

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....
Student A.F. Doe

v.

Newport School Committee
.....

DECISION

Held: The parents' request that their child be granted early admission to kindergarten is denied. However, we hold that parentally purchased testing cannot be required as a condition for a child's early admission to kindergarten. The Newport school committee is therefore directed to decide whether or not it would be feasible to continue the early admission program without the receipt of information garnered from parentally paid for testing.

DATE: March 13, 2008

Jurisdiction and Travel of the Case

Jurisdiction is present in this case under R.I.G.L.16-39-1 and R.I.G.L.16-38-2. This case concerns Newport's early admission to kindergarten program and the need for parentally funded testing as a preliminary to the consideration of a child for potential early admission to kindergarten.

Positions of the Parties

The Parents

The parents contended that they should not have to pay for private testing, which is very expensive, as a preliminary condition to having their daughter considered for early admission to kindergarten.

The Newport School Committee

The Newport school committee submits that it lacks funds to cover the cost of early admission testing, but that such testing is, in the view of the school committee, vital to ensuring that early admissions are based on objective standards which can be defended. The school committee contends that such testing, with its associated cost to parents, is essential to the operation of its early kindergarten admission program.

Findings of Fact

1. The student in this case was born on November 26, 2002. She is a resident of Newport. Her parents are seeking to have her granted early enrollment into kindergarten.
2. This student has done well in the preschool program she attends and she scored well in the Child Outreach Screening offered by Newport as part of Newport's Childfind obligation under federal special education law. This testing is not the sort of testing that would be used to make decisions about early admission to kindergarten.
3. After extensive and careful deliberation the Newport school committee adopted an early kindergarten enrollment policy that, *inter alia*, requires parents to procure, at their own expense, testing of their child to document their child's readiness for early admission to kindergarten. This testing is not dispositive for admission since the school district imposes other early admission standards, and it reserves the right to do further testing, even if a student scored at a high level in the required private testing.

4. Early admission is granted on a space available basis only on the submission of test scores indicating that the student is performing at a very high academic level. Newport suggests that in some cases parents who are in great financial need might qualify for testing provided by the school district. While the parents in this case are not wealthy, no one contends that they might qualify for school paid or provided testing.
5. Private testing involves significant costs to parents. Such testing may cost anywhere from hundreds to thousands of dollars.

Conclusions of Law

1. In pertinent part the General Laws of Rhode Island state:

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.

2. The Board of Regents has held that R.I.G.L. 16-2-27 permits, but does not require, a school district to develop an early admission policy for its kindergarten program. *Parents of Student J.R. DOE v. Warwick School Committee*, Commissioner of Education, September 7, 2006.
3. The Commissioner of Education has found, with the exception of a few items not at issue here, that Rhode Island School law prohibits conditioning participation in public school education programs or extra curricular activities on the ability or willingness of parents to expend their money to support admission to these programs and activities. *Opinion Letter of the Commissioner*, October 26, 1999. (Attached)

Discussion

As just noted, The Commissioner of Education has found, with the exception of a few items not at issue here, that Rhode Island School law prohibits conditioning participation in public school education programs or extra curricular activities on the ability or willingness of parents to expend their money to support admission to these programs and activities. (*Opinion Letter of the Commissioner*, October 26, 1999) We therefore must conclude that consideration for early admission to kindergarten cannot be conditioned upon parentally purchased private testing. In saying this we do not fault Newport's commendable efforts to develop an early kindergarten admission program or fail to appreciate the need to have early admission decisions based upon objective standards.

We must hold that parentally purchased testing cannot be required as a condition for a child's early admission to kindergarten. This does not mean that the school district is required to pay for such testing or that the student in this case is entitled to early admission to kindergarten. It simply means that we must direct the school committee to reconsider its early admission program so as to decide whether or not it would be feasible to continue the early admission program without the receipt of information garnered from parentally paid for testing.

Conclusion

The parents' request that their child be granted early admission to kindergarten is denied. The Newport school committee is directed to decide whether or not it would be feasible to continue the early admission program without the receipt of information garnered from parentally paid for testing.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

March 13, 2008
Date