State Defendants 86/0 10/27/2005 Entered Date: 11/05/2005 Decision: Defendant Party No.: 516 Fourth Status Report of Mayor and City Council 87/0 11/02/2005 Entered Date: 11/09/2005 Decision: Plaintiff Party No.: 509
Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Party Type:	of app Motior purpos Appea 24, 20 Bradfo for cov Mintz : 11 and costs t eq No.: : Name: eq No.: : Name: Name:	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Television verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 3 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision: Defendant Party No.: 501 Status Report of the State Defendants 86/0 10/27/2005 Entered Date: 11/05/2005 Decision: Defendant Party No.: 516 Fourth Status Report of Mayor and City Council 87/0 11/02/2005 Entered Date: 11/09/2005 Decision:
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Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Document	of app Motior purpos Appea 24, 20 Bradfor for cov Mintz : 11 and costs 1 eq No.: : Name: : Name: : Name: eq No.: : Name: eq No.:	of Appeals filed granting the special admission of Louis Bograd for the limited purpos earing and participating in the above-captioned case as co-counsel.January 24, 2005 n for Special Admission of Out-of-State Attorney Elizabeth B. McCallum for the limited se of appearing and participating as co-counsel.January 28, 2005 - Order of the Court Is filed granting the special out-of-state admission of Elizabeth B. McCallum.January 05 - Certificate of Service for Brief and Incorporated Motion to Dismiss of Appellees to ord Plaintiffs filed.March 3, 2005 - Letter from Mindy Mintz, Maryland Public Televisio verage of the above case on Monday, March 7, 2005.March 3, 2005 - Letter to Mindy advising her that television coverabge has been granted.June 9, 2005 - Paragraphs 1 1 3 of Order of August 20, 2004, entered by Circuit Court for Baltimore City vacated; to be paid 3/4 by Appellants, 1/4 by Appellees.Opinion by Wilner, J. 85/0 10/14/2005 Entered Date: 10/24/2005 Decision: Defendant Party No.: 501 Status Report of the State Defendants 86/0 10/27/2005 Entered Date: 11/05/2005 Decision: Defendant Party No.: 516 Fourth Status Report of Mayor and City Council 87/0 11/02/2005 Entered Date: 11/09/2005 Decision: Plaintiff Party No.: 509 Second report of the Baltimore City Board of School Commissioners pursuant to the Court order of October 3, 2005. 88/0 11/02/2005 Entered Date: 11/10/2005 Decision:
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8/14/23, 12:18 PM

23, 12:18 PIVI	Case information
No.:	
File Date:	04/25/2006 Entered Date: 05/01/2006 Decision:
	Interested Party Party No.: 1 SUPPLEMENTAL MOTION FOR A FINAL CONTEMPT ORDER FOR IMMEDIATE APPROPRIATIO
Name:	OF
	ADEQUATE FUNDING AND PROHIBIT IMPLEMENTATION OF THE FACILITIES SOLUTION PLAN SCHOOL CLOSINGS FOR THE 2006-2007 SCHOOL YEAR AND REQUEST FOR HEARING. Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Bartee-el, PLT501- BRADFORD, PLT502-BRADFORD
Doc No./Sec No.:	<sup>q</sup> 89/1
File Date: Party Type:	05/11/2006 Entered Date: 05/12/2006 Decision: Defendant Party No.: 1
Document Name:	Opposition of the State Defendants to Supplemental Motion and Exhibits
Name.	Filed by DEF001-Maryland State Board Of Education, DEF501-MARYLAND STATE BOARD OF EDUCATION
	q No.: 89/2
File Date:	05/12/2006 Entered Date: 05/16/2006 Decision:
Document N	Name: RESPONSE TO SUPPLEMENTAL MOTION FOR A FINAL CONTEMPT ORDER FILED BY BALTIMORE CITY BOARD OF SCHOOL COMMISSIONER'S
Doc No./Sec No.:	<sup>q</sup> 90/0
File Date:	07/14/2006 Entered Date: 07/17/2006 Decision:
Party Type: Document	Plaintiff Party No.: 509 BALTIMORE CITY BOARD SUBMISSIONS RE IMPLEMENTATION STATUS OF
Name:	CORRECTIVE
<u>.</u>	ACTION IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS OF JULY 14, 2006
Doc No./Sec No.:	<sup>9</sup> 91/0
File Date:	07/14/2006 Entered Date: 07/17/2006 Decision:
Party Type:	Plaintiff Party No.: 1
Document Name:	The Bradford Plaintiffs' Submission Regarding the Cost and Implementation
	of the Corrective Actions Ordered by the MD State Board of Education, and Exhibits Filed by PLT001-Bradford, PLT002-Bradford
Doc No./Sec No.:	<sup>q</sup> 92/0
File Date:	08/04/2006 Entered Date: 08/07/2006 Decision:
Party Type: Document	Plaintiff Party No.: 509 POST-HEARING SUBMISSION BY THE BALTIMORE CITY BOARD OF SCHOOL
Name:	COMMISSIONERS
Doc No./Sec	q No.: <b>93/0</b>
File Date:	
Party Type: Document N	Defendant Party No.: 1 Name: Correspondence date 8/4/06 to The Honorable Joseph H. H. Kaplan from
	Elizabeth M. Kameen
Doc No./Sec	q No.: <b>94/0</b>
File Date:	09/08/2006 Entered Date: 09/12/2006 Decision: Granted
Party Type:	Plaintiff Party No.: 509 Name: Motion for Substitution of Party Plaintiffs and Proposed Order
Document N	q No.: <b>94/1</b>
Document N	q No.: 94/1 09/28/2006 Entered Date: 10/02/2006 Decision:

8/14/23,	12:18 PM
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/20, 12.1011	Case mornation
Doc No./Seq N	•
File Date: Document Nam	10/02/2006 Entered Date: 10/02/2006 Decision: ne: Copies Mailed
	07./0
Doc No./Seq N	•
File Date:	01/24/2007 Entered Date: 01/25/2007 Decision:
Party Type:	Defendant Party No.: 3
Document Nam	ne: Notice to Strike/Enter Appearance
	- · 05 /0
Doc No./Seq N File Date:	
	01/25/2007 Entered Date: 01/25/2007 Decision: Defendant Party No.: 3
Party Type:	
Document Nan	ne: Attorney Appearance Removed Ralph S Tyler
Doc No./Seq N	0 : 97/0
File Date:	01/25/2007 Entered Date: 01/25/2007 Decision:
Party Type:	
	ne: Attorney Appearance Removed
	Elizabeth F Harris
	a : 98/0
Doc No./Seq N	•
File Date:	03/07/2019 Entered Date: 03/11/2019 Decision:
Party Type:	Plaintiff Party No.: 1
Document Nam	ne: Petition for Further Relief, with Exhibits and Memorandum
,	a + 00 /0
Doc No./Seq N File Date:	04/24/2019 Entered Date: 04/25/2019 Decision:
Party Type:	Defendant Party No.: 1
Document Nan	ne: Revised Motion to Establish Date for a Procedural Response to Plaintiffs' Petition for Further Relief
,	
Doc No./Seq <b>9</b> 9	9/1
No.:	
File Date: 05	5/09/2019 Entered Date: 05/10/2019 Decision:
Party Type: <b>Pl</b>	aintiff Party No.: 1
Document Re	esponse/Opposition to MotionTo Establish A Date For Procedural Response
Name:	
BF PL	led by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- RADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, LT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF CHOOL COMMISSIONERS, PLT510-Dean
Doc No./Seq N	0.: 100/0
File Date:	04/23/2019 Entered Date: 04/25/2019 Decision:
Party Type:	Defendant Party No.: 1
	ne: Motion to Establish Date for a Precedural Response to Plaintiffs' Petition
	for Further Relief
Doc No./Seq N	0.: 101/0
File Date:	04/29/2019 Entered Date: 04/30/2019 Decision:
Party Type:	Plaintiff Party No.: 1
Document Nam	ne: Motion for Scheduling Conference and Proposed Schedule Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFORD
Doc No./Seq No.:	101/1
File Date:	05/10/2019 Entered Date: 05/13/2019 Decision:
Party Type:	Defendant Party No.: 1
Document	Response to Plaintiffs' Motion for Scheduling Conference and Proposed

Doc No./Seq	No.: 102/0
File Date:	06/03/2019 Entered Date: 06/04/2019 Decision:
Party Type:	Defendant Party No.: 2
Document N	ame: Notice of Appearance
Doc No./Seq	103/0
No.: File Date:	06/06/2019 Entered Date: 06/06/2019 Decision:
Document Name:	Order of Court
Name.	Hereby, Ordered , that this case is assigned to the Honorable Audrey J.S. Carrion for all further proceedings. Henceforth, copiues of any filings with the clerk should simultaneously be sent to Judge Carrion's chambers.W. Michel Pierson Judge
Doc No./Seq	No.: 103/1
File Date: Document N	06/06/2019 Entered Date: 06/06/2019 Decision: ame: Copies Mailed
Doc No./Seq	No.: 104/0
File Date:	06/19/2019 Entered Date: 06/20/2019 Decision: Granted
Party Type:	Defendant Party No.: 1
Document N	ame: Consent Motion for Leave to File Maryland State Board of Education's Motion to Dismiss Plaintiffs' Petition for Further Relief
Doc No./Seq	No.: 104/1
File Date:	06/24/2019 Entered Date: 06/24/2019 Decision:
Document N	ame: Order of Court
P	It is this 21st day of June 2019 Ordered that the motion is granted Carrion, J
Doc No./Seq	No.: 104/2
File Date: Document N	06/24/2019 Entered Date: 06/24/2019 Decision: ame: Copies Mailed
Doc No./Seq	No.: 105/0
File Date:	06/19/2019 Entered Date: 06/20/2019 Decision: Denied
Party Type: Document N	Defendant Party No.: 501 ame: Motion to Dismiss Plaintiffs' Petition for Further Relief
	105/1
	08/23/2019 Entered Date: 08/26/2019 Decision: Plaintiff Party No.: 3
Documont	OPPOSITION TO MOTION TO DISMISS, AFFIDAVIT AND EXHIBITS (THIS OPPOSITION IS
	HOUSED IN A LARGE BROWN BINDER LABEL VOLUEM #16) Filed by PLT003-Fulton, PLT004- Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS
Doc No /Sea	No.: 105/2
File Date:	08/28/2019 Entered Date: 08/28/2019 Decision: Ruled
	ame: Case Management Order No. 1

Doc No./Seq No.: File Date: Party Type: Document Name:	105/4 09/17/2019 Entered Date: 09/18/2019 Decision: Plaintiff Party No.: 509 Response/Opposition to Motion
Doc No./Seq No.: File Date: Party Type: Document Name:	105/5 10/18/2019 Entered Date: 10/21/2019 Decision: Defendant Party No.: 1 Reply in Further Support of Motion to Dismiss Plaintiffs' Petition for Further
	Relief
Doc No./Seq No.: File Date: Party Type: Document Name:	105/6 11/18/2019 Entered Date: 11/19/2019 Decision: Plaintiff Party No.: 1 Plaintiff's Sure-Reply in Opposition to Motion to Dismiss
Doc No./Seq No.: File Date: Party Type: Document Name:	105/7 11/18/2019 Entered Date: 11/19/2019 Decision: Defendant Party No.: 2 Sur-Reply in Opposition to Motion to Dismiss Plaintiffs' Petition for Futher Relief
File Date: 01 Document Name:	01/17/2020 Entered Date: 01/17/2020 Decision:
Doc No./Seq No.: File Date: Party Type:	
File Date: Document Name:	106/1 D8/19/2019 Entered Date: 08/19/2019 Decision: Order of Court DRDERED that the Motion (#106) is GRANTED.Please see the Order for more details.Judge V. Brown.
Doc No./Seq No.: File Date: Document Name:	08/19/2019 Entered Date: 08/19/2019 Decision:
Document	0 8/2019 Entered Date: 08/28/2019 Decision: ing/Trial Notice Sent

