

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 parent of \_\_\_\_\_). \_\_\_\_\_ is a child whose fifth birthday falls on September 26, 2016, which is several weeks 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 Anna Marie 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 2016-2017 school year. For the reasons set forth more fully below, we shall affirm.<sup>1</sup>

<sup>1</sup> 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 Mrs. Jessa and by the Superintendent. The Board further notes that Mrs. Jessa did not request an evidentiary hearing on the Appeal Information Form but, instead, noted that she did "not feel a hearing is necessary."

## 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, 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 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)<sup>2</sup>

COMAR 13A.08.01.02B(3) also requires each local board of education 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 JE and its implementing regulations require that a student seeking early entrance into kindergarten (1) reach the age of five on or before October 1 of the year in which they apply, and (2) submit an application for early entrance into kindergarten by May 1. In order to qualify for early entrance to kindergarten, a child must achieve a combined score of 88 points on the Early Entrance Screening Assessment (“EESA”) which assess the

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<sup>2</sup> 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.

child's general cognition, English Language Arts and mathematics skills, and social/emotional development.

In this case, [redacted] achieved a combined score of 40 points. In the area of Pre-reading Skills, [redacted] answered correctly 94 out of 215 questions. In the area of Mathematics, [redacted] answered correctly 17 out of 30 questions. On the Cognitive Abilities Test, [redacted] composite score fell into the 21<sup>st</sup> quartile. [redacted] scores were high in the Social and Emotional Assessments; however, only the parents' observations and those of the assessors were considered because [redacted] has not attended pre-k or daycare.

Based on the foregoing results on the EESA, Mrs. Blonkowski informed [redacted] that [redacted] application for early entrance into kindergarten had been denied. [redacted] appealed this determination to the Superintendent, and, after a review and investigation of the matter by the Superintendent's Designee, the appeal was denied by letter on June 27, 2016. On July 2, 2016, [redacted] appealed the denial of the application for early admission to kindergarten to the Board.

In support of her appeal to the Board, [redacted] contends that it was unfair to conduct the assessment in a school setting because she "has never attended a daycare facility and has always been around family. In addition, [redacted] submitted an undated letter from a certified autism specialist and early childhood coordinator stating that she assessed [redacted] through the use of the Diebels 6<sup>th</sup> Edition Kindergarten Benchmark Assessment as well as informal assessments and determined that [redacted] was, in fact, ready for kindergarten. However, the assessments utilized by this assessor are not those used by the Carroll County Public Schools for determining early kindergarten admissions, and the one-page letter is not clear how, when, and where the assessments

were performed. By contrast, the EESA is considered a valid and reliable predictor of a child's capabilities and kindergarten readiness, and it is administered in an authentic classroom setting comparable to that which [redacted] will be in when she starts school.

[redacted] has presented no compelling evidence to suggest that this assessment, as administered to [redacted], was "unfair" or unreliable. Although the Board acknowledges that parents have unique knowledge and insights regarding their children, weighty educational decisions such as early entrance to kindergarten require consideration of objective data regarding a student's ability to perform and succeed.

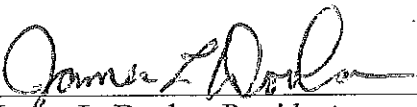
[redacted] has the burden in this proceeding to demonstrate that the decision of the Superintendent's Designee was arbitrary, unreasonable or illegal. [redacted] has failed to meet this burden. [redacted] application for early admission into kindergarten was processed in accordance with applicable Carroll County Public Schools 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 [redacted] the Board finds that the Superintendent's Designee decision was neither arbitrary nor unreasonable in determining that [redacted] 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 Anna Marie Blonkowski, Early Childhood Supervisor, denying [redacted] request that [redacted] be granted early admission to kindergarten for the 2016-2017 school year. Should she choose to do so,

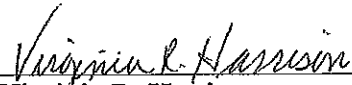
may appeal this decision to the Maryland State Board of Education, 200 West  
Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of  
this decision.

9-14-16  
Date


  
James L. Doolan, President

(Absent)

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Bob E. Lord, Vice-President

  
Virginia R. Harrison

  
Devon M. Rothschild

  
Jennifer Seidel