

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

-----

**Parents of Students S.D. Doe  
and A.D. Doe**

**v.**

**Cranston School Committee**

-----

**DECISION**

Held: Cranston School Committee must consider parents' request for an exception to the School Committee policy on age of admission of students to kindergarten. Only the School Committee has authority to grant exceptions to its policies, the parents have not yet presented their request to the members of the School Committee, and the circumstances in this case are not specifically addressed by the language of the existing policy.

DATE: November 22, 2006

## **Travel of the Case**

This matter was appealed to Commissioner Peter McWalters on October 10, 2006 and assigned for hearing and decision on October 19, 2006. Mr. and Mrs. Doe request review of the decision by the Cranston school department that their two children (twins) are not eligible to attend kindergarten because of their ages. In a letter acknowledging receipt of the appeal, the designated hearing officer directed that the request first be presented to the Cranston School Committee, as the Commissioner lacked jurisdiction until administrative remedies were exhausted. The parties then notified the hearing officer of their agreement to proceed directly to the state level for hearing. A hearing was scheduled for November 14, 2006, in Cranston to facilitate the parties' work schedules. Testimony and documentary evidence were submitted by both parties on the issue. Decision in this matter has been expedited<sup>1</sup>, given that the parents seek admission of their children to a kindergarten class during the current school year.

## **ISSUE**

Are Students S.D. and A.D. entitled to be enrolled in kindergarten in Cranston?

## **Findings of Relevant Facts:**

- Students S.D. and A.D. are twins and turned five (5) years old on September 10, 2006. App. Ex. 1; H.O. notes.
- The Doe family relocated to Cranston from Michigan, taking up residence in their new home on October 9, 2006. App. Ex. 1; H.O. notes.
- When they resided in Michigan, the children completed a preschool program that stressed academic readiness. They also were enrolled in kindergarten in the public school system in Michigan this year for the month or so prior to moving to Cranston. App.Ex.1; H.O. notes.
- When the family moved to Cranston, the parents learned that the Cranston School Committee has a policy that establishes an age eligibility requirement for children seeking to enroll in kindergarten. App. Ex.2.
- Students S.D. and A.D. were born ten (10) days after the September 1<sup>st</sup> date which would make them age-eligible for admission to kindergarten in Cranston.
- The Cranston School Committee policy on admission of students reads as follows:  
All children who reside in the City of Cranston and are of legal school age are eligible to attend school. The admission of pupils shall be strictly in accordance with the provisions of the School Committee policy.<sup>2</sup> CSC Ex.A
- Administrators of the Cranston school department have consistently applied the school committee policy on admission of students. H.O. notes.

---

<sup>1</sup> Although a letter from counsel for the school committee dated November 2, 2006 indicates that the matter would proceed as an interim order, the status of the request as an interim order is unclear. However, the need to expedite a decision as a practical matter is obvious and the parties had opportunity to make a full record at the time of the November 14, 2006 hearing.

<sup>2</sup> The policy cites three statutes as "legal reference", including the two state laws which establish state mandatory eligibility ages for kindergarten and first grade, R.I.G.L. 16-2-27 and 16-2-28.

## Positions of the Parties

### Mr. and Mrs. Doe

The parents' position is that an exception to the generally-applicable policy should be made because their children are, in effect, seeking to transfer from an out-of-state public kindergarten program into the Cranston school system. Although it may be reasonable for the district to have a policy which sets a minimum age for resident children who seek initial enrollment in kindergarten in Cranston, the effect on students who are already attending kindergarten in another jurisdiction and move into the city is to disrupt their kindergarten year. In some cases the existing policy would require students to repeat material already thoroughly covered in a public kindergarten program in another jurisdiction. Although in this case the Doe's children were enrolled in the public school in Michigan only for about a month, if a family moved in June the effect of Cranston's policy would be to require students to repeat kindergarten in the 2007-2008 school year.

As it is, given their educational background and substantial academic preparation to date, deferring the twin's entry into kindergarten will impede their academic progress and possibly dampen the very positive attitude and enthusiasm they have for school at this time. Delaying their enrollment in kindergarten until next year will increase the grade span with the family's next oldest sibling who is now in third grade in Cranston (at age seven). In the parents' view, this will have a negative impact on the family structure.

The position of Mr. and Mrs. Doe is that it is in the best educational interests of the children to be permitted to continue their kindergarten program this year in Cranston. Given their children's status as transfers from another public school kindergarten, they argue that they have established exceptional circumstances that warrant an exception to the district's policy. For these reasons Mr. and Mrs. Doe request the Commissioner to direct the School Committee to grant an exception to the district's policy for this school year and next, when they would continue to be below the age eligibility for first grade in Cranston.

### Cranston School Committee

Counsel for the Cranston School Committee cites a decision of the Commissioner<sup>3</sup> issued at the start of this current school year in which Cranston's policy on age requirements for student admission was upheld as a legitimate exercise of the School Committee's discretion. The ruling affirmed the proposition that state law on age eligibility for public kindergarten and first grade<sup>4</sup> allows districts flexibility to establish a local policy. Districts may strictly adhere to the admission age set forth in the statute or provide for "early admission" according to criteria which, when applied, reflect the best educational interests of the individual child. In the Student H. Doe v. Cranston School Committee ruling the Commissioner concluded in his Findings of Fact that:

3. Cranston has adopted the policy of not allowing early admission to kindergarten. Cranston instead relies on the age of admission established by statute.

