

Y.J.,

Appellant

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 24-26

OPINION

INTRODUCTION

The Appellant, parent of Student X, filed an appeal of the decision of the Anne Arundel County Board of Education (“local board”) denying early entry into kindergarten for her son. The local board filed a response, maintaining that its decision was not arbitrary, unreasonable, or illegal. The Appellant filed a reply, and the local board filed a sur-reply.

FACTUAL BACKGROUND

Student X turned five on October 9, 2024. Because his birthday fell after September 1st, the State-mandated cutoff date for kindergarten admission, Student X did not automatically qualify for admission into kindergarten for the 2024-2025 school year. Appellant submitted a timely application for early kindergarten admission to Anne Arundel County Public Schools (“AACPS”). (R. 41-42).

Students may be granted early kindergarten admission in AACPS if the child turns five during September 2 through October 15, and demonstrates capabilities warranting early admission. (R. 33-37, Regulation IFA-RA.D.2.b). Applicants are given the opportunity to take the Stanford Early School Achievement Test (“SESAT 1”), a nationally normed achievement test that is divided into five subtests to measure achievement in academic and social skills. AACPS requires the early entry applicant to score a complete battery stanine in the 8th stanine or better on the SESAT 1 to qualify for early kindergarten entry. (R. 41-42, 44-45).

School system staff administered the SESAT 1 to Student X on June 24, 2024. (Appeal). Student X’s Complete Battery stanine was in the 3rd stanine with scores ranging from the 1st to 4th stanine. Thus, Student X was not eligible for early kindergarten entry based on the SESAT 1 because he did not meet the requisite score in the 8th stanine. (R.43). By letter dated June 25, 2024, Carly Cooper, Early Admission Examiner, advised the Appellant that Student X was not recommended for early admission to kindergarten based on review of the application documents and the results of the SESAT 1 assessment. (R. 44-45).

On June 27, 2024, the Appellant appealed the denial to Michelle Batten, Assistant Superintendent for Curriculum, Instruction, and Assessment, maintaining that Student X is more

than capable of comprehending the kindergarten curriculum and should be given the opportunity to build on the knowledge that he already has. (R.46). After conducting her review, by letter dated July 9, 2024, Ms. Batten denied Student X early entry to kindergarten because he did not meet the required criteria. (R. 1-2).

On July 17, 2024, the Appellant appealed Ms. Batten's denial to the local board. (R.3). She provided additional documentation on August 10, 2024, that included kindergarten worksheets completed by Student X and letters of recommendation from his daycare provider, a family friend, and family members. (R. 5-26). The local Superintendent submitted a position statement in response to the appeal on August 9, 2024, maintaining that the denial of admission should be upheld because Student X has not demonstrated capabilities warranting early admission to kindergarten for the 2024-2025 school year. (R. 27-30).

On August 22, 2024, the local board issued an Order of Decision denying early entry to kindergarten to Student X based on the evidence and the existing policy. On September 17, 2024, the local board issued a more detailed Opinion and Order further explaining the denial. (R.53-59). The local board explained that AACPS is careful and consistent in applying its standards and that Student X failed to meet the established criteria. The local board stated:

[E]arly admission cannot properly be based on the parent's subjective views, no matter how well-intended. That is why the State Board has authorized the local school systems to adopt policies and regulations to determine early kindergarten readiness objectively. The Board finds that AACPS's well-established policy and procedures are fair and that the standards are uniformly applied to all early admission applicants. A rigorous standard is applied to the assessment to ensure that younger children are not overwhelmed by the challenging curriculum and other demands of a full-day kindergarten program. It was not unreasonable for AACPS to require [Student X] to complete the same assessment required of all children seeking early admission or to require [Student X] to achieve a set minimum score to be eligible for early entrance. Based on the application of the objective standard in this case, the Board concurs with the Superintendent's finding that [Student X] did not exhibit the necessary level of early readiness.

(R. 58).

This appeal followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be 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.01.05.06A.

LEGAL ANALYSIS

Under Maryland's education laws, there is no legal right to attend kindergarten before age five. Md. Code Ann., Educ. §7-101(a); *Kevin and Leah B. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 17-38 (2017). Maryland is among the majority of states that require students to be five years old on or before September 1 in the year they start kindergarten. COMAR 13A.08.01.02B(2); *Ahmed H. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 18-28 (2018).

Each local board of education is required to adopt "a regulation permitting a 4-year old child, upon request of 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." COMAR 13A.08.01.02B(3). As to this requirement, the State Board has stated that "it is within the discretion of the local board to determine the method by which it will assess students requesting early kindergarten entry." *David and Adrienne G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 09-19 (2009). See also *Chiffon H. v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 19-11 (2019).

Consistent with this requirement, AACPS has developed a standard policy and procedure for early kindergarten admission and applied it to Student X. As stated previously, in order to qualify for early admission to kindergarten, the child must receive a score in the 8th stanine or higher of the SESAT 1. Student X did not receive the required scores for early admission.

Appellant believes that Student X is kindergarten ready and has submitted examples of his work from preschool and letters of recommendation. However, Student X did not achieve the required scores on the school system's assessments. The State Board has continuously upheld local board determinations that a child is not ready for early entry based on failure to attain the required assessment scores. See *Syed Junaid M. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 13-18 (2013) and cases cited therein. We have ruled, particularly in early entry to kindergarten cases, that the use of a bright line test, while it "may appear 'artificial at its edges' or render a harsh result" is not illegal. See *Deborah and Jeffrey K. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 17-36 (2017). Further, the State Board has made clear that the school system's opinion as to whether an applicant for early entry is qualified is determinative, and that the school system is free to rely on its own assessment and not one submitted by the applicant. See *Angela A. v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 13-45 (2013). AACPS applied its standard policy and did not act in an arbitrary, unreasonable or illegal manner by doing so.

CONCLUSION

We affirm the decision of the local board because it was not arbitrary, unreasonable, or illegal.

Signatures on File:

Joshua L. Michael
President

Monica Goldson
Vice-President

Chuen-Chin Bianca Chang

Kenny Clash

Clarence C. Crawford

Susan J. Getty

Nick Greer

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December 3, 2024