

PERSEVERANDA B.,  
Appellant

v.

MONTGOMERY COUNTY BOARD OF  
EDUCATION,  
Appellee

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Opinion No. 08-01

### OPINION

#### INTRODUCTION

This is an appeal of a denial of an age waiver request for early entry into kindergarten filed by the parent of a child who is not eligible to begin kindergarten until the 2008-2009 school year. The Montgomery County Board of Education (Local Board) has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal because the child did not meet the criteria for kindergarten readiness.

#### FACTUAL BACKGROUND

State regulation requires that children must be 5 years old or older on September 1, 2007 to enter into public school kindergarten for the 2007-2008 school year. COMAR 13A.08.01.02B. State regulation also requires each local board of education 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.* Accordingly, Montgomery County Public Schools ("MCPS") has developed a policy to accommodate requests for early kindergarten entry for children whose birth dates occur within a six-week period beyond the prescribed September 1 admission date, provided those children demonstrate kindergarten readiness based on a screening and assessment by the MCPS Division of Early Childhood Programs and Services. (Motion, Exhibit 1).

Appellant's daughter, A.B., was born on September 4, 2002, and turned 5 on September 4, 2007, making her eligible to attend public school kindergarten in the 2008-2009 school year. Because Appellant wanted A.B. to attend public kindergarten at Ronald McNair Elementary School (McNair) for the 2007-2008 school year, Appellant submitted an application for A.B. to gain early entry.

On April 26, 2007, A.B. was screened and assessed at McNair. Eileen Macfarlane, Principal of McNair, advised Appellant that A.B. did not meet the established criteria warranting early admission to kindergarten. (Motion, Exhibit 2).

Appellant appealed the denial of early admission. The appeal included a letter from A.B.'s preschool teacher recommending A.B. for early admission to kindergarten. (Motion, Exhibit 3).

The matter was referred to hearing officer, Elaine Lessenco, who investigated the appeal. She reviewed all of the available information, including the assessments administered by the elementary school. She noted that A.B. met the criteria for Record of Oral Language, Letter Identification, and Independent Task with Multi-Step Directions. However, A.B. failed to meet the criteria in the following three areas:

	<u>A.B.'s Score</u>	<u>Acceptable Score</u>
Concepts of Print	1	10
Mathematics Assessments	9	14
Visual Motor Skills	2	3

She also noted that there were concerns about A.B.'s social and emotional readiness for kindergarten based on observations during the screening and assessment process. (Motion, Exhibit 4).

After reviewing the information and conferring with Ms. Janine Bacquie, Director of the Division of Early Childhood Programs and Services, and with Ms. Pamela Prue, former elementary school principal, Ms. Lessenco concluded that A.B. should not be approved for early entrance to kindergarten and recommended that Appellant's request be denied. Larry Bowers, Chief Operating Officer, acting as the Superintendent's Designee, concurred with the Ms. Lessenco's recommendation and denied Appellant's request for early entry. (*Id.*).

Appellant appealed the denial of her request to the local board. She maintained that her daughter was ready for kindergarten and was just having a bad day when she was assessed. She asked that her daughter be reevaluated so that she could prove her readiness to begin kindergarten. (Motion, Exhibit 5).

In a memorandum to the Local Board, the Superintendent responded to the appeal. He noted A.B.'s strong math and verbal skills and her interest in drawing and coloring. He stated, however, that there is insufficient documentation that A.B.'s performance and development are above age level in all skill areas, as required for early entrance. He further stated that reevaluation would not yield valid results as A.B. was now familiar with the assessment instruments. (Motion, Exhibit 6).

The local board affirmed the decision of the Chief Operating Officer denying A.B. early entry to kindergarten for the 2007-2008 school year. 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.01.05.03E(1).

ANALYSIS

The MCPS screening procedures assess "academic, social, emotional and physical maturity, motor development, learning skills, and capabilities warranting early admission" using "standardized instrument(s), observational and MCPS primary assessments completed by staff, and information from parents." JEB-RB(B)(5)(b). Here, A.B. did not meet three of the early entry criteria for the six areas of assessment. In addition, A.B. demonstrated some behaviors which raised concerns about her emotional and social readiness for kindergarten. Although Appellant and A.B.'s preschool teacher believe that A.B. demonstrates skills and behaviors for school readiness, we find that it was reasonable for the school system to conclude that A.B.'s performance during the assessment and screening process demonstrated that she was not ready for kindergarten. See *Kelly C. v. Montgomery County Board of Education*, MSBE Opinion No. 07-22 (May 30, 2007); *Chintagumpala v. Montgomery County Board of Education*, MSBE Opinion No. 06-04 (March 1, 2006).


CONCLUSION

In light of the record in this case, we believe that the decision of the Local Board was not arbitrary, unreasonable or illegal. Accordingly, we affirm the Local Board's denial of Appellant's request for A.B. to be admitted early to kindergarten.



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Dunbar Brooks  
President



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January 30, 2008