

History and Context

Overview

Located in the Washington, D.C. metropolitan region, MCPS is one of the largest and most diverse school districts in the nation, both in terms of enrollment and geographic expanse. During the 2013–14 school year, the primary year of focus in the study, MCPS enrolled almost 152,000 students across 202 schools.^{4,5}

MCPS’s approximately 500 square miles include urban, suburban, and rural communities. Each day, MCPS operates approximately 1,200 school buses to transport more than 96,000 students in a region that ranks among the worst in the nation for traffic congestion.⁶ Transportation options offered by MCPS vary among the district’s choice and other special academic programs. These options include neighborhood stops, centralized stops at local schools or community locations, or no transportation provided.

Montgomery County has a population of more than one million residents and is growing both in terms of population and diversity. According to U.S. Census, the county experienced a 6% growth in overall resident population over the past five years, and in 2010, became “majority-minority,” with more than half of the county’s population identified as a race or ethnicity other than White.⁷ District-level enrollment followed a similar trend with significant increases in the number and diversity of students enrolled across MCPS. For example, within MCPS, the proportions of Black/African American and Hispanic/Latino students in comparison with

MCPS Student Demographics (2013–14)

Students by race/ethnicity:

- 32.0% White, non-Hispanic
- 27.4% Hispanic or Latino
- 21.4% Black or African American
- 14.4% Asian
- 4.6% Two or more races (multi-ethnic)

Students by services received:

- 14.6% participated in English for Speakers of Other Languages (ESOL) services
- 34.3% received free and reduced price meals (current FARMS)
- 10.8% received special education services

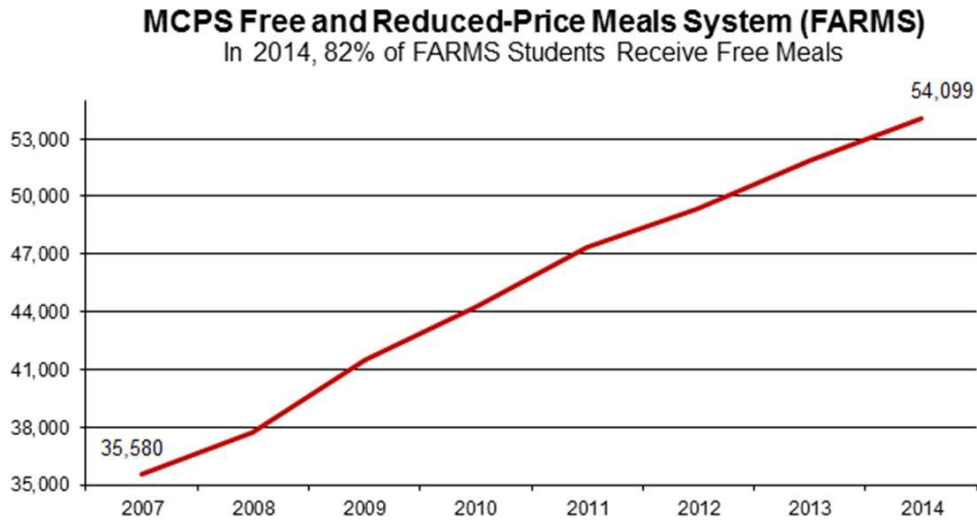
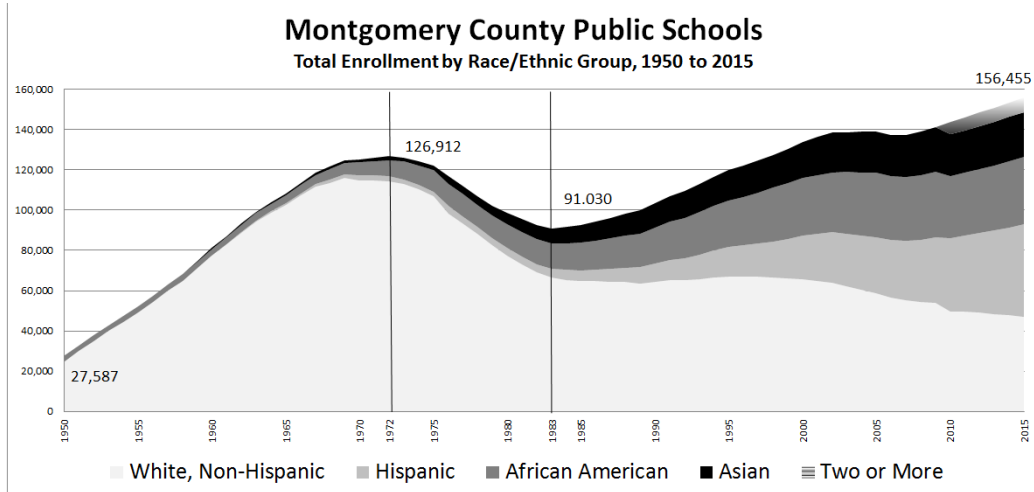
⁴ Data throughout the report focus on the 2013–14 school year. At the time of analysis, this was the most recent school year for which complete and final student data were available.

⁵ Source of data in text box: Montgomery County Public Schools 2013–14 Schools at a Glance, accessed at <http://www.montgomeryschoolsmd.org/departments/regulatoryaccountability/glance/fy2014/SAAG2014.pdf>

⁶ Uliano, Dick. (2015, August 26). D.C. tops the list of nation’s worst traffic gridlock. *WTOP* Retrieved from <http://wtop.com/dc/2015/08/d-c-tops-list-nations-worst-traffic-gridlock/>.

⁷ Morello, Carol & Keating, Dan. (2011, February 10). Minorities are majority population in Montgomery County. *The Washington Post*.

White students have increased over the past 20 years. Furthermore, the number of students receiving FARMS has also increased by more than 50% in just the last seven years. These data are illustrated in the following charts provided by the MCPS Division of Long-range Planning.



Certain areas in the district including those in the southeastern portion of the county and along the Metro’s Red Line have experienced higher growth of Black/African American and Hispanic/Latino students, as well as low-income students, than others. According to the student enrollment trend data provided by the MCPS Division of Long-range Planning, the enrollment of Black/African American, Hispanic/Latino, and low-income students has increased dramatically—by as much as 20 percentage points over the past decade—within schools that have been historically high-poverty schools. These schools, as shown in additional charts in

Appendix D, have been targeted by MCPS to receive additional funding to reduce class sizes as a means to help increase student achievement.

The District Implementation Plan for the SPF reaffirms the district’s long-standing commitment to differentiated funding to schools with high needs. In recent decades, the proportion of low-income students in class size reduction (CSR) schools has continued to increase, as has the proportion of students who receive English for Speakers of Other Languages (ESOL) services. As a result, MCPS is currently facing increasing levels of concentration of students by socioeconomic and racial/ethnic groups at specific schools within the county.

History of Choice and Special Academic Programs

This section of the report provides a brief history of MCPS’s choice and special academic programs. It presents an overview of the key programmatic and legal events that have occurred over the past 40 years, which have set the stage and provide the context for this study.

