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Civil Rights Groups File Amicus Brief in Support of Dismissing Montgomery County (MD) Magnet School Admissions Case

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF), Asian Americans Advancing Justice-AAJC, Latino Justice PRLDEF, and Ballard Spahr LLP filed an amicus brief on behalf of Black, Latino, and Asian American organizations in support of dismissing *Association for Education Fairness v. Montgomery County Board of Education*, a lawsuit that seeks to prevent school districts from promoting equality for all students through race-neutral admissions policies.

The amici curiae are 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, who also have a pending Motion to Intervene as defendants alongside defendant Montgomery County Board of Education, if the case moves forward.

The revised, race-neutral admissions policies in question remove barriers to equal access to middle school magnet programs for Black, Latino, and underserved Asian American students. The revisions include evidence-based reforms, such as universal screening of all students and a lottery of all qualified applicants. Along with a planned expansion of key elements of the magnet school experience across more home schools, the challenged policies place all students on more equal footing to access educational opportunities within Montgomery County schools. The current lawsuit is a dangerous effort to block progress towards greater access to important educational resources for Black, Latino, underserved Asian American, and other disadvantaged students.

“For too long, Black, Latino, and underserved Asian American students in Montgomery County have been deprived of an equal opportunity to attend the district’s magnet middle schools,” said LDF Senior Counsel Michaele Turnage Young. “Public schools further the foundational promise of equal opportunity for all when they adopt race-neutral, research-backed reforms to more fairly allocate publicly funded resources. It is essential for the court to consider the voices and lived experiences of Black, Latino, and Asian American students in Montgomery County before reaching a decision with such tremendous impact on their educational opportunities.”

On December 20, 2021, the Plaintiff filed an amended complaint alleging that the latest admissions regime, albeit still race neutral, intentionally discriminated against Asian American students.

“Yet another lawsuit like this one in Montgomery County attempts to use Asian Americans as a racial wedge and is meant to deny a fair opportunity to all students from communities of color, including Black, Latino, and underserved Asian Americans,” said Asian Americans Advancing Justice – AAJC’s staff attorney, Eri Andriola. “School districts must be able to

address inequities and implement policies that will expand educational opportunities so that all of students have a well-deserved chance to thrive in our education system.”

A 2016 study commissioned by the school board identified several factors preventing students from enjoying equal access to the middle school magnet program and recommended corrective action. In response, the school district 1) implemented universal screening, which resulted in the consideration of all fifth graders instead of only a small subset; 2) locally normed Cognitive Abilities Test (CogAT) scores so that students’ scores were only compared to students from elementary schools with similar levels of poverty; and 3) prioritized admission for students who lacked a “peer group” of students with similar intellectual aptitude at their home middle schools.

On September 1, 2020, the Plaintiff sued the county Board of Education, alleging that the admissions criteria changes, albeit race neutral, intentionally discriminated against Asian American applicants in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Since the onset of the COVID-19 pandemic, the district has not used the challenged admissions criteria because it was no longer possible to administer the CogAT; instead, it has used a lottery to randomly select students who meet highly selective academic standards (based on locally normed MAP-M and MAP-R test scores, among other criteria).

“The Montgomery County NAACP got involved in this lawsuit because educational equity is a cornerstone of democracy,” said Linda Plummer, President of the Montgomery County branch of the NAACP. “We support MCPS’ efforts to reform a magnet school admission system that did not provide meaningful access to many Black, Brown and low-income students.”

“Our mission to support low-income and underserved Asian American youth is strengthened by MCPS’ admissions program and would provide opportunities that have historically been absent to students we serve, including those who are limited English proficient, low-income, and first-generation immigrants,” said Asian American LEAD’s executive director Akil Vohra.

“Public schools exist to serve the entire community, including underserved Asian American students,” said Janelle Wong, board member of the Montgomery County Asian American Progressive Network. “As such, we strongly support efforts to increase access to magnet programs for students who have faced unfair barriers to educational resources, especially low-income students of color.”

“We have long advocated for policies like universal screening to promote equal opportunity for Latino, Black and low-income students. We will continue to support these policies” said Gustavo Torres, Executive Director, CASA, Inc. “We have a duty to speak up as they are being needlessly assailed. We will also continue to stand in solidarity with our Asian American community members and reject efforts to pit one group against the other,” said Torres.

“MCPS’s 2021 data demonstrate that evidence-based, race neutral admissions metrics that our clients have long advocated have expanded opportunity. This is particularly true for Latino and Black students, who, for example, comprise about 41% of students admitted to Clemente STEM middle school magnet, compared to their imperceptible number in 2019,” said Francisca Fajana, Director of Racial Justice Strategy, LatinoJustice PRLDEF. “It’s critical that we amplify the outstanding work that our clients have been doing to promote equal educational opportunity for *all* MCPS students,” said Fajana.

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 stand together in supporting the ability of school districts to take action to ensure that all students have equal educational opportunities.

Read the full amicus brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#), and [Facebook](#).

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-aaajc.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.