



Committee on Education and Workforce Development

Legislature USVI

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0:00:00 I'll see you soon. Thank you. Thank you. Thank you. Thank you. Thank you. Oh, my God.

0:03:30 Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

0:06:30 Thank you. ¶¶ so so so so

0:09:30 so so Oh, my God.

0:11:00 Oh Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

0:15:00 Thank you. Thank you. Oh, my God. Thank you.

0:17:00 Thank you. so Thank you. guitar solo Thank you. [3 such phrases repeated 10 times · standby audio before the proceeding, transcribed by the recogniser as speech]

0:24:00 Thank you. Thank you. Thank you.

0:25:30 Thank you. Thank you.

0:26:30 Thank you. ¶¶ Thank you. Thank you.

0:28:30 so so Thank you.

0:30:00 Thank you. Thank you.

0:31:00 The Committee of Education and Workforce Development is hereby called to order. Before I allow the clerk to do the roll call, I want to celebrate all the individuals who are here in their bright pink. The hall is decked out in pink in Awareness and Recognition of Breast Cancer Awareness Month. Ladies, you remember to do your mama grants. Additionally, SCOVA is also recognized as Domestic Violence Awareness Month. And we've been dealing with a lot of domestic violence issues in the Virgin Islands, which definitely have an impact on our children attending school. So I'm

encouraging the community to really refrain from domestic violence and learn to communicate.

- 0:31:51 This is also the end of the first marking period, I think, just occurred. So congratulations to all those students who are on a roll, and special congratulations to those students who are the principal on a roll. And I saw that the department just released test scores. I was literally reading it. I got to dig through the data to see the progress that we're making, and definitely know that we are making progress from one to the next. But math is an issue, a tremendous issue that we need to address. I also want to congratulate the St. Croix Federation of Teachers, Local 1826, on your 45th anniversary and this year's TEACH Conference, which took place on Monday on St. Croix. And congratulations to the union. And I also want to shout out to the union that AFD was once the most powerful union in the Virgin Islands, and you need to deal with internal issues in order to keep the power that you once had and in order to protect the rights of the teachers that you're elected to serve. Madam Clerk, can you do a roll call?
- 0:33:00 Yes, Mr. Chair. Senator Dwayne M. DeGraff. Senator DeGraff, absent. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Marie C. James. Senator James, absent. Senator Franklin D. Johnson. Here. Senator Johnson, present. Senator Carla J. Joseph. Present. Senator Joseph, present. Senator Avery L. Lewis. Senator Lewis, absent. Senator Kurt Aviale.
- 0:33:34 Here. Senator Aviale, President. Mr. Chair, you have three present, four absent. Thank you, Madam Clerk. Do you have any correspondence? Yes, Mr. Chair. You may proceed. To the Honorable Kurt Aviale Chairman Committee on Education and Workforce Development from Avery L. Lewis, Senator, 36th Legislature of the Virgin Islands, Tuesday, October 21st, 2025. Dear Senator VLA, I hope this message finds you well. I am writing to respectfully inform you that I may arrive tardy to the committee meeting scheduled for Wednesday, October 22nd, 2025. Please note that prior to your scheduled meeting, I will be speaking at the VI State Nurses Association convention on behalf of senator president milton e potter i note that the importance of tomorrow's agenda items and i look forward to weighing in on the discussion upon my arrival thank you for your attention and understanding best regards avery lewis senator 36 logistic chair of the virgin islands please mark senator avery lewis as excuse yes mr chair any other correspondence yes mr chair proceed october 22nd 2025 honorable senator kurt A. VLA, Chairman, Committee on Education and Workforce Development, 36th Legislature of the Virgin Islands, Capitol Building, St. Thomas, VI-00802. Dear Senator VLA, please be advised that I will be late in attending the Committee on Education and Workforce Development meeting scheduled for today, Wednesday, October 22nd, 2025, due to a prior commitment. I apologize for any inconvenience this may cause and look forward to participating upon my arrival. Thank you for your understanding. Respectfully, Maurice C. James Esquire, Senator, 36th Legislature of the Virgin Islands.
- 0:35:26 Please mark Senator James as excused. Yes, Mr. Chair. You have three present, two absent, two excused. Please mark Senator Giddens as present. Yes, Mr. Chair. Let me have the roll count again. Sure. Excused. You have four present, one absent, two excused. Thank you, Madam Clerk. We now have a quorum. You may proceed and read the agenda. Enter the record.
- 0:36:03 Committee on Education and Workforce Development Agenda, Wednesday, October 22nd, 9 a.m. L.B. Otley Legislative Hall, Capitol Building, St. Thomas. The committee will consider Bill Number 36-0067, an act amending Title 17, Virgin Islands Code, Chapter 5, by adding a Section 41 requiring the Pledge of Allegiance and the Virgin Islands model to be recited at the beginning of each school day in public schools, but additionally provides the student may opt out of the resuscitation. Sponsor, the Honorable Alma Frances Heiliger. Invited testifier, Kaiser A. Calwood, PhD, Chairperson, Virgin Islands Board of Education.
- 0:36:48 Honorable Deanna Wells-Hendrington, Ed. D., Commissioner, Virgin Islands Department of Education. Marlene Jones, Ed. D., Principal Lockhart K-8 School, Virgin Islands Department of Education. Next, Bill Number 36-0069, an act amended Title 17, Virgin Islands Code, Chapter 9, Subchapter 1, Section 82, Subsection 8. By changing the age of a child, begins at kindergarten from five years old to the age of four years old. Sponsor, the Honorable Alma Francis Heiliger. Invited testifiers, Kaisa A. Cowood, PhD, Chairperson, Virgin Islands Board of Education, Honorable Dion Wells-Hendrington, Ed.D., Commissioner, Virgin Islands Department of Education, Marlene Jones, Ed.D., Principal Lockhart K-8 School, Virgin Islands Department of Education, Honorable Avril George, Commissioner, Virgin Islands Department of Human Services, Honorable Justa y Incarnacion, Commissioner, Virgin Islands Department of Health, and lastly, Bill Number 36-0080, an act amending Title 17, Virgin Islands Code, Chapter 5, mandating a daily morning exercise routine for students in all public schools in the Virgin Islands. Sponsor, the Honorable Alma Frances Heiliger. Invited testifier, Kaisa E. Calwood, PhD, Chairperson, Virgin Islands Board of Education. Honorable Dion Wells Hendrickton, Ed D, Commissioner, Virgin Islands Department of Education. Merlene Jones, Ed D, Principal Lockhart K-8 School, Virgin Islands Department of Education. Honorable Husta E. Encarnacion, Commissioner, Virgin Islands Department of Health. Brian Young, M.D., Pediatrician, Partners for Kids, and Vincent Roberts,

