

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

A. DOE

V.

MIDDLETOWN SCHOOL COMMITTEE

Decision

Held: Decision to deny kindergarten enrollment to child born after statutory eligibility date is not arbitrary.

Date: May 31, 2005

Introduction

This is an appeal from the decision of the Middletown School Committee to deny Appellant's son enrollment in kindergarten for the 2004-05 school year.¹

Background

Appellant's son ("Doe") was born on November 5, 1999. He attended pre-school during the 2003-04 school year. On January 1, 2004, the statutory change in the Rhode Island kindergarten eligibility age took effect.² Under the amended statute, a child must reach the age of 5 on or before September 1, 2004 to be entitled to attend public school kindergarten for the 2004-05 school year.³

The Middletown School Committee revised its student admission policy to require that children "must be at least five years of age on or before September 1st of the current school year" to be enrolled. [School Committee Exhibit 1]. Requests for waivers to this policy are considered on a child-by-child basis.

Appellant asked for a waiver of the September 1st kindergarten eligibility date and provided an assessment Doe completed by his pre-school in the fall of 2003.⁴ The School Department, citing near-capacity kindergarten enrollment and issues in Doe's assessment concerning his difficulties with conflict resolution and a tendency to resort to physical means to get what he wants, denied the request. Appellant testified at the hearing that Doe's issues were largely resolved during the course of the 2003-04 school year. She later presented evidence of student withdrawals from kindergarten during the Christmas vacation, and she provided the results of a child outreach screening of Doe conducted on March 3, 2005.⁵ The superintendent testified at the hearing that the School Department received 6 other kindergarten eligibility waiver requests, all concerning children born in September 1999. The School Department denied 4 of the 6 requests.

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on December 3, 2004. At Appellant's request, the record was subsequently supplemented. The record in this case closed on March 28, 2005.

² R.I.G.L. 16-2-27.

³ The previous eligibility date was December 31. Effective January 1, 2006, R.I.G.L. 16-2-28 will require that a child reach the age of 6 on or before September 1 to be eligible for enrollment in first grade.

⁴ Appellant was unable to find or obtain copies of other assessments performed later in the 2003-04 school year.

⁵ The screening of Doe's development did not reveal any special needs.

Positions of the Parties

Appellant contends that it was unfair to assess Doe's school readiness on the basis of outdated information and without having any interaction with him. She argues that Doe is an intelligent, articulate boy who is ready for kindergarten.

The School Committee contends that the information offered in support of the waiver request indicates that Doe would be better served by another year of pre-school.

Discussion

Although a new date for the kindergarten eligibility age took effect this year, the legislature did not change anything else about the kindergarten enrollment process. As in the past, school districts may strictly adhere to the statutory eligibility date and not permit any exceptions. School districts also have the option of exercising their discretion to consider enrollment requests for children who turn 5 after the statutory eligibility date. If a district chooses the latter course, it must exercise its discretion reasonably on a case-by-case basis. This means that the district must review the child's developmental and educational history to determine the child's readiness for kindergarten. Under the newly-amended statute, only those children born after September 1st whose particular characteristics and circumstances are shown to be appropriately suited to kindergarten attendance may be enrolled in a kindergarten program. To avoid being arbitrary, enrollment decisions concerning these children must be based on relevant criteria and individual circumstances.

The School Committee has chosen to exercise its discretion with regard to kindergarten enrollment. In this case, it reviewed the information presented by Appellant and determined that Doe was not ready to begin kindergarten in September 2004. Its opinion has remained unchanged during the course of this proceeding. The evidence presented by Appellant in this case does not show that the decision of the School Department is arbitrary or capricious. The district's decision is based on relevant factors drawn from information pertaining to Doe's educational and developmental background. We recognize that Appellant sees this matter in a different light and wants her son to be "on track" with his education. Because the new first-grade eligibility date does not take

effect until January 1, 2006, Appellant will have the opportunity to enroll Doe in first grade for the 2005-06 school year.⁶

Conclusion

Appellant's son was not arbitrarily denied enrollment in kindergarten for the 2004-05 school year. The appeal is therefore denied.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: May 31, 2005

⁶ Upon request, parents may obtain a waiver of the requirement that children complete an approved kindergarten program to be eligible for enrollment in first grade.