

Jurisdiction and Travel of the Case

This is an appeal from a decision of the Johnston School Committee to refuse to grant the petitioner's request that her son be allowed to enroll in first grade despite the fact that her son will not, "have completed six (6) years of life on or before September 1" of the forthcoming school year as required by R.I.G.L.16-2-28. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Positions of the Parties

The petitioning parent

The petitioning parent argues that her son has completed an approved kindergarten program and that he is now ready to attend first grade.

The school district

The school district contends that its decision to deny early admission to this student is in conformity with the uniform policy of the school committee and that this policy is supported by appropriate professional judgment.

Findings of Fact

1. The student in this case has completed an approved kindergarten program at a private school.
2. Still, the student in this case will not, "have completed six (6) years of life on or before September 1" of the forth coming school year. (R.I.G.L.16-2-28)
3. The parent of this student is now seeking to enroll him in the first grade in the Johnston public schools.
4. Johnston is refusing to enroll this student into its first grade because the student will not, "have completed six (6) years of life on or before September 1" of the forth coming school year as required by R.I.G.L.16-2-28.
5. The Johnston school system has a uniform policy of not waiving this statutory age requirement.¹
6. At the hearing in this matter senior certified staff from the Johnston public schools testified that this uniform policy was supported by their professional opinion. These educators testified that the curriculum in Johnston was structured in a way that made early admission to first grade inappropriate. Their testimony

¹ Exhibit 1 and Exhibit A.

was grounded on the developmental criteria they felt students must meet before they could be successful in the first grade in Johnston. This testimony was supported by the testimony of the superintendent of schools of Johnston.

7. The Johnston school committee, by a 3-2 vote upheld the denial of early admission in this case: The committee wrote through its superintendent: “The committee felt that they wanted to adhere to the new cut off date for eligibility for grade 1 as they had previously done when the date was December 31st. Such a uniform policy avoids disputes and contributes to stability in school admissions.”²

Conclusions of Law

The applicable law states:

R.I.G.L. 16-2-28 Eligibility for attendance – First grade [Effective January 1, 2006]. – Every child who has completed or will have completed six (6) years of life on or before September 1 of any school year shall be eligible to attend first grade during all the days that the public schools are in session during the school year. Every child shall be eligible to attend first grade only upon completion of a state recognized or accredited kindergarten program.

In the related context of kindergarten admission the Commissioner of education has advised that school committees have discretion to admit students to kindergarten at an earlier age than that prescribed by the kindergarten admission statute (R.I.G.L.16-2-27).³ On the other hand, the Commissioner has also held that a school committee may follow a uniform policy of adhering to the statutory date for school admission as long as there is a rational basis for such a policy.⁴

Discussion

The decision of the Johnston school committee is supported by a rational conclusion that a uniform policy concerning age of admission avoids disputes and contributes to stability in school admissions.”⁵ The decision is also supported by certified professional staff testimony that a uniform age for admission supports the curriculum in the Johnston public schools.

² Exhibit 4. Quoting language from the Commissioner’s decision in *Student D.M. v. North Providence School Committee*, Commissioner of Education, August 26, 2005.

³ “Implementation of the Change in Kindergarten Eligibility Age”, RIDE, April 25, 2003.

⁴ *Sheryl W. v. Providence School Board*, Commissioner of Education, August 27, 2004; *Student D.M. v. North Providence School Committee*, Commissioner of Education, August 26, 2005.

⁵ Exhibit 4. Quoting language from the Commissioner’s decision in *Student D.M. v. North Providence School Committee*, Commissioner of Education, August 26, 2005.

Conclusion

The appeal must be denied and dismissed.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

June 14, 2006
Date