

RAMESH CHINTAGUMPALA,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 06-04

OPINION

This is an appeal of a denial of an age waiver request for early entry into kindergarten filed by the parents of a child who is not eligible to begin kindergarten until the 2006-2007 school year based on age of entry dates. Appellants contend that their son is sufficiently able and skilled to enroll in kindergarten for the 2005-2006 school year. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal because Montgomery County Public Schools (“MCPS”) assessed the child and found that he did not meet the criteria for kindergarten readiness. Appellants have not submitted an opposition to the local board’s motion.

FACTUAL BACKGROUND

Case Facts

State regulation requires that children must be 5 years old or older on September 30, 2005 for entry into public school kindergarten for the 2005-2006 school year. *See* COMAR 13A.08.01.02B. Appellants’ son, H.C.¹, was born on November 17, 2000 and turned 5 on November 17, 2005, making him eligible to attend public school kindergarten in the 2006-2007 school year. Although H.C. missed the kindergarten cutoff date for 2005-2006, MCPS has a policy that allows parents and guardians of 4 year olds to request early entry to kindergarten. The school system determines early entrance eligibility after the child is screened and assessed by the Division of Early Childhood Programs and Services to determine kindergarten readiness.

On April 22, 2005, Mr. Chintagumpala submitted an application for his son to gain early entry into kindergarten for the 2005-2006 school year. The application noted that H.C. had attended a pre-kindergarten program from October 2004 to January 2005 and highlighted skills that his father believed demonstrated H.C.’s readiness for kindergarten.

MCPS Early Childhood Programs and Services assessed H.C. on July 15, 2005. The assessment showed that H.C. did not meet the skill level for early admission. For example, H.C.

¹Appellants’ son is referred to as H.C. throughout this opinion due to confidentiality concerns.

met the criteria approved by MCPS for letter identification, but he did not meet the criteria for oral language. On the oral language scale, he scored one point out of an acceptable score of seven points. For concepts about print, he scored three points out of an acceptable score of four points. For mathematics, he scored at least one point each on five of six subtests with an acceptable score being at least one point on each of the six subtests. While the assessor found H.C. to be “very verbal and confident”, H.C. “did not follow directions consistently”, “wanted to do his own thing”, and “needed to be redirected”. *See* Hearing Officer Report. By letter dated July 18, 2005, Janine G. Bacquie, Director of the Division of Early Childhood Programs and Services for MCPS, informed Mr. Chintagumpala that his son did not meet the school system’s criteria for early admission to kindergarten.

Appellants asked for a reconsideration of the decision to deny early admission given their son’s fluency in English, his ability to count numbers up to 100, write numbers up to 20, identify colors and shapes, and spell many three letter words, as well as the fact that he is well behaved and comfortable sharing things with other children. *See* letter to Bowers and Lessenco. The matter was referred to hearing officer, Elaine Lessenco, who reviewed the case and recommended that Appellants’ request be denied stating, in part:

The Division of Early Childhood Programs and Services followed the procedures established by the Montgomery County Public Schools to determine eligibility for early enrollment for kindergarten. [H.C.] met the criteria for only one of the areas of assessment. Since [H.C.] did not demonstrate the requisite school readiness behaviors and skills, I recommend that early entrance to kindergarten be denied in this case.

See Hearing Officer Report. Larry Bowers, Chief Operating Officer, acting as the superintendent’s designee, concurred with the hearing officer’s recommendation and denied Appellants’ request for early entry.

Appellants appealed the denial of their request to the local board. In a unanimous decision, the local board affirmed the decision of the Chief Operating Officer denying H.C. early entry to kindergarten for the 2005-2006 school year. The local board noted in its decision that H.C. failed to meet the criteria for three of the four areas of assessment approved by MCPS for determining school readiness behaviors and skills. In particular, H.C. scored one point out of an acceptable seven points on the record of oral language assessment.

Thereafter, Appellants filed this appeal with the State Board.

State Board Regulation

In June 2002, the State Board of Education adopted a new regulation affecting the age of

entry for kindergarten, moving the birth date cutoff from December 31st to September 1st.² The date change has been implemented through a phase-in over the past several years. COMAR 13A.08.01.02B provides as follows:

- (1) Beginning with the 2003–2004 school year through the 2005–2006 school year, a child admitted to the kindergarten program in the public schools shall be 5 years old or older on:
 - (a) November 30, 2003, if the child applies for entrance for the 2003–2004 school year;
 - (b) October 31, 2004, if the child applies for entrance for the 2004–2005 school year; and
 - (c) September 30, 2005, if the child applies for entrance for the 2005–2006 school year.
- (2) Beginning with the 2006–2007 school year and each school year thereafter, a child admitted to the kindergarten program in the public schools shall be 5 years old or older on September 1 of the school year in which the child applies for entrance.
- (3) The local board of education may adopt a regulation permitting a 4-year-old child, 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. The regulation shall include a provision for promotion of the 5-year-old child to first grade if the local superintendent or the superintendent’s designee determines that the child demonstrates capabilities warranting promotion to first grade.³

²The Maryland State Teacher’s Association, the Maryland School Psychologist’s Association, the Maryland Parent-Teacher Association, and the Maryland Association for the Education of Young Children formally endorsed changing the entrance age requirements.

³On May 24, 2005, the State Board amended the regulation and adopted new COMAR 13A.08.01.02B(3) which became effective on January 31, 2006. This change makes it mandatory, rather than discretionary, for a local board to adopt a regulation allowing the early entry of 4 year olds into kindergarten.

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

The State regulations in effect at the time of this appeal gave local boards of education the discretion to adopt local regulations permitting four year olds to be admitted to kindergarten, upon the request of the parent or guardian, if the local superintendent determines that the child demonstrates capabilities that warrant early admission. Although MCPS did not adopt regulations, MCPS established a policy for early entry whereby it conducts assessments of four year olds in the areas of letter identification, oral language, concepts about print, mathematics, and developmental readiness behaviors and skills. That policy applies here.

Although Appellants believe that their son demonstrates skills and behaviors for school readiness, he did not qualify for early entry to kindergarten based on MCPS's assessment. As stated above, H.C. satisfactorily met only one assessment criteria – letter identification. He did not meet the criteria for the other areas of assessment – oral language, concepts about print, and mathematics. In addition, the observer found that H.C. did not consistently follow directions, needed to be redirected, and wanted to “do his own thing.” *See* Hearing Officer Report. The facts in the record reflect that H.C. failed to demonstrate the requisite school readiness behaviors and skills.

CONCLUSION

In light of the record in this case, we find that the decision of the local board was not arbitrary, unreasonable or illegal. Accordingly, we affirm the denial of Appellants' request for H.C. to be admitted early to kindergarten.

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March 1, 2006