

M.A. AND J.H.

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION
(I),

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-44

OPINION

INTRODUCTION

The Appellants, parents of Student X, filed an appeal of the decision of the Montgomery County Board of Education (“local board”) denying early entry into kindergarten for their daughter. 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 September 30, 2025. Because her 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 2025-2026 school year. Appellants submitted a timely application for early kindergarten admission to Montgomery County Public Schools (“MCPS”).

Students may be granted early kindergarten admission in MCPS if the child turns five during September 2 through October 15 and demonstrates above-average capabilities warranting early admission. (R. 181-189, MCPS Policy JEB, Regulation JEB-RB.III.B, and 2025-2026 Guide-Early Entrance to Kindergarten). Regulation JEB-RB provides that “[s]creening procedures will be used to assess academic, social, emotional and physical maturity, motor development, learning skills, and capabilities warranting early admission. Procedures to be used include standardized instrument(s), observational and MCPS primary assessments completed by staff, and information from parents.” (R. 183). Applicants are given the opportunity to take the required assessment and must achieve an acceptable score in at least six of the eight assessment areas to meet the MCPS early kindergarten entry standard. (R. 173). The standards for early entrance are high to ensure that students are not frustrated by their advanced placement. (R. 188). All assessments must occur between March 17-July 31, 2025 and each child may only be assessed one time. *Id.*

School system staff administered the assessment to Student X on March 17, 2025 and she did not meet the established criteria for seven of the eight areas of assessment. (R. 41).

Student X achieved acceptable scores in only one of the eight assessment areas. *Id.* Her scores were as follows:

Area of Assessment	Student X Score	Acceptable Score
Letter Naming	10	17 out of 20
Phonological Awareness/Phonics	17	36 out of 45
High Frequency Words	3	7 out of 10
Phonics and Writing	2	4 out of 7
Decoding and Comprehension	0	8 out of 10
Mathematics	4.5	9 out of 16
Visual Motor Tasks	2	3 out of 3
Independent Task with Multi-Step Directions	7	6 out of 7

Id. Because Student X did not achieve acceptable scores in seven of the eight assessment areas, she was not eligible for early kindergarten. *Id.*¹ By letter dated March 17, 2025, the elementary school principal advised the Appellants that Student X was not recommended for early admission to kindergarten based on failure to meet the established criteria. (R. 53-54).

On March 20, 2025, the Appellants appealed the denial to Dana Edwards, Chief of District Operations and Superintendent's Designee, maintaining that Student X is kindergarten ready and urging Ms. Edwards to "consider not only the test results but also [Student X's] full scope of abilities, her emotional well-being, and the significant consequences of denying her the opportunity to join her twin sister" in kindergarten this fall. (R. 45). Appellants stated that Student X is an incredibly curious child with a strong desire to learn; she is a patient, persistent, and thrives in structured environments; and included a letter from Student X's preschool teacher stating that Student X is ready for kindergarten. (R. 50-51).

Ms. Edwards referred the matter to a hearing officer for review. During the review process, the hearing officer reviewed the information provided by the Appellants, spoke to Student X's preschool teacher "who did not provide specific details about skills in the areas of math and literacy that would offset her scores on the EEK assessment" and reviewed the teacher's letter of support. (R. 42). The hearing officer recommended that Student X not be allowed early entrance to kindergarten, noting that Student X did not meet the established criteria in seven of the eight areas of assessment. (R. 40 - 42). By letter dated April 4, 2025, Ms. Edwards advised the Appellants that she concurred with the hearing officer's findings and was adopting the recommendation denying Student X early kindergarten entry. (R. 39).

On April 4, 2025, the Appellants appealed Ms. Edward's denial to the local board. (R. 20 -37). The Appellants reiterated their earlier arguments that Student X is kindergarten ready and that it would be harmful to separate the twins and submitted work samples, a home video, and a letter from the child's preschool teacher attesting to her readiness. *Id.* They also requested that

¹ Student X's twin sister was also assessed on March 17, 2025, and met the early kindergarten admission criteria. (R. 45).

