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*The ACLU of Maryland represents students at risk of educational failure in Bradford v. Maryland State Board of Education. Judge Kaplan's August 20, 2004, ruling in the case is summarized below.*

## **Judge Joseph H.H. Kaplan Rules in Favor of the students of Baltimore City Public School System August 20, 2004**

### **Inadequate Funding and Constitutional Adequacy**

- The ruling stated that as of August 2004, students of Baltimore City are still being denied their constitutional right to an adequate education.
- Full compliance with the Judge's 2000 declaration and constitutional adequacy will not be reached until 2008 at the earliest, with at least an additional \$225 million increase through "Thornton".
- Judge Kaplan found that "The State has unlawfully under-funded the Baltimore City Public School System (BCPSS) by \$439 - \$834 million" since 2001.
- Additionally, he stated that the steps taken to address the fiscal crisis did impermissibly reduce educational opportunities for Baltimore school children.

### **Making Funds Available for School-Year 2004-2005**

- Judge Kaplan declared that it would be appropriate for the State to accelerate increases in full Thornton funding to the BCPSS.
- To ensure that additional funds are available this year, Judge Kaplan determined that the BCPSS deficit of \$58 million should be paid down over four years rather than two years. The State and City requirements that the school system eliminate its deficit by the end of school year 2006 are unconstitutional, null and void.
- Additionally the Judge declared that the BCPSS may establish a rainy day fund, but it may not exceed \$5 million set-aside per year.
- The Judge declared that the BCPSS should increase its operational budget by at least \$30 - \$45 million for school year 2004-2005, "to be spent solely on programs and services that benefit at-risk children".

### **No to Receivership or Trustee**

- Judge Kaplan's ruling continues the City-State Partnership structure as is - leaving the authority to run the Baltimore City Public School System in the hands of the Baltimore City Public School System Board of Commissioners.