Choice and special academic programs emerged in MCPS in the 1970s as a central tool in the district’s voluntary efforts to maintain racially integrated schools.

Unlike other districts across the country, MCPS has never been under a court order to desegregate its schools. Shortly after the Supreme Court’s 1954 decision in *Brown v. Board of Education*, MCPS voluntarily desegregated its schools. Two decades later in 1975, MCPS affirmed a strong commitment to integrated education and began developing programs to achieve this goal, with the Board’s adoption of Policy ACD, *Quality Integrated Education*. As outlined in the Policy, “*The Board of Education’s primary responsibility is to provide the opportunity for each student to obtain a high quality education and to encourage each student to work toward that objective to the maximum of his or her abilities.*” At the same time, the Policy acknowledged that “*quality education for children cannot be dependent on either racial or ethnic backgrounds or on family, or on socioeconomic status.*” In response to this acknowledgment, the Policy recognized that “*if a school contains a substantial number of students with educational needs as reflected in*

Policy ACD: Quality Integrated Education

Purpose (excerpt):

- *The Board of Education’s primary responsibility is to provide the opportunity for each student to obtain a high quality education and to encourage each student to work toward that objective to the maximum of his or her abilities.*
- *The Board of Education is committed to the proposition that education is most effective in a diverse, integrated setting, and that therefore a major purpose of the policy is to provide a framework for actions designed to promote diversity so that the isolation of racial, ethnic, and socioeconomic groups is avoided and the full benefits of integration are achieved. Another important goal of the Board is to ensure that all students and staff have experiences and develop greater skills and increased sensitivity in working with others of diverse backgrounds so that they may function well as members of this pluralistic society.*

the recognized measures of student achievement, intensive support including the allocation of additional resources when needed, must be given to ensure that all students have the opportunity to reach their potential.”

Stimulus for MCPS’s development of a policy for integrated education came in response to demographic shifts as well as pressures from community advocates. During the 1970s, while most students in MCPS were White, enrollment of Black/African American students increased substantially, especially in the southeastern portions of the county closest to the District of Columbia. Data showed that “minority” student enrollment nearly doubled in the late 1970s, from 11.3% in 1974–75 to 21.7% 1980–81.⁸ In some schools in the Takoma Park and Silver Spring areas, Black/African American student enrollment reached more than 70%, a rate that greatly exceeded the district average.⁹

One of the schools that had experienced a sizeable increase in Black/African American student enrollment in the early 1970s was Rosemary Hills ES in the Silver Spring area. In 1974, the executive board of the Rosemary Hills ES PTA filed a complaint against MCPS with the Office for Civil Rights (OCR), then a part of the U.S. Department of Health, Education, and Welfare (HEW), over increasing segregation.¹⁰ OCR’s investigation lasted through 1981, when the federal agency ultimately concluded that MCPS was operating in compliance with federal civil rights law, in part due to policy changes enacted in the interim, including the Board’s implementation of Policy ACD, as well as the district’s review of student transfers, as discussed below.¹¹

Magnet programs were among the first integration efforts to develop in the 1970s, in response to changing demographics in the district and concerns about growing racial isolation. Magnet schools were one of an array of strategies that MCPS utilized beginning in the 1970s to implement Policy ACD and to avoid increasing segregation, especially in the southeastern portion of the county. They complemented other efforts to target additional resources to schools with higher concentrations of lower socioeconomic students and changes in student attendance boundaries.¹² These efforts also included elementary school pairings, which were first implemented in 1976 as a strategy to integrate students from a school with higher White student enrollment with students from another school with a higher Black/African American student enrollment. Each pair of schools was reorganized so that one school served all

⁸ Board, Minutes, July 14, 1981. All meeting minutes cited in the report were accessed from MCPS website.

⁹ Larson, John C. (January 1980). *Takoma Park Magnet School Evaluation 1977-1979: Part I A Desegregation Study*. Rockville, MD: Montgomery County Public Schools.

¹⁰ Eaton, Susan & Crutcher, Elizabeth. (1994). *Slipping Towards Segregation: Local Control and Eroding Desegregation in Montgomery County*. Cambridge: Harvard University.

¹¹ Letter to Dr. Edward Andrews, Superintendent from Office for Civil Rights. (August 26, 1981).

¹² Krucoff, Carol. (1978, September 7). Montgomery School Integration: Finding Advantages in Diversity. *The Washington Post*. MD1.

students in grades K-2 from across both school boundaries and the other school served all students in the remaining elementary grades from across the two school boundaries.

At the same time as the elementary school pairings, MCPS established the first elementary magnet programs in the southeastern portion of the county. These programs were designed to offer innovative instruction, stabilize enrollment, and decrease segregation by attracting and retaining White students to schools in the southeastern portion of the county, where the Black/African-American population was increasing significantly. Any MCPS student was eligible transfer into these programs, pursuant to Board Policy JEE, *Student Transfers*, discussed further below, as long the transfer did not increase racial isolation. If seats exceeded eligible applicants, the district conducted a lottery to determine admission. In 1974, the first language immersion magnet program opened at Four Corners ES with support from a federal grant and modeled on effective strategies for language immersion that were being used in Canada.

Two years later, the Board approved a plan to create high-interest, academically focused magnet programs in 12 elementary schools in the Takoma Park and Silver Spring areas.¹³ These schools offered thematic programs in areas such as all-day kindergarten, structured emphasis which focused on high academic excellence, continuous progress which offered small-group instructional settings, science, Spanish-bicultural, and gifted and talented education.

The implementation of the new magnet programs and elementary school pairings, however, came at a time of a change in Board leadership. The Board election in 1978 produced a conservative majority that reconsidered some of MCPS's integration strategies. Furthermore, the district was experiencing a decline in enrollment throughout the late 1970s, which prompted the Board to adopt a proposal to close schools, end elementary school pairing, and redraw attendance zones—actions that threatened to undo the district's efforts to integrate schools and cause increased segregation.¹⁴ On appeal, the Maryland State Board of Education rejected the school reorganization plan.¹⁵ The proposed reorganization plan had no direct impact on the newly developed magnets; however, with the election of a new Board in 1982, the district returned attention to expanding and improving its magnet programs.¹⁶

¹³ Department of Research and Evaluation, MCPS (February, 1978). *Summary of Research on the 1976–77 Desegregation Program in the Montgomery County Public Schools*. Rockville, MD: Montgomery County Public Schools.

¹⁴ Muscatine, Alison. (1981, October 3). Parents Fight Split of Paired Schools. *The Washington Post*. A1

¹⁵ *Abbott v. Montgomery County Board of Education*, Opinion of the Maryland State Board of Education, No. 82-28 (June 30, 1982).

¹⁶ Eaton, Susan & Crutcher, Elizabeth. (1994). *Slipping Towards Segregation: Local Control and Eroding Desegregation in Montgomery County*. Cambridge: Harvard University.

