

ALAGIRI S.,

Appellant

v.

HOWARD COUNTY BOARD
OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

Opinion No. 09-05

OPINION

INTRODUCTION

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 2009-2010 school year. The Howard 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. The Appellants have filed a response to the Motion.

FACTUAL BACKGROUND

Appellants' son, S.S., was born on October 27, 2003, and turned 5 on October 27, 2008, making him eligible to attend public school kindergarten in the 2009-2010 school year. Because Appellants wanted S.S. to attend public kindergarten for the 2008-2009 school year, Appellants submitted an application for S.S. to gain early entry.

In order to be admitted early to kindergarten, a child must receive a rating of "Advanced" in at least four of the six assessment categories, and no "Basic" ratings. The six categories are: Reading, General Knowledge, Parent/Guardian Developmental Checklist,¹ Mathematics, Graphomotor/Writing Skills, and Pre-school/Non-familial Developmental Checklist.² (Miller/DeAngelis Letter, 6/12/08).

¹This is a checklist of 22 assessment items for which the parent or guardian evaluates his/her child's abilities.

²This checklist is the same as the Parent/Guardian Developmental Checklist but it is to be completed by the child's preschool teacher or other adult (not family or guardian) familiar with the child's development.

On April 8, 2008, the school system screened and assessed S.S. at the former Cedar Lane School. (Jones Letter, 3/13/08). Marion Miller, Director of Elementary Administration, advised Appellants that S.S. did not meet the established criteria warranting early admission to kindergarten. (Miller Letter, 5/12/08). Ms. Miller stated that S.S. received an "Advanced" rating in two areas of assessment: Reading and the Parent Developmental Checklist; and a rating of "Proficient" in the remaining four areas: General Knowledge, Mathematics, Graphomotor/Writing, and the Preschool/Non-familial Developmental Checklist. (*Id.*).

Appellants appealed the denial of early admission to the Directors of Elementary Education (Directors). The Directors reviewed S.S.'s appeal file. By a letter dated June 12, 2008, the Directors upheld the earlier decision denying S.S.'s early admission to kindergarten. (Miller/DeAngelis Letter, 6/12/08).

Appellants appealed the Directors' decision to the local board. The local board upheld the denial of Appellants' early entry request, finding that S.S. was fairly evaluated and that "the results of his assessment did not meet all of the established criteria for an exceptionally high degree of skills." (Local Board Decision).

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

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, the Howard County Public School System (HCPSS) has developed a regulation to accommodate requests for early kindergarten entry for children whose birth dates occur between September 2 and November 15, provided those children demonstrate "an exceptionally high degree of cognitive, social, emotional, and physical readiness" for kindergarten, based on a standardized screening and assessment by the HCPSS Office of Elementary Education. HCPSS Policy 9000-PR.

Appellants allege that the school system did not fairly evaluate S.S. for early admission. We do not agree. S.S. underwent the same assessment process as other students applying for early admission. The evaluators were elementary education specialists who followed a specific protocol to ensure that all students were tested in the same way. (Local Board Decision). Out of the six categories on the assessment, four of the categories are part of an early childhood test and deal with substantive verbal and writing skills which are measured by specific criteria. These areas, Reading, General Knowledge, Mathematics, and Graphomotor/Writing Skills, are therefore not left to subjective judgment. (Memorandum in Support of Motion, p. 6). The child must achieve a certain score to attain a particular rating. Appellants have provided no evidence that their son was tested in an unfair manner.

Appellants believe that S.S. demonstrates skills and behaviors for school readiness. The school system determined, however, that he did not qualify for early admission to kindergarten because he did not attain an "Advanced" score in four of the six areas of assessment as required by school system procedure.

Appellants question how S.S. received only a "Proficient" rating on the Preschool/Non-familial Developmental Checklist when he received such an outstanding recommendation from his preschool evaluator. The local board has explained in its Motion that the Preschool/Non-familial Developmental Checklist is based on a numerical score depending on the response of "Always," "Sometimes" or "Never" to the set of questions asked. Items left blank are scored as zero. Although the preschool evaluator consistently responded with "Always," he left five questions blank. This resulted in an average rating of "Proficient" on the Checklist. (Memorandum in Support of Motion, p.7). Moreover, even if S.S. had received an "Advanced" rating in this category, he would not have achieved an "Advanced" rating in four of the assessment categories.

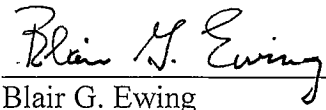
Appellants also argue that the school system did not appropriately consider S.S.'s work samples or the information and test results provided by the Marriottsville Kumon Math and Reading Center, where S.S. has been enrolled in a math and a reading program over the past year. The local board has explained that outside materials that are not a part of the school system's application process are not considered in the assessment of the child. (*See* Miller/DeAngelis Letter, 6/12/08). The developmental checklists completed by the parents and non-familial adult are intended to provide information similar to that which would be gleaned from reviewing the information described by Appellants, but through a formal and consistent process. (Memorandum in Support of Motion, pp. 7-8).

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 Appellants' request for

early kindergarten entry.

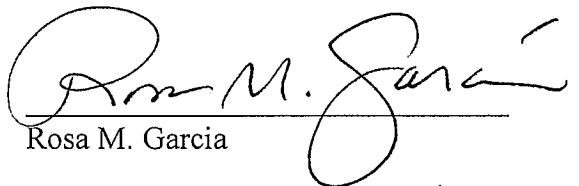

James H. DeGraffenreidt, Jr.
President

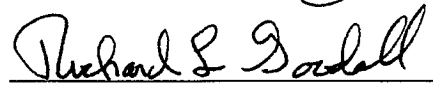

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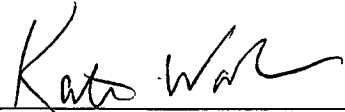

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February 24, 2009