

**STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

COMMISSIONER OF EDUCATION

.....

Student J. Doe

v.

Cranston School Committee

.....

DECISION

This as an appeal of a decision of the Cranston School Committee to deny a student admission to first grade even though the student has completed a full day kindergarten program in an approved private school. Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2. This student is to be allowed to enroll in first grade in the public schools of Cranston.

DATE: February 10th, 2012

Jurisdiction and Travel of the Case

This as an appeal of a decision of the Cranston School Committee to deny a student admission to first grade even though the student has completed a full day kindergarten program in an approved private school. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2. The student is presently enrolled in a Cranston kindergarten program.

Positions of the Parties

The Parents

The parents contend that because their child has already completed an approved kindergarten program she should be allowed to enroll in first grade in the Cranston public schools. The parents also contend that even if their child had not already completed kindergarten her high level performance in an approved private kindergarten strongly suggests that their child's best educational interests would be served by an immediate promotion to first grade.

The School District

The School District contends that it has a policy of requiring all age appropriate students to complete kindergarten in Cranston even if they have completed kindergarten in another school district or in a private school. Cranston also contends that social interaction with age appropriate peers is an important aspect of education which should not be discounted, even if a child is performing at a high academic level. Cranston also points out that the Board of Regents has ruled that school districts are not required to screen and test kindergarten students on an individual basis to determine whether or not they should be placed in first grade.

Findings of Fact

1. In the 2010-2011 school year, the student successfully completed a full-day kindergarten program in a private school. The student still continues to attend this private school in the morning. In the afternoon the student attends half day kindergarten in the public schools of Cranston.¹
2. The approved private school has submitted a letter indicating that that the student is ready for first grade.²
3. The able and experienced Cranston kindergarten teacher who is the student's classroom teacher indicated that a student's interaction with age appropriate peers has significant educational value. This teacher also indicated that based upon the student's high performance level in kindergarten she would likely be successful in first grade if so placed.

Conclusions of Law

¹ Exhibit 9 (Letter from private school) and Exhibit 2.

² Exhibit 6.

The Basic Education Program (BEP), which went into effect on July 1, 2010, provides in pertinent as follows:

G-12-4.1 . . . Full implementation of the BEP requires that student learning to be the primary reference point for decision making, responsive policy development, resource allocation, and personnel assignment and evaluation.

G-12-4.2 (c) ... The LEA shall provide access to rigorous, guaranteed, and viable curricula for all students; ensure differentiated instructional strategies, materials, and assessments; and build systems that provide opportunities for common planning and assessments.

G-13-1.3 ... [E]ach LEA shall develop specific curricula and programming that address the needs of... (d) students in need of advanced academic opportunities.

G-13-2.1 . . . [S]trategies shall be in place to expand and extend learning for students who are proficient on grade level expectations.

In *Student R. Doe v. Cranston School Department*, Commissioner of Education, August 30, 2011 (0019-11), a case similar to the instant matter, the Commissioner ruled that:

[M]aximum 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 districts to cooperate with each other so that, “maximum efficiency and economy may be achieved”. R.I.G.L. 16-60-6 (5)

R.I.G.L. 16-2-28 provides that:

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. (Emphasis added)

Discussion

We conclude that our decision in the present matter must be guided by *Student R. Doe v. Cranston School Department*, Commissioner of Education, August 30, 2011 (0019-11). Although *Student R. Doe* only spoke in terms of giving full “faith and credit” to grade levels achieved in Rhode Island public schools, there seems to be no reason why the principle involved should not be extended to private schools approved by the Rhode Island Department of Education. In reaching this conclusion, we are aware that in *Student H. Doe v. Cranston School Committee*, Commissioner of Education, August 25, 2006 (0032-06), we stated that while “tempted to read the last sentence of R.I.G.L. 16-2-28 to mean that completion of an approved kindergarten would suffice to sustain an early admission,” such an interpretation should be avoided in deference to the discretionary authority of a school committee to enact a different local regulation to govern this question. However, by its promulgation on July 1, 2010, the BEP has brought about a sea change in Rhode Island public education by virtue of its student-centered emphasis. In applying R.I.G.L. 16-2-28 in the context of the BEP’s student-centered focus, we must find that a procrustean insistence on a student’s completing kindergarten twice is no longer allowable. Accordingly, it is determined that this student is entitled to immediate enrollment in the first grade in the public schools of Cranston.

Conclusion

Student J. Doe shall be immediately allowed to enroll in first grade in the public schools of Cranston.

Forrest L. Avila, Hearing Officer

Deborah A. Gist, Commissioner

February 10th 2012

Date