

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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**SHERYL W.**

**V.**

**PROVIDENCE SCHOOL BOARD**  
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**Decision**

Held: Decision to deny kindergarten-enrollment request for student who turns 5 years old after statutory eligibility date is reasonable.

Date: August 27, 2003

## **Introduction**

This is an appeal from a decision of the Providence School Board denying Appellant's request to enroll her daughter in kindergarten.<sup>1</sup>

## **Background**

Appellant and her family reside in Providence. Appellant's daughter will be 5 years old on January 3, 2004. She has attended pre-school since she was 2 years old. She completed a private kindergarten program in June 2003. But for her age, she would have been promoted to the first grade.

Appellant asked that her daughter be allowed to enroll in kindergarten in the Providence school system despite missing the eligibility cutoff date by 3 days. The School Board denied her request on August 26, 2003. At the hearing in this matter, it was shown that of the district's 1,386 kindergarten seats, 1,175 presently are taken, and 107 incomplete applications are pending.<sup>2</sup> It was further shown that last year the district enrolled 214 additional kindergarten students from mid-August to October. It is the district's expectation to eventually have a kindergarten over-enrollment of at least 50 students this year. The district, which is experiencing severe financial constraints, has maintained a policy of not granting exceptions to the kindergarten eligibility date.<sup>3</sup>

## **Positions of the Parties**

Appellant contends that her daughter's readiness to attend kindergarten should be the determinative factor in this case. Given her past success in pre-school, her daughter needs to move forward and continue her educational progress. Her date of birth misses the eligibility cutoff by only 3 days, and kindergarten seats are available as of the opening of school.

The School Board contends that its primary responsibility is to all resident children who are age-eligible to attend kindergarten. It claims that the numbers again point to an over-enrollment situation, and that its budget and resources do not permit a

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<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide this appeal. A hearing was conducted on August 20, 2003.

<sup>2</sup> The Providence school year begins on this date.

<sup>3</sup> It was made clear through testimony at the hearing that no exceptions to the kindergarten eligibility date have been granted in the past several years.

change to its no-exception policy. In light of the numbers, both student and fiscal, it argues that Appellant has not shown its decision to be unreasonable or arbitrary.

### **Discussion**

Under Rhode Island General Law 16-2-27, every child who turns 5 years of age on or before December 31 of this year has a right to attend kindergarten.<sup>4</sup> School districts have the discretion to extend kindergarten-eligibility to children born after December 31 in appropriate circumstances provided that a consistent policy is followed and decisions are not made in an arbitrary and capricious manner.

The evidence in this matter shows that Appellant's daughter is ready for kindergarten. Unfortunately, the evidence also shows that the school district is not in a position at this time to accept kindergarten enrollments for children turning 5 after the statutory eligibility date. The formidable student demands and limited resources facing the school district establish the reasonableness of the no-exception policy. It is clear that the decision under review is solely the result of that rationally-supported policy and in no way a commentary on the abilities of Appellant's daughter. Accordingly, we must deny the appeal but we encourage the parties to remain in communication during the next several weeks so that they may monitor additional kindergarten enrollments and identify possible open seats for Appellant's daughter.

### **Conclusion**

The decision to deny Appellant's enrollment request is reasonable in light of the circumstances surrounding the district's consistently-applied policy. The appeal is denied.

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Paul E. Pontarelli  
Hearing Officer

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Peter McWalters  
Commissioner of Education

Date: August 27, 2003

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<sup>4</sup> Beginning next school year, the kindergarten eligibility date moves to September 1.