23, 12:18 PM	Case Information
	Event: HEAR Block Date: 12/10/19 Facility: 225PARTIES : Sullivan, Steven 200 St. Paul Place , Baltimore, MD, 21202Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 212021626Trotta, Anthony 4930 Belair Rd , Baltimore, MD, 21206Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004McCallum, Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004BRADFORD, KEITH , , ,
Doc No /Soc	No.: 108/0
File Date:	08/30/2019 Entered Date: 09/03/2019 Decision: Granted
Party Type:	
Document N	ame: Consent Motion to Revise Briefing Schedule
Doc No./Sec	108/1
No.: File Date:	09/05/2019 Entered Date: 09/05/2019 Decision:
Document	Order of Court
Name:	
	ORDERED that the City School Board's Consent Motion to Revise Briefing Schedulie (#108) is hereby GRANTED; etc., Carrion Judge
Doc No./Sec	No.: 108/2
File Date:	09/05/2019 Entered Date: 09/05/2019 Decision:
Document N	lame: Copies Mailed
	No.: 109/0
File Date:	10/15/2019 Entered Date: 10/15/2019 Decision: Granted
Party Type:	Defendant Party No.: 1 Jame: Consent Motion to Revise the Briefing Schedule
	ane. Consent Motion to Revise the Briening Schedule
	No.: 109/1
File Date:	10/15/2019 Entered Date: 10/15/2019 Decision: Jame: Order of Court
Document	ORDERED that the Deft's Consent Motion is GRANTED; etc., Carrion Judge
Doc No./Sec	No.: 109/2
File Date:	10/15/2019 Entered Date: 10/15/2019 Decision:
Document N	lame: Copies Mailed
Doc No./Seq	110/0
No.: File Date:	11/26/2019 Entered Date: 11/26/2019 Decision:
D	Batch Hearing Notice Sent
Name:	-
	Event: HEAR Block Date: 12/10/19 Facility: 225PARTIES : Sullivan, Steven 200 St. Paul Place , Baltimore, MD, 21202Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 212021626Trotta, Anthony 4930 Belair Rd , Baltimore, MD, 21206Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004McCallum, Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004BRADFORD, KEITH , , ,
Doc No./Sec No.:	111/0
File Date:	12/11/2019 Entered Date: 12/11/2019 Decision:
Document	Open Court Proceeding
Name:	12-11-2019 Defense Motion to Dismiss is hereby heard. Written Memorandum, Opinion
Name:	and Order to be Filed. (Carrion, A)
	and Order to be Filed. (Carrion, A)
 Doc No./Sec	and Order to be Filed. (Carrion, A)
File Date: Party Type:	and Order to be Filed. (Carrion, A)

Doc No./Seq	112/1
No.:	
File Date: Party Type:	03/03/2020 Entered Date: 03/04/2020 Decision: Plaintiff Party No.: 1
Document Name:	Response/Opposition to Motion To Defer Establishment Of Litgation Schedule
	Pending Legislative Session Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./Sec No.:	112/2
File Date:	03/06/2020 Entered Date: 03/06/2020 Decision:
Document Name:	Order of Court
	ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is DENIED, etc., Carrion Judge
File Date:	No.: 112/3 03/06/2020 Entered Date: 03/06/2020 Decision: lame: Copies Mailed
Doc No./Sec	No.: 112/4
File Date:	03/06/2020 Entered Date: 03/09/2020 Decision:
Party Type:	Defendant Party No.: 501 Jame: Reply In Support Of Motion To Defer Establishment Of Litgation Schedule Pending
Doc No./Seq No.:	Legislative Session.
Doc No./Seq No.: File Date: Document Name:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court
Doc No./Seq No.: File Date: Document Name:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge
Doc No./Seq No.: File Date: Document Name:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressing available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: Iame: Copies Mailed
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: Iame: Copies Mailed No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision:
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date: Party Type:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressin available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: Iame: Copies Mailed
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge 1 No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: lame: Copies Mailed 1 No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 lame: Notice of Submission of Proposed Schedule
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date: Party Type: Document N Doc No./Sec No.: File Date:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: Itame: Copies Mailed No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 Itame: Notice of Submission of Proposed Schedule 114/0 02/19/2020 Entered Date: 02/20/2020 Decision:
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec No.: File Date: Party Type:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: lame: Copies Mailed No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 lame: Notice of Submission of Proposed Schedule 114/0 02/19/2020 Entered Date: 02/20/2020 Decision: Plaintiff Party No.: 502
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date: Party Type: Document N Doc No./Sec No.: File Date: Party Type: Document	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge 1 No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: lame: Copies Mailed 1 No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 lame: Notice of Submission of Proposed Schedule 1 114/0 02/19/2020 Entered Date: 02/20/2020 Decision: Plaintiff Party No.: 502 Motion for Permission to File Proposed Scheduling Order Out of Time
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec No.: File Date: Party Type:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: lame: Copies Mailed No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 lame: Notice of Submission of Proposed Schedule 114/0 02/19/2020 Entered Date: 02/20/2020 Decision: Plaintiff Party No.: 502
Doc No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec No.: File Date: Party Type: Document Name:	Legislative Session. 112/5 03/09/2020 Entered Date: 03/09/2020 Decision: Amended Order of Court ORDERED that Deft's Motion to Defer Establishment of Litigation Schedule Pending Legislative (#112) is hereby DENIED, and it is furtherORDERED that the parties shall confe and provide a proposed joint scheduling order that includes, but is not limited to, addressir available dates for a dispositive motions hearing pretrial conference, and trial to this Court within ten (10) days from the date of this Order, Carrion Judge 1 No.: 112/6 03/09/2020 Entered Date: 03/09/2020 Decision: Iame: Copies Mailed 1 No.: 113/0 02/19/2020 Entered Date: 02/20/2020 Decision: Defendant Party No.: 2 Iame: Notice of Submission of Proposed Schedule 1 114/0 02/19/2020 Entered Date: 02/20/2020 Decision: Plaintiff Party No.: 502 Motion for Permission to File Proposed Scheduling Order Out of Time Filed by PLT502-BRADFORD, DEF002-Board Of School Commissioners Of Baltimore

8/14/23, 12:18 PM	8/14/23,	12:18	ΡM
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	Defendant Party No.: 1 Submission of Proposed Scheduling Order
Party Type:	116/0 03/17/2020 Entered Date: 03/19/2020 Decision: Plaintiff Party No.: 509 Notice of Submisson of Proposed Schedule
Party Type:	117/0 03/25/2020 Entered Date: 04/03/2020 Decision: Plaintiff Party No.: 509 Attorney Appearance Filed
Doc No./Seq No.: File Date: Document Name:	118/0 06/11/2020 Entered Date: 06/11/2020 Decision: Approved CASE MANAGEMENT ORDER NO. 2
Doc No./Seq No.: File Date: Document Name:	06/11/2020 Entered Date: 06/11/2020 Decision:
Party Type:	119/0 09/15/2020 Entered Date: 09/21/2020 Decision: Defendant Party No.: 1 Entry of Appearance
Party Type:	120/0 09/15/2020 Entered Date: 09/21/2020 Decision: Defendant Party No.: 1 Notice of Service of Discovery Material
Doc No./Seq No.: File Date: Party Type: Document Name:	121/0 09/25/2020 Entered Date: 09/28/2020 Decision: Defendant Party No.: 1 Entry of Appearance
Doc No./Seq No.: File Date: Party Type: Document Name:	122/0 09/25/2020 Entered Date: 09/28/2020 Decision: Defendant Party No.: 1 Entry of Appearance
Doc No./Seq No.: File Date: Party Type: Document Name:	123/0 09/25/2020 Entered Date: 09/28/2020 Decision: Defendant Party No.: 1 Entry of Appearance
Doc No./Seq No.: File Date: Party Type: Document Name:	124/0 01/22/2021 Entered Date: 01/25/2021 Decision: Defendant Party No.: 501 Notice of Service of Discovery Material (2)

Doc	
No./Seq No.:	125/0
File Date:	02/11/2021 Entered Date: 02/11/2021 Decision:
	Plaintiff Party No.: 1
Document Name:	Attorney Appearance Filed
	Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./See File Date:	q No.: 126/0 03/01/2021 Entered Date: 03/10/2021 Decision:
Party Type:	Defendant Party No.: 1
Document N	Name: Notice of Service of Discovery Material
Doc No./Seq No.:	127/0
	03/11/2021 Entered Date: 03/16/2021 Decision:
	Plaintiff Party No.: 1
Document Name:	Joint Motion to Modify Schedule Set Forth in Case Management Order No. 2 Entered
	June 11, 2020 Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean, DEF001-Maryland State Board Of Education
Doc No./Seo File Date:	q No.: 128/0 03/15/2021 Entered Date: 03/16/2021 Decision:
Party Type: Document N	Defendant Party No.: 1 Name: Notice of Service of Discovery Material
File Date:	q No.: 129/0 03/23/2021 Entered Date: 03/23/2021 Decision: Ruled
Document	Name: Case Management Order No. 3
	Name: Case Management Order No. 3 So Ordered. See the Order for more details.Judge Carrion.
 Doc No./Sec	So Ordered. See the Order for more details.Judge Carrion.
Doc No./See File Date:	So Ordered. See the Order for more details.Judge Carrion.
Doc No./See File Date: Document N	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0
Doc No./See File Date: Document N Doc No./See File Date:	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision:
Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type:	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0
Doc No./Sea File Date: Document N Doc No./Sea File Date: Party Type: Document N	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1
Doc No./See File Date: Document N Doc No./See File Date: Party Type: Document N Doc No./See File Date:	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material Q No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled
Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type:	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material Q No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled Defendant Party No.: 1
Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type:	So Ordered. See the Order for more details.Judge Carrion. Q No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed Q No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material Q No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled
Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec	So Ordered. See the Order for more details.Judge Carrion. (No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed (No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material (No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled Defendant Party No.: 1 Name: Defendant Maryland State Board of Education's Objections to Plaintiffs' Subpoena to the Honorable Lawrence J. Hogan, Jr.
Doc No./See File Date: Document N Doc No./See File Date: Party Type: Document N Doc No./See File Date: Party Type: Document N Doc No./See No.: File Date:	So Ordered. See the Order for more details.Judge Carrion. (No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed (No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material (No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled Defendant Party No.: 1 Name: Defendant Maryland State Board of Education's Objections to Plaintiffs' Subpoena to the Honorable Lawrence J. Hogan, Jr.
Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec File Date: Party Type:	So Ordered. See the Order for more details.Judge Carrion. [No.: 129/1 03/23/2021 Entered Date: 03/23/2021 Decision: Name: Copies Mailed [No.: 130/0 03/19/2021 Entered Date: 03/23/2021 Decision: Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material [No.: 131/0 03/29/2021 Entered Date: 03/30/2021 Decision: Ruled Defendant Party No.: 1 Name: Defendant Maryland State Board of Education's Objections to Plaintiffs' Subpoena to the Honorable Lawrence J. Hogan, Jr.

23, 12:18 PM	Case Information
Doc No./Seq No.: File Date: Document Name:	08/13/2021 Entered Date: 08/13/2021 Decision:
Party Type:	132/0 04/16/2021 Entered Date: 04/20/2021 Decision: Defendant Party No.: 1 Notice of Withdrawal of Appearance
Party Type: Document Name:	133/0 04/20/2021 Entered Date: 04/20/2021 Decision: Defendant Party No.: 1 Attorney Appearance Removed Lelia F Parker
Party Type:	134/0 04/22/2021 Entered Date: 04/27/2021 Decision: Defendant Party No.: 1 Notice of Service of Discovery Material
Party Type: Def Document Stip Name: File	5/0 /29/2021 Entered Date: 04/30/2021 Decision: Granted rendant Party No.: 2 pulated Protective Order Regarding Confidential Material ed by DEF002-Board Of School Commissioners Of Baltimore City, PLT001-Bradford, 1002-Bradford, DEF001-Maryland State Board Of Education
Doc No./Seq No.: File Date: Document Name:	05/03/2021 Entered Date: 05/03/2021 Decision: Order of Court APPROVED AND SO ORDERED.Judge Carrion.
File Date: Document Name:	05/03/2021 Entered Date: 05/03/2021 Decision:
Party Type: Plain Document Name: Notic Filed BRAI PLT5	0 20/2021 Entered Date: 05/07/2021 Decision: tiff Party No.: 1 20 See of Substitution by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- DFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, 06-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF DOL COMMISSIONERS, PLT510-Dean
Party Type: Plain Document Name: Line Filed BRAI PLT5	1 21/2021 Entered Date: 06/23/2021 Decision: htiff Party No.: 1 Withdrawing Plaintiffs' Notice of Substitution by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT501-BRADFORD, PLT502- DFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, 07-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL MISSIONERS, PLT510-Dean