The elementary magnet programs were implemented in tandem with the district’s student transfer policy to support its voluntary desegregation efforts, as well as its long-range planning policy for school facilities. The elementary magnet programs were developed as a voluntary desegregation strategy and implemented in conjunction with Board Policy JEE, *Student Transfers*, which was adopted in 1972 to establish specific guidelines for student transfers across the county’s schools, and supported efforts that were initiated as part of Policy ACD, *Quality Integrated Education*. When developed, Policy JEE included the following provisions: “1) *the school from which the student is transferring would not be unduly affected*, 2) *the school to which the student is transferring is not unduly burdened by overcrowding, understaffing, or lack of adequate instructional resources*, and 3) *the racial/social/economic balance in both schools is not unduly affected.*”¹⁷ These provisions, which no longer apply for reasons discussed further below, allowed the district to take into account whether requests for student transfers would lead to increased racial isolation within either the sending or receiving school.

Throughout the 1970s and 1980s, despite the magnet programs and the operation of the student transfer policy, racial isolation continued to increase in certain areas of MCPS; and research indicated that most of the elementary magnet programs were having little or no impact on fostering integration overall, although in some schools they contributed to stabilize communities where demographic changes were occurring.¹⁸

One magnet program that showed positive impacts on desegregation and student achievement was the math and science gifted and talented program at Piney Branch ES. The program, while designed for gifted and talented students, did not use the selection criteria that are currently used for elementary centers and secondary magnet programs. Because of the positive impacts of the Piney Branch program, MCPS expanded the program model to three additional elementary schools, Rosemary Hills ES, Chevy Chase ES, and North Chevy Chase ES in 1983.¹⁹ This action was the first expansion of gifted and talented magnet programs in MCPS.

Also in 1983, in response to growing racial isolation and shifting demographics across the county, the Board amended Policy ACD, *Quality Integrated Education*, to outline specific standards for addressing racial and ethnic isolation in schools. The amended Policy stated: “*To achieve the additional goal of integrated education, the staff shall provide the Board annually with an analysis of all schools in which the student population differs by 20 percentage point or more from the countywide majority/ minority average. This analysis shall be used by the Board to make a determination as whether action should be taken, and*

¹⁷ Memorandum to the Board of Education from Superintendent of Schools. (December 12, 1972).

¹⁸ Larson, John C. (January 1980). *Takoma Park Magnet School Evaluation 1977-1979: Part I A Desegregation Study*. Rockville, MD: Montgomery County Public Schools.

¹⁹ Walsh, Elsa L. (1982, March 4). Montgomery’s Magnet Schools: A Desegregation Experiment That Failed. *The Washington Post*. MD1.

if so what action to meet the goals and objectives of this policy.”²⁰ Magnet schools remained a key component used by the district to achieve the goals outlined in the amended Policy ACD, as well as planning options pursuant to Policy FAA, *Long Range Educational Facilities Planning*, adopted in 1986. By 1986, MCPS was operating 14 elementary magnets, all in the southeastern area of the county along the border with Washington, D.C.²¹ Yet, additional resource supports for these elementary magnets were phased out in the following decades, for reasons indicated below, and none are still operating as options for students to attend programs outside their home school, with the exception of elementary immersion programs, which have expanded over time.

Magnet programs at the secondary level were initially developed to support voluntary desegregation efforts, although their selective admissions criteria distinguished them from the early elementary magnets. In the mid-1980s, the same demographic changes that prompted the creation of the elementary magnets spurred efforts to develop programs at the secondary level to maintain racial diversity in the southeastern areas of the district, consistent with Policy ACD, *Quality Integrated Education*, and avoid concerns about “White flight.”²² In response, the Board approved the opening of a Math, Science, and Computer Science magnet program at Montgomery Blair HS in 1982, and created middle (then called intermediate) school magnet programs at Takoma Park MS in 1984 and Eastern MS in 1986. Unlike their counterparts at the elementary level, these programs utilized selective admissions criteria to identify students to participate in the rigorous instruction programs offered—in math, science, and computer science at Montgomery Blair HS and Takoma Park MS and in humanities and communications at Eastern MS.²³

In 1987, MCPS again expanded secondary magnet programs with the development of its first International Baccalaureate (IB) magnet program at Richard Montgomery HS. At the time, the school was experiencing a decline in enrollment and was in jeopardy of closing. The IB program was established as a countywide magnet program to attract students from all over MCPS and bolster enrollment. Since its development, Richard Montgomery HS has expanded the program to include both the IB Middle Years Programme (MYP) for students in Grades 9 and 10, and the Diploma Programme (DP) for students in Grades 11 and 12. In 2007, MCPS established a K-12 continuum of IB instruction within the Richard Montgomery cluster with the authorization of

²⁰ Memorandum to the Board of Education from Paul L. Vance, Superintendent of Schools re: Assessment of Current and Future Needs for Magnet Schools and Update in QIE policy (January 14, 1992).

²¹ Larson, John C. & Allen, Brenda A. (1988). *A Microscope on Magnet Schools, 1983 to 1986. Volume 2: Pupil and Parent Outcomes*. Rockville, MD: Montgomery County Public Schools.

²² Editorial. (1981, December 12). A Future for Montgomery Blair. *The Washington Post*; Walsh, Elsa L. (1982, December 2). Transfer of Courses, College-Level Courses Urged for Blair High. *The Washington Post*.

²³ Larson, John, Witte, James C., Staib, Susan, & Powell, Marilyn I. (1990). *A Microscope on Magnet Schools: Secondary School Magnet Programs*. Rockville, MD: Montgomery County Public Schools.

the Primary Years Programme (PYP) at College Gardens ES and the 2003 authorization of the MYP at Julius West MS.²⁴ MCPS has also expanded local IB programs, available only to students within the school population in seven high schools, including Springbrook HS for students within the Northeast Consortium and Kennedy HS and Einstein HS for students in the Downcounty Consortium (see below for description). MYP is also offered as a local program in eight additional middle schools.

The same year that the IB magnet program opened at Richard Montgomery HS, the Board established a second selective program at Montgomery Blair HS in part to provide an articulation pathway for students in the Eastern MS magnet program.²⁵ Although the Communication Arts Program (CAP) at Montgomery Blair HS started out as a local program, it has since been expanded to serve students, through a selective application process, who are zoned to attend schools with the Downcounty Consortium and/or attended middle school within the Downcounty Consortium (see below for description).

While CAP is included in this study because it is open to students across the DCC, it was beyond the scope of this study to conduct an in-depth review of the signature programs and academies in most high schools and many middle schools that MCPS has developed to provide opportunities for students within local high schools and compete with magnet programs for high achieving students.

