

LI Z.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 19-41

OPINION

INTRODUCTION

Appellant appealed the decision of the Montgomery County Board of Education (local board) denying his daughter entry into the Mathematics, Science, Computer Science Magnet Program at Roberto W. Clemente Middle School (Clemente MS). The local board filed a Memorandum in response to the appeal. The Appellant responded and the Local Board replied.

FACTUAL BACKGROUND

Montgomery County Public Schools (MCPS) screens all Grade 5 students for enriched and accelerated middle school programming. The school system invites all identified students to participate in a more detailed evaluation in which it reviews the students for placement in the regional magnet programs serving the students' home address. The evaluation includes consideration of the student's report card grades, a non-scored brief essay, student services, school assessments, and the student's score on the Cognitive Abilities Test (CogAT), a reasoning ability assessment.

MCPS identified and invited the Appellant's daughter, C.Z., to participate in the detailed evaluation process. C.Z. accepted the invitation to participate and took the CogAT in November 2018. (Memorandum, Ex. 2A). The school system considered C.Z. for the Humanities and Communication Magnet Program at Dr. Martin Luther King, Jr. Middle School and the Mathematics, Science, Computer Science Magnet Program at Roberto Clemente Middle School (Clemente MS). In January 2019, the MCPS Division of Consortia Choice and Application Program Services (DCCAPS) advised the Appellant that C.Z. was not admitted to either magnet program. (Memorandum, Ex. 3).

On February 5, 2019, Appellant appealed the decision denying C.Z. admission to the Magnet Program at Clemente MS. He did not appeal the denial of admission to the Magnet Program at Dr. Martin Luther King, Jr. In the appeal, Appellant attributed C.Z.'s failure to be admitted to the program to the fact that her report card inadvertently omitted her math grades for the 1st and 2nd quarters of the 2018-2019 school year due to an error. (Memorandum, Ex. 4). In the appeal, he included information from the school principal and C.Z.'s math teacher explaining that C.Z. earned an A in math for both quarters. *Id.* He also stated that, in terms of academic

achievements, C.Z. scored in the 99th percentile for every MAP-M test she has taken, that she earned a perfect score of 850 on the PARCC math assessment, and that she earned high honors at the Johns Hopkins CTY Talent Search. *Id.*

On March 8, 2019, the Magnet Program Coordinator (Coordinator) informed Appellant that the Level I appeals committee reexamined all of the data reviewed in the original determination and considered the information provided in the appeal, and concluded that the information “did not significantly change [C.Z.’s] profile from what the original selection committee had considered.” (Memorandum, Ex. 5). The committee concluded that C.Z.’s programming needs could be met at her local school, and recommended that the Coordinator uphold the denial of admission to the program and placement in the wait pool. The Coordinator adopted the committee recommendation and upheld the decision. *Id.*

On March 18, Appellant appealed the Coordinator’s decision to Dr. Maria V. Navarro, the Chief Academic Officer for MCPS reiterating his concerns about the missing math grades. Appellant also claimed that C.Z.’s quantitative and nonverbal scores on the CogAT were “higher than the scores of some students selected in the program at her school” and that the selection process had not been fair. He disputed the assertion that C.Z.’s academic needs could be met at her local school, Kingsview Middle School (Kingsview MS), where C.Z. was assigned for the 2019-2020 school year. (Memorandum, Ex. 6).

Dr. Navarro convened a Level II appeals committee to review the case, under the direction of Ms. Niki T. Hazel, Associate Superintendent for Curriculum and Instruction Programs. In a report issued April 25, 2019, Ms. Hazel noted that despite the Appellant’s claim to the contrary, the Level I appeals committee considered all of the necessary data, including C.Z.’s math grades, and that the Level II appeals committee also considered this information. Ms. Hazel explained that the selection and appeal committees “review all aspects of each applicant’s file” and that “[n]o single criterion is used to select or not select a student for the program, and selection criteria are not weighted.” She stated that after reviewing all of the information, the Level II appeals committee determined that C.Z.’s academic profile was commensurate with other students in the wait pool. She illustrated this in the following table showing C.Z.’s CogAT scores compared to four other students in the wait pool.

Wait Pool Students	Verbal	Quantitative	Non-Verbal
Student A	97	99	98
Student B	94	98	99
Student C	99	98	94
Student D	98	96	99
C.Z.	68	95	86

Ms. Hazel also indicated that the Magnet Program at Clemente had only 50 seats per grade available, and that students in the wait pool are reevaluated for possible admission by a separate committee if an opening occurs. *Id.* She recommended that Dr. Navarro uphold the decision denying admission to the Magnet Program. (Memorandum, Ex. 7A). By letter dated April 26, 2019, Dr. Navarro upheld the decision. (Memorandum, Ex. 7).