Doc No./Sea	
	No.: 137/0
File Date:	05/17/2021 Entered Date: 05/18/2021 Decision:
Party Type:	Interested Party Party No.: 2
	ame: Non-Party Maryland Department of Legislative Services' Objections to Plaintiffs'
	Subpoena
-	· · · · · · · · · · · · · · · · · · ·
Doc No./Seq	138/0
No.:	-
File Date:	05/14/2021 Entered Date: 05/18/2021 Decision: Granted
Party Type: Document	Defendant Party No.: 501
Name:	Motion to Compel the Mayor and City Council of Baltimore City to Respond to
	Discovery, with Exhibits Filed by DEF501-MARYLAND STATE BOARD OF EDUCATION, DEF001-Maryland State Board Of Education
-	
	No.: 138/1
File Date:	05/27/2021 Entered Date: 06/02/2021 Decision:
Party Type:	Defendant Party No.: 516
Document N	ame: Response/Opposition to Motion and Exhibits
Doc	
No./Seq	138/2
No.:	
File Date:	06/21/2021 Entered Date: 06/21/2021 Decision:
Document Name:	Order of Court
	ORDERED that a hearing shall be held before the undersigned on the agreed-upon date of
	Thursday, July 15, 2021 @ 9:30a.m. via Zoom for Government ("ZFG") for the following
	matters, Entry #138, #138/1, #143, #143/1, etc., Carrion Judge
Doc No /Sea	No.: 138/3
File Date:	06/21/2021 Entered Date: 06/21/2021 Decision:
	ame: Copies Mailed
Document N	ame: Copies Maned
Doc No./Seq	420/4
Not	138/4
	138/4
File Date:	08/13/2021 Entered Date: 08/13/2021 Decision:
File Date: Document	138/4
File Date: Document	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge
No.: File Date: Document Name:	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court
File Date: Document Name:	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge
File Date: Document Name: Doc No./Seq	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.
File Date: Document Name: Doc No./Seq File Date:	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.
File Date: Document Name: Doc No./Seq File Date:	08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion. No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision:
File Date: Document Name: Doc No./Seq File Date: Document N	<ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> </ul> </li> <li>ame: Copies Mailed</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.:	<ul> <li>138/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date:	<pre>138/4 08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion. No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision: ame: Copies Mailed 139/0 05/19/2021 Entered Date: 05/19/2021 Decision:</pre>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type:	<ul> <li>138/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document	<pre>138/4 08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion. No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision: ame: Copies Mailed 139/0 05/19/2021 Entered Date: 05/19/2021 Decision:</pre>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document	<ul> <li>130/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum</li> </ul> </li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document	<pre>130/4 08/13/2021 Entered Date: 08/13/2021 Decision: Order of Court ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion. No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision: ame: Copies Mailed 139/0 05/19/2021 Entered Date: 05/19/2021 Decision: Plaintiff Party No.: 1 Returned Document</pre>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name:	<ul> <li>130/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum</li> </ul> </li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq	<ul> <li>136/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> </ul> </li> <li>No.: 140/0</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date:	<ul> <li>138/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> </ul> </li> <li>ame: Copies Mailed</li> </ul> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> </ul> </li> <li>No.: 140/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> </ul></li>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date: Party Type:	<ul> <li>136/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> </ul> </li> <li>No.: 140/0</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date: Party Type:	<ul> <li>136/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> <li>139/0 05/19/2021 Entered Date: 05/19/2021 Decision: Plaintiff Party No.: 1 Returned Document Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> <li>No.: 140/0 05/19/2021 Entered Date: 05/19/2021 Decision: Plaintiff Party No.: 2</li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date: Party Type: Document N	<ul> <li>No.: 138/74</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 <ul> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> </ul> </li> <li>139/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 1</li> <li>Returned Document</li> <li>Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> </ul> </li> <li>No.: 140/0 <ul> <li>05/19/2021 Entered Date: 05/19/2021 Decision:</li> <li>Plaintiff Party No.: 2</li> </ul> </li> </ul>
File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq File Date: Party Type: Document N	<ul> <li>136/4</li> <li>08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>Order of Court</li> <li>ORDERED that Motion (#138) is GRANTED. See the Order for more details.Judge Carrion.</li> <li>No.: 138/5 08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>ame: Copies Mailed</li> <li>139/0 05/19/2021 Entered Date: 05/19/2021 Decision: Plaintiff Party No.: 1 Returned Document Filed by Attorney: Elizabeth A McCallum EsqFiled by Attorney: Elizabeth A McCallum Esq</li> <li>No.: 140/0 05/19/2021 Entered Date: 05/19/2021 Decision: Plaintiff Party No.: 2</li> </ul>

Party Type:	Disintiff Darty No. 1
	Plaintiff Party No.: 1 me: Returned Document
Doc No./Seq N	
File Date:	05/25/2021 Entered Date: 05/26/2021 Decision:
Party Type:	Interested Party Party No.: 1
Document Nai	ne: Returned Document
Doc No./Seq N	lo : 143/0
File Date:	
Party Type:	Defendant Party No.: 516
	me: Motion for Protective Order, Exhibits, and with Request for Hearing
Doc No./Seq N	
File Date:	
Party Type:	Defendant Party No.: 1
Document Nai	ne: Opposition to Motion for Portective Order
Doc No./Seq	143/2
No.: File Date:	08/13/2021 Entered Date: 08/13/2021 Decision:
Document	Order of Court
Name:	
	ORDERED that Motion (#143) is DENIED. See the Order (#138/4) for more
Doc No./Seq N File Date:	details.Judge Carrion. lo.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision:
File Date:	lo.: 143/3
File Date: Document Nat	No.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision:
File Date: Document Nat Doc No./Seq No.:	Io.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed
File Date: Document Nat Doc No./Seq No.: File Date:	No.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document	<pre>do.: 143/3</pre>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document	<pre>Ao.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1</pre>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N	<pre>Ao.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1</pre>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N	<ul> <li>40.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision:</li> <li>me: Copies Mailed</li> <li>144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted</li> <li>Plaintiff Party No.: 1</li> <li>Second Joint Motion to Modify Schedule, with Exhibits</li> <li>Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education</li> </ul>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date:	<pre>Ao.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1</pre>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document Nat	No.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4
File Date: Document Nan Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document Nan Doc No./Seq N	No.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4
File Date: Document Nan Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document Nan Doc No./Seq N File Date:	No.: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4 No.: 144/2
File Date: Document Nan Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document Nan Doc No./Seq N File Date: Document Nan Doc No./Seq N	<pre>do: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4 No: 144/2 06/11/2021 Entered Date: 06/11/2021 Decision: me: Copies Mailed</pre>
File Date: Document Nat Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document Nat Doc No./Seq N File Date: Document Nat	<pre>do:: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education do:: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4 do:: 144/2 06/11/2021 Entered Date: 06/11/2021 Decision: me: Copies Mailed 145/0</pre>
File Date: Document Nan Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Doc No./Seq N File Date:	<pre>do: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4 No: 144/2 06/11/2021 Entered Date: 06/11/2021 Decision: me: Copies Mailed</pre>
File Date: Document National Doc No./Seq No.: File Date: Party Type: Document Name: Doc No./Seq N File Date: Document National Doc No./Seq N File Date: Document National Doc No./Seq No.: File Date:	<pre>do:: 143/3 08/13/2021 Entered Date: 08/13/2021 Decision: me: Copies Mailed 144/0 06/02/2021 Entered Date: 06/03/2021 Decision: Granted Plaintiff Party No.: 1 Second Joint Motion to Modify Schedule, with Exhibits Filed by PLT001-Bradford, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education No.: 144/1 06/11/2021 Entered Date: 06/11/2021 Decision: me: CASE MANAGEMENT ORDER NO. 4 No.: 144/2 06/11/2021 Entered Date: 06/11/2021 Decision: me: Copies Mailed 145/0 06/01/2021 Entered Date: 06/07/2021 Decision:</pre>

8/14/23,	12.18	РM
0/14/23,	12.10	

23, 12:18 PM	1	Case Information	
No.: File Date:	06 (21 (2021) Entered Date: 06 (22 (2021) Date:	·	
	06/21/2021 Entered Date: 06/23/2021 Decis Plaintiff Party No.: 1	sion:	
Document Name:	Response to Motion to Strike Notice of Substitu	ution	
	Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean		
File Date:	q No.: 146/0 06/07/2021 Entered Date: 06/09/2021 Name: Non Party Marylad Dept of Budget and mg		
File Date: Party Type:	q No.: 147/0 06/16/2021 Entered Date: 06/17/2021 Plaintiff Party No.: 1 Name: Motion to Compel Discovery	Decision: Denied	
File Date: Party Type:	q No.: 147/1 06/14/2021 Entered Date: 06/28/2021 Defendant Party No.: 516 Name: Opposition to Motion to Compel	Decision:	
File Date:	q No.: 147/2 07/06/2021 Entered Date: 07/07/2021 Name: Opposition to Plaintiff's Motion to Competent to Plaintiff's Subpoena with Exhibits and	Production of Documents Responsive	
File Date: Party Type:	q No.: 147/3 07/30/2021 Entered Date: 08/02/2021 Plaintiff Party No.: 1 Name: Reply in Support of Plaintiff's Motion to C Documents Responsive to Plaintiff's Subp	ompel Governor Larry Hogan to Produce	
Doc No./Sec	<sup>q</sup> 147/4		
File Date:	08/13/2021 Entered Date: 08/13/2021 Dec	ision:	
Document Name:	Order of Court ORDERED that Motion (#147) is DENIED and Hogan, Jr. is QUASHED. See the Order (#131,		
File Date:	q No.: 147/5 08/13/2021 Entered Date: 08/13/2021 Name: Copies Mailed	Decision:	
No.: File Date: 0	148/0 06/21/2021 Entered Date: 06/21/2021 Decisio	on:	
	Notice Motion Hearing Sent Event: MOTN Block Date: 07/15/21 Facility: 22 , Baltimore, MD, 21202John, Jason 500 East Pra 21202Monk, Charles 500 East Pratt Street Suite Mark 500 East Pratt Street 8th Floor, Baltimore, Paul St, Baltimore, MD, 212021626Trotta, Antho 21206Civin, Joshua 200 E. North Avenue Suite 2 State Circle Room 104, Annapolis, MD, 21401Fa Washington, DC, 20004McCallum, Elizabeth 129 20004Kimmel, Melissa 1299 Pennsylvania Ave 1 3600 Clipper Mill Road Suite 350, Baltimore, MD	att Street 8th Floor, Baltimore, MD, 900, Baltimore, MD, 212023171Simanowith , MD, 21201Weaver, Warren Suite 1400 7 St ony 4930 Belair Rd , Baltimore, MD, 208, Baltimore, MD, 21202Brantley, Sandra 9 rinacci, Andrea 1299 Pennsylvania Ave NW , 99 Pennsylvania Ave NW , Washington, DC, NW , Washington, DC, 20004Peprah, Tierney	

23, 12:18 Pi	Case Information
Doc No./Seq No.:	149/0
File Date:	
ocument	Plaintiff Party No.: 1 Notice of Substitution
Name:	Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT501-BRADFORD, PLT004-
	Dean, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506- PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./Seq No.:	149/1
File Date:	09/10/2021 Entered Date: 09/10/2021 Decision:
Document Name:	Order of Court
	ORDERED that the Notice (#149) is APPROVED; and it is furtherORDERED that Defendant's Motion (#162) is DENIED; and it is furtherORDERED that Plaintiff Angel Gant is hereby substituted by Plaintiffs Ashley Mitchell, Shawna McCray, Ayanna Neal, and Angela Simonson.The papers submitted by the parties are sufficient for this Court's consideration of Plaintiffs' Notice of Substitution (#149), filed June 21, 2021. A hearing would not aid the Court in the decision making process.Judge Carrion.
File Date:	rq No.: 149/2 09/10/2021 Entered Date: 09/10/2021 Decision: Name: Copies Mailed
Doc No./Se File Date: Party Type:	eq No.: 150/0 06/17/2021 Entered Date: 06/23/2021 Decision: Plaintiff Party No.: 1
Document	Name: Notice of Service of Discovery Material
File Date: Party Type:	eq No.: 151/0 06/29/2021 Entered Date: 07/01/2021 Decision: Plaintiff Party No.: 1 Name: Motion to Compel Discovery Filed by PLT001-Bradford, PLT002-Bradford
Doc No./Seq No.:	152/0
	07/02/2021 Entered Date: 07/02/2021 Decision:
Document Name:	Notice Motion Hearing Sent
	Event: MOTN Block Date: 07/15/21 Facility: 225PARTIES : Sullivan, Steven 200 St. Paul Place , Baltimore, MD, 21202John, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 21202Monk, Charles 500 East Pratt Street Suite 900, Baltimore, MD, 212023171Simanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 212021626Trotta, Anthony 4930 Belair Rd , Baltimore, MD, 21206Civin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202Brantley, Sandra 90 State Circle Room 104, Annapolis, MD, 21401Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004McCallum, Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004Peprah, Tierney 3600 Clipper Mill Road Suite 350, Baltimore, MD, 21211
Doc No./Seq No.:	153/0
File Date:	07/01/2021 Entered Date: 07/02/2021 Decision:
Party Type:	Conversion Defence Attorney Party No.: 508
Document Name:	Correspondence to Judge Carrion withdrawing previous request for oral Argument
nanie:	Filed by ADF508-FLETCHER-HILL, PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean, DEF001-Maryland State Board Of
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Case Information