Around the same time, MCPS opened centers at the elementary level for highly gifted students in response to local pressure for gifted programming. In the 1980s, MCPS launched a new approach to choice programs at the elementary level with the development of the elementary center program for highly gifted students. Whereas the earlier elementary magnets had developed as voluntary integration efforts pursuant to Policy ACD, *Quality Integrated Education*, the impetus for the centers was Policy IOA, *Gifted and Talented Education*, which was first adopted in 1978. The admissions processes also differed. As explained above, any MCPS student was eligible to transfer into the elementary magnet programs, pursuant to Board Policy JEE, *Student Transfers*, as long as the transfer did not increase racial isolation and space was available; by contrast, the center program utilized selective admissions criteria like the secondary magnets. By 1995, there were four elementary centers in operation across the district.

The elementary centers were the product of the district's efforts to enhance gifted and talented programming exemplified by a 1988 Board-commissioned study, which highlighted "extreme variations as to the existence and quality" of such programming and prompted efforts to

²⁴ The PYP at College Gardens ES and MYP at Julius West MS serve only students within the home school populations to create a vertical pathway into IB within the Richard Montgomery cluster.

²⁵ Board, minutes (December 8, 1987).

providing equitable levels of gifted and talented instruction.²⁶ Again in 1994, a committee commissioned by the Board issued a report identifying similar concerns with gifted and talented education, which, this time, led to revisions of Policy IOA, *Gifted and Talented Education*, to outline a broad-scale identification process for gifted and talented students “to ensure that differentiated education programs and/or services are systematically provided for gifted and talented students in all Grades K-12 and to assure that gifted and talented students are offered an appropriate level and pace of instruction in each of our schools.”²⁷

In the 1990s, MCPS faced new challenges in providing quality integrated education. In 1990, MCPS engaged Gordon and Gordon Associates in Human Development, led by Yale University Psychology Professor Edmund Gordon, to conduct a study of the district’s Minority Student Achievement Plan. The study was designed to evaluate the design, implementation, and impact of the Plan toward achieving the goal of improving minority student outcomes, and was in direct response to growing concerns that high overall achievement levels in MCPS masked low achievement among ethnic minority students. Results of the study found that the Plan contained the necessary elements to achieve its goal, but that the elements were “*insufficiently comprehensive, insufficiently distributed, and inconsistently implemented,*” as well as “*unenthusiastically implemented and insufficiently communicated.*” Furthermore, the researchers found that MCPS’s organizational structure needed to support the plan was “*not in place and functional.*” In response to the findings, the study presented a variety of recommendations, including among others, “*that the minority student achievement program be redesigned and a management system be created that can provide strong conceptual leadership, moral direction, and support.*” With respect to magnet programs, the researchers concluded: “*Although such schools were created to serve the purpose of reducing racial isolation in schools, we feel that they can also be brought to serve the academic development interests of minority students more effectively.*” While the researchers recommended that “*the magnet school program be continued,*” they also urged that it should be “*made more accessible and serviceable to minority students.*”²⁸

The district launched a comprehensive review of its magnet programs,²⁹ and one year later, in 1991, Superintendent Paul Vance provided the Board with a Five-Year Magnet Program Plan, which included self-studies of each of the 16 elementary magnet programs, as well as the middle and high school magnets, then operating in the Bethesda-Chevy Chase and Montgomery Blair clusters. During discussions of the Plan, Board members praised existing magnet programs as

²⁶ Memorandum to the Board of Education from Paul L. Vance, Superintendent of Schools re: Review of Gifted and Talented Education, K-12. (February 15, 1995).

²⁷ Analysis of Policy IOA: Policy on Gifted and Talented Students (February 1995).

²⁸ Gordon, Edmund (1990). *A Study of Minority Student Achievement in Montgomery County Public Schools*. Pomona, NY: Gordon and Gordon Associates in Human Development.

²⁹ Goldstein, Amy. (1990, January 23). *Montgomery Eyes Change in Magnet Schools*. *The Washington Post*. B1.

“laboratories of innovation” and for improving or maintaining diversity in the schools where they were located, but Board members also raised issues regarding a possible need to amend Policy ACD, *Quality Integrated Education* (also sometimes called the QIE Policy), in light of changing demographics in the county. Board members also queried whether funding utilized to support quality integrated education across all schools, including magnet programs, was being appropriately allocated to schools with the greatest need, given the district’s current fiscal constraints.³⁰ In a memorandum to the Board in January 1992, then Superintendent Paul L. Vance recommended that “MCPS continue to support magnet programs to achieve the two goals of the QIE Policy” while stating the district “can maintain the current program, while shifting some resources to higher need schools.” As a result, he recommended a review of the resources provided under Policy ACD to determine if they could be redirected to better support to goals of the district.³¹

These statements ultimately led to a complete review of Policy ACD and the Board’s decision to amend the Policy in May 1993. The amended Policy eliminated the desegregation standard, adopted ten years earlier, that had been used to determine whether the Board should consider taking action to address racial segregation in schools, when the minority composition of a school differed by more than 20 percentage points from the minority composition of the district as a whole. Instead, the Board created a new formula to calculate a diversity profile for each school that included two factors: 1) the degree to which the proportions of each racial/ethnic student population in the school varied from the district averages for each group, and 2) the rate of change in the composition over a four year period. Using the diversity profiles and such factors, the district prioritized schools’ needs for administrative attention. Furthermore, the amended Policy outlined key steps that the district would take in order to address the needs of and strengthen schools.

Among these steps were monitoring and regulating interschool transfer requests under Policy JEE utilizing these same diversity profiles; incorporating diversity profiles in planning changes in facilities or service areas under Policy FAA; considering acquisition of new school sites; pairing, clustering, and creating consortia of schools; and implementing magnet and special programs.³² Additionally, the amended policy outlined specific steps for differentiating varied levels of need of support to improve academic achievement and for allocating supplemental resources to support quality education. One key factor in determining need was “educational load” based on rates of eligibility of FARMS, overage students, internal and external mobility, LEP students, and other factors that impact achievement within schools. Based on the policy, schools with highest

³⁰ Board, Minutes (August 28, 1991).

³¹ Memorandum to the Board of Education from Paul L. Vance, Superintendent of Schools re: Assessment of Current and Future Needs for Magnet Schools and Update in QIE policy (January 14, 1992).

³² Policy ACD, *Quality Integrated Education*, 1993.

educational loads received additional resources to support in the goals of quality integrated education.

