

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 the mother of is a child whose fifth birthday falls on September 5, 2017, which is five 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). appeal to this Board seeks the reversal of earlier decisions rendered by Mrs. Ann Blonkowski, Supervisor of Early Childhood Education, and Margaret E. Pfaff, Ed.D, Director of Curriculum and Instruction Resources and the Superintendent's Designee in this matter, denying early admission to kindergarten for the 2017-2018 school year. For the reasons set forth more fully below, we shall affirm.¹

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 , and by the Superintendent. The Board further notes that did not request an evidentiary hearing on the Appeal Information Form that she submitted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Concerned that younger children across the State were not sufficiently mature or otherwise prepared for the increased rigors of the kindergarten curriculum, 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. Beginning with the 2006-2007 school year, the applicable provision of COMAR set 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 provides for the adoption of regulations by local boards of education allowing early kindergarten admission, upon request, "if the local superintendent of schools or the superintendent's designee determines that the child demonstrates capabilities warranting early admission."

In accordance with COMAR 13A.08.01.02B (3), Board Policy JE and its implementing regulations allow students whose birthdays fall between September 1 and October 1, to submit an application by May 1 for early entrance into kindergarten. The Early Entrance to Kindergarten Procedures and Guidelines were developed in accordance with Board Policy JE and its implementing regulations as well as COMAR

² Of course, no matter what the cut-off date, there will always be children, like Vanessa, 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.

13A.08.01.02B(3) and prescribe the objective eligibility criteria by which a student must demonstrate proficiency at the 90th percentile or above in academic and social skills on the Early Entrance Screening Assessment (the "EESA").

The EESA is administered in an elementary school setting with furniture and materials appropriate for 4 year old children. Children are assessed individually with two certified teachers administering the assessment. The testing session is two hours and thirty minutes, which includes time for transitions, breaks, and playtime. The EESA assesses general cognition based upon the cognitive abilities assessment (the "CogAT"), English language arts, mathematics, and social and emotional development and is considered a valid and reliable predictor of a child's capabilities and kindergarten readiness. Each component of the EESA is scored independently of the others and then totaled for an overall performance score. In this case, [redacted] combined score on all of the required assessments totaled 52 points.

In the area of pre-reading skills, [redacted] answered correctly 163 out of 215 questions, which is in the range of scores at the 76th percentile and places her in the moderate range for kindergarten readiness. Similarly, in mathematics, [redacted] correctly answered 24 out of 30 questions, which is in the range of scores at the 80th percentile and also is in the moderate range for kindergarten readiness. [redacted] CogAT score measuring her verbal, quantitative, and nonverbal abilities based upon what is developmentally appropriate for an entering kindergarten student placed her in the 45th percentile evidencing weak readiness for kindergarten. For the social and emotional portion of the assessment, [redacted] scored 14 out of 20 possible points (70th percentile), based upon observations of her interactions with adults, peers, and materials before and

during the testing experience, and the questionnaire responses from parents and pre-k instructors.

Based on the foregoing results on the EESA, Ms. Blonkowski informed that the application for early entrance into kindergarten had been denied. appealed this determination to the Superintendent, and after a review and investigation of the matter by Dr. Pfaff, as the Superintendent's Designee, the appeal and request for reconsideration was denied by letter on June 12, 2017. On July 5, 2017, appealed the denial of the application for early kindergarten admission to this Board.

In support of the appeal to the Board, lina submitted a letter which, in pertinent part, states that she is convinced that is developmentally ready to begin kindergarten and that, although birthday is after the September 1 cut-off, she will actually turn five on the first day of school. The Board acknowledges that parents have unique knowledge and insights regarding their children. However, weighty educational decisions such as early entrance to kindergarten require consideration of objective data regarding a student's ability to perform and succeed.


has the burden in this proceeding to demonstrate that the decision of the Superintendent's Designee was arbitrary, unreasonable or illegal. has failed to meet this burden. application for early admission into kindergarten was processed in accordance with applicable Board and State Board regulations. Furthermore, the EESA is a credible and reliable instrument for assessing a child's readiness to begin kindergarten. Based on the results of the administration of the EESA to the Board finds that Superintendent' Designee was neither arbitrary

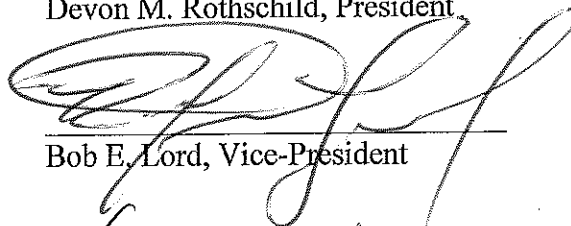
nor unreasonable in determining that _____ application for early admission to kindergarten should be denied. For this reason, we shall affirm.

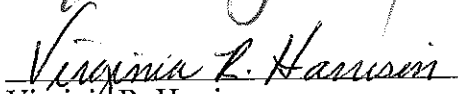
DECISION


For the reasons discussed above, this Board affirms the decision of Margaret E. Pfaff, Ed. D, Director of Curriculum and Instruction Resources and the Superintendent's Designee in this matter, upholding the decision of Mrs. Ann Blonkowski, Supervisor of Early Childhood Education, denying _____ request that _____ be granted early admission to kindergarten for the 2017-2018 school year. Should she choose to do so, _____ 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.

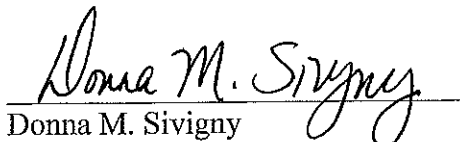
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