Al Co M	ducation, DEF517-BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE, DEF516-MAYOR ND CITY COUNCIL OF BALTIMORE, DEF519-BELL, M.D, DEF002-Board Of School ommissioners Of Baltimore City, DEF003-Mayor And City Council Of Baltimore, DEF501- ARYLAND STATE BOARD OF EDUCATION, DEF502-ANDREWSFiled by Attorney: Elizabeth I ameen
Doc No./Seq File Date: Party Type: Document Na	No.: 154/0 07/06/2021 Entered Date: 07/07/2021 Decision: Plaintiff Party No.: 1 me: Notice Of Correction To Certificate Of Service To Notice Of Appearance For Austin D. Mclead. Filed by Attorney Ajmel Quereshi For Keith Bradford, et al.
Doc No./Seq	155/0
File Date: Party Type:	07/06/2021 Entered Date: 07/07/2021 Decision: Plaintiff Party No.: 1
Document Name:	Corrected And Superseding Plaintiff's Motion To Compel The Department Of
	Legislative Services To Produce Documents Responsive To Plaintiff's Subpoena and Corrected and Superseding Pltffs Memorandum in Support of their Motion to Compel
Doc No./Seq	155/1
File Date:	08/20/2021 Entered Date: 08/20/2021 Decision: Plaintiff Party No.: 1
Document Name:	Reply in Support Of The Corrected And Superseding Plaintiff's Motion To Compel
	The Department Of Legislative Services To Produce Documents Responsive To Plaintiff's Subpoena. Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFORD
Doc No./Seq File Date: Document Na	No.: 156/0 07/09/2021 Entered Date: 07/09/2021 Decision: me: Return Mail, Melissa Kimmel(2)
Doc No./Seq File Date: Document Na	No.: 157/0 07/09/2021 Entered Date: 07/09/2021 Decision: me: Return Mail, Andrea Farinacci(2)
Doc No./Seq File Date: Document Na	No.: 158/0 07/09/2021 Entered Date: 07/12/2021 Decision: me: Returned Mail
,	Filed by Attorney: Elizabeth A McCallum Esq
Doc No./Seq File Date: Party Type:	No.: 159/0 07/13/2021 Entered Date: 07/13/2021 Decision: Plaintiff Party No.: 1
	me: Returned Document Filed by Attorney: Melissa B Kimmel Esq
Doc No./Seq File Date:	No.: 160/0 07/13/2021 Entered Date: 07/13/2021 Decision:
Party Type:	Plaintiff Party No.: 1 me: Returned Document
Doc No./Seq	-
	07/13/2021 Entered Date: 07/13/2021 Decision: Plaintiff Party No.: 1 me: (2)Returned Document

https://casesearch.courts.state.md.us/casesearch/inquiryByCaseNum.jis

Party Type:		
,	: Defendant Party No.: 1 Name: Defendant Maryland State Board of Educator's Motion to of Substitution, and Exhibits	o Strike Plaintiffs' Notice
Doc No./Se	eq No.: 162/1	
File Date: Party Type:	08/09/2021 Entered Date: 08/11/2021 Decision: Plaintiff Party No.: 1	
	Name: Plaintiff's Response To Defendant's Motion To Strike No. With Exhibit's.	otice Of Substitution
Doc No./Seq No.:	162/2	
File Date:	09/10/2021 Entered Date: 09/10/2021 Decision:	
Document Name:	Order of Court	
	ORDERED that the Notice (#149) is APPROVED; and it is furth Motion (#162) is DENIED; and it is furtherORDERED that Plai substituted by Plaintiffs Ashley Mitchell, Shawna McCray, Aya Simonson.The papers submitted by the parties are sufficient Plaintiffs' Notice of Substitution (#149), filed June 21, 2021. Court in the decision making process. See the Order (#149/1 Carrion.	ntiff Angel Gant is hereby anna Neal, and Angela for this Court's consideration A hearing would not aid the
File Date:	eq No.: 162/3 09/10/2021 Entered Date: 09/10/2021 Decision: Name: Copies Mailed	
No.: File Date: Document Name:	eq 163/0 07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding	
File Date: Document Name: Doc No./Se File Date:	07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding 7/15/21 - Defendant's (Md. State Board of Education) Mot hereby heard and held "Sub-Curia". Order to be filed. Carri eq No.: 164/0 07/15/2021 Entered Date: 07/15/2021 Decision:	ion to Compel Discovery is ion, J.
File Date: Document Name: Doc No./Se File Date: Party Type:	07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding 7/15/21 - Defendant's (Md. State Board of Education) Mot hereby heard and held "Sub-Curia". Order to be filed. Carri	ion to Compel Discovery is ion, J.
File Date: Document Name: Doc No./Se File Date: Party Type: Document Doc No./Se File Date:	07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding 7/15/21 - Defendant's (Md. State Board of Education) Mot hereby heard and held "Sub-Curia". Order to be filed. Carri eq No.: 164/0 07/15/2021 Entered Date: 07/15/2021 Decision: : Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material(3)	tion to Compel Discovery is
File Date: Document Name: Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Doc No./Se File Date:	07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding 7/15/21 - Defendant's (Md. State Board of Education) Mot hereby heard and held "Sub-Curia". Order to be filed. Carri eq No.: 164/0 07/15/2021 Entered Date: 07/15/2021 Decision: : Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material(3) Filed by PLT001-Bradford, PLT002-Bradford eq No.: 165/0 07/16/2021 Entered Date: 07/16/2021 Decision:	tion to Compel Discovery is
File Date: Document Name: Doc No./Se File Date: Party Type: Document Doc No./Se File Date: Document Doc No./Se File Date: Document Doc No./Se File Date:	07/15/2021 Entered Date: 07/15/2021 Decision: Open Court Proceeding 7/15/21 - Defendant's (Md. State Board of Education) Mot hereby heard and held "Sub-Curia". Order to be filed. Carri eq No.: 164/0 07/15/2021 Entered Date: 07/15/2021 Decision: : Plaintiff Party No.: 1 Name: Notice of Service of Discovery Material(3) Filed by PLT001-Bradford, PLT002-Bradford eq No.: 165/0 07/16/2021 Entered Date: 07/16/2021 Decision: Name: return mail, andrea farinacci eq No.: 166/0 07/16/2021 Entered Date: 07/16/2021 Decision:	tion to Compel Discovery is ion, J.

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07/23/2021 Entered Date: 07/23/2021 Decision:         Order of Court         ORDERED that the Defendant is to submit to the Court, with 5 days of the date of this Orde any agreement, filing and order that consolidated the Bradford v. State and the Board v. State matters.Judge Carrion.         No.: 169/1       07/23/2021 Entered Date: 07/23/2021 Decision:         me: Copies Mailed         170/0       07/30/2021 Entered Date: 07/30/2021 Decision:         Defendant Party No.: 516         Correspondence to Judge Carrion         Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore         No.: 171/0         07/30/2021 Entered Date: 08/05/2021 Decision:         Defendant Party No.: 1         me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits         No.: 172/0         08/13/2021 Entered Date: 08/13/2021 Decision:         me: Kemporandum Opinion from Judge Carrion
ORDERED that the Defendant is to submit to the Court, with 5 days of the date of this Orde any agreement, filing and order that consolidated the Bradford v. State and the Board v. State matters.Judge Carrion. No.: 169/1 07/23/2021 Entered Date: 07/23/2021 Decision: me: Copies Mailed 170/0 07/30/2021 Entered Date: 07/30/2021 Decision: Defendant Party No.: 516 Correspondence to Judge Carrion Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
Any agreement, filing and order that consolidated the Bradford v. State and the Board v. State matters.Judge Carrion. No.: 169/1 07/23/2021 Entered Date: 07/23/2021 Decision: me: Copies Mailed 170/0 07/30/2021 Entered Date: 07/30/2021 Decision: Defendant Party No.: 516 Correspondence to Judge Carrion Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
07/23/2021 Entered Date: 07/23/2021 Decision: me: Copies Mailed 170/0 07/30/2021 Entered Date: 07/30/2021 Decision: Defendant Party No.: 516 Correspondence to Judge Carrion Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
07/30/2021 Entered Date: 07/30/2021 Decision: Defendant Party No.: 516 Correspondence to Judge Carrion Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
Defendant Party No.: 516 Correspondence to Judge Carrion Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
Filed by DEF516-MAYOR AND CITY COUNCIL OF BALTIMORE, DEF003-Mayor And City Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
Council Of Baltimore No.: 171/0 07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
07/30/2021 Entered Date: 08/05/2021 Decision: Defendant Party No.: 1 me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
me: Line Responding to the Court's Order Dated July 23, 2021, with Exhibits No.: 172/0 08/13/2021 Entered Date: 08/13/2021 Decision:
08/13/2021 Entered Date: 08/13/2021 Decision:
me: Memorandum Opinion from Judge Carrion
No.: 173/0 09/13/2021 Entered Date: 09/13/2021 Decision: Plaintiff Party No.: 1 me: Returned Document
No.: 174/0 09/16/2021 Entered Date: 09/17/2021 Decision: Defendant Party No.: 516 me: Notice of Service of Discovery Material
175/0
09/17/2021 Entered Date: 09/20/2021 Decision: Plaintiff Party No.: 509
Joint Motion to Modify Schedule
Filed by PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001-Maryland State Board Of Education, DEF003-Mayor And City Council Of Baltimore
76/0
0/28/2021 Entered Date: 09/28/2021 Decision:
otice Motion Hearing Sent
vent: MOTN Block Date: 07/14/22 Facility: 225PARTIES : Sullivan, Steven 200 St. Paul Place Baltimore, MD, 21202John, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, L202Monk, Charles 500 East Pratt Street Suite 900, Baltimore, MD, 212023171Simanowith, ark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201Weaver, Warren Suite 1400 7 St bul St, Baltimore, MD, 212021626Trotta, Anthony 4930 Belair Rd , Baltimore, MD, L206Shea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, MD, 21202Civin, shua 200 E. North Avenue Suite 208, Baltimore, MD, 21202Brantley, Sandra 90 State Circle boom 104, Annapolis, MD, 21401Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington,

Mill	ssa 1299 Pennsylvania Ave NW , Washington, DC, 20004Peprah, Tierney 3600 Clipį Road Suite 350, Baltimore, MD, 21211		
Doc No./Seq No.:	177/0		
File Date:	10/01/2021 Entered Date: 10/01/2021 Decision: Ruled		
Document Name:	Case Management Order No. 5		
Nume.	This Order is subject to further modification by this Court.See the Order for more details.Judge Carrion.		
Doc No./Seq No File Date: Document Name	: 177/1 10/01/2021 Entered Date: 10/01/2021 Decision: e: Copies Mailed		
Doc No./Seq No File Date: Party Type: Document Name	.: 178/0 09/30/2021 Entered Date: 10/01/2021 Decision: Defendant Party No.: 516 e: Notice of Service of Discovery Material (3)		
Doc No./Seq No File Date: Party Type: Document Name	-		
Doc No./Seq No File Date: Party Type: Document Name	.: 180/0 10/18/2021 Entered Date: 10/18/2021 Decision: Defendant Party No.: 3 e: Returned Document		
Doc No./Seq No File Date: Party Type: Document Name	.: 181/0 10/18/2021 Entered Date: 10/18/2021 Decision: Plaintiff Party No.: 1 e: Returned Document		
Doc No./Seq No File Date: Party Type: Document Name	.: 182/0 10/25/2021 Entered Date: 10/27/2021 Decision: Plaintiff Party No.: 1 e: Notice of Service of Discovery Material		
Doc No./Seq No File Date: Party Type: Document Name	.: 183/0 11/10/2021 Entered Date: 11/12/2021 Decision: Denied Defendant Party No.: 501 2: Motion to Dismiss Plaintiff's Petiton for Further Relief, Memorandum w/ Exhibits (See #184 for Full Pleading)		
Doc No./Seq No File Date: Party Type: Document Name	.: 183/1 12/23/2021 Entered Date: 12/27/2021 Decision: Plaintiff Party No.: 509 e: Baltimore City Board of School Commissioners' Opposition to Defendant's Motion to Dismiss Plaintiffs' Petittion for Further Relief		
Doc No./Seq No File Date: Party Type: Document Name	.: 183/2 02/14/2022 Entered Date: 02/14/2022 Decision: Plaintiff Party No.: 509 E: Defendant MSBE's Reply in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction and to Dissolve Consent Decree		

