

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Student D. M.
v.
North Providence School Committee

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DECISION

Held: This is an appeal from a decision of the North Providence public schools to deny kindergarten admission to a student whose birthday falls one day over the statutorily proscribed age for admission to kindergarten. While we appreciate the force of the arguments the parents have submitted supporting their case, we must conclude that the school committee has the right to adhere to its established policy for kindergarten admissions. This appeal is therefore denied and dismissed.

DATE: August 26, 2005

Travel of the Case and Jurisdiction

This is an appeal from a decision of the North Providence public schools to deny kindergarten admission to a student whose birthday falls one day over the statutorily proscribed age for admission to kindergarten.¹ Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Positions of the Parties

The Parents

The parents in this case argue that while their daughter's birthday (September 2) falls one day beyond the statutory date set for admission to kindergarten (September 1²), her success in pre-school demonstrates that she is now prepared to enter kindergarten. They further argue that since their daughter has attended an all day preschool program it is reasonable to conclude that she could handle a half-day kindergarten program. The parents also contend that the educational interests of their daughter would be best served by immediate admission to kindergarten.

The North Providence School Committee

The school committee rests its case on its uniform policy of adhering to September 1 as its required admission standard for kindergarten. It submits that such a uniform policy avoids disputes and contributes to stability in school admissions.

Issue Presented

Is this student entitled to be admitted to kindergarten?

Findings of Fact

1. The student in this case will not be 5 years old until September 2 of 2005.³
2. The very articulate parents in this case have submitted convincing evidence that shows that their daughter has done very well in her pre-school program and that it is quite possible that she might well be successful in kindergarten.⁴
3. The North Providence school committee follows a uniform policy of not admitting a student to kindergarten unless the student has, "attained five (5) years of age on or before September 1 of any school year."⁵

¹ R.I.G.L.16-2-27

² R.I.G.L.16-2-27

³ Testimony of parent.

⁴ Exhibit A (Evaluation by Pre-school teacher)

⁵ Exhibit 1.

Conclusions of Law

The law governing this case, R.I.G.L.16-2-27, is clear enough. Still this law engenders numerous disputes:

R.I.G.L. § 16-2-27 Eligibility for attendance – Kindergarten. – Every child who has attained or will have attained five (5) years of age on or before September 1 of any school year shall be eligible to attend kindergarten during all the days that the kindergartens are in session during the school year.

While this law defines an eligibility date for kindergarten admission, the Commissioner’s Office has concluded that this law does not prevent school committees from exercising direct or delegated discretion to admit students at an earlier age than that prescribed by the statute.⁶ On the other hand, the Commissioner has also held that a school committee may follow a uniform policy of adhering to the statutory date established by R.I.G.L.16-2-27 for school admission as long as there is a rational basis for such a policy.⁷

Discussion

We conclude that the school committee’s interest in avoiding disputes and maintaining stability in admissions permits its adherence to the September 1 as a uniform eligibility date for admission to kindergarten.

Conclusion

While we appreciate the force of the arguments the parents have submitted in this case, we must conclude that the school committee has the right to adhere to its established policy for kindergarten admissions. This appeal must be denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 26, 2005
Date

⁶ “Implementation of the Change in Kindergarten Eligibility Age”, RIDE, April 25, 2003.

⁷ *Sheryl W. v. Providence School Board*, Commissioner of Education, August 27, 2004.