

GORDON AND TAMARA
M.,

Appellant

v.

PRINCE GEORGE'S
COUNTY BOARD OF
EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 17-06

OPINION

INTRODUCTION

This is an appeal of the decision of the Prince George's County Board of Education (local board) denying the Appellants' request to have their daughter admitted to public pre-kindergarten. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellants did not respond to the local board's motion.

FACTUAL BACKGROUND

The Appellants applied for pre-kindergarten admission with Prince George's County Public Schools (PGCPS) on behalf of their four-year-old daughter. By letter dated April 25, 2016, the principal of Rosaryville Elementary School advised Appellants that their daughter would not be admitted to the program because their family income exceeded the United States Department of Agriculture (USDA) Free and Reduced Price Meal (FARM) eligibility limit for entry to pre-kindergarten. (Motion, Ex. 6).

The Appellants appealed the principal's decision to the Chief Executive Officer (CEO). They acknowledged that their income exceeded the eligibility limit, but explained that they were experiencing financial difficulty and that they wanted their daughter to attend public pre-kindergarten to prepare her for kindergarten. (Ex. 5). By letter dated August 24, 2016, Aaron Price, Sr., the CEO's Designee, denied the appeal because the Appellants' combined family income exceeded the eligibility limit. He explained that the pre-kindergarten income eligibility requirement is set forth in PGCPS Administrative Procedure 5111.1 (Admission to Pre-Kindergarten, Kindergarten and First Grade) and is also mandated by the pre-kindergarten grant. (Motion, Ex. 4).

Appellants further appealed to the local board (Motion, Ex. 3). In a decision issued by letter dated October 17, 2016, the local board denied Appellants' request for admission to pre-kindergarten based on income ineligibility. The letter stated that the "terms of the Pre-Kindergarten Expansion grant, that govern the Pre-Kindergarten Program, indicate that the federal grant services families whose household incomes are at or below 200% (Federal) or

300% (State) of the Federal Poverty Guidelines.” The local board explained that the Appellants’ combined family income exceeded these requirements. (Motion, Ex. 2).

This appeal followed.

STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board’s decision is 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.01.05.05A.

LEGAL ANALYSIS

Maryland regulations address the enrollment of children in public school pre-kindergarten programs. They require local school systems to enroll four-year-old children from families with economically disadvantaged backgrounds or who are homeless. COMAR 13A.06.02.03A. The regulations also provide for permissive enrollment of students who do not meet income requirements, “but who represent a student population that exhibits a lack of school readiness,” if there is space remaining in the program after the school system serves those qualifying through income eligibility. COMAR 13A.06.02.03B. Local school systems must develop and maintain a policy for pre-kindergarten eligibility. COMAR 13A.06.02.05.

Consistent with COMAR, PGCPs has developed an Administrative Procedure to implement enrollment in pre-kindergarten in the County. That procedure requires families of students seeking admission to the pre-kindergarten program to meet the income requirements set by the USDA for FARMS. Administrative Procedure 5111.1 (IV.5). It limits admission of non-income eligible students to those with individualized Education Programs (IEPs) who have been placed in pre-kindergarten through the IEP placement process. *Id.*

The local board reviewed the Appellants’ request, including financial documentation, and denied their daughter admission to pre-kindergarten based on lack of income eligibility. Appellants themselves concede that, although they are experiencing financial issues, they are not income eligible. The local board’s action is consistent with the pre-kindergarten income eligibility standards.

In addition, the record contains no evidence that the Appellants have ever asserted that their daughter is eligible for pre-kindergarten as a student with an IEP or is a student in need of special education services. Thus, Appellants’ daughter does not satisfy the criteria for pre-kindergarten admission for children who do not meet the income eligibility standards.

CONCLUSION

For the reasons stated above, we do not find the decision of the local board to be arbitrary, unreasonable or illegal. We affirm the local board’s decision denying Appellants’ request to have their daughter admitted to pre-kindergarten

Signatures on File:

Andrew R. Smarick
President

Michele Jenkins Guyton

Laurie Halverson

Stephanie R. Iszard

Rose Maria Li

Madhu Sidhu

Laura Weeldreyer

Absent:

Chester E. Finn, Jr., Vice President

Jannette O'Neill González

Barbara J. Shreeve

Guffrie M. Smith, Jr.

January 24, 2017