/23, 12:18 PN	Case Information
Doc No./Seq No.:	183/3
	03/08/2022 Entered Date: 03/08/2022 Decision:
Document	Drder of Court
	DRDERED that MSBE's Motion to Dismiss Plaintiffs' Petition for Further Relief (#183000) iled November 10, 2021 and MSBE's Motion to Dissolve November 26, 1996 Consent Decre (#184000) filed November 10, 2021 are hereby DENIED; and it is furtherORDERED that Plaintiffs' Motion to Strike Defendant's Second Motion to Dismiss and Memorandum in Support of Motion to Strike and in Opposition to Defendant's Second Motion to Dismiss Plaintiffs' Petition for Further Relief and Dissolve Consent Decree (#189000), filed Decemb 22, 2021, is hereby DENIED, etc. Carrion Judge
Doc No./Se	No.: 183/4
File Date: Document N	03/08/2022 Entered Date: 03/08/2022 Decision: ame: Copies Mailed
Doc No./Se File Date:	No.: 184/0 11/10/2021 Entered Date: 11/12/2021 Decision: Denied
Party Type:	Defendant Party No.: 501
	ame: Motion to Dissolve November 26, 1996 Consent Decree, Memorandum w/ Exhibits
Doc No./See	No.: 184/1 12/23/2021 Entered Date: 12/27/2021 Decision:
Party Type:	Plaintiff Party No.: 509
Document N	ame: Baltimore City Board of School Commissioners' Opposition to Defendant's Motion to Dissolve Consent Decree
Doc No./Se No.:	185/0
File Date: Party Type:	11/18/2021 Entered Date: 11/19/2021 Decision: Granted Plaintiff Party No.: 1
Document Name:	Consent Motion to Extend Deadline for Responding to Motion to Dismiss
	Plaintiffs' Petition for Further Relief and Motion to Dissolve November 26, 1996 Conse Decree
Doc No./See	185/1
File Date:	12/03/2021 Entered Date: 12/03/2021 Decision:
Document Name:	Order of Court
	ORDERED that the Consent Motion is GRANTED; and it i sufrhterORDERED that the deadlin for the Plaintiffs and the Baltimore City Board of School Commissioners to file any responses shall be 12/22/21.Judge Carrion.
File Date:	No.: 185/2 12/03/2021 Entered Date: 12/03/2021 Decision: ame: Copies Mailed
Doc No./Se File Date: Party Type:	No.: 186/0 11/24/2021 Entered Date: 11/29/2021 Decision: Plaintiff Party No.: 1
	ame: Notice of Service of Discovery Material
File Date:	No.: 187/0 11/23/2021 Entered Date: 11/29/2021 Decision: ame: Plaintiff Angela Simonson's Notice of Withdrawal
Doc No./See File Date:	No.: 188/0 11/24/2021 Entered Date: 11/29/2021 Decision:

https://casesearch.courts.state.md.us/casesearch/inquiryByCaseNum.jis

Case Information

Party Type: Document N	Plaintiff Party No.: 1 ame: Notice of Service of Discovery Material	
Doc No./Seq No.:	189/0	
File Date: Party Type:	12/22/2021 Entered Date: 12/27/2021 Decision: Denied Plaintiff Party No.: 1	
Document Name:	Motion to Strike Defendant's Second Motion to Dismiss, with Memorandum and	
Exhibits (Entire Pleading Is Housed in the Box, Volume Number 21)****** S #183/3 FOR ORDER DATED 3/7/2022 ******		
File Date:	No.: 189/1 01/10/2022 Entered Date: 01/10/2022 Decision:	
Document N	ame: Clerical Error	
File Date:	No.: 189/2 01/10/2022 Entered Date: 01/10/2022 Decision: ame: Clerical Error	
Doc No./Seq File Date:	No.: 189/3 02/11/2022 Entered Date: 02/14/2022 Decision:	
Party Type: Document N	Defendant Party No.: 1 ame: Defendant MSBE's Opposition to Plaintiffs' Motion to Strike MSBE's Motion to Dismiss for Lack of Subject Matter Jurisdiction and to Dissolve Consent Decree	
Doc No./Seq File Date: Party Type:	No.: 189/4 03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1	
File Date: Party Type:	03/04/2022 Entered Date: 03/09/2022 Decision:	
File Date: Party Type: Document N Doc No./Seq	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss	
File Date: Party Type: Document N Doc No./Seq No.:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford	
File Date: Party Type: Document N Doc No./Seq No.:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibits sumbitted, and the review of the record, are sufficent for this court's consideration of this	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit sumbitted, and the review of the record, are sufficent for this court's consideration of this matter. A Hearing would not aid the court in the decision making process.Judge Carrion No.: 189/6 03/28/2022 Entered Date: 03/28/2022 Decision: ame: Copies Mailed	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit sumbitted, and the review of the record, are sufficent for this court's consideration of this matter. A Hearing would not aid the court in the decision making process.Judge Carrion No.: 189/6 03/28/2022 Entered Date: 03/28/2022 Decision: ame: Copies Mailed	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit sumbitted, and the review of the record, are sufficent for this court's consideration of this matter. A Hearing would not aid the court in the decision making process.Judge Carrion No.: 189/6 03/28/2022 Entered Date: 03/28/2022 Decision: ame: Copies Mailed 190/0 01/06/2022 Entered Date: 01/10/2022 Decision: Granted	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit sumbitted, and the review of the record, are sufficent for this court's consideration of this matter. A Hearing would not aid the court in the decision making process.Judge Carrion No.: 189/6 03/28/2022 Entered Date: 03/28/2022 Decision: ame: Copies Mailed 190/0 01/06/2022 Entered Date: 01/10/2022 Decision: Granted Defendant Party No.: 1	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court Ordered that motions 183,184 and 189 are denied. The papers and exhibit sumbitted, and the review of the record, are sufficent for this court's consideration of this matter. A Hearing would not aid the court in the decision making process.Judge Carrion No.: 189/6 03/28/2022 Entered Date: 03/28/2022 Decision: ame: Copies Mailed 190/0 01/06/2022 Entered Date: 01/10/2022 Decision: Granted Defendant Party No.: 1 Consent Motion to Extend Deadline for Responding to Plaintiffs' Motion to Strike Defendant MSBE's Motion to Dismiss for Lack of Subject-Matter Jurisdiction and to	
File Date: Party Type: Document N Doc No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq No.: File Date: Party Type: Document Name:	03/04/2022 Entered Date: 03/09/2022 Decision: Plaintiff Party No.: 1 ame: Reply In support second motion to dismiss Filed by PLT001-Bradford, PLT002-Bradford 189/5 03/07/2022 Entered Date: 03/28/2022 Decision: Order of Court 	

## Case Information

ORDERED that the Motion (#190) is GRANTED and the deadline for MS	BE to respond to
Plaintiff's Motion (#189) and to file a reply in support of its Motion (#	183) shall be
extended up to and until 02/11/2022.Judge Carrion.	

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Doc No./Seq	No.: 190/2
File Date:	01/10/2022 Entered Date: 01/10/2022 Decision:
Document Na	ame: Copies Mailed
Doc No./Seq	No.: 191/0
File Date:	02/01/2022 Entered Date: 02/02/2022 Decision:
Party Type:	Defendant Party No.: 1
Document Na	me: Notice of Service of Discovery Material
Doc No./Seq	No.: 192/0
File Date:	02/17/2022 Entered Date: 02/22/2022 Decision: Granted
Party Type:	Plaintiff Party No.: 1
Document Na	me: Motion for Special Admission Pro Hac Vice (Arielle Humphries)
Doc No./Seq No.:	192/1
File Date: Document	04/06/2022 Entered Date: 04/06/2022 Decision:
Name:	Order of Court Ordered that Arielle Humphries is admitted specially for the limited purpos of appearing and participating in this case as co counsel for plaintiffs.Judge Carrion
Doc No./Seq	No.: 192/2
File Date:	04/06/2022 Entered Date: 04/06/2022 Decision:
Document Na	ame: Copies Mailed
Doc No./Seq No.:	193/0
File Date:	02/23/2022 Entered Date: 02/24/2022 Decision:
Party Type:	Defendant Party No.: 2
Document Name:	CONSENT MOTION TO SET DEADLINE FOR FILING REPLY IN SUPPORT OF PLAINTIFF'S MOTION TO STRIKE DEFENDANT MARYLAND STATE BOARD OF EDUCATION'S SECOND MOTION TO DISMISS.
Doc No./Seq No.:	194/0
File Date:	03/04/2022 Entered Date: 03/07/2022 Decision: Granted
Party Type:	Plaintiff Party No.: 509
Document Name:	Joint Motion to Modify Case Management Order NO. 5
	Filed by PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001- Maryland State Board Of Education
Doc No./Seq	No.: 194/1
File Date:	03/08/2022 Entered Date: 03/08/2022 Decision: Granted
Document Na	ame: Case Management Order No. 6
Doc No./Seq	No.: 194/2
File Date:	03/08/2022 Entered Date: 03/08/2022 Decision:
Document Na	ame: Copies Mailed
Doc No./Seq	No.: 195/0
File Date:	03/24/2022 Entered Date: 03/28/2022 Decision:
Party Type:	Defendant Party No.: 1

Document Name: Notice of Appeal

Doc No./Sec	a No.: 196/0	
File Date:	03/31/2022 Entered Date: 03/31/2022 Decision:	
Party Type:	Plaintiff Party No.: 1	
Document N	lame: Notice to Strike/Enter Appearance	
Doc No./Sec	ן No.: 197/0	
File Date:	04/01/2022 Entered Date: 04/06/2022 Decision: Granted	
Party Type:	Defendant Party No.: 1	
Document N	lame: Motion for Special Admission Pro Hac Vice (Cory S. Winter)	
Doc No./Seq	197/1	
No.:		
_	04/11/2022 Entered Date: 04/11/2022 Decision:	
Document Name:	Order of Court	
	It is this 7th day of April 2022, ORDERED that Corey S. Winter, Esg. Saul Ewing Arnste Lehr LLPPenn National Ins. Tower2 North Second St., 7th FloorHarrisburg, PA 17101- 1619(717) 257-7562is admitted specially for limited purpose of appearing and partic in this case as co-counsel for Defendant. The Presence of Maryland Attorney is waived Order for details).Judge A.J.S. Carrion	ipatin
Doc No./Sec	No.: 197/2	
File Date:	04/11/2022 Entered Date: 04/11/2022 Decision:	
Document N	lame: Copies Mailed	
-	a No.: 198/0	
File Date:	04/05/2022 Entered Date: 04/06/2022 Decision:	
Party Type:		
Jocument N	lame: Notice of Service of Discovery Material	
	γ No.: 199/0	
File Date:	04/06/2022 Entered Date: 04/07/2022 Decision: Denied	
Party Type: Document N	Defendant Party No.: 501 Jame: Motion to Stay Proceedings Pending Appeal	
, Doc No./Sec	a No.: 199/1	
File Date:	04/25/2022 Entered Date: 04/26/2022 Decision:	
Party Type:	Defendant Party No.: 2	
Document N	lame: Opposition to Motion to Stay Proceedings Pending Appeal with Memorandum	
Doc No./Seq	199/2	
No.: File Date: Party Type:	04/25/2022 Entered Date: 05/04/2022 Decision: Plaintiff Party No.: 1	
Document Name:	Memorandum in Opposition to Defendant's Motion to Stay Proceedings Pending	
vanne:	Appeal Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PL BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washingto	
	PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean	F
Doc No /Sec	199/3	
	19970	
No.: File Date:	05/04/2022 Entered Date: 05/04/2022 Decision:	

Document Name:	Order of Court
	ORDERED that MSBE's motion to stay proceedings pending appeal (docket #00199000) filed April 6, 2022, be and the same hereby is DENIED. (see order for further details)Judg A J.S. Carrrion
Doc No./Seq File Date: Document Na	No.: 199/4 05/04/2022 Entered Date: 05/04/2022 Decision: ame: Copies Mailed
Doc No./Seq File Date: Party Type: Document Na	No.: 200/0 04/12/2022 Entered Date: 04/13/2022 Decision: Defendant Party No.: 501 ame: Notice of Service of Discovery Material
Doc No./Seq File Date: Party Type: Document Na	No.: 201/0 04/26/2022 Entered Date: 04/27/2022 Decision: Defendant Party No.: 1 ame: Notice of Service of Discovery Material Filed by DEF001-Maryland State Board Of Education, PLT501-BRADFORD
Doc No./Seq File Date: Document Na	No.: 202/0 05/05/2022 Entered Date: 05/06/2022 Decision: ame: Order of COSA to Proceed Assigned C.Dockins No.2021 September Term 2022Csa-Reg-0201-2022Due date: 7/02/2022
Doc No./Seq File Date: Party Type: Document Na	No.: 203/0 05/17/2022 Entered Date: 05/18/2022 Decision: Plaintiff Party No.: 1 ame: Notice of Service of Discovery Material
Doc No./Seq File Date: Party Type: Document Na	No.: 204/0 05/26/2022 Entered Date: 05/27/2022 Decision: Plaintiff Party No.: 1 ame: Attorney Appearance Filed Filed by PLT001-Bradford, PLT501-BRADFORD
Doc No./Seq File Date: Party Type: Document Na	No.: 205/0 06/09/2022 Entered Date: 06/10/2022 Decision: Granted Plaintiff Party No.: 1 ame: MOTION FOR SPECIAL ADMISSION OF OUT OF STATE ATTORNEY (VICTOR GENECIN)
Doc No./Seq No.: File Date: Document Name:	205/1 06/22/2022 Entered Date: 06/22/2022 Decision: Order of Court ORDERED that the Motion (#205) is GRANTED. See the Order for more details.Judge Carrion.
Doc No./Seq File Date: Document Na	
, Doc No./Seq File Date: Party Type: Document Na	No.: 206/0 06/08/2022 Entered Date: 06/10/2022 Decision: Granted Plaintiff Party No.: 1 ame: MOTION FOR SPECIAL ADMISSION OF OUT OF STATE ATTORNEY ( ALAIZAH KOORJI)

