

MANOP AND SOMLUCK P.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 14-13

OPINION

INTRODUCTION

The Appellants appealed the decision of the Montgomery County Board of Education (local board) denying their son entry into the Mathematics, Science, Computer Science Magnet Program at Takoma Park Middle School for the 2013-2014 school year. The local board filed a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellants submitted a reply in opposition to the local board’s motion.

FACTUAL BACKGROUND

Montgomery County Public Schools (MCPS) offers two Magnet Programs for middle school students: the Mathematics, Science, Computer Program and the Humanities and Communication Program. Students may concurrently apply to both programs. To be admitted into the Mathematics, Science, Computer Program at Takoma Park Middle School, the screening and selection committee for the Magnet Program considers several factors including the student’s application, teacher recommendations, the Advanced Raven,<sup>1</sup> the Reading Comprehension Test, the School and College Ability Math Test (SCAT), and report card grades. Takoma Park received 695 applications for the 2013-2014 school year, but was only able to accept 100 students. Takoma Park ultimately accepted 121 students and waitlisted 72 applicants.

In October 2010, Appellants’ son, V.P., applied to the Mathematics, Science, Computer Program located at Takoma Park Middle School and to the Humanities and Communication Program located at Eastern Middle School. Although V.P. applied to both schools, he indicated that his first choice was Takoma Park because he has a strong interest in mathematics. Despite V.P.’s strong grade point average (GPA) of 3.88, his scores on all three placement tests fell below the median of accepted students, which are listed as follows:

	Advanced Raven	SCAT	Reading Comprehension
V.P.’s scores:	22	35	15

<sup>1</sup> The Advanced Raven, which is also referred to as the Advanced Progressive Matrices, tests students’ spatial reasoning. Students are presented with a series of pictures and then must identify from a set of pictures which image is next in the sequence.

Median of accepted students:

25

40

22

On February 1, 2013, Appellants received notice that V.P. was placed in the wait pool for Takoma Park. (Motion, Ex. 3).

Appellants submitted a Level I appeal to challenge the denial of their son's admission to the Magnet Program. In support of their appeal, Appellants presented several teacher recommendations that highly commend V.P.'s academic achievement and group work skills. (Motion, Ex. 4, 5, & 6). Appellants advocated for their son's transfer from the wait pool to the pool of admitted applicants. The Level I appeals committee, however, upheld the screening and selection committee's decision to place V.P. in the wait pool. (Motion, Ex. 8).

Appellants further appealed the decision, and a Level II appeals committee reviewed V.P.'s application materials. The committee found V.P.'s test scores were similar to the test scores of other students in the wait pool. Considering the limited number of applicants accepted to the program and the absence of vacancies, the Level II committee recommended continuing V.P.'s placement in the wait pool.<sup>2</sup> On April 29, 2013, Dr. Kimberly Statham, Deputy Superintendent, upheld the Level II appeals committee's decision. (Motion, Ex. 8).

Appellants then appealed to the local board. On July 16, 2013, the local board affirmed the Deputy Superintendent's decision. The local board reasoned that the decision to place V.P. in the wait pool was not arbitrary or capricious because his scores on all three tests were commensurate with other students in the wait pool whose scores also fell below the median scores of accepted students. (Motion, Ex. 12). Since V.P.'s test scores were lower on each assessment than the median scores of accepted applicants, the local board found that the decision to place V.P. in the wait pool was reasonable.

### STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board's decision is considered prima facie correct and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13.A.01.05.05A.

### LEGAL ANALYSIS

Appellants maintain that V.P. should be taken off the wait pool and accepted into the Magnet Program at Takoma Park Middle School. They emphasize V.P.'s enthusiastic interest in the program and his passion for mathematics. Appellants contend that the additional information they have presented, including five letters of recommendation, recent report cards, and advanced scores from the Maryland School Assessment, demonstrates that V.P. is a strong candidate for admission. Because the evaluation of a student's application does not emphasize any one factor

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<sup>2</sup> The Level II committee notes that V.P. will remain on the wait list until the beginning of his 7<sup>th</sup> grade year.

but rather considers all the factors for admission together, Appellants argue that V.P. should be accepted to the program.

We note that there is no right to attend a particular program in a school system. See *Haibel v. Bd. of Educ. of Montgomery County*, MSBE Op. No. 98-28 (1998); *Czerska v. Bd. of Educ. of Montgomery County*, MSBE Op. No. 97-18 (1997). The Mathematics, Science, Computer Program at Takoma Park is a highly competitive program. The local board notes that the committee accepted students who were strong in all areas that are factors for admission.

The committee denied admission based primarily on V.P.'s placement test scores which were below those of the other students accepted into the program. Although bright line tests for admission may appear to render a harsh outcome, the result does not make bright line requirements illegal. *Dawn and Michael H. v. Anne Arundel County Bd. Of Educ.*, MSBE Op. No. 12-11 (2012). Here, the local board's decision denying admission to V.P. and instead placing him in the wait pool was not arbitrary, unreasonable, or illegal. Rather, the decision was based upon the consideration of numerous factors. The local board indicated that V.P.'s test scores fell below the median of accepted applicants on the Advanced Raven, SCAT, and Reading Comprehension. This Board has affirmed denial of admission when a student's test scores are below the standard of others accepted into the program. See *Hoogerwerf v. Montgomery County Bd. of Educ.*, MSBE Op. No. 06-05 (2006) (upholding the local board's denial of admission where a student's test scores were below the mean of accepted students); *Kaliym Hill & Yvette Butler v. Montgomery County Bd. of Educ.*, MSBE Op. No. 03-04 (2003) (holding there was a reasonable basis for denial of admission where the student's tests scores and GPA were below the mean of those accepted into the program).

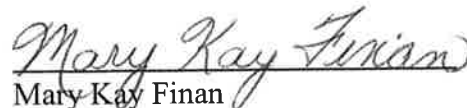
A local board's decision to apply its established criteria to determine the admission of applicants when there are limited spaces is not arbitrary, unreasonable or illegal, but rather is necessary to ensure fair treatment to applicants for a highly competitive program. See *Robert and Robin C. v. Wicomico County Bd. of Educ.*, MSBE Op. No. 13-02 (2013).

## CONCLUSION

For the reasons stated above, we affirm the local board's decision continuing to place V.P. in the wait pool at Takoma Park.



Charlene M. Dukes  
President



Mary Kay Finan  
Vice President



James H. DeGraffenreidt, Jr.

*Linda Eberhart*

Linda Eberhart

Absent

S. James Gates, Jr.

Absent

Larry Giammo

Absent

Luisa Montero-Diaz

Absent

Sayed M. Naved

*Madhu Sidhu*

Madhu Sidhu

*Donna Hill Staton*

Donna Hill Staton

*Guffie M. Smith, Jr.*

Guffie M. Smith, Jr.

March 25, 2014