

SHANNON C.,

Appellants

v.

CARROLL COUNTY BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 11-14

OPINION

INTRODUCTION

This is an appeal of the decision of the Carroll County Board of Education (local board) denying the Appellant's request for her daughter to enter kindergarten early. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant did not respond to the Motion.

FACTUAL BACKGROUND

Appellant submitted a request to have her daughter, S.C., considered for early entry to kindergarten for the 2010-2011 school year because S.C. did not turn 5 before the September 1, 2010 cut off date. Consistent with its procedures for early admission to kindergarten, the school system screened and assessed S.C. for kindergarten readiness, administering the Metropolitan Readiness Assessment. (Local Bd. Decision, p.3). S.C. scored below the 50th percentile in the pre-reading skills section of the assessment and in the 70th percentile in the mathematics section. S.C.'s overall composite score of 105 was in the range of scores in the 60th percentile. (*Id.*)

On June 8, 2010, Anna Marie Varakin, Supervisor of Early Childhood Education, advised Appellant that the request for early entry to kindergarten was denied because S.C. did not achieve an assessment score at or above the 90th percentile as required by school system procedures. (*Id.* at p.4). The superintendent's designee upheld the decision on appeal. The local board affirmed.

Thereafter, this appeal ensued.

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.01.05.03E(1).

ANALYSIS

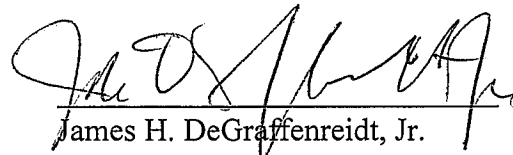
There is no legal right to attend kindergarten before the age of five. *See* Md. Code Ann., Educ. § 7-101 (guaranteeing a free public education to “[a]ll individuals who are 5 years old or older and under 21.”). In order to enroll in kindergarten, a child must be 5 by September 1 of the year of kindergarten 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 the superintendent’s designee determines that the child demonstrates capabilities warranting early admission. *Id.* Thus, whether or not a child is granted early entry is within the discretion of the school system.

Accordingly, Carroll County Public Schools (CCPS) has developed procedures to accommodate requests for early kindergarten entry for children who turn 5 by October 1 of the year early entry is requested, provided those children demonstrate capabilities warranting early admission based on an assessment and observation conducted by the school system. (Motion, Ex. 3). The CCPS assessment and observation process evaluates personal and social development, language and literacy development, and mathematics – cognition and general knowledge. (*Id.*). The child must demonstrate proficiency at the 90th percentile on the assessment to be eligible for early entry. (*Id.*).

In her appeal to the State Board, the Appellant merely states her intent to appeal and fails to present any reasons why the local board’s decision should be overturned. In contrast, the local board has provided a reasonable basis for its denial of the early entry request. S.C. failed to meet the eligibility criteria. Her score on the readiness assessment placed her in the 60th percentile rather than the 90th percentile as required for early entry to kindergarten under CCPS procedures. This Board has previously upheld similar cases. *See Denise M. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 10-09 (2010); *Tonya L. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 08-19 (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).

CONCLUSION

For these reasons, we do not find the local board’s decision to be arbitrary, unreasonable or illegal. Accordingly, we affirm the local board’s decision denying the Appellant’s request for early kindergarten entry.


James H. DeGraffenreidt, Jr.
President

ABSENT

Charlene M. Dukés
Vice President

Mary Kay Finary
Mary Kay Finary

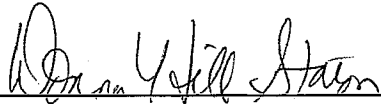
S. James Gates, Jr.
S. James Gates, Jr.

Luisa Montero-Diaz
Luisa Montero-Diaz


Sayed M. Naved
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Madhu Sidhu
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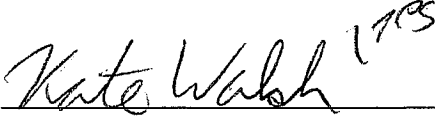
Guffre M. Smith, Jr.
Guffre M. Smith, Jr.



Donna Hill Staton



Ivan C.A. Walks



Kate Walsh

March 22, 2011