

L.C. AND K.C.

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 22-19

## OPINION

### INTRODUCTION

Appellants appeal the decision of the Montgomery County Board of Education (“local board”) denying their daughter admission to the International Baccalaureate Program (“IB Program”) at Richard Montgomery High School (“RMHS”). The local board filed a memorandum in response to the appeal maintaining that its decision was not arbitrary, unreasonable or illegal.

### FACTUAL BACKGROUND

Montgomery County Public Schools (“MCPS”) offers various specialized programs to high school students that focus on unique interests or programmatic needs, including the IB Program at RMHS. The programs have a limited number of seats and student admission is based on a highly competitive application process. These competitive programs admit students through a criteria-based admission process that uses multiple indicators to determine student placement. There is very high demand to enroll in these programs, with applications far exceeding the available slots allotted. MCPS received over 1,100 applications for the 125 seats in the IB Program at RMHS. (R.31).

Appellant’s daughter, ■■■■, applied for the IB Program at RMHS. A screening committee reviewed all applications for the IB Program using the multiple measure approach. (R.7). The data considered included standardized test scores Measures of Academic Progress in Math (“MAP-M”) and Reading (“MAP-R”), teacher recommendations, grades, student services, and the applicant’s statement of interest. *Id.* All decisions of the committee were based on the strength of the student’s entire academic profile to provide a broad view of the student without placing emphasis on any one indicator. *Id.*

By letter dated February 2, 2022, Joseph F. Jelen, Magnet Coordinator for RMHS, advised Appellants that the review committee did not select ■■■■ for admission to the IB Program. *Id.*

The application procedures allow appeals of the decision denying entry into the IB Program if (1) there is new information that was not available at the time of the initial review of the student’s application that significantly changes the student’s academic profile; or (2) there is

a hardship or unique circumstance. The appeal procedures do not allow for the submission of additional external tests and sample work.

Pursuant to this process, on February 1, 2022, Appellants filed a Level 1 appeal maintaining that there was a hardship or unique circumstance that was not shared at the time of the original selection decision. (R.8). They highlighted ■■■■■'s outstanding academic abilities and work ethic and maintained that she needed the more challenging course work offered in the IB Program to be intellectually satisfied. *Id.*

After reviewing the application and associated materials, by letter dated March 10, 2022, Mr. Jelen advised Appellants that the Level 1 appeal committee upheld the original decision denying ■■■■■ admission into the IB Program. (R.9). He advised Appellants that they could appeal if (1) there was an error in the information submitted to and reviewed by the Level 1 appeal committee; or (2) there was new information or hardship or unique circumstances that significantly changed the applicant's academic profile that was not available at the time of the Level 1 appeal. *Id.*

On March 18, 2022, Appellants appealed the Level 1 appeal committee's decision based on hardship or unique circumstance. (R.10-11). They explained that based on their experience with their older child entering the IB Program in the 11<sup>th</sup> grade, they believed that ■■■■■ needed to begin the IB Program in the 9<sup>th</sup> grade to access coursework in order to be successful in the IB Program in 11<sup>th</sup> and 12<sup>th</sup> grades. *Id.*

A different appeal committee convened to review Appellants' Level 2 appeal. The committee looked again at the information provided by Appellants and the entirety of ■■■■■'s student profile. (R.14-15). The committee compared her MAP-M and MAP-R scores and her grades to those of the students who were not accepted into the IB Program and were placed in the wait pool and found that ■■■■■'s academic profile was below students in the wait pool.<sup>1</sup> For example, ■■■■■ received a score of 242 on her MAP-R as compared with a sampling of three wait pool students who received scores ranging from 255-270. *Id.* The committee recommended to uphold the decision denying ■■■■■ admission to the IB Program. *Id.* By letter dated May 25, 2022, the Superintendent's Designee, Rischelle Reuben, Chief of Teaching, Learning, and Schools, notified Appellants that she had adopted the committee's recommendation. (R.13).

