

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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Student R. Doe

v.

Cranston School Department

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**DECISION**

The student in this case is seeking admission into first grade in the public school system of Cranston. Cranston has denied the student admission to its first grade because, while this student has completed kindergarten in the public schools of Providence, the student has not yet reached the statutory age for admission to first grade under 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. The student in this case is to be allowed to attend first grade in Cranston.

DATE: 08/30/2011

## Jurisdiction and Travel of the Case.

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## Positions of the Parties

### **The Parent**

The parent contends that her child has completed kindergarten in Providence and that there is no reasonable basis for requiring her child to go through kindergarten for a second time in Cranston.

### **Cranston School Department**

The Cranston School Department contends that it is within its rights to have a uniform policy of limiting admission to the first grade in its school system to only those students who have met the age of admission established by R.I.G.L. 16-2-28.

## Conclusions of Law

As a rule, in Rhode Island children are admitted to kindergarten when they reach the statutory age for admission:

**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.

Still, a school district has the authority to admit a child to kindergarten at an earlier age provided that the district follows a consistent policy in this regard and that any decisions made in individual cases are supported by reasoned professional judgment.<sup>1</sup> On the other hand, a district can also follow a uniform policy of not permitting early admissions.<sup>2</sup> Cranston is a district which strictly adheres to a policy of not granting early admission to students.<sup>3</sup>

At age 6 children are eligible to attend first grade---but they must have completed kindergarten:

**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

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<sup>1</sup> RIDE Opinion Letter, "Implementation of the Change in Kindergarten Eligibility," April 25, 2003. See *A. Doe v. Middletown School Committee*, Commissioner of Education, May 31, 2005.

<sup>2</sup> *Student D.M. v. North Providence School Committee*, Commissioner of Education, August 26, 2005.

<sup>3</sup> Policy of Cranston School Committee, 5111, last amended November 19, 2007.

all the days that the public schools are in session during the school year. Commencing with the September, 1989 school year, each child shall be eligible to attend first grade only upon completion of a state recognized or accredited kindergarten program.

School committees may admit children at an earlier age.<sup>4</sup>

## Discussion

The Commissioner's authority to review the decisions of school committees in educational matters is broader than the scope of review that would be used by a court.<sup>5</sup> It should be remembered that education is a state rather than a local function.<sup>6</sup> It is therefore appropriate that, while local control is the norm, there is also a mechanism to ensure that the State's overall interest in public education is respected.<sup>7</sup> Still, in most cases, the Commissioner will give deference to a local academic decision as long as this decision is not contrary to significant statewide academic policy.<sup>8</sup>

The problem we are dealing with here results from the discretion Rhode Island school districts have to admit students before the student has reached the minimum age of attendance established by statute. This may result in a situation where a student may have completed kindergarten in one district as a result of early admission to kindergarten, but upon moving to a school district that does not allow such early admission, the student may not have yet reached the statutory age limit for admission to first grade in the new school district. In such an instance, the child would be denied admission to first grade.

It is noted that while school committees have broad authority concerning the classification of students, this authority is exercised "under the direction of the department of elementary and secondary education" as provided by statute:

**R.I.G.L. § 16-2-16 Rules and regulations – Curriculum.** – The school committee shall make and cause to be put up in each schoolhouse rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government, and discipline of the public schools, and shall prescribe the studies to be pursued in the schools, under the direction of the department of elementary and secondary education.

It is also noted that the Commissioner of Education has statutory responsibility "for the coordination of the various elementary and secondary educational functions among the educational agencies of the state including local school districts and to encourage and to assist in the cooperation among them so that maximum efficiency and economy may be achieved." R.I.G.L. 16-60-6 (5).

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<sup>4</sup> Regulations of the Board of Regents RR: F-2.3. *Calise v. Richmond School Committee*, Commissioner of Education, October 6, 1980. See *Morrison v. Chicago Bd. Of Education*, 544 N.E.2d 1099 (1989).

<sup>5</sup> "The jurisdiction of the school commissioner under the public school act, by way of appeal...is, looking to subject, nature, and manner of its exercise, rather a visitatorial power, than that of an ordinary legal tribunal..." *Appeal of Emor Smith*, 4 R.I.590 (1857).

<sup>6</sup> Article XII of the Rhode Island Constitution. See *City of Pawtucket v. Sundlun*, 662 A.2d 40 (R.I.1995).

<sup>7</sup> *Donna F. v. Burrillville School Committee*, Commissioner of Education, January 10, 2000.

<sup>8</sup> *Lusignan v. East Providence, School Committee*, Commissioner of Education, June 17, 1999.

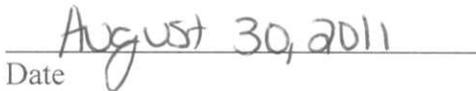
It is determined that in this case maximum efficiency and economy would best be served by requiring Rhode Island public school districts to give "full faith and credit" to kindergarten completion in another school district. We see no reasonable academic grounds in requiring a student to complete kindergarten twice before being allowed admission to first grade. It is further determined that a decision to require this student to repeat kindergarten would run afoul of the statewide statutory policy enunciated in R.I.G.L. 16-60-6 (5) requiring Rhode Island school district to cooperate with each other so that, "maximum efficiency and economy may be achieved". R.I.G.L. 16-60-6 (5).

**Conclusion**

The student in this case is to be allowed to attend first grade in Cranston.

  
Forrest L. Avila, Hearing Officer

  
Deborah A. Gist, Commissioner

  
Date