On May 22, 2019, Appellant filed an appeal to the local board. (Memorandum, Ex. 8). In a June 4, 2019 memorandum to the local board, the local Superintendent, Dr. Jack R. Smith, responded to the appeal. (Memorandum, Ex. 9). Dr. Smith stated that the Magnet Program at

Clemente MS was enrolled to capacity and that student files from the wait pool will be reviewed again for possible admission as vacancies occur. With respect to math programming, Dr. Smith noted that C.Z. is eligible to take algebra in Grade 6 and that her math placement should be challenging since only 89 Grade 6 students countywide are eligible to take algebra in Grade 6. He recommended that the local board uphold the Dr. Navarro's decision. *Id.*

Appellant replied to the Superintendent's memorandum by e-mail on June 11, 2019 reiterating his concern regarding the missing math grades during the initial admission assessment. He also stated that C.Z.'s recent Map M and Map R scores were "much higher than other students" who were admitted to the Magnet program. (Memorandum, Ex. 10).

In a decision issued on July 11, 2019, the local board affirmed Dr. Navarro's decision denying C.Z. admission to the Magnet Program. (Memorandum, Ex. 11). The local board summarized C.Z.'s impressive academic achievements, but also acknowledged that the appeal committees considered all of the information, including C.Z.'s math grades, in rendering their decisions. The local board explained that "[w]hen applications far exceed available spaces, as they did for the Program at Clemente, the selection committees must choose among many qualified and high-achieving applicants" and many very capable students are not admitted. The local board reviewed all of the materials submitted in the appeal and was satisfied that a reasonable basis existed for denial of admission and placement in the wait pool. *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.

LEGAL ANALYSIS

The Appellant maintains that his daughter was not admitted to the magnet program because C.Z.'s math grades from the 1st and 2nd quarters of the 2018-2019 school year were missing from her report card when the original selection committee made the admission decision. He further maintains that when the Level II appeal committee reviewed C.Z.'s grades, it could only place C.Z. in the wait pool according to the appeals procedure. He also claims that "due to the missing grades, many of [C.Z.'s] classmates had been selected to the program, whose grades and test scores were lower than hers."

First, we point out that no one factor is determinative of admission to the Magnet Program at Clemente MS. The school system engages in a "multiple measure review" which provides an academic profile of each student that does not emphasize any one indicator. At the Level I review, the Magnet Program Coordinator informed Appellant that "no single piece of data excluded [C.Z.'s] participation within the program." (Memorandum, Ex. 5). The Level II appeals committee echoed the same sentiment. (Memorandum, Ex. 7A). The State Board has upheld local board decisions involving magnet program admissions finding that the use of "multiple criteria to evaluate students in order to reach a broad cross section of those who are qualified" is not arbitrary and unreasonable. See *Pamela S. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 11-11 (2011); *Hoogerwerf v. Montgomery County Bd. of Educ.*, MSBE Op. No. 06-05 (2006).

Second, the evidence in the record indicates that both the Level I and Level II appeals committees had C.Z.'s math grades and considered them in conjunction with the rest of the data in C.Z.'s file. (Exs. 4, 5 & 7A). The Level I committee found that the math grades did not significantly change [C.Z.'s] profile. (Ex. 5 at p.1). The Level II committee concurred and found that denial of admission to the Magnet Program and placement in the wait pool was appropriate here. The Associate Superintendent for Curriculum and Instruction Programs, the Chief Academic Officer, the local Superintendent, and the local board all reviewed the materials and reached the same decision.

The Level II appeals committee noted that C.Z.'s score profile was commensurate with other students placed in the wait pool. Specifically, with regard to test scores, the record shows that C.Z.'s scores on the CogAT, which is required for consideration as part of the selection process, placed her in a lower percentile than other MCPS students who took the test. In a very similar case involving the denial of admission to a magnet program and placement in the wait pool, the State Board upheld the local board's decision when the student's test scores were similar to the test scores of the other students in the wait pool. *See Manop and Somluck v. Montgomery County Bd. of Educ.*, MSBE Op. No. 14-13 (2014).

Appellant also argues that C.Z. should be admitted to the Magnet Program at Clemente MS because she will not be challenged by taking algebra in Grade 6 at Kingsview MS. The local Superintendent disagreed, explaining that the algebra class is the higher level math class in Grade 6 and very few students countywide are eligible to take a class at that level. (Ex. 9). This Board encourages the Appellant to work with the staff at Kingsview MS to discuss the various programming options available for C.Z. to help ensure that she remains challenged in math.

This case presents a situation in which magnet program applications exceeded the available spaces for the Magnet Program at Clemente MS. The selection committees, therefore, had to make very difficult decisions choosing among many qualified and high-achieving applicants to select those students whom the committee believed were most qualified for admission. The result was that many very capable students were not admitted to the Magnet Program. The local board does not dispute that C.Z. has an impressive academic profile. Her impressive academic profile, however, was similar to other capable students who were also placed in the wait pool. Accordingly, we find that the local board's decision was not arbitrary, unreasonable or illegal.

CONCLUSION

For the reasons stated above, we affirm the local board's decision denying C.Z. admission to the Magnet Program at Clemente MS and placing her in the wait pool.

Signatures on File:

Warner I. Sumpter
President

Jean C. Halle
Vice-President

Gail H. Bates

Clarence C. Crawford

Charles R. Dashiell, Jr.

Vermelle D. Greene

Justin M. Hartings

Michael Phillips

David Steiner

Absent:
Rose Maria Li
Joan Mele-McCarthy

December 3, 2019