

MEREDITH W. AND SCOTT
H.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 24-18

OPINION

INTRODUCTION

Appellants appeal the decision of the Montgomery County Board of Education (“local board”) denying their son admission to the International Baccalaureate Diploma Program (“IB Program”) at Richard Montgomery High School (“HS”). The local board filed a response, maintaining that its decision was not arbitrary, unreasonable, or illegal. The Appellant filed a reply to the response. The local board did not file a sur-reply and instead rested on the arguments and information set forth in its initial response.

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 HS. 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 for these programs, with applications far exceeding the available slots allotted.

Appellants’ son, Student X, applied for the IB Program at HS. The IB Program at HS is a regional and countywide program that accepts local and countywide applications. It is funded for a total of 125 students in each entering class, including 25 local seats. (R. 6). For the 2024-2025 school year, the screening and selection review committee, comprised of central MCPS and HS staff, reviewed over 1,200 applications for the 125 seats, with 160 applications of those for the 25 local seats. (R. 6, 16). Student X is a local applicant because HS is his home high school, as determined by residence. (R.32).

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”); Grade 7 and Grade 8 marking period one (“MP1”) English, social studies, and world language grades; student essay;

participation in extracurricular activities; and student services.¹ (R. 6, 32, 66, 70). The review process is race-neutral, and name and school blind. (R. 70). All decisions of the committee utilized a holistic review and were based on the strength of the student’s entire academic profile to give a broad view of the student without emphasizing any one indicator too strongly. (R. 6, 32).

By letter dated January 26, 2024, Joseph F. Jelen, Magnet Coordinator for HS, advised Appellants that the review committee did not select Student X for admission to the IB Program. (R. 6).

The following is a chart of Student X’s profile compared to a sampling of three students invited to join the IB Program:

	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
Invited Student A	259	A	A	A	A	A	A	A	B	A	A	A	A	A	A	A
Invited Student B	258	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Invited Student C	256	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Student X	238	A	A	C		A	A	A	B		A	A	B	B		A

(R.16).²

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 teacher recommendations, additional external tests and sample work. (R. 70). An appeal

¹ Student services include FARMS, ELL, 504 plan, and special education. *Id.*

² Student X is missing 4th marking period grades for 7th grade because he attended a private school that operated on trimesters. The missing grades for school operating on trimesters do not have an impact on program selection.

committee reviews the submission and, if it determines that nothing has changed from the initial decision, the original decision remains in place. *Id.*

Pursuant to this process, on February 2, 2024, the Appellants filed a Level 1 appeal maintaining that there was new information and a hardship or unique circumstances that were not shared at the time of the original selection decision. (R. 7-10). The Appellants highlighted Student X's outstanding academic abilities, his extracurricular activities, and his work ethic. They pointed out that Student X learned in the spring of his 7th grade year that he would be moving from the private school he attended for 6th and 7th grades to MCPS, and that this impacted his grades in 7th grade and his fall 8th grade MAP scores. *Id.*

An appeal committee reviewed the appeal, the application, and the associated materials. By letter dated February 26, 2024, Mr. Jelen advised Appellants that the Level 1 appeal committee upheld the original decision denying Student X admission into the IB Program. (R. 11). He advised the Appellants that they could appeal the decision and provided them with information how to do so. *Id.*

On March 7, 2024, the Appellants filed a Level 2 appeal claiming new information and a hardship or unique circumstance that was not shared at the time of the original decision. (R. 12). Specifically, they reported that they moved Student X to a private school for the 6th and 7th grades due to the pandemic, and that he had a small dip in his otherwise exemplary grades when he found out that he was changing schools again to attend MCPS for the 8th grade. *Id.* The Appellants claim that they did not receive proper guidance from MCPS at the time of Student X's enrollment in 8th grade to ensure that he was in classes most appropriate for his academic success, thus he was placed in only one advanced class instead of being placed in advanced classes for all subjects. *Id.* They maintain that this disadvantaged him in his application for the IB Program. They also maintain that teacher recommendations would have been helpful given that Student X did not attend an MCPS school for the 6th and 7th grades. *Id.* The Appellants also claim that Student X's MAP scores were lower because he had not previously taken the MAP test and that his scores increased when he took the test again. *Id.*