In 1994, a year after the amendment to Policy ACD, the Harvard Project on School Desegregation, led by Professor Gary Orfield, released a report on integrated education in MCPS entitled, “Slipping Towards Segregation: Local Control and Eroding Desegregation in Montgomery County Maryland.” In the report, researchers argued that the magnet programs located in the Takoma Park and Silver Spring area had not been successful in creating integration in schools, largely because of MCPS’s “*eroding commitment to desegregation*,” which was based on self-regulating policies that “*have not been strong or effective enough to offset the demographic change that contributes to school segregation*.” As a result, they argued that MCPS’s efforts, including its magnet programs, had created within-school segregation. Additionally, researchers raised serious concerns about equity of access to the programs; and they criticized MCPS’s student transfer policy for its complex language which they argued “*greatly advantages higher educated people over others*” and its lack of elements “*designed to encourage transfers that would integrate the growing concentration of whites in schools with very few minority students*.” These findings served to support the researchers’ overall conclusion that, “*while the voluntary ‘local control’ approach may be the most politically palatable one, Montgomery County’s policies and administrative actions have not systematically broken up pockets of segregation and concentrated poverty. Equally significant is that local officials have failed to take action that would prevent segregation and concentrated poverty from increasing*.”^{33,34}

Challenges to the student transfer policy in the 1990s changed the landscape of voluntary integration in MCPS. Whereas the Harvard report criticized Policy JEE, *Student Transfers*, for not doing enough to promote integration, a number of parents made appeals to the Board during the 1990s challenging any consideration of students’ race as a factor for approving or denying transfers. While the federal government had reviewed Policy JEE and determined that it complied with federal civil rights law,³⁵ families continued to challenge the race-conscious aspect of the district’s approach to student transfers.

For example, in 1992, the families of two Asian American students from Takoma Park ES threatened to sue the school district for denying their requests to have their children transferred to the language immersion program at Maryvale ES. The district had denied the request because, due to low enrollments of Asian students at Takoma Park ES, the transfers of the named

³³ Eaton, Susan & Crutcher, Elizabeth. (1994). *Slipping Towards Segregation: Local Control and Eroding Desegregation in Montgomery County*. Cambridge: Harvard University.

³⁴ Superintendent Paul L. Vance issued a rebuttal to the findings from the Harvard Study, in which he pointed out that the Study focused primarily on Black/African American and White students and largely ignored all racial and ethnic groups. See Spayd, Liz (1994, July 12). Montgomery School Chief Attacks Racial Balance Study. *The Washington Post*. A1

³⁵ See Arocha, Zita (1986, October 30). U.S. Probes Montgomery Magnet Plan. *The Washington Post*.

students would create greater isolation of other subgroups at that school in violation of Policy JEE. The parents argued that their children should be allowed to transfer because no comparable language programs were offered at their home school and because requests for transfers from students of other races had been approved. The Board ultimately voted to approve the transfers; this opened the door for a series of additional appeals and set the stage for *Eisenberg v Montgomery County Public Schools*, a lawsuit filed in 1998, which eventually led to modification of the student transfer policy.³⁶

The *Eisenberg* case was similar to past appeals from families about the student transfer policy. Jacob Eisenberg was a White student whose parents applied for a transfer from Glen Haven ES, his home school, to attend the math and science magnet program at Rosemary Hills ES for Grade 1 during the 1998–99 school year. His transfer request was denied under Policy JEE because it would have adversely impacted the diversity profile of Glen Haven ES, which, at that time, had a student body that was 24.1% White compared to the county-wide White enrollment of 53.4%, and the White enrollment of that school had declined from 38.9% in 1994–95 to 24.1% in 1997–98.³⁷ The case was appealed up to the U.S. Court of Appeals for the Fourth Circuit, which held that MCPS’s denial of the school transfer was unconstitutional because it constituted “racial balancing,” and the district’s interests in “promoting a diverse student population” and “avoiding the creation of segregative enrollment by racial isolation” were not sufficiently compelling to justify a race-conscious student assignment policy as part of a voluntary rather than a court-ordered, integration plan.³⁸ The district’s effort to seek review by the U.S. Supreme Court proved unsuccessful³⁹, and the Board voted in 1999 to suspend the student transfer policy.⁴⁰

In response to these challenges to the transfer policy, MCPS commissioned William Taylor, a noted civil rights advocate, to conduct a study of policy options for improving educational performance within the context of the changing legal context for using race and ethnicity in school assignment. The final report, released in 2000, included a detailed analysis of the socioeconomic and racial composition of schools and highlighted areas of isolation and its potential impact on educational outcomes. The report proposed alternative provisions for the

³⁶ See, e.g., Beyers, Dan. (1996, August 24). Schools’ Racial Policy Challenged. *The Washington Post*. A1; Beyers, Dan. (1995, October 1). Montgomery’s School Transfer Rule Prompts Backlash. *The Washington Post*. B1; Beyers, Dan. (1995, September 14). Montgomery Reverses Itself, Lets Asian Girls Switch Schools. *The Washington Post*. A1

³⁷ *Eisenberg v. Montgomery County Public Schools*, 197 F.3d 123 (4th Cir. 1999).

³⁸ *Ibid.*

³⁹ *Montgomery County Public Schools v. Eisenberg*, 120 S.Ct. 1420 (2000).

⁴⁰ Board, minutes (April 11, 2000).

transfer policy, including the use of socioeconomic factors as well as achievement.⁴¹ However, in 2002, the Board adopted a new version of the policy, which eliminated the provision requiring transfers should only be approved if “*the racial/ social/ economic balance in both [sending and receiving] schools is not unduly affected.*” The new policy did not include alternative provisions to restrict transfers based on achievement and/or socioeconomic factors, rather it restricted transfers almost exclusively to circumstances involving unique hardship needs.⁴²

While the *Eisenberg* case was pending, the district was again sued, this time by the Rosenfeld family who claimed that the admissions processes for the elementary centers for highly gifted students and the secondary magnets discriminated against their children, who were White, because those selection processes afforded preferences to students of other racial groups who had lower test scores.⁴³ The lawsuit was argued up the U.S. Court of Appeals for the Fourth Circuit, which ruled in favor of the school district on procedural grounds and therefore did not reach the merits of the family’s racial discrimination claims. Nor did the court address the district’s response that, contrary to the family’s arguments, the selection process utilized at the time for elementary centers and secondary magnets did not take account of students’ race/ethnicity.⁴⁴ However, this marked another significant challenge to the district’s integration strategies.

Beginning in the 1990s, increasing district enrollment prompted MCPS to replicate existing programs for secondary magnets and immersion programs. The debate and ultimate revision of the student transfer policy occurred during a time of increasing enrollment across MCPS, which challenged the district to consider expanding and replicating existing strategies while maintaining the commitment to quality integrated education and in the absence of provisions against racial isolation in the student transfer policy.⁴⁵

During this period, MCPS expanded its language immersion programs to meet demand across the district. In 1982, MCPS closed Four Corners ES and moved the French language immersion program to Oak View ES to promote diversity; it stayed until 1992 when it moved to its current location at Maryvale ES for similar reasons. A second French immersion program opened seven

⁴¹ Taylor, William L. (2000). *Toward Diversity: Policy Options to Improve Educational Performance in MCPS. A report to the Superintendent of Montgomery County Public Schools.*

⁴² Memorandum to the Board of Education from Sharon Cox, Board Policy Committee Chairman re: Final Action on Policy JEE, *Student Transfers*. (March 12, 2002).

⁴³ *Rosenfeld v. Montgomery County Public Schools*, 41 F.Supp.2d 581 (D. Md. 1999).

⁴⁴ Appellees’ Brief of Montgomery County Public Schools, in *Rosenfeld v. Montgomery County Public Schools*, 2001 WL 34384392, 25 Fed. Appx. 123 (4th Cir. 2001).