---

<sup>3</sup>Student H. Doe v. Cranston School Committee, dated August 25, 2006.

<sup>4</sup>R.I.G.L. 16-2-27 and 16-2-28

As set forth in the earlier case, the School Committee has made this choice because of the administrative burdens associated in making case-by-case determinations of school readiness with individual children. A policy which maintains a uniform age of eligibility avoids disputes and promotes stability in school admissions. The establishment of criteria for “early” admission would place school administrators in the difficult and time-consuming process of making individually-based decisions. The policy chosen by the School Committee is a legitimate one and one which has been consistently implemented by school administrators. There have been no exceptions granted to the uniform age requirement for admission to the district’ kindergarten program

The parents’ argument that their relocation from out of state establishes circumstances which warrant an exception to district policy is not compelling. There is no logical basis on which to make exceptions because of decisions families make to relocate. The district’s policies are available to inform all families involved in making such relocation decisions. There is nothing the district has done which would make it responsible for unexpected interruptions in kindergarten students’ first year of school. If Cranston were to have a different rule for new residents of the district, allowing students already attending a public kindergarten elsewhere to transfer into Cranston’s kindergarten program, the result would be unfair. Preference to these new residents would be given over age-ineligible children who have been residing in Cranston all along. The parents of many of these resident children may take the position that an early start to kindergarten is in their best educational interests, but this option is not available to them. Once the Doe family moved to Rhode Island, it became subject to state law, which in turn permits Cranston to adhere to a uniform date set forth in state statute.

### **DECISION**

Mr. and Mrs. Doe’s argument with respect to their children’s status as prospective “transfers” into Cranston’s kindergarten program presents some very interesting issues. As they point out, application of the policy will disrupt their children’s attendance in public school kindergarten this year. The argument they raise<sup>5</sup> could be applicable to any family relocating to Cranston from any school district with a different policy, one which permits children not attaining age five (5) by September 1<sup>st</sup> of the school year to start kindergarten. Counsel for the School Committee makes a good point that if Cranston recognized the kindergarten enrollment status of those moving into the city, this could be viewed as an inequitable situation, creating unfairness for families already residing in Cranston whose age-ineligible children could clearly benefit from early kindergarten enrollment. On the other hand, the situation creates a potential disincentive to moving into Cranston from other communities within and without the state.

These matters clearly require consideration by the Cranston School Committee as they are matters of local policy. There is no authority at the state level to respond to the arguments of Mr. and Mrs. Doe with respect to the reasons an exception in their case should be made. The authority, as well as the obligation to do so, rests with the School Committee. We do not construe the agreement of Mr. and Mrs. Doe to proceed to the Commissioner’s level for hearing<sup>6</sup> as a waiver of their right to present their request for an exception to the Cranston School

---

<sup>5</sup> as well as the negative educational impacts they have described

<sup>6</sup> after being notified of a jurisdictional issue and the need to exhaust administrative remedies on October 19, 2006.

Committee. Their appeal is, however, denied as there has been no proof that the decision of school administrators was inconsistent with local policy or otherwise arbitrary or capricious.

A remand to the Cranston School Committee is consistent with the notion that exceptions to local policy should be predicated on exceptional circumstances, which the members of the Committee may or may not determine to be present in this case. If Cranston's policy already addressed<sup>7</sup> the circumstances presented by a proposed "transfer" of a kindergarten student from another public school district<sup>8</sup>, remand would be inappropriate. However, in the absence of language which addresses the situation in general, Mr. and Mrs. Doe are entitled to present their specific case to the School Committee and the matter is remanded for this purpose.

We request that in reviewing the existing policy (5111) the Committee consider whether the language of the policy is clear and consistent with its current implementation by school administrators, as well as with the recent interpretation by the Commissioner in Student H. Doe v. Cranston School Committee (August 25, 2006). Although the policy has been interpreted to restrict the age of kindergarten entrance in Cranston to those who attain age five by September 1<sup>st</sup> of the school year, the policy does not mention kindergarten, age five (5), or September 1<sup>st</sup>. If the purpose of the policy is to clearly communicate to the community what the age restrictions are for kindergarten (and first grade) in Cranston, the language of the policy may not be adequate.<sup>9</sup>

For the foregoing reasons, the appeal of Mr. and Mrs. Doe is denied, and the matter is remanded to the Cranston School Committee for consideration and decision.

For the Commissioner,

\_\_\_\_\_  
Kathleen S. Murray, Hearing Officer

APPROVED:

\_\_\_\_\_  
Peter McWalters, Commissioner

\_\_\_\_\_  
November 22, 2006  
Date

<sup>7</sup> And thereby resolved in advance

<sup>8</sup> As do the policies of the Johnston School Committee and Warwick School Committee. Johnston permits enrollment of younger students transferring into its kindergarten and first grade provided "the transfer of residence was not designed to evade the entrance requirements" of the School Committee. Warwick does not permit enrollment by transfer students who do not meet the age requirements for entrance to Warwick Schools.

<sup>9</sup> One would have to refer to the statutes cited as "Legal References" to find out the ages for eligibility for attendance in Cranston.