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Motion to Dismiss Association for Education Fairness v. Montgomery County Board of Education Granted by Federal District Court

Today, the United States District Court for the District of Maryland dismissed *Association for Education Fairness v. Montgomery County Board of Education*, a lawsuit that sought to prevent school districts from promoting equal opportunity for all students through race-neutral changes to the admissions policies.

In February, the Legal Defense Fund (LDF), Asian Americans Advancing Justice-AAJC, Latino Justice PRLDEF, and Ballard Spahr filed an amicus brief – which the Court today considered to be persuasively argued – in support of dismissing the lawsuit. The civil rights organizations represent the Montgomery County Branch of the NAACP; Montgomery County Progressive Asian American Network; Identity, Inc.; CASA, Inc.; and Asian American Youth Leadership, Empowerment, and Development.

The school board's revised admissions policies increase access to equal educational opportunity for all students, including Black, Latino, and underserved Asian American students. This race-neutral approach to identifying students for participation in the magnet programs includes evidence-based reforms, such as universal screening of all students, local norming of test scores, and a lottery of all qualified candidates. Along with a planned expansion of key elements of the magnet school experience across more schools, the challenged policies help all students gain access to educational opportunities within Montgomery County. The lawsuit was a dangerous effort to deprive students of color and other students of equal access to important educational resources.

"Today's decision is a victory for all students in Montgomery County, including Black, Latino, and underserved Asian American students," said **LDF Senior Counsel Michaele Turnage Young**. "Given a fairer opportunity to compete, we have seen that students from previously underserved communities have become more likely to secure admission to the middle school magnet programs. Race-neutral admissions policies, like those in Montgomery County, better position public schools provide a robust and diverse experience and to offer an equal opportunity for all students to succeed."

"Thankfully this lawsuit was unsuccessful, like others by PLF and their cohorts, in trying to use Asian Americans as a racial wedge and denying a fair opportunity to all students from communities of color, including Black, Latino, and underserved Asian Americans," said **Asian Americans Advancing Justice – Asian American Justice Center's Director of Litigation, Niyati Shah**. "We will stay vigilant and step in where needed so school districts can address inequities, implement policies that expand educational opportunities, and ensure that all students have a well-deserved chance to thrive in our education system."

"LatinoJustice applauds today's decision. The court rightly dismissed this action finding that there was no violation of the Equal Protection Clause," said **Francisca Fajana, Director of Racial Justice Strategy, LatinoJustice PRLDEF**. "We are pleased that race neutral policies, like universal screening, adopted by the Montgomery County Board of Education to equalize opportunity for low-income students of color, including Black, Latinx, limited English

Proficient and Asian American students, are lawful. A recent report from the Office of Government Accountability verifies that public schools are increasingly resegregating. School districts across the country should be encouraged, not hamstrung, in their efforts to expand educational opportunities. We also applaud our clients for their steadfastness in this case. Their contribution as amici made a significant difference in today's ruling. LatinoJustice will continue to support equal education opportunities to help increase equity in our public schools."

"We are gratified that our work in partnership with these dedicated civil rights organizations has resulted in dismissal of the complaint," said **Ballard Spahr Partner Leslie John**. "The lawsuit would have blocked efforts to make reforms essential to improving access to school programs for all students, especially those who historically have been denied access, and produced a chilling effect on other districts that wish to pursue similar reforms aimed at increasing educational equity."

"Judge Xinis acknowledged that our amici briefs' arguments were compelling and influenced her ruling to dismiss this case, as there was no evidence of intentional discrimination against Asian Americans," said **Byron Johns, Chair, Education, Parents' Council of the Montgomery County Branch of the NAACP**. "This victory was made possible with the outstanding legal representation of the Legal Defense Fund, Latino Justice, Asian Americans Advancing Justice-AAJC, and Ballard Spahr LLP. We also thank the NAACP Parents' Council members and other parents whose personal stories and testimonies were the basis for the arguments in our petition to serve as defendant interveners and in the amicus brief submitted. While this matter may continue if appealed, we celebrate this victory for equity in education."

"Today we celebrate an important victory in the fight for education equity," said **Gustavo Torres, Executive Director of CASA, Inc.** "Judge Xinis' decision will now allow greater opportunities for all of Montgomery County's children to pursue advanced courses no matter where they might live, what income their family might receive or what race or gender they may identify as their own. Opposition from a well-heeled minority standing against the establishment of opportunities for the many will always exist, but at CASA we stand proud to be a partner in the beautiful and diverse coalition that helped bring about a bit more justice for our next generation in this case."

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Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.

Asian Americans Advancing Justice – AAJC has a mission to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Visit our website at advancingjustice-aajc.org.

LatinoJustice PRLDEF works to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. For nearly 50 years, LatinoJustice PRLDEF has acted as an advocate against injustices throughout the country. To learn more about LatinoJustice, visit www.LatinoJustice.org.