⁴⁵ Taylor, William L. (2000). *Toward Diversity: Policy Options to Improve Educational Performance in MCPS. A report to the Superintendent of Montgomery County Public Schools.*

years later at Sligo Creek ES, to meet continued community interest in the Montgomery Blair HS cluster, which had strenuously objected to the program's moving out of Oak View ES. In 1993, a dual language program in Spanish opened at Burnt Mills ES (later converted into an immersion program), followed in 1996 by a partial immersion program in Chinese, the district's first, at Potomac ES. Both of these programs were originally designed to serve the local student populations. A few years later, the district released a comprehensive study of the impact of language immersion on student outcomes which highlighted the positive academic benefits of these programs. The study used a longitudinal analysis of student achievement data on the Maryland State Performance Assessments and foreign language assessments to show that students in language immersion programs demonstrated high levels of achievement in the target language and performed comparable to non-immersion students in English language assessments.⁴⁶ The study results fueled demand for the programs.

In response, the Board decided in 2004 to open seats in the Chinese immersion program at Potomac ES for students outside of the attendance boundary. Parents at Potomac ES expressed opposition, claiming that this move would attract even more students to the already overcrowded school. The Maryland State Board of Education rejected two appeals challenging the district's decision as violating its policy on involving community members in the decision-making process and on other grounds.⁴⁷ A year later, in 2005, MCPS opened a second Chinese immersion program at College Gardens ES, which serves students countywide.

In the 2000s, MCPS also increased the number of elementary centers for highly gifted students and responded to growing demand for secondary magnets due to enrollment growth and interest from parents of students who had to travel long distances to participate in magnet programs in the Montgomery Blair and Richard Montgomery clusters. In the 2000s, the Board approved the replication of the existing magnet programs at Poolesville HS and Roberto Clemente MS to meet demand in the upper part of county, but not specifically to support integration efforts. These programs marked the most recent addition of seats to magnet programs at the middle and high school levels.

During the 1990s–2000s period, MCPS also added new high school application programs with selective admission criteria—the Leadership Training Institute at John F. Kennedy HS (piloted with its first student cohort in the 1993–94 school year), and Bioscience and Engineering at Wheaton (launched in 2006). These programs were also developed to meet the academic needs

⁴⁶ Larson, John C., Met, Myriam, & Gross, Susan (1999). *English and Foreign Language Performance of Current Immersion Students and Immersion Program Graduates*. Rockville, MD: Montgomery County Public Schools.

⁴⁷ Perlstein, Linda. (2004, May 13). Lottery Plan Cleared for Chinese Immersion: Potomac Parents Fight Effort to Open Program. *The Washington Post*. B01; Cheung v. Montgomery County Board of Education, Opinion of the Maryland State Board of Education, No. 04-28 (Feb. 22, 2004); Janice Zink Sartucci v. Montgomery County Board of Education, Opinion of the Maryland State Board of Education, No. 03-31 (Aug. 27, 2003).

of students with specific interests and talents in the schools' program themes and increase the attractiveness of the schools, but they were not specifically aligned to the original desegregation purposes of magnet programs. Similar to the CAP program offered at Montgomery Blair HS, these programs currently are only open to students in the DCC, which is discussed below.

In the mid-1990s, increasing district enrollment also promoted MCPS to develop new strategies for establishing programs to support its voluntary desegregation efforts, including the first regional high school consortia. The first of these consortia was developed in the mid-1990s. Due to continuing growth in enrollment, MCPS needed to open a new high school to alleviate overcrowding in the northeastern area of the county that was served by three existing high schools, Paint Branch, Springbrook, and Sherwood HS. Consistent with Policy FAA, the district factored demographic considerations into its analysis of this school siting issue. The first two schools had relatively high enrollments of Black/African American students and increasing enrollments of Hispanic/Latino students compared with the district population, while Sherwood HS served a largely White student population. The district was faced with the challenge of creating boundary lines for a new high school that would require changing the existing boundaries for the other three schools. At the same time, the district had concerns that the new school would produce higher levels of racial isolation at Paint Branch and Springbrook HS by drawing White students who attended those schools into a new attendance boundary.

To avoid this scenario, MCPS created a consortium of schools that would enable the district to avoid drawing new boundary lines and to serve students from the combined geographic areas. Two key decisions in the planning process, however, had major impacts on the development of the consortium. First was the Board's decision, in November 1996, to exclude Sherwood HS from the consortium based on major objections from the Sherwood community. Members of the community stated that they wanted to maintain a neighborhood school and did not want their children traveling to other areas of the county to attend high school. The Board conceded and went forward with the proposal to create a consortium with Paint Branch, Springbrook, and the new James Hubert Blake HS. The second decision in the planning process was a concession by the Board to community demands to replace the proposed "controlled choice" process, in which there would be no base or home areas for the schools, with a "preferred choice" model that created base areas for each school and allowed students to be automatically placed in their home school if preferred.⁴⁸ The base areas were not aligned with the previous home boundaries, but there was enough of an overlap to gain community support and provide a more integrated base level of enrollment at each of the schools.

⁴⁸ Reid, Scott. (1995). *Controlled Choice School Systems and Their Costs: A Case Study Analysis for Montgomery County's Controlled Choice Task Force*. College Park: University of Maryland College Park School of Public Affairs; Memorandum from Paul Vance, Superintendent, to Members of the Board of Education regarding Northeast Area High School Solutions, November 25, 1996; Board of Education, meeting minutes (November 25, 1996).

For NEC students who did not choose their base area school, a lottery process was utilized, which originally took racial/ethnic diversity into account, but this factor was eliminated after *Eisenberg*; and in 2005, the Board added socioeconomic status, as identified by FARMS participation, as a factor that may be considered, to align the NEC with the approach subsequently adopted by the two other consortia.⁴⁹

In 1998–99, the Northeast Consortium (NEC) began operating. With support from a Magnet Schools Assistance Program (MSAP) grant from the U.S. Department of Education, each of the three participating schools developed a signature theme, designed courses around the theme, and infused the theme into existing courses. Community partnerships were strengthened, and teachers participated in professional development around the theme, use of technology, and instructional strategies. The grant outlined the following objectives for the consortium: 1) to eliminate, reduce, or prevent the incidence and/or degree of minority student isolation in targeted schools; 2) to promote national, state, and local systemic reforms that are aligned with challenging state content standards and student performance standards; 3) to feature innovative educational methods and practices that meet needs and interests of identified students; and 4) to strengthen students’ knowledge of academic subjects and skills needed for successful careers in the future. For MCPS, the goal of the grant was to allow the district to provide enhanced educational opportunities and develop unique instructional programs of interest to attract students from all groups and educate them in an integrated setting.⁵⁰ Two of the NEC schools, Paint Branch HS and Blake HS, received additional funding in 2010 through a federal Smaller Learning Communities (SLC) grant to address new student needs caused by increasing student enrollments in the two schools. The SLC grant supported the development of Grade 9 academies for all students and the development of career academies for students in Grades 10 through 12 to help prepare them for college and careers.