Commissioner-Designee, Virgin Islands Department of Sports Parks and Recreation. This concludes the reading of the agenda, Mr. Chair. Thank you, Madam Clerk.

0:38:46 We're now going to consider the first bill, which is bill number 36, that's 0067. I'll give the invited testifiers on that bill an opportunity to put the name and title on the record beginning here on saint thomas from the board of education you may proceed with name and title good morning chairman and senator court vla of the 36th legislature of the virgin island not your testimony just your name first rodeo your first rodeo yes okay we'll make it a good My name is Abigail Hendricks, and I am the at-large board member of St. John Board of Education.

0:39:34 Thank you for coming. Next. Good morning. Victor Sumter III, Assistant Commissioner of Education. Thank you. Good morning. Dionne Wells Hedrington, Commissioner for the Virgin Islands Department of Education. Good morning. Carla Bastian Knight, Superintendent, St. Croix District. Good morning, Dr. Simriti Brown-Gums, Deputy Superintendent, St. Thomas, St. John District. Thank you so much. Now we'll begin with the testimony, we'll take the testimony from the Board of Education first. Good morning. Hold on. Really? I'm going straight, straight for the testimony. Who speaks to this bill?

0:40:13 I do. Santa Alma Francis-Hailaga, you're recognized. Thank you so much. Good morning to my colleagues, to the people of the territory, to the testifiers present, and the staff. I also would like to extend blessings to everyone during this month of Breast Cancer Awareness Month, as well as Domestic Violence Month. For me, I did have a mother that passed away from breast cancer, so I fully understand the need to continuously educate people on it, because it's something that does affect many of us here in the territory and worldwide. Well, when it comes to Bill 36-0067, I graduated from Charlotte and Mali High School in 1991. Next year is gonna be 35 years since I have been out of high school.

0:41:03 And I kept looking at how our school and our children are functioning nowadays compared to how I was functioning. And I kept having conversation with parents and other individuals that went to school around the same time as I did. And I kept noticing things were different. And I thought to myself, okay, we had the Supreme Court ruling that took prayers out of school. And I fully understand that because religion is very diverse and to potentially impose one on everyone, blanket, it's a little unfair. So I respect that. But I also noticed that when I was also growing up and several of my peers, We, at the beginning of every day, would do the Pledge of Allegiance, we would honor the Virgin Islands march, and I thought to myself and had many conversations, would it be something positive that if our children at the beginning of the day, when they started off their day, had a simple mantra to say that would help them get into the right mindset. And this is where this bill came from because I keep looking at how our children have changed.