On May 26, 2022, Appellants appealed the decision of the Superintendent's Designee to the local board. (R.27). Appellants reasserted ■■■■■'s high academic ability and need for the intellectual challenge of the IB Program beginning in the 9<sup>th</sup> grade. *Id.*

On June 23, 2022, by memorandum to the local board, Dr. Monifa McKnight, Interim Superintendent, responded to the appeal recommending that the local board uphold the Designee's decision. (R.18-20). Dr. McKnight explained the highly competitive selection process and the limited number of IB Program seats resulted in the denial of many candidates with outstanding ability. *Id.* She noted that ■■■■■'s academic profile was similar to other students who were denied entry into the IB Program. *Id.*

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<sup>1</sup> The wait pool is a wait list of qualified applicants who will be reviewed further if spots in the program become available. <https://docs.google.com/document/d/1C989LF9flq6edVO3vsz1D3sJnHG76chgEWWnUNSE-3E/edit>

On July 26, 2022, the local board issued a written decision affirming ██████'s denial of admission to the IB Program. (R.30-34). The local board recognized that although ██████ is an outstanding student of high ability, many outstanding students were denied entry. *Id.* The local board also encouraged Appellants to discuss with RMHS staff what steps ██████. should take to join the IB Program in the 11<sup>th</sup> grade. *Id.*

### STANDARD OF REVIEW

Local board decisions involving a local policy or a controversy and dispute regarding the rules and regulations of the local board are considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A. The Appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

### LEGAL ANALYSIS

The State Board has long recognized that local school systems use of “multiple criteria to evaluate students in order to reach a broad cross section of those who are qualified” to enroll in enriched programs is not arbitrary and unreasonable. *See Li Z. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 19-41 (2019). Furthermore, the State Board has held that “there is nothing arbitrary, unreasonable, or illegal about the local board following its established criteria and denying a student entry into the [specialized program] on that basis.” *See Amanda B. v. Baltimore County Bd. of Educ.*, MSBE Op. No. 14-24 (2014). Appellants have failed to demonstrate that the school system did not follow its procedures in evaluating the application for admission or in the appeal.

Appellants argue that there is hardship in their case because ██████ needs the intellectual challenge of the IB Program and she will be at a disadvantage entering the IB Program in 11<sup>th</sup> grade without accessing the IB courses in prior years. The application process for the IB Program is a very competitive process with substantially more applications being submitted than there are seats in the IB Program. MCPS received over 1,100 applications for the 125 seats in the IB Program at RMHS. Many high-achieving applicants, like ██████, were not granted admission. The initial review committee reviewed ██████'s application, and the Level 1 and Level 2 appeal committees reviewed it along with the appeal submissions. None of the committees found that ██████ should be admitted to the IB Program. ██████'s academic profile fell below the profiles of students in the wait pool who were also not admitted into the IB Program. The local board concurred with the decisions. We do not find that the decision of the local board upholding denial of admission to the IB Program was arbitrary or unreasonable.

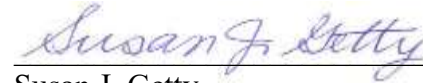
Not all students can partake in specialized programs and there is no right to attend any particular school or program. *See Catherine H. v. Prince George's County Bd. of Educ.*, MSBE Op. No. 17-25 (2017) and cases cited therein. School systems have finite resources and devise procedures for fair opportunity for admission. MCPS uses equitable approaches for these application processes to increase access for all students at the secondary level.

CONCLUSION

For the reasons stated above, we find that the Appellants have failed to show by a preponderance of the evidence that the decision of the local board was arbitrary, unreasonable, or illegal. Accordingly, we affirm the decision denying admission to the IB Program.



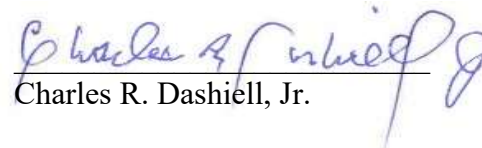
Clarence C. Crawford  
President



Susan J. Getty  
Vice-President



Chuen-Chin Bianca Chang



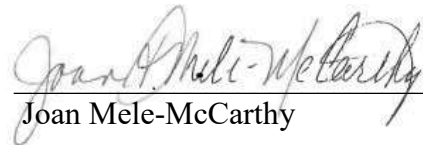
Charles R. Dashiell, Jr.



Jean Halle



Rachel McCusker



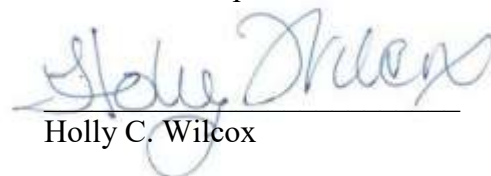
Joan Mele-McCarthy



Lori Morrow



Warner I. Sumpter



Holly C. Wilcox

**Dissent of Shawn D. Bartley:**

I am not certain the magnet school process meets the objectives of Maryland's Blueprint by delivering opportunity and promise of a better future to EVERY Maryland Child. A child's desire to be included in a public school program should not be forfeited by a selection committee and then eventually a random lottery. It's in the best interest of all students in Montgomery County that the county change the process and lottery with more than deliberate speed.

**Absent:**

Gail H. Bates

Vermelle D. Greene

September 27, 2022