The high school consortium model was replicated several years later in the southeastern portion of the county where voluntary integration efforts had historically concentrated. In 2000, the Board approved the development of a choice process for a second high school consortium to address another situation similar to the circumstances that had led to the creation of the NEC. In the southeastern portion of the county, which had previously been a focus of voluntary integration measures, increasing enrollments led to the need to re-open Northwood HS, which had closed during the 1980s. Once again, MCPS opted for a consortium model to avoid redrawing school boundaries to accommodate the new school and create the risk that such redrawn boundaries would increase racial and socioeconomic isolation in other high schools in

⁴⁹ Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Northeast Consortium Criteria Amendment, September 13, 2005.

⁵⁰ Montgomery County Public Schools (2000). *Year Two Report The Preferred Choice Process*.

the area. To support this work, MCPS applied for a federal SLC grant. The SLC grant supported the creation of a consortium of schools with theme-based academies that offered student opportunities to learn within small programs in a large school building and promote school choice to increase diversity across the participating schools.⁵¹

From the outset, the consortium included Montgomery Blair, John F. Kennedy, Albert Einstein, and the re-opened Northwood HS. The Board considered adding a fifth school in the consortium. At first, Bethesda-Chevy Chase (B-CC) HS was proposed, but in the end the Board decided to include Wheaton HS in response to community advocacy. In contrast to Wheaton HS, which had similar student demographics to other DCC schools, B-CC HS would have provided better opportunities for achieving greater diversity across the consortium because it had a student population with higher proportions of White and higher income students. Following the NEC model, the Board adopted base areas for the DCC, as well as providing for consideration of socioeconomic status based on FARMS data in the lottery selection process.⁵²

In the 2004–05 school year, the Downcounty Consortium (DCC) opened. The SLC grant outlined the following goals for the DCC: 1) provide students with the opportunity to choose an academic or career program that is based on their identified post-secondary aptitudes and interests by creating a system of themed academics within the high schools of this region; 2) address the unique needs of entering freshmen, cause them to persist in their studies, and improve their post-secondary attainment levels by creating a system of programs, supports, and pathways within the freshman programs in each of these high schools; and 3) support increased levels of student performance by creating and sustaining professional learning communities within and across the faculties of DCC high schools.⁵³

MCPS adapted the consortia model to incorporate lessons learned from the NEC and DCC, when it developed the Middle School Magnet Consortium (MSMC), which opened in 2005.

As MCPS was developing the DCC at the high school level, it also contemplated re-opening a school (formerly Belt Jr. HS, which was renamed A. Mario Loiederman MS), due to increasing enrollment among middle schools in the DCC area. Again, the Board opted against re-drawing school boundaries and instead created a consortium of three middle schools: Argyle, Parkland,

⁵¹ Board, meeting minutes (March 22, 2000); Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Update on the Downcounty Consortium. (October 27, 2003); Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Update on the Downcounty Consortium. (October 25, 2004).

⁵² Board, meeting minutes (June 23, 2003); Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Downcounty Consortium High School Base Areas and School Assignment Process, (May 27, 2003); Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Base Area Recommendations for Downcounty Consortium High Schools, (June 23, 2003).

⁵³ Montgomery County Public Schools (2000). *DCC Smaller Learning Communities Grant*.

and the newly reopened A. Mario Loiederman MS. At the time, Argyle and Parkland MS were among the lowest achieving and most racially and economically isolated schools in the district. In order to promote greater impacts on student achievement and diversity, the Board voted to implement a slightly different model for the MSMC that did not outline base areas for student assignments and included an option for up to 100 students who reside outside of the consortium to enroll in each school every year through a random lottery. To attract students, MCPS used funding from the MSAP grant to develop whole school magnet programs in the areas of the Digital Design and Development (Argyle), Aerospace Technology (Parkland), and Creative and Performing Arts (Loiederman). In addition, MCPS initially provided transportation for out-of-consortium students from the Bethesda-Chevy Chase, Rockville, and Walter Johnson clusters in order to attract a more diverse population of students that would help achieve the goals of reducing racial and economic isolation. MCPS later discontinued transportation for out-of-consortium MSMC students due to budget cuts.

In the 2005–06 school year, the MSMC opened.⁵⁴ The goals, as outlined in the MSAP grant, were to improve student performance and reduce socioeconomic group isolation through a model of: 1) highly effective instructional programs; 2) accelerated core curriculum; 3) unique courses and extended learning opportunities; and 4) collaborative partnerships among schools, parents, and the community. Each school in the MSMC was aligned to a specific magnet theme and offered specialized courses while remaining aligned to the MCPS core curriculum.⁵⁵

In the 2000s, MCPS continued to grapple with challenges of equitable access to its academically selective programs. The opening of the MSMC, which did not utilize selective admissions criteria, occurred in the context of a series of challenges to equitable access to secondary magnets and gifted identification more generally.⁵⁶ In March 2005, a community group called the African American Parents of Magnet School Applicants released the results of a three-year analysis of application data to middle school magnet programs and questioned the lack of racial and ethnic diversity in the programs.⁵⁷ Although the Board did not endorse the

⁵⁴ Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Update on the Middle School Magnet Consortium, (October 10, 2006); Memorandum from Jerry Weast, Superintendent of Schools, to Members of the Board of Education, regarding Update on the Middle School Magnet Consortium, (July 6, 2005).

⁵⁵ Raber, Suzanne M. (2008). *Middle School Magnet Consortium Magnet Schools Assistance Program 2006–2007 Grant Performance Report*. Rockville: Montgomery County Public Schools Department of Shared Accountability.

⁵⁶ Aratani Lori. (2006, February 22) “Gifted” Label Takes a Vacation in Diversity Quest. *The Washington Post*. B1.

⁵⁷ Trejos, Nancy. (2005, March 8). Parents Protest Magnet Makeup: Montgomery Group Contends Program is Unfair to Blacks. *The Washington Post*. B1. This group subsequently expanded its efforts to challenge gifted identification more broadly. See Aratani, Lori. (2005, August 25). Group Seeks to End Gifted Designation; Label Unfair to Kids, Members Say. *The*

group's request to suspend the magnet application process, it recognized the need to increase the number of non-White students applying to the programs. Strategies were implemented to reach a more diverse group of families through parent workshops, offering students practice tests for the magnet entrance exams, and by providing transportation on the day of the magnet entrance exams.⁵⁸

Issues of equitable access were also highlighted by the Deputy Superintendent's Advisory Committee (DSAC) on Gifted and Talented Education in a 2006 report based on a review of policies associated with gifted and talented education, as well as the expansion of elementary centers and replication of secondary magnet programs that had occurring during prior years, as discussed above. The DSAC report noted that, "*all children, regardless of background, can achieve at high levels if given both opportunity and support*" and questioned the equity of access to gifted and talented services in schools with high proportions of Black/African American, Hispanic/Latino, and low-income children. In response to findings from the committee's report, MCPS developed a number of talent development and outreach programs and expanded the Program of Assessment, Diagnosis and Instruction (PADI), which was intended to recognize and nurture intellectual potential among students most frequently overlooked because of socioeconomic, cultural, and/or linguistic differences.⁵⁹

Other research in recent decades has highlighted the challenges that continuing demographic changes, as well as county housing patterns, present for voluntary integration efforts in MCPS.

