

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

Student H. Doe

v.

Cranston School Committee

.....

DECISION

Held: This is an appeal from the decision of Cranston school authorities to deny a student admission to 1st grade. Rhode Island’s age for school admissions law (R.I.G.L.16-28) allows, but does not require, school committees discretion to grant early admission to 1st grade, if admission is based on criteria that are not arbitrary; otherwise districts may choose to simply follow a strict policy of adhering to the established statutory date for admission to 1st grade. The Cranston school district relies on the age of admission established by statute. Therefore this appeal must be denied and dismissed.

DATE: August 25, 2006

Jurisdiction and Travel of the Case

This is an appeal from the decision of Cranston school authorities to deny a student admission to 1st grade. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Position of the Parties

The Parents

The parents point out that their child has already successfully completed an approved full-day kindergarten program in a private school. The parents therefore contend that their child is sufficiently prepared to enter 1st grade in the public schools of Cranston, despite the fact that their child has not yet attained the age specified by statute (age 6) for admission to this grade. They therefore see no reason why their child should be required to complete a year in Cranston's half-day kindergarten before she can enter 1st grade in Cranston.

The School District

The school district simply submits that it has adopted the policy of not allowing early admission to 1st grade and that it relies on the admission age specified by statute. The school district also submits that its kindergarten curriculum has an academic base that is coordinated with its elementary school program and that completion of its kindergarten program will be beneficial to this student.

Findings of Fact.

1. The student in this case has successfully completed a full-day kindergarten program in a private school. The private school reports that this student, "is academically and socially ready for 1st grade."¹ The student's private school kindergarten teacher, who has over 20 years experience, concurs in this judgment and reports that the student, "has performed above grade level in all academic areas as well as exhibiting excellent social skills."²
2. The student in this case will not reach age 6 before September 1st of the present year.
3. Cranston has adopted the policy of not allowing early admission to kindergarten. Cranston instead relies on the age of admission established by statute. Under this statute a student must have completed 6 years of life on or before September 1 before a school district is required to admit a student to 1st grade. (R.I.G.L.16-2-28)

¹ Exhibit 2.

² Exhibit 1.

4. Cranston operates a half-day kindergarten. The curriculum of this kindergarten is closely aligned with Cranston's elementary school curriculum.
5. Cranston follows a uniform policy of not allowing early admission to 1st grade.

Conclusions of Law

The Commissioner has held that Rhode Island's age for school admissions law (R.I.G.L.16-28) allows, but does not require, school committees to grant early admission to 1st grade. Any early admission policy must be based on criteria that are not arbitrary. School committees, on the other hand, may simply follow a strict policy of adhering to the established statutory date for admission to 1st grade. *Sheryl W. Providence Commissioner of Education*, August 27, 2003. See: *John T. Doe v. Johnston School Committee*, Commissioner of Education, June 14, 2006. *Opinion Letter of the Commissioner to Superintendents*, July 2006 — Re: Change in First Grade Eligibility Age. The applicable statute states:

R.I.G.L. 16-2-28 Eligibility for attendance – First grade. – 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.

Discussion

The evidence in this case indicated that Cranston follows a uniform policy of not allowing early admission to first grade. Under the applicable law and our prior decisions we are therefore constrained to hold that this appeal must be dismissed. Still, under the facts of this case we are tempted to read the last sentence of R.I.G.L.16-2- 28 to mean that completion of an approved kindergarten would suffice to sustain an early admission to first grade. However we must reject this reading since such a reading would defeat the evident purpose of the statute as a whole, abridge the school committee's discretionary authority, and allow what might be perceived as a less than fair advantage granted to only those parents who can afford private kindergarten tuition.

Conclusion

The appeal must be denied and dismissed.

For the Commissioner,

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

August 25, 2006
Date