/23, 12:18 Pr	Case information
Doc No./Se	<sup>2</sup> 206/1
No.: File Date:	06/22/2022 Entered Date: 06/22/2022 Decision:
Document	Order of Court
Name:	
	ORDERED that the Motion (#206) is GRANTED. See the Order for more details.Judge Carrion.
	ng No.: 206/2
File Date:	06/22/2022 Entered Date: 06/22/2022 Decision:
Document	Name: Copies Mailed
Doc No./Se	vq No.: 207/0
File Date:	06/14/2022 Entered Date: 06/15/2022 Decision:
Document	Name: Acknowledgement of COA of Receipt of Request for Writ of Certiorari
Doc No./Seq	208/0
No.: File Date:	06/16/2022 Entered Date: 06/16/2022 Decision:
Document	Notice Motion Hearing Sent
Name:	-
	Event: MOTN Block Date: 07/14/22 Facility: 225PARTIES : Sullivan, Steven 200 St. Paul Place, Baltimore, MD, 21202John, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 21202Monk, Charles 500 East Pratt Street Suite 900, Baltimore, MD, 212023171Simanowith Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201Weaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 212021626Trotta, Anthony 4930 Belair Rd , Baltimore, MD, 21206Shea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, MD, 21202Civin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202Brantley, Sandra 90 State Circl Room 104, Annapolis, MD, 21401Farinacci, Andrea 1299 Pennsylvania Ave NW , Washington DC, 20004McCallum, Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004Kimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004Peprah, Tierney 3600 Clipper Mill Road Suite 350, Baltimore, MD, 21211
Doc No./Se	<sup>.q</sup> 209/0
File Date:	06/17/2022 Entered Date: 06/21/2022 Decision:
Party Type:	Plaintiff Party No.: 509
Document Name:	Joint Motion to Modify Case Management Order No. 6
	Filed by PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, DEF001- Maryland State Board Of Education
Doc No./Seq	210/0
No.:	
File Date: Document	06/23/2022 Entered Date: 06/23/2022 Decision:
Name:	Record on Appeal Forwarded to COSA
	06/23/22 Twenty-Two volumes and Two Blue Folder and Three Brown boxes and One Blue Box Via Fex box 1 (8174 4196 3019) box 2(8174 4196 3008) Box(3)(8174 4196 2994) Box 4(8174 4196 2983) box 5 (8174 4196 2972) Box 6 (8174 4196 2950) Box 6 8174 4196 2961)
Doc No./Se	rq No.: 211/0
File Date: Document	06/24/2022 Entered Date: 06/24/2022 Decision: Granted Name: Cancellation of Hearing/Trial Notice Sent
Doc No./Se	<sup>1</sup> q 212/0
File Date:	06/22/2022 Entered Date: 06/24/2022 Decision: Ruled
Document	Case Managment Order No. 7
Name:	This Order is subject to further modification by this Court. (See order for further
	details)Judge: A Carrion
Doc No./Se	a No.: 212/1

06/24/2022 Entered Date: 06/24/2022 Decision: Name: Copies Mailed
213/0
06/28/2022 Entered Date: 06/28/2022 Decision:
Mandate Received from Court of Special Appeals
On the 11th day of May, 2022, it was ordered and adjudged by the court of Special Appeals.Motion to Dismiss is Granted and the captioned interlocutory appeal is dismisse Pursuant to maryland Rule 8-602(b)(1) as not allowed by Law. Gregory Hilton Clerk Corof Special Appeals
eq No.: 214/0
06/24/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 1 Name: Notice of Withdrawal of Appearance
eq No.: 215/0
06/29/2022 Entered Date: 06/29/2022 Decision: : Plaintiff Party No.: 1
Name: Attorney Appearance Removed Victor Genecin
eq No.: 216/0
06/29/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 2 Name: Attorney Appearance Removed Victor Genecin
eq No.: 217/0 06/29/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 3
Name: Attorney Appearance Removed Victor Genecin
eq No.: 218/0
06/29/2022 Entered Date: 06/29/2022 Decision: : Plaintiff Party No.: 4
Name: Attorney Appearance Removed Victor Genecin
eq No.: 219/0
06/29/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 501 Name: Attorney Appearance Removed Victor Genecin
eq No.: 220/0
06/29/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 502 Name: Attorney Appearance Removed Victor Genecin
eq No.: 221/0
06/29/2022 Entered Date: 06/29/2022 Decision:
: Plaintiff Party No.: 503
Name: Attorney Appearance Removed

Doc No./Seq No.: 222/0

File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 504	
	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.: File Date:	223/0 06/29/2022 Entered Date: 06/29/2022	Decision ·
	Plaintiff Party No.: 505	
	Attorney Appearance Removed	
Document Name.	Victor Genecin	
Doc No./Seq No.:	224/0	
	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 506	
	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.:	225/0	
		Decision
	Plaintiff Party No.: 507	2.0.000
	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.:	226/0	
	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 508	
	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.:	227/0	
	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 509	
	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.:	228/0	
File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
Party Type:	Plaintiff Party No.: 510	
Document Name:	Attorney Appearance Removed	
	Victor Genecin	
Doc No./Seq No.:		
File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 1	
Document Name:	Attorney Appearance Removed	
,	Alaizah Koorji	
Doc No./Seq No.:	230/0	
File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
, ,,	Plaintiff Party No.: 2	
Document Name:	Attorney Appearance Removed	
,	Alaizah Koorji	
Doc No./Seq No.:		
File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
Party Type:	Plaintiff Party No.: 3	
Document Name:	Attorney Appearance Removed Alaizah Koorji	
Doc No./Seq No.:	232/0	
File Date:	06/29/2022 Entered Date: 06/29/2022	Decision:
	Plaintiff Party No.: 4	
Party Type:		

	Alaizah Koorji	
Party Type: Document Name:	233/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 501 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type: Document Name:	234/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 502 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type: Document Name:	235/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 503 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type:	236/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 504 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type:	06/29/2022 Entered Date: 06/29/2022	Decision:
Party Type:	238/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 506 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type:	239/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 507 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type:	240/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 508 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type: Document Name:	241/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 509 Attorney Appearance Removed Alaizah Koorji	Decision:
Party Type:	242/0 06/29/2022 Entered Date: 06/29/2022 Plaintiff Party No.: 510 Attorney Appearance Removed Alaizah Koorji	Decision:
,		

Party Type: Document I	07/10/2022 Entered Date: 07/12/2022 Decision: Defendant Party No.: 519 Name: Notice to Strike Appearance
File Date: Party Type:	q No.: 244/0 07/12/2022 Entered Date: 07/12/2022 Decision: Defendant Party No.: 519 Name: Attorney Appearance Removed Francis X Leary
Doc No./Seq No.:	245/0
File Date:	07/08/2022 Entered Date: 07/12/2022 Decision: Denied
Document Name:	Order of Court
<u></u>	Petition for a writ certiorari to the court of Special Appeals and the answers filed thereto is this 8th day of July 2022ORDERED,by the court of Appeals of Maryland, that the petiti is DENIED /s/ Matthew J. Fader Chief Judge
Doc No./Se	q No.: <b>246/0</b>
File Date:	
Party Type:	
Document I	Name: Motion for Summary Judgment, with Exhibits and Memorandum (SEE ENTRY #250/
Doc No./Se	q No.: <b>246/1</b>
File Date:	
Party Type:	Defendant Party No.: 3
Document I	Name: MAYOR AND CITY COUNCIL'S RESPONSE IN OPPOSITION TO MSBE'S MOTION FOR SUMMARY JUDGMENT
	q No.: 247/0 08/12/2022 Entered Date: 08/15/2022 Decision: Denied
File Date: Party Type:	08/12/2022 Entered Date: 08/15/2022 Decision: Denied
File Date: Party Type: Document I Doc No./Se	08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1 Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)
File Date: Party Type: Document I Doc No./Se No.: File Date:	08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1 Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34) 9 247/1 10/04/2022 Entered Date: 10/07/2022 Decision:
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document	08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1 Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34) 9 247/1 10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type:	08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1 Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34) 9 247/1 10/04/2022 Entered Date: 10/07/2022 Decision:
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name:	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1 10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1</li> <li>Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501-</li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date:	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1         <ol> <li>10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1</li> <li>Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> </ol> </li> <li>q No.: 247/2         <ol> <li>10/28/2022 Entered Date: 11/03/2022 Decision:</li> </ol> </li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type:	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1         <ol> <li>10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1</li> <li>Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> </ol> </li> <li>q No.: 247/2         <ol> <li>10/28/2022 Entered Date: 11/03/2022 Decision:</li> </ol> </li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1         <ol> <li>0/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1</li> <li>Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> <li>q No.: 247/2                 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501</li> <li>Name: Def Maryland State Board of Education's Reply In Support of Its Motion In Limine to Preclude Plts' Expert Testimony</li> </ol> </li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1         <ol> <li>0/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1</li> <li>Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> <li>q No.: 247/2                 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501</li> <li>Name: Def Maryland State Board of Education's Reply In Support of Its Motion In Limine to Preclude Plts' Expert Testimony</li> </ol> </li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se No.: File Date: Doc No./Se	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1 10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1 Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> <li>q No.: 247/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501</li> <li>Name: Def Maryland State Board of Education's Reply In Support of Its Motion In Limine to Preclude Plts' Expert Testimony</li> </ul>
File Date: Party Type: Document I Doc No./Se No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se No.: File Date:	<ul> <li>08/12/2022 Entered Date: 08/15/2022 Decision: Denied Defendant Party No.: 1</li> <li>Name: Motion in Limine to Preclude Plaintffs' Expert Testimony, with Exhibits and Memorandum (Housed in Blue Accordion Folders, Vol. 33 and 34)</li> <li>247/1 10/04/2022 Entered Date: 10/07/2022 Decision: Plaintiff Party No.: 1 Memorandum in Opposition to Defendant's Motion in LImine to Preclude Plaintiff's Expert Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT501- BRADFORD, PLT502-BRADFORD</li> <li>q No.: 247/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501</li> <li>Name: Def Maryland State Board of Education's Reply In Support of Its Motion In Limine to Preclude Plts' Expert Testimony</li> <li>q 247/3 03/07/2023 Entered Date: 03/07/2023 Decision:</li> </ul>

	q No.: 248/0
ile Date:	08/12/2022 Entered Date: 08/15/2022 Decision: Granted
Party Type:	
Jocument I	Name: Motion to File Materials Under Seal (Attached: Sealed Documents in White Envelopes)
-	
	249/1
No./Seq No.:	248/1
File Date:	09/08/2022 Entered Date: 09/08/2022 Decision:
Document	Order of Court
Name:	ODDEDED that the Matien to File Materials linder Seal is CRANTED, and the Clark of the
	ORDERED that the Motion to File Materials Under Seal is GRANTED; and the Clerk of the Court is directed to file under seal those documents previously marked "Sealed Pursuant t Order of COurt Dated 4/20/2021" bearing the caption Motion in Limine to Preclude Plaintiffs' Expert Testimony.Judge Carrion.
Doc No./Se	g No.: 248/2
File Date:	09/08/2022 Entered Date: 09/08/2022 Decision:
Document N	Name: Copies Mailed
Doc No./Se	<sup>q</sup> 249/0
No.: File Date:	08/12/2022 Entered Date: 08/16/2022 Decision: Granted
Party Type:	Defendant Party No.: 3
Document	
Name:	Motion for Summary Judgment (SEE ENTRY 250/5)
	memorandum in support of the mayor and city council's motion for summary judgment with exhibits.
,	
	q No.: 249/1
File Date:	08/12/2022 Entered Date: 08/16/2022 Decision:
Party Type:	
Document r	Name: Request for Hearing on Selected Motion
Doc	
	249/2
No./Seq No.:	
No./Seq No.: File Date:	10/04/2022 Entered Date: 10/07/2022 Decision:
No./Seq No.: File Date: Document	
No./Seq No.: File Date: Document	10/04/2022 Entered Date: 10/07/2022 Decision:
No./Seq No.: File Date: Document Name:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY
No./Seq No.: File Date: Document Name: Doc No./Set	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
No./Seq No.: File Date: Document Name: Doc No./Seq File Date:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38)
No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4
No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Doc No./Seq File Date:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision:
No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date: Party Type:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision:
No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Doc No./Sec File Date: Party Type:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision: Defendant Party No.: 3
No./Seq No.: File Date: Document Name: Doc No./Seq File Date: Document N Doc No./Seq File Date: Party Type: Document N Doc No./Seq	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision: Defendant Party No.: 3 Name: MAYOR AND CITY COUNCIL OF BALTIMORE'E REPLY IN SUPPORT OF THE CITY'S MOTION FOR SUMMARY JUDGMENT
No./Seq No.: File Date: Document Name: Doc No./Sec File Date: Document N Doc No./Sec File Date: Party Type: Document N Doc No./Sec	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision: Defendant Party No.: 3 Name: MAYOR AND CITY COUNCIL OF BALTIMORE'E REPLY IN SUPPORT OF THE CITY'S MOTION FOR SUMMARY JUDGMENT q 250/0
File Date: Document N Doc No./See File Date: Party Type:	10/04/2022 Entered Date: 10/07/2022 Decision: Private Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, with Exhibits and Affidavit of Alison Perkins-Cohen and Jeffrey E. Liskov Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dear PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505- Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 249/3 10/04/2022 Entered Date: 10/07/2022 Decision: Name: Opposition to Third Party Defendant's Motion for Summary Judgment (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 38) q No.: 249/4 10/27/2022 Entered Date: 10/27/2022 Decision: Defendant Party No.: 3 Name: MAYOR AND CITY COUNCIL OF BALTIMORE'E REPLY IN SUPPORT OF THE CITY'S MOTION FOR SUMMARY JUDGMENT q 250/0 08/12/2022 Entered Date: 08/16/2022 Decision: Denied

