

TERESA PRZYTYCKA,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 02-06

OPINION

This is an appeal of the denial of Appellant's request for her son's admission into the Science, Mathematics, and Computer Science Magnet Program at Montgomery Blair High School for the 2001-2002 school year. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal. Appellant has submitted an opposition to the local board's motion.

FACTUAL BACKGROUND

On November 28, 2000, Appellant applied for Tomasz' admission to the Science, Mathematics, and Computer Science Magnet Program at Montgomery Blair High School for the 2001-2002 school year. The program is funded for only 100 students per grade level. The screening and selection committee for the program based its admission decisions on the results of standardized tests which include the American Guidance Service ("AGS") Math and Verbal Test, grade point average, teacher recommendations, and the student's expressed interest, motivation, and work habits. The averages of the test scores for students accepted to the program were as follows: AGS Math, 92nd percentile; AGS Verbal, 84th percentile. The average GPA for accepted students for grade 8 English, science, and math was 3.9. Tomasz scored in the 93rd percentile for AGS Math, in the 60th percentile for AGS Verbal, and had a lower GPA.¹ See March 2, 2001 letter from magnet coordinator to Appellant. The request for admission into the program was denied by the screening and selection committee.

In her appeal of the decision, Appellant indicated that Tomasz was diagnosed with ADD and had a 504 plan which provided him with certain accommodations. She also noted that English is Tomasz' second language, and that given this fact, his performance on the AGS verbal should be considered to his advantage. The appeals committee upheld the decision not to accept Tomasz into the magnet program.

On further appeal, by memorandum to Dr. James Williams, Deputy Superintendent of

¹In 7th grade Tomasz received B's in algebra 1A and science, and A's in algebra 1B and English. In 8th grade he received B's in honors geometry and science and an A in English. See Board Memorandum in support of motion.

Schools, Ms. Judie Muntner, Associate Superintendent of Instruction and Program Development, indicated that Tomasz was not originally selected for the program because of his low verbal AGS score and his average GPA which was lower than that of accepted students. Ms. Muntner recommended that Tomasz be placed in the waiting pool based on his “strong performance on the math AGS, motivation and accomplishments in his academic program and other related activities, and strong scores on the recent outside testing.”² Dr. Williams adopted Ms. Muntner’s recommendation and advised Appellant that Tomasz was placed in the waiting pool.³

The matter was appealed to the local board.⁴ In response to the appeal, the superintendent noted that Tomasz was still on the waiting list for the magnet program, along with 22 other students, and that the program was already over its 100 student limit with 103 students for the 2001-2002 school year. The superintendent further noted that Tomasz’ assigned school, Walter Johnson High School, can appropriately program for Tomasz. *See* 9/11/01 memorandum from Weast to local board. The superintendent recommended that the local board uphold the decision of the deputy superintendent to maintain Tomasz in the waiting pool.

By a 6-2 vote, the local board affirmed the decision of the deputy superintendent stating,

²Tomasz placed with distinction in the mathematics and verbal talent search conducted by the Johns Hopkins University Center for Talented Youth by scoring higher than the average college bound twelfth grade student on the SAT I: Reasoning Test. He received a 540 on the verbal section of the test and a 650 on the math section of the test.

³There has been some confusion regarding the documentation of placement on the waiting list. On December 5, 2001, local board counsel submitted additional materials to the State Board including a letter dated April 2, 2001, from Ellen Steinkraus addressed to Appellant in which it appears that the appeals committee recommended Tomasz’ placement in the waiting pool and requested that Appellant submit a waiting pool response form. Upon receipt of this information, Appellant advised the State Board that she had not received this version of the April 2 letter, but had received a different version in which the appeals committee did not accept Tomasz into the program and made no mention of a waiting pool. Counsel for the local board subsequently explained that the April 2 letter sent to the State Board on December 5 was an error. A secretary new to the magnet program at Blair inadvertently generated the letter from the school’s database when counsel for the local board requested all documents that might be relevant to the State Board appeal. The newly generated letter, which references the waiting pool, was mistakenly approved to be sent to local board counsel because Tomasz had been placed in the waiting pool at a later date. Tomasz was placed in the waiting pool on June 4, 2001. *See* 12/18/01 letter to La Fiandra from Bresler. The version of the April 2 letter sent to the State Board on December 5 has therefore been disregarded.

⁴Appellant claims that she sent two letters of appeal to the local board. The first letter, sent by express mail postmarked June 13, 2001, was apparently never received by the local board. The letter sent August 15, 2001, was received and processed as an appeal to the local board.

in part:⁵

Although the Board can appreciate the argument being made that the test scores on the admission tests may not be the best predictor of Tomasz' success in the program, were he to be admitted, the denial of an outstanding student is no more arbitrary than the denial by an Ivy League university of the admission of a valedictorian alongside many other valedictorians who have applied. Faced with a large applicant pool, the administrators have compared Tomasz' qualifications properly alongside other applicants to the magnet program. Although his mother made reference to Tomasz having attention deficit disorder (ADD), no evidence has been submitted, nor argument made, that would suggest that Tomasz was not provided with proper testing accommodations, either as part of the application process or in the course of his school work in attaining his current grade point average. Nonetheless, in view of Tomasz' record of academic achievement and his keen desire to be challenged, the Board is pleased that, while remaining on the waiting list for the magnet program, he is enrolled at his home school of Walter Johnson High School in the rigorous APEX program.

ANALYSIS

The State Board has long held that “[a]bsent a claim of deprivation of equal educational opportunity or unconstitutional discrimination because of race or religion, there is no right or privilege to attend a particular school.” *Bernstein v. Board of Education of Prince George’s County*, 245 Md. 464, 472 (1966). In *Czerska v. Board of Education of Montgomery County*, 7 Op. MSBE 642 (1997), the State Board upheld the local board’s denial of a student’s admission to the Montgomery Blair Magnet Program because the student’s test scores were below the average scores of students accepted into the program. *See also Twu v. Montgomery County Board of Education*, MSBE Opinion No. 01-11 (February 27, 2001) (affirming local board’s denial of student’s admission to Montgomery Blair Science, Mathematics, and Computer Science Magnet Program and Richard Montgomery International Baccalaureate Program because student’s test scores and GPA’s were below the average test scores and GPA’s of students accepted into the programs); *Skjerven v. Montgomery County Board of Education*, 7 Op. MSBE 1249 (1998) (upholding local board’s denial of student’s admission into the Highly Gifted Center Program at Lucy Barnsley Elementary School based on test scores insufficient for acceptance into the program).

⁵One board member and the student member would have granted Tomasz admission to the program because they were not convinced that all accommodations called for in Tomasz’ section 504 plan were provided to Tomasz during the selection process.

Here, although Tomasz had a strong score on the AGS Math, his AGS verbal score and his grade point average were both below the average of students accepted into the program. Further, we find no evidence that Tomasz was not provided appropriate accommodations during the application process. Moreover, Tomasz was eventually placed in the waiting pool, providing him with another opportunity to be admitted into the program.

Based on the entire record in this case and the objective evaluation criteria set forth above, we do not find that the local board acted arbitrarily, unreasonably or illegally in denying Tomasz' admission to the magnet program.

CONCLUSION

For these reasons, we affirm the decision of the Board of Education of Montgomery County.

Marilyn D. Maulsby
President

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February 26, 2002