

R.P. AND R.P.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 22-27

## OPINION

### INTRODUCTION

Appellants appeal the decision of the Montgomery County Board of Education (“local board”) denying their daughter placement in 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. Appellants responded and the local board replied.

### 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.

Appellants’ daughter, Student X, applied for the IB Program at RMHS. Student X was considered a local applicant because RMHS is her home high school, as determined by her residence. The IB Program at RMHS is a regional and countywide program which is funded to accept approximately 125 students in each entering class, with 100 seats for countywide applicants and 25 seats for local applicants. (Bd. Response, Ex. 7, McKnight Memo). For the 2022-2023 school year, the screening and selection review committee, comprised of central MCPS and RMHS staff, reviewed over 1,100 applications for the 100 countywide seats and over 140 applications for the 25 local seats. *Id.*

The screening and selection review committee reviewed all applications for the IB Program using the multiple measure approach. *Id.* The data considered included standardized test scores for Measures of Academic Progress in Reading (“MAP-R”); Grade 7 and Grade 8 marking period one (“MP1”) English, social studies, and world language grades; student

services;<sup>1</sup> and student applicant responses.<sup>2</sup> *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. (Bd. Response, Ex. 1).

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

The following is a chart of Student X’s profile compared to a sampling of three students from the wait pool:

	MAP	English Grades					Social Studies Grades					World Language Grades				
	MAP-R Score	GR7 MP1	GR7 MP2	GR7 MP3	GR7 MP4	GR8 MP1	GR7 MP1	GR7 MP2	GR7 MP3	GR7 MP4	GR8 MP1	GR7 MP1	GR7 MP2	GR7 MP3	GR7 MP4	GR8 MP1
Wait Pool Student A	270	A	A	A	A	A	A	A	B	A	A	A	A	A	A	A
Wait Pool Student B	255	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wait Pool Student C	255	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A
Student X	240	A	A	A	A	A	A	A	A	A	A	A	A	B	A	A

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 18, 2022, Appellants filed a Level 1 appeal maintaining that there was new information and unique circumstances that were not shared at the

<sup>1</sup> Student services include FARMS, ESOL, 504 plan and special education.

<sup>2</sup> The local board’s response to the appeal mistakenly states that MCPS considered teacher recommendations in the IB Program selection process but corrected that statement after Appellants pointed out that teacher recommendations were not part of the data reviewed by the selection committee. *See* Bd. Reply at 3-4.

time of the original selection decision. (Bd. Response, Ex. 2). They claimed that the committee erred in its consideration and weighting of grades in the selection process by only considering letter grades rather than the grade percentages. *Id.* They maintained that new information from Student X's marking period 2 grades, as well as a number of grades throughout 7<sup>th</sup> and 8<sup>th</sup> grade, provided further proof that Student X should have been selected for the program. *Id.* They explained that that Student X not only earned all A's with the exception of one B in the grades considered by the committee, but that she earned those grades with high percentages that should have been taken into consideration. *Id.* Appellants also argued that the committee should not limit the criteria for grades and assessments for the IB Program to humanities course grades and a single MAP-R score because the IB Program is not solely a humanities program. *Id.* They further argued that the MAP-R is not age normed and Student X is younger than her peer group. *Id.* In addition, they highlighted that Student X wrote a strong student response expressing her passion for science and the environment. *Id.*

An appeal committee reviewed the appeal, the application, and the associated materials. By letter dated March 10, 2022, Mr. Jelen advised Appellants that the Level 1 appeal committee upheld the original decision denying Student X admission into the IB Program. (Bd. Response, Ex. 3). 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 25, 2022, Appellants appealed the Level 1 appeal committee's decision based on new information and unique circumstances. (Bd. Response, Ex. 4). They made the same arguments from the Level 1 appeal. *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 Student X's student profile. (Bd. Response, Ex. 5). The committee compared Student X's MAP-R scores and her grades to those of students who were not accepted into the IB Program and were placed in the wait pool. The committee found that Student X's academic profile was below those of students in the wait pool as evidenced by the sampling provided in the documentation.<sup>3</sup> *Id.* For example, Student X received a score of 240 on her MAP-R as compared with the sampling of three wait pool students who received scores ranging from 255-270. *Id.* The committee recommended to uphold the decision denying Student X admission to the IB Program. *Id.* By letter dated May 25, 2022, the Superintendent's Designee, Ruschelle Reuben, Chief of Teaching, Learning, and Schools, notified Appellants that she had adopted the committee's recommendation. *Id.*