23, 12.10 FIV	Case mornation
Document	Motion for Summary Judgment, with Memorandum and Exhibits
Name:	
,	(Housed in the Box, Volume Number 35) Filed by PLT502-BRADFORD, PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD
Doc No./Sec No.:	250/1
File Date: Party Type:	10/04/2022 Entered Date: 10/07/2022 Decision: Defendant Party No.: 501
Document Name:	Opposition to Motion for Summary Judgment and Further Orders
Name.	Pursuant to the Declaratory Judgment Act and Proposed Order (HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 37)
Doc No./Sec	250/2
File Date:	10/28/2022 Entered Date: 12/02/2022 Decision:
Party Type: Document	Plaintiff Party No.: 1 Reply in Support of Their Motion for Summary Judgment and for
Name:	
	Further Order Pursuant to the Declaratory Judgments Act Housed in Two Black Three Ring Binders, Volume Nos 41 and 42)
	No.: 250/3
File Date: Party Type:	01/13/2023 Entered Date: 01/25/2023 Decision: Defendant Party No.: 3
	ame: Proposed Conclusions of Law
 Doc	Judgment
	250/5
_	03/07/2023 Entered Date: 03/07/2023 Decision:
Name:	Order of Court
	ORDERED THAT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, BE AND THE SAME IS HEREBY DENIED; AND IT IS FURTHER ORDERED THAT MEBE'S MOTION FOR SUMMARY JUDGMENT IS HEREBY GRANTED; AND IT IS FURTHER ORDERED THAT THE CITY'S MOTION FOR SUMMARY JUDGMENT IS HEREBY GRANTED, JUDGE A. CARRION (SEE ORIGINAL ORDER)
Doc No./Sec	No.: 250/6
File Date: Document N	03/07/2023 Entered Date: 03/07/2023 Decision: ame: Copies Mailed
Doc No./Sec	251/0
No.: File Date:	08/12/2022 Entered Date: 08/16/2022 Decision: Denied
Document Name:	Motion to Exclude Testimony of Defendant's Proffered Expert Witnesses,
	with Exhibits (Housed in the Box, Volume Number 35)Filed by PLT001-Bradford, PLT002 Bradford, PLT501-BRADFORD, PLT502-BRADFORD
Doc No./Sec No.:	251/1
File Date:	10/04/2022 Entered Date: 10/07/2022 Decision:
Party Type: Document	Defendant Party No.: 1
Name:	Memorandum of Law in Opposition to Private Plaintiffs' Motion to
	Exclude Testimony of Defendant's Proffered Expert Witness and Proposed Order (HOUSI IN BLUE ACCORDION BINDER, VOLUME NUMBER 38)

JUC NU./ Seq	251/2
No.: File Date:	03/07/2023 Entered Date: 03/07/2023 Decision:
Document	Order of Court
Name:	
	ORDERED THAT PLAINTIFF'S MOTION TO EXCLUDE TESTIMONY OF DEFENDANT'S PROFFERED EXPERT WITNESSES, BE AND THE SAME IS HEREBY DENIED, JUDGE A, CARRION (SEE ORIGINAL ORDER)
Doc No./Seq	No.: 251/3
File Date:	03/07/2023 Entered Date: 03/07/2023 Decision:
Jocument N	ame: Copies Mailed
Doc No./Seg	252/0
No.:	
File Date: Document	<b>08/17/2022</b> Entered Date: <b>08/17/2022</b> Decision:
Name:	Mandate Received from Court of Special Appeals
	On the 11th day of May, 2022, it was ordered and adjudged by the court of Special AppealsMotion to Dismiss is Granted and the captioned interlocutory appeal is dismissed pursuant to Maryland Rule 8-602(b)(1) as not allowed by Law
Doc No./Seq	253/0
File Date:	08/17/2022 Entered Date: 08/17/2022 Decision:
Document Name:	Original Papers returned from the Court of Special Appeals
vanie:	
No.: File Date: 0	08/17/22 Twenty-Two volumes and Two Blue Folder and Three Brownboxes and One Blue recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision:
No./Seq 2 No.: File Date: 0 Document N Name: S N 2 V 8 S 2 S 2 S 2 S 2 S 2 S 2 S 2 S 3 S 2 S 2	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: lotice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place , Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 212021626\nTrotta, Anthony 4930 Belair Rd altimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, TEPHEN , , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nPeprah, Tierney 3600 Clipper Mill Road uite 350, Baltimore, MD, 21211\n
No./Seq 2 No.: File Date: 0 Document Name: Name: S N 2 V 8 2 S 2 S 2 S 2 S 2 S 2 S 2 S 2 S 2 S 2	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: Notice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place , Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 21201C626\nTrotta, Anthony 4930 Belair Rd ialtimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSiabury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, TEPHEN , , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nPeprah, Tierney 3600 Clipper Mill Road uite 350, Baltimore, MD, 21211\n
No./Seq 2 No.: File Date: 0 Document Name: Name: N S N 2 S S S S S S S S S S S S S S S S	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: lotice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place , Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 212021626\nTrotta, Anthony 4930 Belair Rd altimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, TEPHEN , , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nPeprah, Tierney 3600 Clipper Mill Road uite 350, Baltimore, MD, 21211\n
No./Seq 2 No.: File Date: 0 Document N Name: S N 2 V 8 S 2 S 2 S 5 Doc No./Seq Doc No./Seq Doc No./Seq	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: Notice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place , Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 212021626\nTrotta, Anthony 4930 Belair Rd ialtimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSialsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nNcCallum, Iizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nNeceenter No: 255/0 08/30/2022 Entered Date: 08/30/2022 Decision: ame: CASE MANAGEMENT NO. 8 No: 25
No./Seq 2 No.: File Date: 0 Document N Name: S N 2 V 8 S 2 S 2 S 5 Doc No./Seq File Date: Docc No./Seq File Date:	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: lotice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place , Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 212021626\nTrotta, Anthony 4930 Belair Rd altimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, TEPHEN , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum, No: 255/0 08/30/2022 Entered Date: 08/30/2022 Decision: ame: CASE MANAGEMENT NO. 8
No./Seq 2 No.: File Date: 0 Document Name: S Name: S N	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: Notice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratt treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place, Baltimore ID, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Varren Suite 1400 7 St Paul St, Baltimore, MD, 21202163(nTrotta, Anthony 4930 Belair Rd ialtimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, ID, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, C20004\nMtCallum, Iz202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, TEPHEN , , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMtCallum, lizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMtCallum, Izabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKicmel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nPeprah, Tierney 3600 Clipper Mill Road uite 350, Baltimore, MD, 21211\n No: 255/0 08/30/2022 Entered Date: 08/30/2022 Decision: ame: CASE MANAGEMENT NO. 8 No.: 255/1 08/30/2022 Entered Date: 08/30/2022 Decision: ame: Copies Mailed No.: 256/0
No./Seq 2 No.: File Date: 0 Document Name:	recived and given the First Volumes to Ms Wilhelm for review 54/0 8/29/2022 Entered Date: 08/29/2022 Decision: lotice Motion Hearing Sent vent: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 500 East Pratti treet Suite 900, Baltimore, MD, 212023171\nSullivan, Steven 200 St. Paul Place, Baltimore 10, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 1202\nSilesury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, HD, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, City Hall, Baltimore, HD, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 1401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nRiemel, Melissa 1299 ennsylvania Ave NW , Washington, DC, 20004\nRiemel, Melissa 1299 08/30/2022 Entered Date: 08/30/2022 Decision: ame: CASE MANAGEMENT NO. 8 No.: 255/1 08/30/2022 Entered Date: 08/30/2022 Decision: ame: Copies Mailed

File Date:	
	08/31/2022 Entered Date: 09/08/2022 Decision:
Party Type:	Defendant Party No.: 1
Document N	lame: Notice of Withdrawal of Appearance (Cory Winter)
Doc No./Seq	258/0
No.: File Date:	09/28/2022 Entered Date: 09/29/2022 Decision: Granted
Party	Plaintiff Party No.: 1
Document Name:	Consent Motion for Two-Day Extension of Time for the Parties to File Their
	Respective Oppositions to Motions for Summary Judgment and to Motions Challenging Expert Opinion Testimony Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./Sec	258/1
File Date:	10/04/2022 Entered Date: 10/04/2022 Decision:
Document Name:	Order of Court
	ORDERED that the Consent Motion (#258) is GRANTED. See the Order for more details.Judge Carrion.
File Date:	No.: 258/2 10/04/2022 Entered Date: 10/04/2022 Decision: lame: Copies Mailed
Doc No./Sec	250/0
	259/0
File Date:	10/04/2022 Entered Date: 10/07/2022 Decision: Denied
File Date: Party Type: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied
File Date: Party Type: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1
File Date: Party Type: Document Name: Doc No./Sec	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD
File Date: Party Type: Document Name: Doc No./Sec No.: File Date:	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision:
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501 Def Maryland State Board of Education's Opposition to Plts' Motion to Strike Maryland State Board of Education's Memoranda of Law In Support of Motions for
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Doc No./Seq No.: File Date:	<ul> <li>10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1</li> <li>Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD</li> <li>259/1 <ul> <li>10/28/2022 Entered Date: 11/03/2022 Decision:</li> <li>Defendant Party No.: 501</li> <li>Def Maryland State Board of Education's Opposition to Plts' Motion to Strike</li> <li>Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts</li> </ul> </li> <li>259/2 <ul> <li>12/08/2022 Entered Date: 12/09/2022 Decision:</li> </ul> </li> </ul>
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Doc No./Seq No.: File Date: Party Type: Document	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501 Def Maryland State Board of Education's Opposition to Plts' Motion to Strike Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts 259/2 12/08/2022 Entered Date: 12/09/2022 Decision: Plaintiff Party No.: 1
File Date: Party Type: Document Name:	<ul> <li>10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1</li> <li>Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD</li> <li>259/1 <ul> <li>10/28/2022 Entered Date: 11/03/2022 Decision:</li> <li>Defendant Party No.: 501</li> <li>Def Maryland State Board of Education's Opposition to Plts' Motion to Strike</li> <li>Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts</li> </ul> </li> <li>259/2 <ul> <li>12/08/2022 Entered Date: 12/09/2022 Decision:</li> </ul> </li> </ul>
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Doc No./Seq No.: File Date: Party Type: Document Name: Document Name:	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501 Def Maryland State Board of Education's Opposition to Plts' Motion to Strike Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts 259/2 12/08/2022 Entered Date: 12/09/2022 Decision: Plaintiff Party No.: 1 Plaintiff's Reply in Further Support of Their Objection to Inadmissable Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motion for Summary Judgment and to Preclude Experts with Exhibits. Filed by PLT001-Bradford, PLT002-Bradford(Binder is in Records in a black binder)
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Doc No./Seq No.: File Date: Party Type: Document Name:	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501 Def Maryland State Board of Education's Opposition to Plts' Motion to Strike Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts 259/2 12/08/2022 Entered Date: 12/09/2022 Decision: Plaintiff Party No.: 1 Plaintiff's Reply in Further Support of Their Objection to Inadmissable Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motion for Summary Judgment and to Preclude Experts with Exhibits. Filed by PLT001-Bradford, PLT002-Bradford(Binder is in Records in a black binder)
File Date: Party Type: Document Name: Doc No./Sec No.: File Date: Party Type: Document Name: Doc No./Seq No.: File Date: Party Type: Document Name: Document Document Document Document Document Document Document Document Data Document Data	10/04/2022 Entered Date: 10/07/2022 Decision: Denied Plaintiff Party No.: 1 Objection to Inadmissible Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motions for Summary Judgment and to Preclude Experts Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502 BRADFORD 259/1 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 501 Def Maryland State Board of Education's Opposition to Plts' Motion to Strike Maryland State Board of Education's Memoranda of Law In Support of Motions for Summary Judgment and Preclude Experts 259/2 12/08/2022 Entered Date: 12/09/2022 Decision: Plaintiff Party No.: 1 Plaintiff's Reply in Further Support of Their Objection to Inadmissable Evidence and Motion to Strike Such Evidence in Defendant's Memoranda of Law in Support of Motion for Summary Judgment and to Preclude Experts with Exhibits. Filed by PLT001-Bradford, PLT002-Bradford(Binder is in Records in a black binder)

