

DAVID & ADRIENNE G.,

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 09-19

OPINION

INTRODUCTION

This is an appeal of a denial of an age waiver request for early entry into kindergarten filed by the parents of a child who is not eligible to begin kindergarten until the 2009-2010 school year. The Montgomery County Board of Education (local board) has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal because the child did not meet the criteria for early kindergarten entry. The Appellants have filed a response to the Motion. The local board has filed a reply to Appellants' response.

FACTUAL BACKGROUND

Appellants' daughter, E.G., turned 5 on September 2, 2008, making her eligible to attend public school kindergarten in the 2009-2010 school year. Because Appellants wanted E.G. to attend public kindergarten at Wyngate Elementary School (Wyngate) for the 2008-2009 school year, Appellants submitted an application for E.G. to gain early entry.

On May 5, 2008, Montgomery County Public Schools (MCPS) screened and assessed E.G. at Wyngate. The school principal advised Appellants that E.G. did not meet the established criteria warranting early admission to kindergarten. (Leister Letter, 5/9/08).

Appellants appealed the denial of early admission. The Superintendent's Designee referred the matter to Hearing Officer, Elaine Lessenco, who investigated the appeal. Ms. Lessenco reviewed all of the available information. She noted that E.G. met only two of the six areas of the school system's assessment: Record of Oral Language and Independent Task with Multi-Step Directions. E.G. failed to meet the criteria in the other four areas. She received the following scores: 36 out of 45 points for Letter identification; 8 out of 10 points for Concepts About Print; 13 out of 14 points for the Mathematics Assessment; and 2 out of 3 points for Visual Motor Skills. Comments on the assessment and observation form indicated that E.G. was quiet, did not meet all benchmarks, did not interact with the other children, and did not respond to questions asked about the story despite being attentive while it was read. (Hearing Officer Report).