0:42:21 They're not the same. I mean even recognizing myself here as a member of this institution, every session we stand and pledge allegiance to this flag. Every session we do a representation to the virgin islands flag as well so how is it the adults are doing it and we're not even teaching that to our children and the main goal for me whether we do the allegiance which is also an option whether we do the virgin islands march i wanted to come up with a motto that resonated and put that mindset in the children that you should always look out for your fellow man you you should always try to respect each other. And this motto simply says, let love, honor, and respect guide our way. Always be mindful of what we think, do, or say. Be kind to all others, no matter great or small. United we stand, one Virgin Islands, proud and tall.

0:43:21 Simple. Do you know how much time that took me? 13 seconds. So for us to implement something that's gonna take 13 seconds of our children's time to potentially set their mindset at the beginning of the day with something that they could potentially memorize and say, hey, when I'm gonna get into that fight, I remember this motto. If I'm gonna start that argument, is it fair and right to my fellow student? And that's all I'm trying to do. I am always open to dialogue. I'm always open to potential amendments because anything I put forward is never for me, it is always for the betterment of our territory. So I hope that everyone who has testimony today I'm open to the conversation, I'm open to potential amendments, and at the end of the day, this is for our children because these children are going to grow up and be the very same adults that are going to be leading this territory.

0:44:19 Thank you very much, Mr. Chair, for the time. Thank you, Senator, for that introduction. We will now go to the testimony, beginning with the Board of Education. Good morning, Chairman and Senator Kurt A. VLA of the 36th Legislature of the Virgin Islands Committee on Education and Workforce Development. Other esteemed members of the committee, legislative staff, fellow stakeholders, and the listening and viewing audiences. I am the St. John at-Large member, Abigail Hendricks Kagan, representing Dr. Kaiser A. Cowell, Chairman of the Virgin Islands Board of Education, and our esteemed member, alongside Sandra Bess, Executive Director, and Kimberly Giroux, Associate Executive Director, who are in the chambers for additional support.

0:45:08 I thank you for the opportunity to provide testimony on Bill 36-0067. an act amending Title 17, Virgin Islands Code, Chapter 5, by adding Section 41J, requiring the Pledge of Allegiance and the Virgin Islands motto to be recited at the

beginning of each school day in public schools, but additionally provides that students may opt out of their recitation. The Virgin Islands Board of Education affirms the importance of fostering civic pride and respect for both our nation and our territory we understand the legislative intent to instill discipline unite and tradition however as stewards of education and protectors of students rights we must respectfully up we must respectfully oppose the bill as drafted first this proposal creates an and underburdening through legislation.

0:46:12 The recitation of civic pledges and mottos is not properly suited for codification into law. Matters of daily classroom activity should be guided by school policy and educational practice, not legislative mandate. This bill ventures into areas best left to educators and administrators, not legislatures, particularly when the outcome can be achieved through encouragement not compulsion. Second, it is important to note that the Virgin Islands does not have an officially adopted motto in its code. We ask plainly who decided upon this motto and on what authority. If a motto is to be recited daily by our children then it should first be subject public vetting, legislative adoption, and cultural consensus. Without such legitimacy requiring its recitation places schools and students in a precarious position. Third, our teachers do not need additional mandates. Teachers are already navigating complex instructional demands, managing classrooms, meeting benchmarks, and striving to close achievement gaps. Adding statutory requirements for daily recitations, however, noble the intent, diverge valuable time and focus away from instruction, which is the primary purpose of education. Fourth, we must remember that schools already begin with the Pledge of Allegiance in many cases.

0:47:54 To layer another compulsory recitation risk redundancy without clear added value. More importantly, we must always think about the rights of students. The Supreme Court of the United States in *West Virginia State Board of Education versus Barnett* 1943 made it clear that no student can be compelled to salute or or pledge allegiance against their conscience. This bill, if not carefully constructed, threatens to encroach on these long protected rights.