On June 21, 2022, Appellants appealed the decision of the Superintendent's Designee to the local board. (Bd. Response, Ex. 6). Appellants reasserted their earlier arguments. They also claimed that Student X's profile should have been compared only to the profiles of other students living in the RMHS attendance area that were competing for the 25 local program seats, and not

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<sup>3</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>

profiles of applicants competing for the countywide seats for the program, and that the IB Program should have a separate wait pool for local students. *Id.*

On July 1, 2022, by memorandum to the local board, Dr. Monifa McKnight, Superintendent, responded to the appeal recommending that the local board uphold the Designee's decision. (Bd. Response, Ex. 7). Dr. McKnight explained that 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 Student X's academic profile was similar to other students who were denied entry into the IB Program. *Id.* Appellants submitted supplemental information to the local board on July 11, 2022. *Id.*

The local board voted on the appeal on July 26, 2022. On August 22, 2022, the local board issued a written decision affirming Student X's denial of admission to the IB Program. (Bd. Response, Ex. 8). The local board recognized that although Student X is an outstanding student of high ability, many outstanding students were denied entry. *Id.* The board also stated that Student X was appropriately compared to other students in the application process and that her academic profile was not commensurate with students in the wait pool or with other local students who were invited to join the IB Program. *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

Appellants disagree with the manner in which MCPS considers and selects applicants for the IB Program at RMHS including the grades and scores reviewed and not creating a separate process for local seats. They believe that their daughter should have been admitted to the IB Program taking all of those factors into consideration. The State Board, however, has long recognized that a 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 or 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 not demonstrated that the school system failed to follow its procedures in evaluating the application for admission or that the appeal or the evaluation process 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 devise procedures for fair

opportunity for admission into highly competitive programs.<sup>4</sup> The application process for the IB Program is a very competitive process with substantially more applications submitted than there are available seats. More than 1,200 applications were received for 125 slots. Many high-achieving applicants, like Student X, were not granted admission. The initial review committee reviewed Student X's application, and the Level 1 and Level 2 appeal committees reviewed it along with the appeal submissions. None of the committees found errors in the information submitted and reviewed nor was there was new information or hardship or unique circumstances that significantly changed the applicant's academic Student X profile. Student X's academic profile fell below the profiles of students in the wait pool who were also not admitted into the IB Program, as well as the profiles of local students who were admitted to the program. The local board concurred with the decisions of the committees. We do not find that the decision of the local board upholding denial of admission to the IB Program was arbitrary, unreasonable, or illegal.

### 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.

Signatures on File:

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Clarence C. Crawford  
President

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Susan J. Getty  
Vice-President

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Gail H. Bates

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Charles R. Dashiell, Jr.

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Vermelle D. Greene

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Joan Mele-McCarthy

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<sup>4</sup> Consistent with the Blueprint for Maryland's Future, we encourage local boards to review their rigorous subject matter admission policies including honors courses, Advanced Placement, International Baccalaureate, Career and Technical Education, and gifted and talented courses. Local boards should consider revising admission policies to admit a wide range of students into advanced courses to ensure all capable students have opportunities for admission into these high demand programs.

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Lori Morrow

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Warner I. Sumpter

Absent:

Chuen-Chin Bianca Chang

Jean Halle

Rachel McCusker

Holly Wilcox

Dissent: Shawn D. Bartley

I dissent because it is unclear to me whether the local board's admission policy that allowed the student not to be admitted into the IB program was implemented with an equity lens to ensure historically marginalized students have opportunities for admission into these high demand programs. Moreover, it is unclear if the admission policy is consistent with the Maryland's Blueprint for Maryland's Future. I wonder whether this student would also be denied admission into a vocational program. However, I concur with footnote 4 of the decision.

December 6, 2022