

E.P.,

Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-42

OPINION

INTRODUCTION

Appellant appeals the decision of the Howard County Board of Education (“local board”) denying early kindergarten entry for his daughter for the 2025-2026 school year. The local board filed a memorandum in response to the appeal maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellant did not file a reply.

FACTUAL BACKGROUND

Appellant’s daughter turned five years old eight or nine days after the cutoff date for kindergarten admission for the 2025-2026 school year. (R. at 47, 69). Because his daughter did not automatically qualify for kindergarten admission, Appellant sought early entry under local board Policy 9000 – *Student Residency, Eligibility, Enrollment and Assignment*.

On April 29, 2025, the local school system conducted a standardized assessment. In addition to checklists completed by a preschool teacher or non-related adult and a parent or a guardian to measure the student’s social/emotional/behavioral development, the assessment measures a student’s academic performance in reading, language, and mathematics. (R. at 45). Each area is given a score of “Emerging,” “Proficient,” or “Advanced.” (R. at 45). An area is “Emerging” if the student is not yet demonstrating readiness to attend kindergarten. It is “Proficient” if the student is demonstrating average readiness. It is “Advanced” if the student is demonstrating a high degree of readiness. (R. at 45).

On June 20, 2025, the Office of Early Childhood Programs notified Appellant that his daughter did not qualify for early admission to kindergarten. (R. at 45-46). To be admitted early to kindergarten, two of the three areas in the Academic Category must be scored as “Advanced,” while Appellant’s daughter had received scores of “Proficient” in all three academic categories. (R. at 45).

On June 27, 2025, Appellant submitted an appeal to the local superintendent’s designees, requesting reconsideration. (R. at 47-48). Appellant provided additional information and recommendations from his daughter’s teachers who have “consistently observed that [the student] exhibits well above-average skills in reading, language, and mathematical reasoning.”

(R. at 47-61). On July 8, the superintendent's designees upheld the denial of early entry into kindergarten because the student's assessment results did not meet the criteria. (R. at 62-63).

Appellant appealed the decision to the local board on July 23, arguing that the cut-off date is unfair and that the test scores did not accurately reflect his daughter's readiness. (R. at 68-70).

On August 25, 2025, the local board affirmed the decision to deny early admission to kindergarten, finding that the student did not meet the policy's requirements. (R. at 89-94).

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).

Accordingly, the local board has adopted Policy 9000, and the local superintendent has promulgated implementation procedures under that policy. (R. at 14-42). The implementation procedures state: "Children whose birthdates miss the established deadline for school attendance may have educational needs or demonstrated capabilities that warrant early admission to prekindergarten, kindergarten, or first grade." (R. at 36). "Early admission to kindergarten may be warranted for children who display exceptionally high degree of academic, social, emotional, and physical readiness to attend kindergarten" in a standardized assessment. (R. at 37).

Appellant believes that his daughter is kindergarten ready and has submitted letters of recommendation. Appellant also asserts that testing errors impacted the scoring. The local board maintains that Policy 9000 and its implementation procedures were followed, and that, according

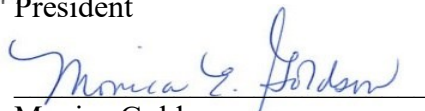
to the local superintendent, even if all the disputed points were awarded, the student's testing results would still have been below the required scores. (R. at 9-10).

The student 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). The local board 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.

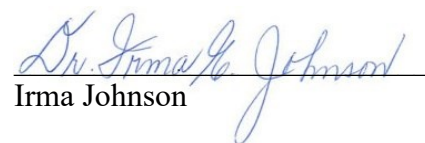

Joshua L. Michael
President

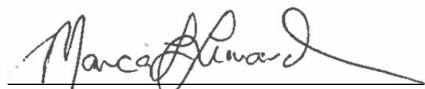

Monica Goldson
Vice-President


James Bell

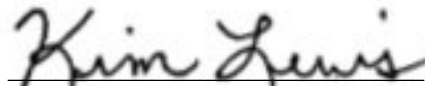

Chet Chesterfield


Nick Greer


Irma Johnson



Marcy Leonard



Kim Lewis



Xiomara Medina

Absent:

Chuen-Chin Bianca Chang

Kenny Clash

Samir Paul

November 4, 2025