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## JUDGE CALLS FOR “CONTINUED PROGRESS TOWARDS CONSTITUTIONAL ADEQUACY” FOR BALTIMORE CITY SCHOOLCHILDREN

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In a resounding affirmation of the constitutional right of children to an adequate education, Baltimore City Circuit Court Judge Joseph H. H. Kaplan ruled on Aug. 20 that the education of City schoolchildren cannot be shortchanged to pay down the school system’s debt. The Court agreed with the *Bradford* plaintiffs’ contention that a two-year payback schedule for resolving the BCPSS’ financial crisis will roll back marked academic progress shown in the last year by City students.

“Judge Kaplan has been clear – the children must come first,” said Bebe Verdery, director of the ACLU of Maryland Education Reform Project. “Now the school system and parties in the case need to put a plan in place to fund additional programs for the coming school year.”

Judge Kaplan voided the two-year payback plan that BCPSS reached with the City and State as being contrary to sound public policy. He also declared that the parties in the ACLU’s education adequacy case *Bradford vs. Maryland State Board of Education* should ensure the reinstatement of the \$30-\$45 million that has been stripped from the 2004-2005 school budget to meet debt obligations. These funds would be dedicated to programs and services that benefit at-risk children.

In addition, Judge Kaplan found that the State has continued to unlawfully underfund public education in Baltimore City by \$439-\$834 million since 2001. This finding stems from Judge Kaplan’s earlier ruling in 2000 that the State owed BCPSS an additional \$2,000/2,600 per child per year. That ruling fueled the General Assembly’s passage of the Bridge to Excellence Act in 2002, otherwise known as the Thornton plan. Under that law, full funding for BCPSS will not be reached until 2008, which Judge Kaplan found in Friday’s ruling to be a contributing factor in the present fiscal crisis. He declared that it would be appropriate for the State to accelerate increases in full Thornton funding to BCPSS.

In his ruling, Judge Kaplan also dismissed state school Superintendent Nancy Grasmick’s suggestion that the court appoint a trusteeship to take over management of the school system.

“It is a relief to hear that even if you are not a political person, those with power understand your plight,” said Keith Bradford, the lead plaintiff in the case who has sons in Baltimore City public schools. “Everyone agrees – the revenue is definitely needed. There’s still hope.”

To read Judge Kaplan’s decision, please go to: <http://www.aclu-md.org/>