

TODD T.,
Appellant

v.

MONTGOMERY BOARD
OF EDUCATION,

Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Opinion No. 24-22

OPINION

INTRODUCTION

Appellant appeals the decision of the Montgomery County Board of Education (“local board”) denying his son admission to the Science, Mathematics, and Computer Science Magnet Program (“SMCS Program”) at ██████████ 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 and the local board filed a sur-reply.

FACTUAL BACKGROUND

Montgomery County Public Schools (“MCPS”) offers various specialized regional and countywide criteria-based programs to high school students that focus on unique interests or programmatic needs, including the SMCS 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, including consideration of student grades, standardized test scores, extracurricular activities, and student essay. MCPS has used the criteria-based admission process for several years, and the use of standardized test scores has been implemented for more than a decade. (R. 25). There is very high demand for these programs, with applications far exceeding the available allotted slots.

In anticipation of his son applying for the SMCS Program for the 2024-2025 school year, in August 2023, the Appellant emailed Allison Wilder, Magnet Coordinator for HS, inquiring about the admissions criteria for the program such as standardized tests and teacher recommendations. (R.11). Ms. Wilder responded as follows:

██████████ High School’s magnet admission process will follow MCPS’s policy for all of the county’s programs. You can find updates on the MCPS special programs page: <https://www2.montgomeryschoolsmd.org/curriculum/specialprograms/admissions/applications> I do not believe that there will be a change from the application and selection process we have used for

the past several years. When information is updated, please feel free to reach out with any questions.

Id. In addition to the information available on the MCPS website, the admission criteria were discussed at all high school parent/student information meetings. *Id.*

Appellant's son, Student X, applied for the criteria-based SMCS Program at HS. For the 2024-2025 school year, the screening and selection review committee, comprised of central MCPS and HS staff, reviewed over 600 applications for the 60 available seats. (R. 56, 60).

The screening and selection review committee reviewed all applications for the SMCS Program using the multiple measure approach. *Id.* The data considered included standardized test scores for Measures of Academic Progress in Math ("MAP-M"); Grade 7 and Grade 8 marking period one ("MP1") math and science grades; student essay; and participation in extracurricular activities. (R. 22). 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. 5).

By letter dated January 26, 2024, Allison Wilder, Magnet Coordinator for HS, advised Appellant that the review committee did not select Student X for admission to the SMCS Program. (R. 5).

The application procedures allow appeals of the decision denying entry into the SMCS 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 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 Appellant filed a Level 1 appeal. The Appellant sought to ensure that Student X's transcripts and standardized test results were reviewed given what Appellant described as an "arduous and buggy" submission process.¹ The Appellant also claimed not to have sufficient advance knowledge that standardized tests would be considered as part of the application in time for Student X to prepare because the information was contained in a slideshow posted on the MCPS website in late September.² In addition, the Appellant questioned the application evaluation process and maintained that other students below Student X's academic level were admitted to the program. (R. 6-7).

An appeal committee reviewed the appeal, the application, and the associated materials. By email dated February 26, 2024, Ms. Wilder advised the Appellant that the Level 1 appeal committee upheld the original decision denying Student X admission into the SMCS Program. (R. 15-16). The letter provided the MAP-M range of 264-310 and MAP-M mean of 277 for

¹ The appeal includes an email dated November 7, 2023, from the Division of Consortia Choice and Application Program Services (DCCAPS), confirming receipt of the report card and test scores uploaded to Student X's application. (R.12).

² The Appellant stated that Student X's private school administered the HSPT and MAP tests, but only prepared the students for the HSPT, and Student X scored higher on the HSPT which is not one of the standardized tests accepted as part of the application process. *Id.*

students admitted to the program. Student X's score was 275, within the range of scores, but below the mean for students admitted. She advised the Appellant that he could appeal the denial and provided information on how to do so. *Id.*

On March 7, 2024, the Appellant 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. 17-19). He argued that Student X should have been admitted given that his MAP-M score of 275 was within the range of students accepted into the SMCS Program. In light of the score, the Appellant questioned how the other aspects of the application were measured. *Id.* He also reiterated his claim of insufficient advance notice of standardized test scores being considered in the application process. *Id.*

A different appeal committee convened to review the Appellant's Level 2 appeal. The committee looked again at the information provided by the Appellant and the entirety of Student X's student file. (R. 21-23). The committee found that Student X's academic profile was commensurate with students not accepted into the program who were placed in the wait pool. *Id.* The Level 2 appeals committee recommended that Student X be placed in the SMCS Program wait pool. *Id.* By letter dated April 12, 2024, the Superintendent's Designee, Dr. Peggy Pugh, Chief Academic Officer, notified the Appellant that she supported the decision of the Level 2 appeals committee to place Student X in the wait pool for the SMCS Program. (R. 24).

On May 9, 2024, the Appellant appealed the decision of the Superintendent's Designee to the local board reasserting his arguments. (R. 28-29). He specifically claimed that the MCPS October 2023 posting of the list of accepted standardized tests for private school students so close to the application deadline and the absence of the HSPT test as an option effectively eliminated private school students from the applicant pool, since the MAP is not a required private school test. (R. 29).