Student X be reassessed or that the Appellants be given the assessment for evaluation purposes. *Id.*

On May 1, 2025, the local superintendent submitted to the local board a memorandum in response to the appeal maintaining that the denial of admission should be upheld because Student X did not demonstrate capabilities warranting early admission to kindergarten for the 2025-2026 school year based on the assessment results as she did not score within the acceptable range in seven out of eight areas. (R. 16-19). The superintendent reviewed the updated letters from Student X's Montessori preschool teacher and the parents and noted that the teacher did not provide any progress or skills reports to supplement the areas in which Student X did not meet the assessment criteria. (R. 18). The superintendent also stated that local board procedures for evaluating students are to be standardized and allowing Student X to retake the assessment or considering work samples and videos obtained outside of the assessment setting would serve as an unfair advantage to students and because the same assessment is used for all students sharing the assessment would compromise the integrity of the assessment. (R. 18).

On May 9, 2025, the Appellants provided a response to the superintendent's memorandum. (R. 2-14). They asserted that the letter from Student X's teacher should be considered a progress of skill report because they believe it is a "narrative, observation-based skills report based on her direct and ongoing work with [Student X] over the past two and a half years." (R. 4). They also submitted a record of the skills report from the Student X's March 31, 2025 conference and a supplemental skills report dated May 8, 2025 prepared by Student X's teacher. (R. 6 - 8).

On May 19, 2025, the Appellants also informed the local board that both of their twin daughters had won the lottery to attend the French Immersion Program at [REDACTED] Elementary School in the fall of 2025 and submitted additional materials for consideration by the local board including an argument that because Student X was accepted into the French Immersion Program Student X's scores on the assessment in English are not as relevant as the immersion program is in French. (R. 9 – 12).

On June 10, 2025, the local board issued a unanimous Decision and Order denying early entry to kindergarten to Student X based upon a review of the record and the applicable standard. (R. 171-175). The local board explained that it carefully examined all the evidence submitted by the Appellants and concluded that Student X was assessed in accordance with proper procedures consistent with MCPS regulations and COMAR and that the evidence did not demonstrate the exceptional capabilities that would warrant early entrance to kindergarten. The board also stated:

The Board has consistently agreed with the superintendent that it is appropriate to require a child who is seeking early entrance to kindergarten to demonstrate readiness by displaying exceptional, above-average academic, physical, and social/emotional skills on the designated assessment. The results of [Student X's] early entrance to kindergarten assessment indicate that she did not demonstrate the exceptional, above-average skills required for early entrance to kindergarten. Further, the early entrance to kindergarten process requires that the same assessment instrument and protocol be used in order to ensure that all eligible children

are given the same opportunity to demonstrate exceptional and above-average skills...Importantly, [Student X] being selected through the immersion program lottery does not affect the standard applied to requests for early entrance to kindergarten. The board has reviewed all the record materials and is satisfied that a reasonable basis exists for the denial of early admission to kindergarten.

Id. at 174.

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. The Appellant has the burden of proof by the preponderance of the evidence. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

Early Kindergarten Entry

Under Maryland's education laws, there is no legal right to attend kindergarten before age five. Md. Code Ann., Educ. §7-101(a); *See E.D. and M.D. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 25-03 (2025); *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, MCPS has developed a standard policy and procedure for early kindergarten admission and applied it to Student X. The record shows that Student X was screened and assessed in accordance with the MCPS procedures using the same criteria applied to other children taking the early entry assessment. The Appellants have not demonstrated otherwise. As previously stated, in order to qualify for early admission to kindergarten, the child must receive acceptable scores in six of the eight assessment areas. Student X received acceptable scores in only one assessment area and, thus, did not meet the criteria for early admission.

The Appellants believe that Student X is kindergarten ready and have submitted samples of her work from their child, a home video, letters of support from Student X's Montessori preschool teacher, and records of the skills reports dated March 31, 2025, and May 8, 2025 completed by the teacher. *See* R. 2-14, 28-37. They argue that the local board decision is arbitrary and unreasonable because it does not specifically address each piece of evidence submitted by the Appellants in its Decision and Order. We do not find this argument persuasive.

The record before us demonstrates that Student X was screened and assessed in accordance with MCPS procedures using the same criteria applied to other children taking the early kindergarten entry assessment. There is no evidence that the assessment was improperly administered or scored. *D.H. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 07-17 (2007)(burden is on the appellants to show assessment process was improper). The Appellants' other child, who was administered the same assessment under the same conditions, on the same day successfully completed the assessment. Student X did not achieve the required scores on the school system's assessment, and she fell short in every area except for one. We reject the Appellants' argument that the local board should base its decision on the information provided by Student X's teacher and parents, rather than relying primarily on the assessment results consistent with local board policy.

