

JHON Z.,
Appellant
v.
MONTGOMERY COUNTY
BOARD OF EDUCATION,
Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Opinion No. 14-14

OPINION

INTRODUCTION

The Appellant filed an appeal of the decision of the Montgomery County Board of Education (local board) denying his request that his daughter be allowed early entrance into kindergarten. The local board filed a Motion for Summary Affirmance maintaining that its decision should be upheld. The Appellant did not respond to the motion.

FACTUAL BACKGROUND

Appellant's daughter was born on September 29, 2008, making her eligible to attend public school kindergarten in the 2014-15 school year. Because Appellant wanted her to attend kindergarten in the 2013-14 school year, Appellant submitted an application for early entry.

The school system screened and assessed Appellant's daughter at Flower Hill Elementary School on May 16, 2013. Appellant signed the Wellness Verification and Disclosure Form certifying that his daughter was in good physical health and able to participate in all of the assessment activities related to the application and screening process. (Mtn., Ex.4).

The standard for early kindergarten admission in Montgomery County is that the child must achieve an acceptable score in all seven assessment areas. Appellant's daughter achieved an acceptable score in only one area of assessment, Visual Motor Tasks, but not on any of the other areas. The scores in the other areas are as follows:

<u>Area of Assessment</u>	<u>Child's Score</u>	<u>Acceptable Score</u>
Record of Oral Language	1 of 14	10 or more
Letter Identification	17 of 54	45 or more
Letter-Sound Correspondence	0 of 9	6 or more
Concepts About Print	3 of 16	10 or more
Mathematics	9 of 23	18 or more
Independent Task with Multi-Step Directions	6 of 8	7 or more

(Mtn., Ex. 7). By letter dated May 22, 2013, the principal of Flower Hill advised the Appellant that his daughter was denied early kindergarten entry because she did not meet the established criteria. (Mtn., Ex. 5).

On appeal, Larry A. Bowers, Chief Operating Officer and the Superintendent's Designee, referred the matter to a hearing officer for review. The hearing officer recommended that

Appellant's daughter not be allowed early entrance to kindergarten based on her assessment scores. Mr. Bowers concurred and advised Appellant of the denial. (Mtn., Ex. 7).

On further appeal to the local board, Appellant maintained that his daughter was not feeling well on the day of the assessment. (Mtn., Ex. 8). The local board affirmed the denial of early admission based on failure to meet the required criteria, noting that the Appellant had signed the Wellness Verification and Disclosure Form prior to his daughter's participation in the assessment. (Mtn., Ex. 9).

This appeal followed.

STANDARD OF REVIEW

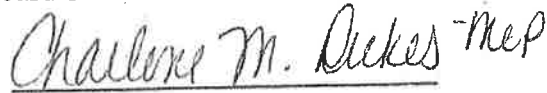
Because this appeal involves a decision of the local board involving a local policy, the local board's decision is considered prima facie correct, and the State Board may not substitute its judgment of that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

ANALYSIS

Appellant's daughter failed to achieve an acceptable score on all of the assessment areas, as required for early admission to kindergarten in Montgomery County Public Schools. This Board has held on numerous occasions that a school system may deny early entry to kindergarten based on the child's failure to attain the required scores on the assessment. See *Kristen M. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 13-16 (and cases cited therein). Although the Appellant maintains that his daughter did not score as high as she could have because she was not feeling well when she took the assessment, he certified at the time that she took the assessment that she was in "good physical health" and "able to participate in all assessment activities." (Mtn., Ex. 4). The school system reasonably relied upon his certification. Accordingly, we find that the local board's decision denying Appellant's daughter early entry to kindergarten was not arbitrary, unreasonable or illegal.

CONCLUSION

For all of these reasons, we affirm the local board's decision.



Charlene M. Dukes
President



Mary Kay Finan
Vice President



James H. DeGraffenreidt, Jr.

Linda Eberhart
Linda Eberhart

Absent
S. James Gates, Jr.

Absent
Larry Giammo

Absent
Luisa Montero-Diaz

Absent
Sayed M. Naved

Madhu Sidhu
Madhu Sidhu

Donna Hill Staton
Donna Hill Staton

Guffie M. Smith, Jr.
Guffie M. Smith, Jr.

March 25, 2014