On May 21, 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. 55-57). Dr. Felder explained that the decision is reflective of the highly competitive selection process and the limited number of SMCS 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 that holistic process. *Id.* She noted that although Student X's MAP-M score was higher than some of the accepted students, the MAP-M score is not the sole criterion used for admission. *Id.* She also highlighted that Ms. Wilder had advised the Appellant in August 2023 that she did not believe there would be a change to the admission criteria used for the past several years. *Id.*

On June 25, 2024, the local board issued a written decision affirming Student X's denial of admission to the SMCS Program. (R. 59-61). 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 denied admission to the program and was appropriately placed on the wait list through the appeal process. *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

Preliminary Issue – Maryland Public Information Act Request

As a preliminary matter, the Appellant maintains that MCPS has not provided certain requested documentation he seeks that explain how MCPS applied its evaluation criteria to the SMCS Program applications. This is essentially a dispute under the Maryland Public Information Act (“PIA”), Md. Code. Ann., Gen Prov. §4-101 *et seq.* The PIA sets forth the procedures to be followed by those aggrieved by a public body's failure to comply with the provisions of the Act. Section 4-362 provides that an individual who is adversely affected by a public body's failure to comply with the PIA may file a complaint in the circuit court. Thus, the State Board of Education is not the appropriate forum for redress of issues arising under the PIA. *See James v. Talbot Cnty. Bd. of Educ.*, MSBE Op. No. 02-40 (2002).

Merits of Case

Appellant believes that Student X should have been admitted to the SMCS Program based on his MAP-M score, which is within the range of scores of students accepted to the program, and his full application profile.

MCPS utilizes a multiple criteria approach that looks holistically at the student application. 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 or unreasonable. *Li Z. v. Montgomery Cnty. 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.” *N.S. and B.J. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No 22-23 (2022).

We recognize the Appellant’s claim that he was unaware of the standardized test criteria until a September 2023³ posting on the MCPS website about the application, and that his son would have prepared for the testing if he was aware of it sooner. However, MCPS has used standardized tests scores in the specialized and magnet program applications for many years and the application criteria were presented at all high school parent/student information meetings. Ms. Wilder advised the Appellant in August 2023 that there would be no change to that process. Further, all applicants had access to whatever application information was posted on the website at the same time. Student X submitted a complete application that was reviewed at multiple

³ Some of the Appellant’s filings state the time frame as being September 2023 and others state October 2023. We have used the September date for consistency.

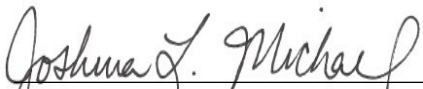
levels. We do not find any evidence that renders the local board's decision arbitrary or unreasonable.

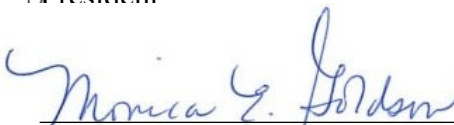
The State Board recognizes that not all students can partake in specialized programs and there is no right to attend any particular school or program. See *Catherine H. v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 17-25 (2017) and cases cited therein. School systems have finite resources and devise procedures for fair opportunity for admission into highly competitive programs. The application process for the SMCS Program is a very competitive process with substantially more applications submitted than there are available seats. More than 600 applications were received for 60 slots. Many high-achieving applicants, like Student X, were not granted admission based on a holistic review of their application.

The initial review committee reviewed Student X's application and found that the information provided did not warrant admission to the program. The Level 1 and Level 2 appeal committees did not find that the information Appellant provided demonstrated significant changes to the student's academic profile, a hardship, or unique circumstance to warrant a change to that denial; however, the Level 2 committee found the information provided sufficient to warrant Student X's placement in the SMCS Program wait pool. The local board concurred with the decision. There is no evidence that MCPS failed to fairly apply its application review process here using its standard criteria. We do not find that the decision of the local board upholding Student X's denial of admission to the SMCS Program and placing him in the wait pool was arbitrary, unreasonable, or illegal.

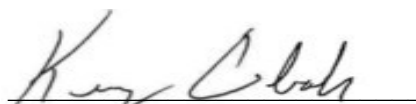
CONCLUSION

For all of these reasons, we affirm the local board's decision denying Student X admission to the SMCS Program and placing him on the wait list.


Joshua L. Michael
President


Monica Goldson
Vice-President


Chuen-Chin Bianca Chang

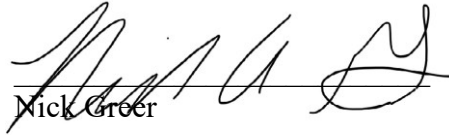

Kenny Clash



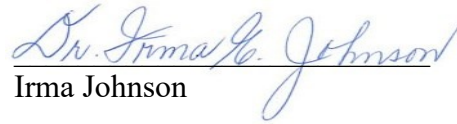
Clarence C. Crawford



Susan J. Getty



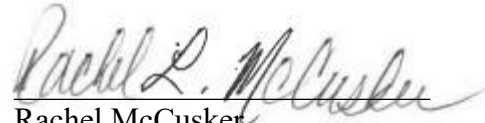
Nick Greer



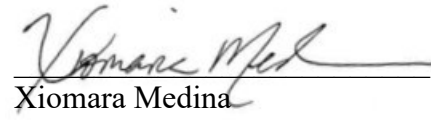
Irma Johnson



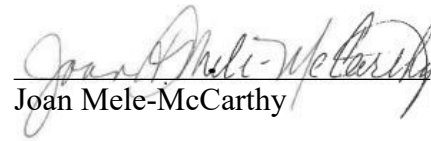
Kim Lewis



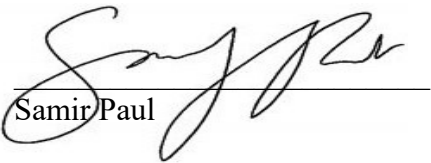
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October 22, 2024