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. 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. *See E.D. and M.D. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 25-03 (2025); *Angela A. v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 13-45 (2013). MCPS applied its standard policy and procedure and did not act in an arbitrary, unreasonable or illegal manner by doing so.

New Arguments Raised in State Board Appeal and New Evidence

In the State Board appeal, the Appellants seek to introduce new evidence that was not considered by the local board to support their new arguments that the denial decision was arbitrary, illegal and unreasonable. First, they assert that they scheduled their child's assessment significantly earlier than was typical based on alleged "false information" on the MCPS website that stated that a valid MCPS student ID number was required to apply for the French Immersion Lottery, which had an April 11 deadline. *See* R. 79. The Appellants attach an email dated October 24, 2024 to support this argument. *See* Appeal, Ex. A-1. The Appellants also contend that there is a "systemic predetermination rather than individualized review required by law" regarding the local board's consideration of early entrance appeals over the past five years. *See* R. 81. The Appellants attach documents received based on their Maryland Public Information Act Request ("MPIA") pertaining to 38 local board decisions denying early admission that used similar language in support of this argument. *See* Appeal, Exs. D-1 and D-2.

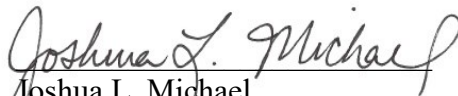
The local board responds that the new arguments and evidence should not be considered by the State Board because these arguments were not raised before the local board and that the new evidence is not accurate nor is it relevant to the appeal. The State Board may consider

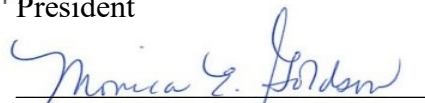
additional evidence or remand the appeal to the local board for consideration of the additional evidence if the evidence is material to the case and the Appellant offers good reason for failing to present the information to the local board. COMAR 13A.01.05.04C. To be material, the evidence must be “of such a nature that knowledge of the item would affect a person’s decision-making.” *Shervon D. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 17-10 (2017).

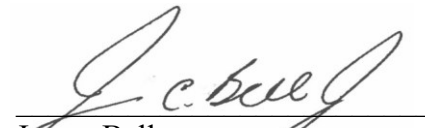
First, we do not find the new evidence material as it does not establish that the assessment used by the school system is educationally unsound or was administered improperly. The Appellants have not provided good reason for failure to offer the evidence during the proceedings before the local board. While the MPIA response was not received until after the local board appeal was filed, the Appellants could have sought this information at any time given the public knowledge that the assessment is part of the early entry process and factors into the early entry decision. Accordingly, we decline to consider the additional evidence. Second, the State Board has long held that it will not consider arguments on appeal that were not raised before the local board. *See Nikol E. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 19-18 (2019)(citing cases). Thus, we decline to consider the Appellants’ new arguments because it would be inappropriate for us to rule on issues that the local board did not first have the opportunity to address.

CONCLUSION

For the reasons stated above, we affirm the decision of the local board because it was not arbitrary, unreasonable, or illegal.


Joshua L. Michael
President

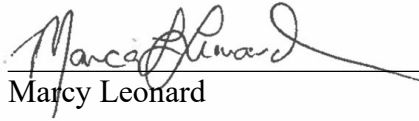

Monica Goldson
Vice-President

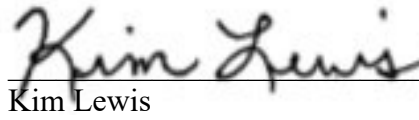

James Bell

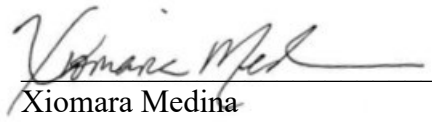

Chet Chesterfield


Nick Greer


Irma Johnson


Marcy Leonard


Kim Lewis


Xiomara Medina

Absent:

Chuen-Chin Bianca Chang

Kenny Clash

Samir Paul

November 4, 2025