0:48:29 The board urges consideration of the unintended consequences. students who choose not to participate could feel ostracized or pressured teachers may be left without clear guidance on how to respect those rights opening schools to legal challenges Daley wrote, repetition without civic education risk rendering the exercise hollow rather than meaningful. We must state clearly, we do not oppose patriotism, we do not oppose unity, but legislation should not be used as a mechanism to dictate what is best achieved through education, inspiration and voluntary commitment as aristotle wisely said educating the mind without educating the heart is no education at all and as john dewey reminded us education is not preparation for life education is life itself in closing the war the virgin islands board of education respectfully opposes bill number 36-0067 we encourage this body to instead invest in civic education programs student engagement initiatives and professional development for teachers that will naturally instill the values of patriotism and unity without infringing upon the rights of our students and burdening our educators with mandates better left outside the legislative chamber thank you for your

0:50:16 time and careful consideration. Thank you so much for your testimony. Before I go on to the Commissioner, I'd like to recognize Senator Maurice James. Thank you for coming. And that is Senator Francis. Senator Norval Francis, non-committee member, thank you for coming. Commissioner, you may proceed. Also Senator Duane DeGraf, committee member. We're having a full house now. Thank you for coming. You will proceed. Great morning, Senator Vallee, Chairman of the Committee on Education and Workforce Development and other committee members. I am here representing the Commissioner of Education, the Honourable Dr. Dionne Wells-Hendrington, who is privileged to serve as the commissioner. Thank you for this opportunity to provide testimony on the department's position on the following bill, Bill No. 36.0067, an act amending Title 17 of the Virgin Islands Code, Chapter 5, by adding Section 41 requiring the Pledge of Allegiance and the Virgin Islands motto to be recited at the beginning of each school day in public schools, but additionally provides that students may opt out of the recitation. The sponsor of this legislation is the Honorable Alma Francis, Senator. Joining me today, in addition to our commissioner, is the Superintendent for the St. Croix District, Dr. Carla Bashta-Knight. We also have on behalf of the St. Thomas St. John's Insula Superintendent, who could not be here today, Dr. Simra D. Brown-Gums. We also have other members in the audience on both chambers to provide support as needed. Additional VID personnel are on standby to provide detailed insights into specific areas if needed. Again, thank you for your unwavering support and the opportunity to testify today. The Department's position on the proposed Bill No. 36.0067 is as follows. After an internal review of the proposed legislation and consultation with several school administrators, the Virgin Islands Department of Education expresses general support for Bill No. 36.0067. Our

0:52:29 Your support of this bill is in keeping with 47 out of 50 of the United States, which also require the reciting of the Pledge of Allegiance in public schools. It is important to note that the 1943 US Supreme Court ruling, *West Virginia v. Barnett*, determined that no school or government can compel someone to recite the Pledge of Allegiance or salute the flag. Therefore, the Department proposes that clear exemptions for students or staff who wish to opt out be included in this bill. The Department posits that Section 41, the reciting of the Virgin Islands motto is in keeping with Title 17, Section

41 of the Virgin Islands Code requiring the inclusion of Virgin Islands and Caribbean history in all grades. The Department would also respectfully suggest including the Virgin Islands March as part of public school morning activities and would argue the inclusion of Virgin Islands history and tradition as stipulated by law. In the following information you'll see under data and research, the table below depicts schools that conduct the singing, playing or recitation of the Star Spangled Banner, the Virgin Islands March and or the Pledge of Allegiance. So we have here a table that shows by district how different schools throughout the territory recite the pledge or the Virgin Islands March. Some schools do it as a whole school activity. Some schools do it within classes. It is a daily morning assembly in many schools or a part of a daily morning assembly in many schools. Some schools do it twice a week. Some schools do it not at all, but most particular elementary schools are involved in the recitation of the pledge, the singing of the Star Spangled Banner and the Virgin Islands March. The anticipated benefits or adverse effects. While the intent of such a policy may be to promote unity, respect and civic understanding, its implementation must be handled with care to avoid infringing on students' rights or alienating those with differing beliefs. Requiring the recitation of the Pledge of Allegiance and the Virgin Islands' motto

0:54:42 at the beginning of each school day in public schools can promote, encourage and foster a sense of unity, belonging and civic identity, particularly within the Virgin Islands community. It also helps establish a routine that sets a positive tone for the school day. More importantly, this practice familiarizes students with territorial symbols and supports an understanding of historical context, government, and democratic principles. Additionally, it provides an opportunity for cultural affirmation, and the Virgin Islands motto reflects local heritage, pride, identity unique to the territory. The policy may also have adverse effects. Students who choose to opt out may face bullying, peer pressure, or social isolation, and could be unintentionally labeled as unpatriotic or disrespectful. In such environments, students may not feel fully free or empowered to exercise their right to opt out. Moreover, some students or families may object to pledging allegiance or reciting mottos on religious, political, or cultural grounds, potentially leading to the marginalization of students from diverse backgrounds. Required costs and resources. The Department anticipates no new fiscal appropriation or significant resources will be required to implement the requirements of Bill No. 36.007. The proposed activities reciting the Pledge of Allegiance and the Virgin Islands' motto can be absorbed into the existing framework of the daily school schedule, utilizing existing school public address systems or classroom procedures.

