



State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Peter McWalters
Commissioner

To: District Superintendents
Diocese of Providence
Independent Non-Public School Principals/Directors
Non-Public Nursery, Pre-Kindergarten and Kindergartens

From: Jennifer Wood
Chief of Staff/Chief Legal Counsel

Date: March 10, 2004

Re: Implementation of the Change in Kindergarten Eligibility Age

As I am sure you are aware, the legislative change in the kindergarten eligibility age took effect on January 1, 2004. Since the passage of the legislation in the 2002 session, we have received many questions regarding its implementation. We previously addressed this subject in memoranda dated January 15, 2003 and April 25, 2003. We are taking this opportunity to respond to the most recent questions and to provide an overview with respect to the new eligibility age.

The law now provides that children who turn five on or before September 1 are eligible to enroll in kindergarten. While the law provides a new kindergarten eligibility date, it does not affect the flexibility that school administrators possess in making child-by-child determinations of appropriate grade placement. As before, the law establishes a statewide criterion for kindergarten enrollment. That criterion, i.e., September 1, is intended to guide the enrollment of children in kindergarten. School districts retain the discretion to address exceptional circumstances on a case-by-case basis and, after applying relevant criteria, determine whether it is in the best educational interest of a child born after September 1 to be enrolled in kindergarten.

Districts that have available space and choose to exercise their discretion to consider kindergarten enrollment for children born after September 1 must base their enrollment decisions on the individual circumstances and characteristics of the particular child. Factors to be considered must relate to the development and abilities of the child. The factors must be established in local policy and decisions in this area cannot be made in an arbitrary and capricious manner.

Please note that children born between September 2 and December 31, 1999 who successfully complete a non-public school kindergarten program during the 2004 - 2005 school year shall be eligible for enrollment in the first grade of a public school for the 2005 - 2006 school year. The change to a September 1 eligibility date in the law governing first-grade attendance does not take effect until January 1, 2006. After January 1, 2006 Rhode Island students will need to be six years old on or before September 1 in order to enroll in first grade. However as with kindergarten enrollment a school committee may have a policy to make exceptions on a case-by-case basis.

We hope this memorandum will assist you with kindergarten enrollments for the upcoming school year and beyond. Please contact Stephen Nardelli at 222-4600 extension 2015, if you have any further questions.

Telephone (401)222-4600 Fax (401)222-6178 TTY 800-745-5555 Voice 800-745-6575

The Board of Regents does not discriminate on the basis of age, color, sex, sexual orientation, race, religion, national origin, or disability.