

IN THE MATTER OF

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BEFORE THE BOARD
OF EDUCATION OF
CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

This is an appeal before the Board of Education of Carroll County (the "Board") pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland brought by _____ d (hereinafter the _____), the parents of _____). _____ is a child whose fifth birthday falls on September _____, 2009, which is six (6) days after the September 1 Kindergarten cut-off mandated by the Maryland State Board of Education (the "State Board") in COMAR 13A.08.01.02B(2). The

_____ appeal to this Board seeks the reversal of earlier decisions rendered by Anna Marie Varakin, Supervisor of Early Childhood Education, and Karen E. Ganjon, Director of Minority Achievement and Intervention Programs and the Superintendent's Designee in this matter, denying _____ early admission to Kindergarten for the 2009-2010 school year. For the reasons set forth more fully below, we shall affirm.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Concerned that four-year-old children across the State were not sufficiently mature or otherwise prepared for the increased rigors of the Kindergarten curriculum,

¹ The State Board has long held that there is no need for an evidentiary hearing or oral argument when, as in this case, the appeal does not involve an alleged liberty or property interest deprivation thereby invoking the protections of the Fourteenth Amendment Due Process Clause. See Bricker v. Frederick County Board of Education, 3 Op. MSBE 99 (1982); Anderson and Blake v. Board of Education of Prince George's County, 5 Op. MSBE 415, 417 (1989). For this reason, and because we do not believe that a hearing would aid us in the decision-making process, we decline to conduct an evidentiary hearing or oral argument on this appeal but shall render a decision based upon the written record presented to us by the _____ and by the Superintendent.

the State Board in 2003 began to gradually modify the age of admission requirements. Accordingly, for the 2003-2004 school year, entering students needed to reach the age of five by November 30; for the 2004-2005 school year, the cut-off date was October 31; for the 2005-2006 school year, the cut-off date was September 30; and, beginning with the 2006-2007 school year, the applicable provision of COMAR sets the cut-off date at September 1 and provides as follows:

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.
COMAR 13A.08.01.02B(2)²

COMAR 13A.08.01.02B(3) also requires each local board to adopt regulations permitting four-year-old children to enroll in Kindergarten “if the local superintendent of schools or the superintendent’s designee determines that the child demonstrates capabilities warranting early admission.” In Carroll County, Board Policy JEB and its implementing regulations meet the State requirements and set forth “Procedures and Guidelines for Determining Early Admission to Kindergarten (EEK)” (hereinafter the “EEK Guidelines”). Among other things, the Board’s EEK Guidelines provide that “To be considered for early kindergarten admission, a student must score a **90% or higher** on the Metropolitan Readiness Assessment.” (emphasis added).

The explain that has been in a school-type setting since age two and one-half (2 ½) , that he can recite and write the alphabet, recite numbers up to 100, and write numbers up to 30. He can write his name and knows his birthday and address.

² Of course, no matter what the cut-off date, there will always be children with birth dates shortly after the cut-off. There is nothing in COMAR that provides an exception to the age cut-off for such children solely because their birthdays fall shortly after the cut-off. Rather, the possibility of an exception, as discussed herein, is based upon the child’s demonstrated capabilities and the prediction for success in the Kindergarten program.

He can make decisions and predictions. preschool teacher says he is advanced. The requested that be considered for early admission to Kindergarten, the Metropolitan Readiness Assessment (the "Metropolitan") was administered under the Board's EEK Guidelines. The Metropolitan is a norm referenced assessment and is considered a valid and reliable predictor of a child's capabilities and Kindergarten readiness. The Metropolitan has two main sections: pre-reading and mathematics. Percentile scores on the Metropolitan are based upon scores from prekindergarten students across the United States who have also taken the assessment.

The Metropolitan was administered to in a small-group elementary school setting (group of 3 children) conducive to meeting the developmental needs of four-year-old children. He was methodical and thoughtful with his responses. For pre-reading, scored in the 76th percentile on the Beginning Reading Skill section of the assessment and 94th percentile on the Story Comprehension section. For mathematics, scored in the 98th percentile. Accordingly, overall score of 89% -- fell just short of the requisite score of 90% required for early Kindergarten admission consideration under the EEK Guidelines. This was explained to the by Ms. Varakin in a letter dated May 12, 2009.

