

A.A. AND E.E.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-01

## OPINION

### INTRODUCTION

The Appellants, parents of Student X, have appealed the decision of the Montgomery County Board of Education (“local board”) to deny their child early entrance to kindergarten for the 2025–2026 school year. The local board affirmed the superintendent’s denial of early entry after finding that Student X did not meet the established academic and developmental criteria required for early admission. The local board filed a response to the appeal.

### FACTUAL BACKGROUND

Student X was born on September 6, 2020. Under Maryland law, a child must be five years old by September 1 of the school year to be eligible for kindergarten. Because Student X’s birthday falls five days after this deadline, she was not age-eligible for the 2025–2026 academic year unless granted early entrance. Thus, Appellants applied for early kindergarten entry for Student X. (R. 52-54).

In accordance with Montgomery County Public Schools (“MCPS”) Regulation JEB-RB, Student X was screened and assessed for early entry on April 11, 2025 at her local elementary school. (R. 55-71). The assessment evaluated eight areas: alphabetic principle, decoding, word recognition, writing, reading, mathematics, visual motor tasks, and independent task with multi-step directions. The standard for early kindergarten entry in MCPS is to achieve acceptable scores in at least six of these eight areas.

Student X met the criteria in only two of the eight assessment areas: visual motor tasks and independent task with multi-step directions. She performed significantly below the required threshold in literacy and mathematical categories, scoring 1/20 in alphabetic principle (acceptable is 17+), 6/45 in decoding (acceptable is 36+), and 1/12 in mathematics (acceptable is 9+). (R. 46-48). Following this assessment, the assistant principal denied the early kindergarten entry request, a decision subsequently upheld by the superintendent’s designee and finally by the local board on August 21, 2025. (R. 42-48; 73-76).

The Appellants argue that Student X is socially and academically ready, noting that she can recognize letters, count to 50, and solve simple addition at home. Appellants contend that the standardized assessment did not reflect her true abilities due to her lack of formal schooling.

They also argue that because she missed the deadline by only five days, she should not be held to the same standard as students born later in the assessment period. They also ask that she be permitted to retake the assessment. To support Appellants' claim, they submitted home-completed worksheets and pointed to the high academic achievement of Student X's older siblings at the same school. (State Board Appeal; R. 11-35).

### STANDARD OF REVIEW

Decisions of a local board concerning a local policy or a dispute over rules and regulations of the local board are considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is shown to be arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A. A decision is considered arbitrary or unreasonable if it is contrary to sound educational policy or if a reasoning mind could not have reached the same conclusion. COMAR 13A.01.05.06B. The Appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

### LEGAL ANALYSIS

Maryland law establishes that 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). While COMAR 13A.08.01.02B(3) requires local boards to provide a process for early entry for those demonstrating "capabilities warranting early admission," it is within the local board's discretion to determine the assessment method. *David and Adrienne G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 09-19 (2009).

Accordingly, the local board adopted Policy JEB and Regulation JEB-RB on Early Entrance to Prekindergarten, Kindergarten, and First Grade, which together establish the process and procedure that is used to assess children who were born within a six-week window beyond the September 1st deadline for admission found in COMAR, and determine their readiness to begin kindergarten a year early. (R. 86-90). Consistent with State law and local policy and procedure, MCPS has established a rigorous eight-part standardized assessment. (R. 46-48). The MCPS standards are high to ensure that students are not frustrated by their advanced placement. (R. 84-85).

The record shows that Student X was assessed using the same criteria applied to all early kindergarten entry applicants and that Student X failed to meet the threshold in six of the eight categories. The information contained in the early entry application, the assessment results, and other relevant information were reviewed by MCPS's experienced team of educational professionals who concluded that Student X should not be granted early entry. The State Board has consistently held that it is reasonable for a school system to rely on professional educators and standardized scores over parental observations when determining school readiness. *See S.A. and O.S. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 23-02 (2023); *Tim and Sherri B. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 13-48 (2013).

The local board correctly considered the assessment results. This Board has held on numerous occasions that a school system may deny early entry to kindergarten based on the child's failure to attain the required scores on the assessment. *See Syed Junaid M. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 13-18 (2013) and cases cited therein (upholding determinations that a child is not ready for early entry after failing to achieve the required assessment scores). Furthermore, MCPS procedures dictate that the early kindergarten entry assessment is a standardized tool that may only be administered once per year; therefore, the

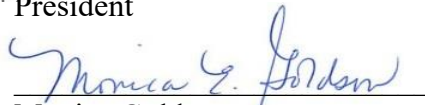
request for a retake was properly denied. *See* R. 84. Regarding Appellant's claim that Student X would be well-positioned to succeed given her siblings attendance at the same school, while the siblings' success is commendable, it does not provide evidence of Student X's individual readiness for kindergarten.

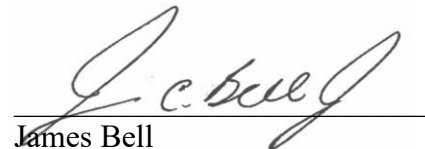
The Appellants also argue that the five-day difference between Student X's birthday and the cut-off is negligible. However, the State Board has repeatedly upheld the September 1st deadline as a "bright-line rule" that must be applied consistently to all children. *See Deborah and Jeffrey K. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 17-36 (2017). Past decisions have affirmed denials for students born just a few days after the cut-off, emphasizing that proximity to the date does not waive the requirement to demonstrate exceptional capability on the assessment. *Id.*

### CONCLUSION

The Appellants have failed to prove that the local board's denial of early kindergarten entry for Student X was arbitrary, unreasonable, or illegal. Accordingly, we affirm the local board's decision.

  
Joshua L. Michael  
President

  
Monica Goldson  
Vice-President

  
James Bell

  
Chuen-Chin Bianca Chang

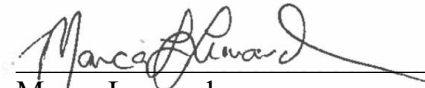
  
Chet Chesterfield

  
Kenny Clash



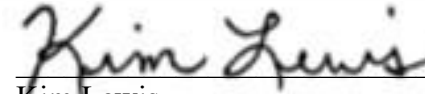
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Nick Greer



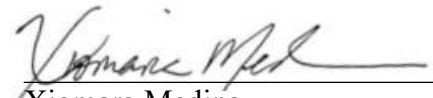
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Marcy Leonard



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Kim Lewis



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Xiomara Medina



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Nicole Murray-Lewis



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Samir Paul

Absent:  
Irma Johnson

January 27, 2026