

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

In the Matter of Student W. Doe

.....

DECISION

Held: This is an appeal from a local school committee decision denying a parental request that their child be granted early admission to kindergarten. While the record in this matter indicates that this student scores in the “Very Superior” range in almost all cognitive measures, the student’s evaluation unfortunately falls short in certain measures relating to readiness for kindergarten. Given these facts, we cannot find that the school committee’s decision to deny this very bright student early admission to kindergarten was arbitrary, contrary to a state-wide academic policy, incorrectly computed, or made in bad faith. We must therefore affirm the decision of the school committee. This appeal is denied and dismissed.

DATE: October 23, 2006

Travel of the Case and Jurisdiction

This is an appeal from a decision of a Rhode Island school committee to deny a parental request that their child be granted early admission to kindergarten. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-1.

Positions of the Parties

The Parents

The parents contend that their daughter has met all the criteria established by the school committee for early admission to kindergarten and that it was therefore error for the school committee to deny her early admission to kindergarten.

The School District

The school committee concedes that the student in this case has met three (3) out of the four (4) criteria that it has established as the standards for early admission to kindergarten. The committee submits, however, that this student, although she scores in the very superior range in most cognitive measurements has not yet demonstrated a sufficiently high score in tests measuring kindergarten readiness skills.

Findings of Fact

1. The student in this case was born on September 24th, 2001.
2. Under Rhode Island law this student is not eligible for automatic admission into kindergarten because she will not have attained Five (5) years of age by September 1 of this year (2006).¹
3. The Commissioner has issued an advisory to the effect that school committees retain the discretion to allow early admission to kindergarten provided that they establish a uniform nondiscriminatory policy to govern such admissions.²
4. The school committee has adopted such an early admission policy³. This policy reads as follows:

ENTRANCE AGE EARLY ADMISSION

Upon specific parental request, consideration will be given to a student's early admission to kindergarten or first grade. The following criteria will be employed as guidelines to determine a student's eligibility for early admission.

¹ R.I.G.L. 16-2-34

² 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.

³ Exhibit 1.

1. The student will be five (5) years old by the end of the school year in which he/she wishes to be enrolled in kindergarten, or six years old by the end of the school year in which he/she wishes to be enrolled in first grade.
2. A standard score range that includes a score of 130 or greater on an individually administered, nationally standardized intelligence test (i.e., Stanford-Binet 5th Edition or Wechsler Preschool and Primary Scale of Intelligence III).
3. A standard score range that includes a score of 130 or greater, **in all areas**, on an individually administered, nationally standardized achievement test (i.e., Test of Kindergarten and First Grade Readiness Skills.) (**Emphasis added**)
4. A standard scorer range that includes a score of 110 or greater, in all areas, on a nationally standardized measure of adaptive behavior (i.e., Vineland Adaptive Behavior Scale).

A committee consisting of the elementary school principal, diagnostic prescriptive teacher, school psychologist, and Director of Student Services will present written reports to the Superintendent of Schools. The Superintendent will direct that the student either be granted or denied early admission to kindergarten or first grade. The Superintendent's decision may be appealed by (sic) the School Committee. An appeal of the School Committee's decision may be taken to the Commissioner of Education and then to the Board (of Regents).

5. The parties agree that this very bright student has fulfilled the requirements of items 1, 2, and 4 of the criteria contained in the school committee's early kindergarten admission policy.⁴
6. The record before us indicates that this student scored in the "Very Superior" to "Superior" range in almost all cognitive measures on the Wechsler Preschool and Primary Scale of Intelligence-Third Edition (WPPSI-111).⁵ (For example her full scale score on the Wechsler was 130 and her performance score on that test was 135) She therefore has met the standard required by Criteria Two (2).
7. Still, the record before us also indicates that this student has not met Criteria Three (3) of the committee's early admissions policy. Criteria 3 requires, "A standard score range that includes a score of 130 or greater, **in all areas**, on an individually administered, nationally standardized **achievement test** (i.e., **Test of Kindergarten** and First Grade **Readiness Skills.**)" (**Emphasis added**) On the *Vineland Adaptive Behavior Scales: Interview Edition Survey Form* the student's scores, while still much above average, did not meet the required standard.⁶ On the *Mullen Scales of Early Learning* and the *Woodcock-Johnson III Tests of Achievement Form A (WJ-III)* her scores also fell below the required standard, and, in fact, in some cases she was not able to produce a response sufficient to define a score.⁷
8. The *National Institute for Literacy* defines **standard score** in this way: **Standard Score:** A Standard Score indicates how far a particular score is from a test's average. The unit that tells the distance from the average is the standard deviation (sd) for that test. ... Standard Scores between -1 sd (85) and +1 sd (115) fall in the normal range on

⁴ Exhibit 6. (Team Evaluation Report): "Review of educational and cognitive testing indicate that [this student] meets 3 of the 4 criteria for early admission."

⁵ Exhibit 3., page 5. (Psychometric Summary)

⁶ Exhibit 3., page 6. (*Vineland Adaptive Behavior Scales: Interview Edition Survey Form*)

⁷ Exhibit 4.

the ability being tested. Above + 1 sd (115+) a learner is in the top 15% of performances. Below -1 sd (-85), she/he is in the lowest 15% of performances.

Conclusions of Law

While the Commissioner has more authority than a court does to review an academic decision, in most cases the Commissioner's review of a local academic decision is limited to determining whether this decision was arbitrary, contrary to state-wide academic policy, based upon an incorrect computation, or made in bad faith.⁸

Discussion

As noted above (Finding 6) the record before us indicates that this student scores in the "Very Superior" range in almost all cognitive measures.⁹ The difficulty in this case is that this student also falls short in certain measures relating to readiness for kindergarten. In fact, on a number of the subtests used in the district's test for kindergarten readiness, the student was unable to produce a sufficient response to allow grading of these subtests.¹⁰

While this student has met Criteria 1 of the districts early admission policy by scoring a score of 130 or greater on an individually administered nationally standardized intelligence test this does not mean that the student has met Criteria 4 of the early admission policy which requires, "A standard score range that includes a score of 130 or greater, *in all areas*, on an individually administered, nationally standardized achievement test (i.e., *Test of Kindergarten* and First Grade *Readiness Skills*)." (*Emphasis added*)

Given these facts, we cannot find that the school committee's decision to deny this very bright student early admission to kindergarten was arbitrary, contrary to a state-wide academic policy, based upon an incorrect computation, or made in bad faith.¹¹ We must therefore affirm the decision of the school committee.

Conclusion

The Appeal is denied and dismissed.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

October 23, 2006
Date

⁸ *Feit vs. Providence School Board*, Commissioner of Education, February 25, 1992. *Jane B.B. Doe v. Warwick School Committee*, Commissioner of Education, June 10, 1998.

⁹ Exhibit 3. (Psychological Evaluation)

¹⁰ Exhibit 4. (Educational Evaluation)

¹¹ *Feit vs. Providence School Board*, Commissioner of Education, February 25, 1992. *Jane B.B. Doe v. Warwick School Committee*, Commissioner of Education, June 10, 1998.