A different appeal committee convened to review the Appellants' Level 2 appeal. The committee looked again at the information provided by Appellants and the entirety of Student X's student file, including MAP scores and report card grades. (R.15-17). The committee compared Student X's MAP scores and his grades to those of the students invited to join the IB Program. The committee found that Student X's academic profile was below those of other local invited students and recommended to uphold the decision not to select Student X for the program. *Id.* For example, Student X received a score of 238 on his MAP as compared with the sampling of three invited students who received scores ranging from 256-259. *Id.* By letter dated April 12, 2024, the Superintendent's Designee, Dr. Peggy Pugh, Chief Academic Officer, notified the Appellants that she supported the decision of the Level 2 appeals committee not to select Student X for the IB Program. (R. 14).

On May 7, 2024, the Appellants appealed the decision of the Superintendent's Designee to the local board. (R. 25-26). Appellants reasserted their earlier argument that the academic criteria used to evaluate Student X is not an accurate portrayal of his abilities and that he would be an asset to the IB Program. They stated their belief that the grading system at the private school is more stringent than that at MCPS and that other IB Program applicants had taken the MAP several times. They also noted that Student X had received all A's while at MCPS. *Id.*

On May 28, 2024, by memorandum to the local board, Monique T. Felder, Interim Superintendent of Schools, responded to the appeal recommending that the local board uphold the Designee's decision. (R. 31-32). Dr. Felder explained that the decision is reflective of the highly competitive selection process and the limited number of IB Program seats. *Id.* She stated that there was a diverse pool of candidates to which standard criteria were applied in evaluating the applications, and that Student X's application was reviewed in accordance with process. She further explained that while Student X's MAP score was higher the second time he took it, that score could not be considered as part of the review because it is not considered for any applicant. *Id.* Additionally, she noted that the applicant pool included other students who had not taken the MAP multiple times. Dr. Felder indicated that despite the denial at this time, Student X, as a HS student, would have access to the IB Program during his final two years of high school. *Id.*

On June 25, 2024, the local board issued a written decision affirming Student X's denial of admission to the IB Program. (R. 33-36). The local board recognized that although Student X is an outstanding student of high ability, many outstanding students were denied admission. *Id.* The board found that Student X was appropriately compared to other students in the application process and that a reasonable basis exists for the denial of his application. *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

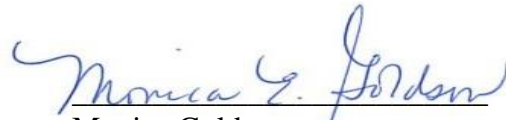
Appellants believe that extenuating circumstances resulted in grades and MAP scores for Student X that did not accurately reflect his ability and that he should have been admitted into the IB Program.

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 and MCPS applied that process here using its standard criteria. 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 found that the information provided did not warrant admission to the program. Student X's academic profile fell below the profiles of other admitted applicants. The Level 1 and Level 2 appeal committees did not find that the information provided demonstrated significant changes to the student's academic profile or a hardship or unique circumstance to warrant a change to that decision. 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 all of these reasons, we affirm the local board's decision denying Student X admission to the IB Program.


Joshua L. Michael
President


Monica Goldson
Vice-President



Chuen-Chin Bianca Chang



Kenny Clash



Clarence C. Crawford

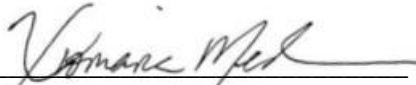

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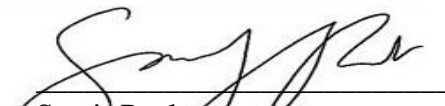

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September 24, 2024