The appealed Ms. Varakin's decision to the Superintendent. After reviewing the data the Superintendent's Designee, Ms. Ganjon, in her letter dated May 19, 2009, informed the that would be scheduled for a partial reassessment on one subtest given the fact that results on the Metropolitan fell only one percentage point short of the 90% required for early entrance into Kindergarten.

reassessment involved the administration of the Primary Literacy Assessment (the "PLA"). The PLA is a criterion reference assessment. It is administered

individually to every incoming Kindergarten student. The PLA consists of five components: Letter Identification, Concepts About Print, Alphabetic Principle, Hearing Sounds in Words, and Diagnostic Assessment of Phonemic and Phonological Awareness. In the area of Letter Identification, [redacted] scored higher than 54% of incoming Kindergarten students from the 2008-2009 school year. For Concepts About Print, [redacted] scored higher than 12% of incoming Kindergarten students from the 2008-2009 school year. [redacted] score on the Alphabetic Principle component of the PLA was higher than 60% of incoming Kindergarten students from the 2008-2009 school year. In the area of Diagnostic Assessment of Phonemic and Phonological Awareness, [redacted] overall score was equal to or better than 40% of incoming Kindergarten students from the 2008-2009 school year. As a result of [redacted] scores on the Metropolitan and PLA, the Superintendent's Designee, Ms. Ganjon, denied the [redacted] request for [redacted] early entrance into Kindergarten.

This information, coupled with the information furnished by the [redacted] and [redacted] Pre-School teacher, demonstrates that, although [redacted] is certainly on track for a successful Kindergarten year beginning in the fall of 2010, he does not presently meet the approved criteria for early admission for the 2009-2010 school year.

With the September 1 cut-off, there are a number of Kindergarten children nearly a full year older than [redacted]. In this regard, the possibility that some older children who are eligible for regular Kindergarten admission may not score as well as [redacted] is not at issue. These children have the *right to regular* Kindergarten admission at this time under COMAR 13A.08.01.02B; [redacted], however, does not have the *right to early* Kindergarten admission. For younger children like [redacted] whose birth date falls after the September 1 cut-off, the use of the Metropolitan is a valid predictor of success in a Kindergarten class.

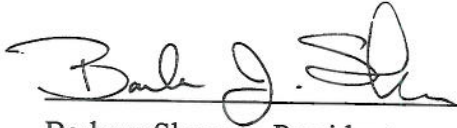
As we have stated in prior appeals concerning the issue of early admission to Kindergarten, we are of the opinion that a score of 90% is an appropriate indicator of such success. Although Metropolitan score, at 89%, was only slightly less than the 90% required for early entrance into Kindergarten, results on the PLA coupled with his results on the Metropolitan indicate that early entrance into Kindergarten is not in best interests. For children like who do not meet the criterion for early entrance into Kindergarten, regular admission to Kindergarten at the time prescribed in COMAR 13A.08.01.02B, rather than early admission, is in the child's best interests.

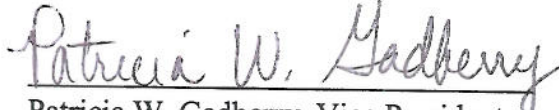
Accordingly, the decisions rendered by Ms. Varakin and Ms. Ganjon were not arbitrary, unreasonable, or illegal but were, rather, consistent with both the State requirements set forth in COMAR 13A.08.01.02B and the administrative regulations implementing Board Policy JEB. For this reason, we shall affirm.

DECISION

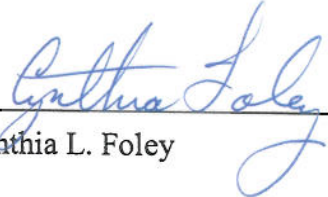
For the reasons discussed above, this Board affirms the decision of Karen E. Ganjon, Director of Minority Achievement and Intervention Programs and the Superintendent's Designee in this matter, upholding the decision of Anna Marie Varakin, Supervisor of Early Childhood Education denying the request that be granted early admission to Kindergarten for the 2009-2010 school year. Should she choose to do so, the may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

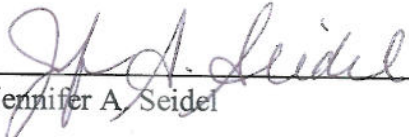
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Date


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