

**CITY OF BALTIMORE
COUNCIL BILL 06-0142R
(Resolution)**

Introduced by: Councilmember Kraft, President Dixon, Councilmembers Rawlings Blake,
Harris, Spector, Holton, Welch, Young, Reisinger, Curran
Introduced and adopted: February 6, 2006

A COUNCIL RESOLUTION CONCERNING

**A Request that the State of Maryland Meet its Constitutional Mandate to Provide
Baltimore Public School Students an Adequate Education when Measured
by Contemporary Educational Standards**

FOR the purpose of requesting that Governor Robert Ehrlich, Lieutenant Governor Michael Steele, and State School Superintendent Nancy Grasmick in her role as the CEO of the State School Board comply with the June 30, 2000, court order in Bradford v. Maryland State Board of Education and provide the children of Baltimore a constitutionally adequate education when measured by contemporary educational standards.

Recitals

Article VII of the Maryland Constitution, as interpreted by the Maryland Court of Appeals in Hornbeck v. Somerset County Bd. of Education, 295 Md. 597 (1983), requires that all students in Maryland’s public schools be provided with an education that is adequate when measured by contemporary education standards.

On October 18, 1996, in Bradford v. the Maryland State Board of Education, Judge Joseph H.H. Kaplan found that “the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards.”

In April 1997, the General Assembly of Maryland codified the principal terms of a court-sanctioned consent decree entered into by the State Board of Education and the Bradford plaintiffs, establishing a City-State partnership to improve the quality of education in Baltimore City’s Public School System.

In February 1, 2000, Metis Associates, Inc., an independent consultant selected by Dr. Grasmick acting in her capacity as the Chief Executive of the State Board, and the Baltimore City Public School System (BCPSS) Board found that the State was under-funding the BCPSS by \$2,000 to \$2,600 per student. Despite this finding, the State failed to remedy the situation.

On June 30, 2000, Judge Kaplan held that the State of Maryland was still depriving the public school children of Baltimore City their constitutional right to an adequate education when measured by contemporary standards, by failing to “make the statutorily mandated best efforts to

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

1 provide even a reasonable down payment on the additional \$2,000-\$2,600 per pupil that is
2 needed to provide the children,” an adequate education as mandated by the Maryland
3 Constitution. The Court issued an order urging the State to immediately remedy this continuing
4 Constitutional violation.

5 In 2002, the Thornton Commission, in its final report on statewide education funding in
6 Maryland, found that BCPSS required additional funding ranging from \$2,938 to \$4,250 per
7 student.

8 In August 20, 2004, the Bradford Court again found that BCPSS needed substantial
9 additional resources and held that the State had “not yet come close to complying with the
10 Court’s June 2000 directive that an additional \$2,000 to \$2,600 per pupil be provided.
11 Furthermore, a judicial determination was made that the State Board under funded BCPSS by
12 between \$439.4 million and \$834.7 million. Again, the Court found that the constitutional
13 violation that existed in 1996 and 2000 continued in 2004. It urged the State to accelerate
14 Thornton increases to remedy the violation.

15 The State Board, under the guidance of Superintendent Grasmick and the Ehrlich/Steele
16 Administration, appealed the decision, arguing that the doctrine of separation of powers
17 precludes the courts from considering the constitutional inadequacies of school funding. This
18 argument was rejected in July of 2005, leaving the 2000 Bradford Court Order in full effect.

19 For 10 years, State Superintendent Nancy Grasmick has been on notice from the Circuit
20 Court of Maryland that the State of Maryland is violating the State Constitutional rights of
21 Baltimore City school children by failing to provide them with the educational resources of their
22 suburban peers.

23 Lt. Governor Michael Steele’s February 1, 2006, offer of resources to Frederick Douglass
24 Senior High School, only one of the 191 schools for which the Ehrlich-Steele Administration is
25 responsible to maintain as a full partner in the City-State Partnership, falls woefully short of its
26 constitutional, statutory and court-ordered obligations.

27 For 3 years, Governor Robert Ehrlich and Lt. Governor Michael Steele have ignored and
28 continue to ignore their constitutional obligation and statutory responsibility to provide the
29 requisite resources that would ensure that Baltimore City’s school children receive the quality
30 education to which they are entitled, by refusing to comply with the Bradford Court Order.

31 On February 1, 2006, Lt. Governor Steele affirmatively recognized his constitutional
32 mandate when he proclaimed to the students of Baltimore City, “*We want to do what it takes to*
33 *give these kids the same education they’d get anywhere else in the State...*”

34 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE** That
35 Governor Robert Ehrlich, Lieutenant Governor Michael Steele, and State Schools
36 Superintendent Nancy Grasmick honor Lt. Governor Steele’s promise and commitment by
37 immediately ceasing their ongoing violation of the Maryland Constitution, by complying with
38 the Bradford Court Order and immediately providing the children of Baltimore City’s Public
39 School System with the \$439-\$834 million owed since 2001.

40 **AND BE IT FURTHER RESOLVED,** That the Maryland Board of Public Works fully fund the
41 Baltimore City Public School System FY 2007 Capital Improvement Plan.

1 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Governor,
2 the Mayor, the Honorable Members of the Baltimore City Senate and House Delegations to the
3 2006 Session of the Maryland General Assembly, the State Superintendent of Schools, the CEO
4 of Baltimore City Public School System, and the Baltimore City Board of School
5 Commissioners.