

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**Student H. Doe**

v.

**Cranston School Committee**

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**DECISION**

Held: This matter is on appeal from a decision of the Cranston school committee to deny the petitioners' daughter early admission to first grade. Since the Board of Regents has ruled that Cranston may properly follow the policy it has adopted concerning early admission, we must sustain the decision the Cranston school committee has made in this case. The appeal is therefore denied and dismissed.

DATE: January 10, 2008

## **Jurisdiction and Travel of the Case**

This is a first grade admission case. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2. This matter is on appeal from a decision of the Cranston school committee to deny the petitioners' daughter early admission to first grade. This case concerns R.I.G.L.16-2-28 and which reads as follows:

**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.

## **Positions of the Parties**

### **Position of the Parents**

The petitioners concede that their daughter does not meet the age standard of R.I.G.L.16-39-1, but they contended that their daughter has an IQ of 140 and that supplemental testing indicates that her academic abilities are well in advance of her years. They note further that she has already completed a state approved kindergarten program. The parents contend that even though their child has not yet reached the statutory age for admission to first grade, no purpose would be served by requiring her to enroll as a kindergarten student in Cranston. They therefore argue that their daughter should be allowed to enroll in first grade.

### **Position of the Cranston School Committee**

The Cranston school committee points out that the Board of Regents has held that school committees may follow a uniform policy of not granting waivers to age of admission standard established by R.I.G.L.16-39-2. *Parents of Students SD Doe and AD Doe v. Cranston School Committee*, Board of Regents, March 22, 2007. The committee therefore submits that its decision to deny early admission is appropriate.

## **Discussion**

In *Parents of Students SD Doe and AD Doe v. Cranston School Committee*, Board of Regents, March 22, 2007 the Board wrote:

While the School Committee would be free to adopt a more flexible policy and provide for "early admission", it has chosen to strictly adhere to the statutory eligibility date of September 1. That choice is within its policy making prerogatives. See *Student H. Doe v. Cranston School Committee*, Commissioner's decision dated August 25, 2006.

Since the Board of Regents has ruled that Cranston may properly follow the policy it has adopted concerning early admission, we must sustain the decision the Cranston school committee has made in this case.

**Conclusion**

The appeal must be denied and dismissed.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

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January 10, 2008  
Date