File Date:	q No.: <b>259/4</b>
	03/07/2023 Entered Date: 03/07/2023 Decision:
Document I	Name: Copies Mailed
	•
Doc	
No./Seq No.:	260/0
File Date: Party Type:	10/04/2022 Entered Date: 10/07/2022 Decision: Granted Plaintiff Party No.: 1
Document Name:	Motion to File Materials Under Seal, with White Sealed Envelope
	(HOUSED IN BLUE ACCORDION BINDER, VOLUME NUMBER 36)Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT501-BRADFORD, PLT004-Dean, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510- Dean
Doc No./Seq	260/1
No.: File Date:	10/27/2022 Entered Date: 10/27/2022 Decision:
Document Name:	Order of Court
	ORDERED that Plaintiff's Motion (#260) is GRANTED, and the Clerk is directed to file unde seal Plaintiffs' unredacted Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment and Exhibits 79, 80, 81 and 82.Judge Carrion.
File Date: Document I	10/27/2022 Entered Date: 10/27/2022 Decision: Name: Copies Mailed
Doc	261 (2
	261/0
No.: File Date:	10/07/2022 Entered Date: 10/12/2022 Decision:
No.: File Date: Party Type:	
No.: File Date: Party Type: Document	10/07/2022 Entered Date: 10/12/2022 Decision:
No.: File Date: Party Type: Document	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1
No.: File Date: Party Type: Document Name:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson,
No.: File Date: Party Type: Document Name: Doc No./Se File Date:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean Q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES Q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision:
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean Q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES Q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision:
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type: Document I	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 1 Name: Def Maryland State Board of Education's Reply infurther Support
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 1 Name: Def Maryland State Board of Education's Reply infurther Support of ots Motion for Summary Judgment q No.: 262/0 11/02/2022 Entered Date: 11/04/2022 Decision: Granted
Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean Q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES Q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 1 Name: Def Maryland State Board of Education's Reply infurther Support of ots Motion for Summary Judgment Q No.: 262/0 11/02/2022 Entered Date: 11/04/2022 Decision: Granted Plaintiff Party No.: 1 Name: Motion for Special Admission of Out of State Attorney - Danyll Foix
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type: Document I	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean Q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES Q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 1 Name: Def Maryland State Board of Education's Reply infurther Support of ots Motion for Summary Judgment Q No.: 262/0 11/02/2022 Entered Date: 11/04/2022 Decision: Granted Plaintiff Party No.: 1 Name: Motion for Special Admission of Out of State Attorney - Danyll Foix Filed by PLT001-Bradford, PLT002-Bradford
No.: File Date: Party Type: Document Name: Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type: Document I Doc No./Se File Date: Party Type:	10/07/2022 Entered Date: 10/12/2022 Decision: Plaintiff Party No.: 1 The Private Pltff's Correction To Pltff's Memorandum of Law In Opposition To Def Motion For Summary Judgment See 249/2Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501-BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT516-Dean Q No.: 261/1 10/28/2022 Entered Date: 11/01/2022 Decision: Defendant Party No.: 1 Name: REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF TEIR MOTION TO EXCLUDE DEFTNDANT'S PROFFERED EXPERT WITNESSES Q No.: 261/2 10/28/2022 Entered Date: 11/03/2022 Decision: Defendant Party No.: 1 Name: Def Maryland State Board of Education's Reply infurther Support of ots Motion for Summary Judgment Q No.: 262/0 11/02/2022 Entered Date: 11/04/2022 Decision: Granted Plaintiff Party No.: 1 Name: Motion for Special Admission of Out of State Attorney - Danyll Foix Filed by PLT001-Bradford, PLT002-Bradford

23, 12:18 PM	Case Information
Document Name:	Order of Court
Name.	ordered that the motion is granted and Danyll Foix shall act as co counsel for Elizabeth B Mccallum. The presence of the maryland attorney is waived.Judge Carrion
File Date:	No.: 262/2 11/30/2022 Entered Date: 11/30/2022 Decision: lame: Copies Mailed
Doc No./Seq	263/0
No.: File Date: 1	11/16/2022 Entered Date: 11/16/2022 Decision:
Document Name:	Notice Motion Hearing Sent
	Event: MOTN Block Date: 12/14/22 Facility: 225\nPARTIES : \nMonk, Charles 1001 Fleet Street 9th Floor, Baltimore, MD, 212024359\nSullivan, Steven 200 St. Paul Place , Baltimore MD, 21202\nJohn, Jason 500 East Pratt Street 8th Floor, Baltimore, MD, 21202\nSimanowith, Mark 500 East Pratt Street 8th Floor, Baltimore, MD, 21201\nWeaver, Warren Suite 1400 7 St Paul St, Baltimore, MD, 212021626\nTrotta, Anthony 4930 Belair Ro Baltimore, MD, 21206\nShea, James 100 N Holliday Street Suite 101, City Hall, Baltimore, MD, 21202\nSalsbury, Stephen 100 N Holliday Street Suite 101, Baltimore, MD, 21202\nCivin, Joshua 200 E. North Avenue Suite 208, Baltimore, MD, 21202\nBELL, M.D, STEPHEN , , \nBrantley, Sandra 90 State Circle Room 104, Annapolis, MD, 21401\nFarinacci, Andrea 1299 Pennsylvania Ave NW , Washington, DC, 20004\nMcCallum Elizabeth 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 Pennsylvania Ave NW , Washington, DC, 20004\nKimmel, Melissa 1299 Pennsylvania Ave NW , 21211\n
Doc No./Seq No.:	264/0
	12/13/2022 Entered Date: 12/14/2022 Decision: Granted
	Plaintiff Party No.: 1
Document Name:	Unopposed Motion to File Materials Under Seal Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./Sec	264/1
File Date:	12/19/2022 Entered Date: 12/19/2022 Decision:
Document Name:	Order of Court
	Ordered that plaintiff's unopposed motion to file materials under seal be and the same hereby is granted.Judge Carrion
File Date:	No.: 264/2 12/19/2022 Entered Date: 12/19/2022 Decision: lame: Copies Mailed
File Date: Party Type:	No.: 265/0 12/08/2022 Entered Date: 12/14/2022 Decision: Defendant Party No.: 1
Doc	lame: NOTICE OF WITHDRAWAL OF APPEARANCE
No.:	
Documont	12/14/2022 Entered Date: 12/14/2022 Decision:
Name:	Open Court Proceeding 12/14/22 - Defendant's Motion in Limine to Exclude Plaintiff's Expert Testimony is hereby heard and held "Sub-Curia". Order to be filed. Carrion, J. 12/14/22 - Plaintiff's Motion for Summary Judgement is hereby heard and held "Sub-Curia." Order to be filed. Carrion,

	Case Information Curia." Order to be filed. Carrion, J.12/14/22 - Plaintiff's Motion to Preclude Expert Testimony is hereby heard and held "Sub-Curia." Order to be filed. Carrion, J.12/14/22 - Defendant's Motion to Preclude Expert Testimony is hereby heard and held "Sub-Curia". Order to be filed. Carrion, J.12/14/22 - Plaintiff's Motion for Admissibility of Evidence/Motion to Strike is hereby heard and held "Sub-Curia." Order to be filed. Exhibits filed in 118M. Carrion, J. +
Doc No./Seg	267/0
No.:	
File Date:	12/16/2022 Entered Date: 12/16/2022 Decision: Granted
Document Name:	Order of Court
	ORDERED that the Plaintiffs MSBE, and the City shall file Conclusions of Law by 4:30pm on December 30th, 2022. Conclusions of Law shall be no more than 25 pages including attachments and no reply shall be permitted
Doc No./Sec	No.: 267/1
File Date:	12/16/2022 Entered Date: 12/16/2022 Decision:
Document N	lame: Copies Mailed
	a No.: 268/0
File Date:	12/13/2022 Entered Date: 12/16/2022 Decision:
Party Type: Document N	Defendant Party No.: 501 Jame: Entry of Appearance
 Doc No./Sec	a No.: 269/0
File Date:	12/16/2022 Entered Date: 12/19/2022 Decision: Granted
Party Type:	Plaintiff Party No.: 501
Document N	lame: Unopposed Motion to Extend Deadline to File Conclusions of Law Filed by PLT501-BRADFORD, PLT502-BRADFORD, PLT001-Bradford, PLT002-Bradford
Doc No./Seo No.:	269/1
File Date:	12/20/2022 Entered Date: 12/20/2022 Decision:
Document Name:	Order of Court
Name.	the Unopposed Motion to Extend Deadline to File Conclusions of Law shall be, and hereby is, GRANTED
File Date:	No.: 269/2 12/20/2022 Entered Date: 12/20/2022 Decision: Jame: Copies Mailed
File Date:	No.: 270/0 01/13/2023 Entered Date: 01/27/2023 Decision:
Party Type: Document N	Plaintiff Party No.: 1 Jame: Proposed Conclusions of Law and Notice to Supplement the Record Filed by PLT001-Bradford, PLT002-Bradford, PLT501-BRADFORD, PLT502-BRADFORD
Doc No./Seq No.:	271/0
File Date:	02/02/2023 Entered Date: 02/06/2023 Decision: Plaintiff Party No.: 1
Document Name:	Motion for Special Admission Pro Hac Vic
	Filed by PLT001-Bradford, PLT002-Bradford, PLT003-Fulton, PLT004-Dean, PLT501- BRADFORD, PLT502-BRADFORD, PLT503-Rogers, PLT504-FULTON, PLT505-Washington, PLT506-PISKOR, PLT507-Kupfer, PLT508-Dyson, PLT509-BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, PLT510-Dean
Doc No./Seo File Date:	No.: 272/0 03/07/2023 Entered Date: 03/07/2023 Decision:

Document Name: Memorandum Opinion

Doc No./Se	ng No.: 273/0
File Date:	03/27/2023 Entered Date: 03/28/2023 Decision:
Document	Name: Transcript of Testimony before Judge Audrey J.S. Carrion on Dec. 14, 2022 costs: \$165
File Date: Party Type:	rq No.: 274/0 03/31/2023 Entered Date: 04/04/2023 Decision: Plaintiff Party No.: 1 Name: Appeal Order to COSA
	Filed by Attorney: Elizabeth A McCallum Esq
Doc No./Se	vq No.: 275/0
File Date: Party Type:	
Document	Name: Appeal Order to COSA Filed by Attorney: Elliott L Schoen Esq
Doc No./Se	rq No.: 276/0
File Date:	04/10/2023 Entered Date: 04/11/2023 Decision:
Party Type: Document	Defendant Party No.: 1 Name: Attorney Appearance Filed
Doc No./Se	rq No.: 277/0
File Date:	05/16/2023 Entered Date: 05/17/2023 Decision:
Document	Name: Order of COSA to Proceed Assigned C.Dockins
	No. 0209, Setember Term 2023ACM-REG-0209-2023Due: 7/8/2023
Doc No./Seq No.:	278/0
File Date:	06/30/2023 Entered Date: 06/30/2023 Decision:
Document Name:	Record on Appeal Forwarded to COSA
	06/30/23 Twenty-Four volumes and eight Blue Folder and Three Brown boxes and Two Blue Box and One white under seal envelope and One Brown Sealed Pursuant to Court Order and One brown envelope and one black binder and one official Transcript Via Fex box 1 (8174 8635 8008) box 2(8174 8635 8019) Box 3)(8174 8635 8020) Box 4(8174 8635 8030) box 5 (8174 8635 8041) Box 6 (8174 8635 7994 Box 7( 8174 8635 7917) box 8 (8174 8635 7917) Box 9 )8174 86 35 7939)Box 10 (8174 8635 7940) Box 11(8174 8635 7950)
This is an e	electronic case record. Full case information cannot be made available either because of legal restrictions
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