

ACLU

AMERICAN CIVIL LIBERTIES UNION OF MARYLAND

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ACLU Declares Victory for the Children of Baltimore in Education Suit

Two years after filing a lawsuit to enforce the constitutional rights of Baltimore City's poorest schoolchildren, the ACLU today declared a victory for the children when the parties announced an agreement in principle to settle the case.

The agreement in the education adequacy case, Bradford v. Maryland State Board of Education, was announced in open court today before the two judges presiding over the litigation, Judge Joseph H.H. Kaplan and Judge Marvin J. Garbis. They postponed the trial date until early December to give the parties an opportunity to reduce the agreement to writing.

The children's chances for an adequate education will improve under the tentative settlement agreement which will include:

- * a declaration that the State Constitution guarantees children in Maryland an adequate education
- * a judicial finding that Baltimore City's schoolchildren are being denied an adequate education
- * a guaranteed, substantial increase in the funding directed to school reform programs over the next six years
- * resolution of the management restructuring dispute that had previously impeded progress on education reform efforts
- * a remedy that can proceed immediately, without the delays brought on by trial, appeal and enforcement of a court order.

"Of course, everyone made some compromises, but we were all motivated by the desire to help the children as expeditiously as possible," said Bill Webber, counsel for the children and partner at the firm of Howrey & Simon.

The prospects for settlement were heightened in October when Judge Kaplan granted the ACLU's motion for partial summary judgement and ruled that the Baltimore schoolchildren had a constitutional right that was being denied. The ACLU persuaded Judge Kaplan on October 15, during a pre-trial hearing, that the words of the state constitution meant that "all students in Maryland's public schools [must] be provided with an education that is adequate when measured by contemporary educational standards." He further ruled that, based on the ACLU's evidence, "the public school children in Baltimore City are not being provided with an education that is adequate [when measured by these standards]."

"We were thrilled with the judge's October ruling because it established that the children had a constitutional right that was being violated. The State and City were left only to argue over which of them was responsible for the failure of Baltimore's educational system," said Louis Bograd, National ACLU Staff Counsel.

The Bradford case was brought under Article VIII, Section 1 of the Maryland Constitution, which directs the General Assembly to establish a "thorough and efficient" system of free public schools. It was that clause that the judge interpreted to require an adequate education as measured by contemporary educational standards.

Nine months after the ACLU filed its case, the City filed a similar lawsuit charging that the failure to educate the schoolchildren was a result of insufficient funds. The State countersued the City, charging that mismanagement was the cause. The ACLU's suit and the City's suit were later combined for trial with a long-standing federal suit brought by the Maryland Disability Law Center on behalf of the City's special education students.

Lead counsel for the City schoolchildren are pro bono counsel William Webber and Helen Michael of the D.C. firm of Howrey & Simon, as well as ACLU national staff attorney Louis M. Bograd.