In 2008, the Office of Legislative Oversight (OLO) for Montgomery County released a report on the cost and performance of MCPS's high school consortia, which recommended that MCPS consider the value of operating the consortia in relation to their limited impact on promoting diversity and the associated costs of the programs.⁶⁰ The same office also released a report in 2013 on the efficacy of the district's strategies for eliminating achievement gaps between students by racial and ethnic groups within the high school consortia. The report found, that since 2008, MCPS had made progress in reducing achievement gaps, but that significant gaps still existed. Furthermore, gaps in some key indicator areas had actually increased.⁶¹ These reports highlight the challenges that MCPS has faced in maintaining a long-

Washington Post. ME21; Aratami, Lori. (2005, May 24). Parents Rally for Black Students; Montgomery Group Accuses System of Inequality in Teaching. *The Washington Post*. B5.

⁵⁸ Bonner-Tompkins, Elaine & Latham, Kristen. (2008). *Cost and Performance of Montgomery County Public Schools' High School Consortia*. Rockville: Office of Legislative Oversight.

⁵⁹ <http://www.montgomeryschoolsmd.org/curriculum/enriched/programs/padi.aspx>

⁶⁰ Bonner-Tompkins, Elaine & Latham, Kristen. (2008). *Cost and Performance of Montgomery County Public Schools' High School Consortia*. Rockville: Office of Legislative Oversight.

⁶¹ Bonner-Tompkins, Elaine, Richards, Sue, & Scruggs, Carl. (2013). *The Achievement Gap in Montgomery County—An FY 2013 Update*. Rockville: Office of Legislative Oversight.

standing commitment to providing quality integrated education over a 40-year period that has produced significant shifts in the racial, ethnic, and socioeconomic composition of the county—a theme that the district emphasized in its response to the OLO reports.

Another significant research report during this period was the Century Foundation’s review of the intersection of education and housing policies. Through a statistical analysis of student demographic and achievement data, the study concluded that low-income children, who had comparable academic data upon entering school but who attended low- or moderate-poverty schools, had a lower academic trajectory over the course of their elementary schooling than their higher-income peers. The study also found that the academic outcomes of low-income students rose significantly when the students attended a school with higher-income students where less than 20% of the students qualified with FARMS.⁶² While the Century Foundation’s study identified benefits of the county’s inclusive zoning policy, the continuing struggle to create sufficient affordable housing across all regions of the county has been a persistent challenge to efforts to promote school integration in MCPS.

Recent changes in the legal context have restricted the ability of MCPS and other school districts to achieve integration through voluntary means. In 2007, the national context for school choice programs shifted as a result of a key ruling by the U.S. Supreme Court. In *Parents Involved in Community Schools v. Seattle School District 1*, the Supreme Court majority outlined limitations for how school districts could use student race and ethnicity in school assignment or student selection plans.⁶³

A majority of the Supreme Court Justices recognized that seeking diversity and avoiding racial isolation are compelling interests for school districts—and in this respect, the decision was, in effect, more supportive of voluntary integration efforts than the Fourth Circuit’s prior decision in *Eisenberg*. However, by a 5-4 vote, the Court struck down plans utilized by the Seattle, Washington and Jefferson County (Louisville), Kentucky school districts. Yet, the ruling was split, and Justice Anthony Kennedy issued a key concurring opinion in which he emphasized that race-conscious school district plans could pass constitutional muster in certain circumstances, including: generalized race-based approaches that use race as an express criterion but do not treat individual students differently because of their race, such as choosing sites for new schools; allocating resources for special programs; drawing attendance zones based on neighborhood demographics; recruiting students and faculty in a targeted manner; and tracking enrollments, performance, and other statistics by race. Furthermore, Justice Kennedy declined to

⁶² Schwartz, Heather (2010). *Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland*. Washington DC: The Century Foundation.

⁶³ *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 782 (2007).

rule out approaches that in appropriate circumstances take account of the race of individual students in school assignment.

In December 2011, the U.S. Department of Education and the U.S. Department of Justice elaborated on the Supreme Court's opinion in *Parents Involved* with jointly issued "Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools."⁶⁴ This 2011 Guidance reaffirmed the "*compelling interests that K-12 schools have in obtaining the benefits that flow from achieving a diverse student body and avoiding racial isolation,*" and provided districts with suggested approaches to achieve diversity or avoid racial isolation along with key steps for implementing programs with these goals, including numerous examples and scenarios.

Within the context of the shifts in county demographics, program models, the legal landscape, and local purposes for choice and special academic programs, MCPS has continued to adhere to the original goal of these programs to support quality integrated education. Although it has been amended over the decades, Board Policy ACD continues to recognize the value of quality integrated education. As stated in the current Policy, "*Integrated schooling has inherent educational value from the standpoint of education's role in a democratic society. The survival and vigor of democracy depends upon an educated citizenry with shared concerns about the welfare of society, its members, and the democratic principles that govern it. Diversity brings different viewpoints and experiences to classroom discussions and thereby enhances the educational process. It also fosters racial and cultural understanding which is particularly important in a racially and culturally diverse society such as ours. . . . Diversity is thus a valuable resource for teaching students to become citizens in a multi-racial/ multi-ethnic world.*"

However, today, the county is more diverse and larger than ever, and yet has stricter limitations on how it can achieve quality integrated education than it did when *Brown v. the Board of Education* was first adopted. In addition, the district now faces greater challenges in meeting the learning needs of an increasingly diverse and low-income population of students amidst persistent budget challenges in the wake of the Great Recession. Moreover, as the foregoing discussion makes clear, this goal of quality integrated education is but one of a number of overlapping and not always fully aligned interests and objectives that have propelled the development and expansion of choice programs in MCPS, as well as elsewhere. As a result, MCPS currently offers a wide variety of choice and special academic programs that were developed at key junctures throughout the district's history and layered upon each other to create a complex system of programs.⁶⁵

⁶⁴ <http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>.

⁶⁵ Despite the variety and complexity of such programs in MCPS, however, it should be noted that there are other models for school choice that the district is not currently operating, such as charter schools, vouchers, and other market-based competitive approaches that have become popular elsewhere, albeit with mixed success. For an index that weighs such

market-based approaches heavily in its assessment of districts' choice policies, see Brown Center on Education Policy, The 2015 Education Choice and Competition Index, available at <http://www.brookings.edu/research/interactives/2016/~//media/Multimedia/Interactives/2015/ecci/images/pdf.png>.