

M.A. AND J.H.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,
II,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-04

OPINION

INTRODUCTION

The Appellants, parents of Student X, filed a second appeal seeking an exception for their daughter to retake the early kindergarten assessment despite local board procedures that provide each student may only be assessed one time. The local board filed a response, maintaining that its decision to disallow the retest was not arbitrary, unreasonable, or illegal. The Appellants filed a reply, and the local board filed a sur-reply.

FACTUAL BACKGROUND

This is the second appeal the Appellants have filed seeking a reversal of the local board's decision denying early entry into kindergarten for their daughter, Student X. By our decision issued on November 4, 2025, we affirmed the local board's decision denying early kindergarten admission for Student X, finding that she did not meet the required assessment criteria as she did not achieve acceptable scores on seven of the eight assessment areas. *M.A. and J.H. v. Montgomery Cnty. Bd. of Educ.(I)*, MSBE Op. No. 25-44 (2025). We also concluded that the assessment was properly administered in accordance with Montgomery County Public Schools' ("MCPS") procedures using the same criteria applied to other children taking the early kindergarten assessment and that the local board's decision was not arbitrary, unreasonable, or illegal. *Id.*

In addition to the first appeal, on June 24, 2025, the Appellants filed a Complaint from the Public seeking "an exception to policy" that Student X be permitted to retake the assessment. (R. 93 – 102). As argued in their initial appeal to the State Board, the Appellants again argued that their daughter was forced to be assessed earlier than they would have preferred because they relied upon information on the website stating that students must have a student ID to apply for the French Immersion Program.

On June 30, 2025, the chief academic officer and superintendent's designee, denied the request for a retest. (R. 90-92). On July 18, 2025, the superintendent requested an extension to submit the superintendent's response to the appeal, which the local board granted. The extension

did not result in any delay of the local board's decision as the earliest the appeal could have been adjudicated by the local board was August 18, 2025. (R. 105).

On July 25, 2025, the superintendent submitted a memorandum to the local board. (R. 39-41). In that memorandum the superintendent noted that the 2025-2026 Guide: Early Entrance to Kindergarten informs parents that a child may only be assessed once and further notes that allowing a child to be assessed a second time would be an unfair advantage since the child has already seen the questions and others would not have the same opportunity for retest. The superintendent confirmed that the referenced information on MCPS' website is accurate and recommended the local board uphold the decision to deny the request for a retest. *Id.*

On August 18, 2025, the local board considered the appeal on the written record during closed session. On September 4, 2025, the local board issued a unanimous Decision and Order upholding the denial of the request to retake the early kindergarten assessment. (R. 103-111). In the Decision and Order, the local board acknowledged the Appellants' primary argument that misinformation caused them to request an earlier assessment because in addition to seeking early kindergarten enrollment they were seeking enrollment into a French Immersion Program with a deadline of April 11, 2025. The Appellants thought the assessment needed to occur before the April 11, 2025 deadline for the French Immersion Program. The local board noted that the window for assessment is March 17 through July 31st and the Appellants' child was assessed during that window. The local board explained that a single assessment is used for all students and Student X would have an unfair advantage if given the same assessment twice, and for this reason no child is granted the ability to take a test a second time despite numerous requests for retests. The local board also noted that many students, like Student X, took the assessment in the springtime and some students, including Student X's twin sister, achieved adequate scores for early admission and some did not. *Id.*

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

We agree with the local board that there is nothing new in any of the claims raised by the Appellants in the second appeal. The Appellants argue that the local board's decision was arbitrary and unreasonable because it failed to account for the developmental gap between March and the start of school and because the assessment was scheduled early based on allegedly misleading information on the MCPS website. We do not find these arguments persuasive.

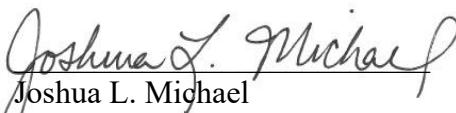
As we stated in our previous decision, the record demonstrates that Student X was assessed using standardized procedures applied to all applicants. *M.A. and J.H. v. Montgomery*

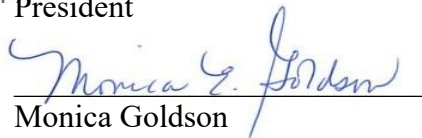
Cnty. Bd. of Educ.(I), MSBE Op. No. 25-44 (2025). The assessment was administered within the permitted window, and Student X did not meet the criteria for early admission. The local board's policy permits only one assessment per applicant; this is a rule grounded in fairness and equity. The Appellants' disagreement with the timing and outcome of the assessment does not establish that the local board's decision was arbitrary or unreasonable. *Id.*; see also *Edmond Saint-Jean v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 23-14 (2023); *Karp v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 15-39 (2015).

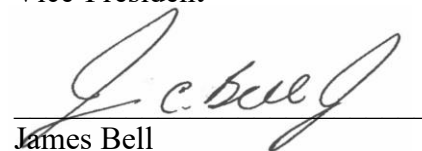
Further, the Appellants' claim that the website contained misinformation does not justify a reassessment. The local board's decision to uphold its longstanding policy of not allowing any student to retest was consistent with sound educational practice and does not warrant reversal

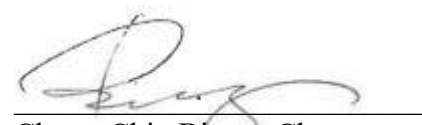
CONCLUSION

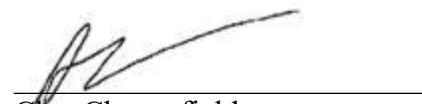
For the reasons stated above, we affirm the decision of the local board because it was not arbitrary, unreasonable, or illegal.

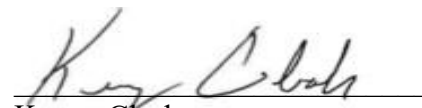

Joshua L. Michael
President

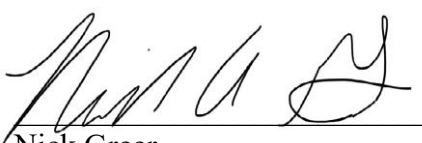

Monica Goldson
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James Bell

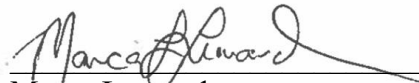

Chuen-Chin Bianca Chang

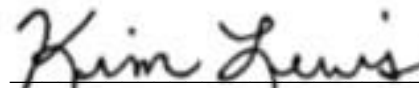

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January 27, 2026