SHARIAH M.

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 13-17

OPINION

INTRODUCTION

This is an appeal of a denial of an age waiver request for early entry into kindergarten. The Prince George's County Board of Education (local board) has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. Appellant responded to the Motion and the local board replied.

FACTUAL BACKGROUND

Appellant's son was born on October 11, 2007, making him eligible to attend public school kindergarten in the 2013-2014 school year. Because Appellant wanted him to attend kindergarten in the 2012-2013 school year, Appellant submitted an application for early entry.

The Prince George's County Public Schools Early Childhood Assessment Team administered the early entrance examination on June 19, 2012. Appellant's son did not meet the requirements for early admission, receiving a score of 84% in reading, 63% in math, and 63% in writing. (Mtn. Ex. B). School system procedure requires that children seeking early kindergarten entry achieve a score of 90% or better in each area to demonstrate developmental readiness. (PGCPS Administrative Procedure 5111.1). The school system representative reviewed the results with the Appellant on June 19, 2012 and advised her of her appeal rights. At that time, Appellant also received a copy of the Early Entrance Parents' Guide which included policies, procedures and appeal information related to the early entry process. (Mtn. Ex. B).

Appellant appealed the denial of early admission to the Early Childhood Office on June 20, 2012. She argued that it was unfair for the school system not to advise parents of what is required on the early entry assessment or how the tests are developed. (Mtn. Ex. C).

The Early Childhood Assessment Appeal Review Team reviewed the appeal letter and the assessment results.[1] The team explained that the purpose of the review was to determine if Appellant's son demonstrated capabilities warranting early admission to kindergarten in the areas of reading, spelling, and arithmetic. Based on the information before it, the Team advised the Appellant that her appeal was denied. (Mtn. Ex. D).

Thereafter, the Appellant prematurely appealed the denial directly to the State Board of Education. In Order No. OR12-15, this Board remanded the case back to the local Superintendent for a determination. (Mtn. Ex. E).

The Superintendent referred the matter to his designee, Aaron Price, Sr., Esq. for review. By letter dated October 4, 2012, Mr. Price advised Appellant that the appeal was denied. He stated that the "records clearly demonstrate that [Appellant's son] was properly denied early enrollment due to not achieving sufficient early admission assessment results. (Mtn. Ex. F).

Appellant appealed the denial to the local board. She argued that the process was unfair because the assessment results give only a percentage score without any details on the level of reading, math and spelling. Appellant stated that the school system was using this as a "ploy" to keep enrollment down. (Mtn. Ex. G). On October 25, 2012, the local board upheld the denial of early entry to kindergarten because Appellant's son had not met the admission criteria. (Mtn. Ex. H).

This appeal followed.

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 13A.01.05.05A.

LEGAL ANALYSIS

There is no legal right to attend kindergarten before age five. *See* Md. Code Ann., Educ. §7-101 (guaranteeing a free public education to "[a]ll individuals who are 5 years or older and under 21."). In order to enroll in kindergarten, a child must be age 5 by September 1 of the year of kindergarten entry. COMAR 13A.08.01.02B. Each local board of education is required, however, to adopt regulations permitting a 4 year old, upon request by the parent or guardian, to be admitted to kindergarten if the local superintendent of schools or designee determines that the child demonstrates capabilities warranting early admission. (*Id.*).

[1] The Team consists of Early Childhood Educators, Special Education Resource Teachers, Reading Specialists and Early Childhood Instructional Specialists. (Mtn. Ex. D).

Accordingly, the Prince George's County Public Schools ("PGCPS") has developed a regulation to accommodate requests for early kindergarten entry for children whose birth dates occur between September 2 and October 15 of the school year for which they are requesting early entrance. Children seeking early admission must demonstrate developmental readiness by achieving a score of 90% or better on the early entrance assessment in each of the domains: reading, spelling, and arithmetic. (PGCPS Administrative Procedure 5111.1).

Appellant believes that her son is developmentally ready for kindergarten. The school system assessed him but determined that he did not qualify for early admission to kindergarten because he did not attain an acceptable score in any of the three areas of the assessment as required by school system procedure. This Board has upheld many cases denying early kindergarten entry based on the child's failure to attain the required assessment scores. *See Tonya L. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 08-19 (2008); *Perseveranda B. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 08-01 (2008); *Kelly C. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 07-22 (2007); *Chintagumpala v. Montgomery County Bd. of Educ.*, MSBE Op. No 06-04 (2006).

Appellant argues, however, that the process is not fair because the school system does not tell parents what their children will be tested on and does not explain the assessment results in detail or provide the cut score. Administrative Procedure 5111.1 states that applicants will be tested on reading, spelling, and arithmetic. The school system cannot provide parents detailed information on the test it administers and risk invalidating the tool that it uses to assess early kindergarten entry applicants.

A school system representative reviewed the results with the Appellant. The Appellant asked for cut scores and pursues that request here. The school system procedure requires only the percentage scores and not the cut scores, so Appellant's request for cut scores would not yield a different result. In our view, Appellant has not demonstrated that the local board's decision was arbitrary, unreasonable or illegal.

CONCLUSION

For the reasons stated above, we affirm the local board's decision denying Appellant's request for early kindergarten entry.

Charlene M. Dukes
President

Mary Kay Finan
Vice President

James H. DeGraffenreidt, Jr.

Absent

S. James Gates, Jr.

Luisa Montero-Diaz

Sayed M. Naved

Madhu Sidhu

Donna Hill Staton

Ivan C.A. Walks

Guffrie M. Smith, Jr.

Linda Eberhart

February 26, 2013