0:56:18 The primary resources needed will be administrative and communication-based, requiring staff time to develop and distribute clear, updated policy guidance to all school administrators and personnel. This guidance must ensure consistent implementation while unequivocally protecting the legal rights of students and staff to opt out, thereby mitigating any potential adverse social effects noted above. Any minor needs, such as ensuring all schools have a standardized audio recording of the of Rajan's March, if the Department's suggestion to include is adopted, are anticipated to be negligible and manageable with existing operational budgets. In closing, on behalf of the Department, I respectfully urge careful consideration of our position as outlined in the testimony. The Department remains steadfast in its mission to ensure that every decision made ultimately benefits the students, educators and families we serve.

0:57:13 We look forward to working collaboratively with you and your colleagues to advance legislation that strengthens our educational system and supports the long-term success of our territory. Thank you once again for your leadership and for the opportunity to provide this testimony. The Department's leadership staff, to include the Commissioner, stand ready to answer any questions regarding the testimony and to provide any additional information or clarification as needed. thank you for your testimony colleagues you're going to go directly to a round of questioning a three-minute round we'll begin with senator franklin d johnson much mr chair i don't know we're hearing that's my colleagues good morning to the listening and viewing audience uh are you you hearing me in St. Thomas? Yes, we are. Thank you very much. I mean, I listened to the testifiers and it's quite interesting to hear that they are having some classes and the Assistant Commissioner gave a list of many of the classes that in the different schools that are taking part at this time. So I really don't have a lot of questions. After I heard that, I felt even proud to know that we are doing it because I too when I was growing up we did our pledge to the flag and we did the Virgin Island March so I'm proud to hear that a lot of classes are doing it and I do support some of what they say let's not force this on anyone who don't want to take part in it I do appreciate the elementary classes doing it but as you get up to the higher classroom I could see based on their testimony where bullying can become a problem especially in the high school somebody might not want to do it they're up up to it create a friction and i'm not in support of doing

0:59:16 anything that's going to create friction or try to force anything on someone who doesn't want to do it so i mean i'll i'll i'll just yield for this moment because i do appreciate what the testifier is say in regards to this measure. Thank you very much, Mr. Chair. Thank you, Senator Johnson. Senator Carla Joseph, you're recognized. Thank you so much, Mr. Chairman.

- 0:59:45 A pleasant good day to everyone. Of course, this month, as the chairman indicated, is Breast Cancer Awareness Month. I have family members who are survivors of breast cancer and those ladies are really major warriors and I want to salute all of the women and the family that support them who are survivors of breast cancer and also those who are survivors of domestic violence. This month is also clergy appreciation month and so we want to also recognize our clergy. To speak on this measure before us, I wanted to get a sense from the Department of Education first. Is it a practice? Because I noted that you had half of the schools in the St. Thomas, St. John district who are reciting the Pledge of Allegiance, and then you have another half that is not.
- 1:00:50 Is it something in a policy? Because I am a graduate and a product of the public school system. And I remember not only citing the Pledge of Allegiance, the Virgin Islands March, our anthem, our national anthem and prayer. We had all of that structure before school began. What is, and I don't believe I don't know if it was in the law then, but I do know there was an issue with prayer in school and that came out from a national case. But I want to understand how you see that you can work to uniform it.
- 1:01:37 Is it something you think that needs to be codified? And then I'll have the Board of Education speak on that as well. One minute. good morning senator joseph victor psalm the third assistant commissioner um just some minor correction you indicated that half of the schools in the st thomas and john district aren't seeing it if you look at the table on page five you will see a listing of every school that recites either the star spangled sings the star spangled banner or recites the virginians march and with the exception of lockhart k-8 and perhaps all the mother who didn't get information from timely 30 seconds.
- 1:02:17 Schools are doing it. Some do it every day. Some do it on certain days. Like, for example, at Millenor Boski, they do it twice weekly during the assembly because they have the assembly twice. At Bertha B. Bershota, it's done Tuesday through Friday. So it is being done throughout the district in the St. Thomas and Don district, with the exception of the Lockhart K-8 school. Sorry, but I saw that Jane Tewitt is not doing it either, the Pledge of Allegiance. based on your information. So I counted only five based on your information. Mr. Chairman, I'm sorry. Go ahead. Yes, five that are not doing the Pledge of Allegiance specifically. So Janie, to it, so we are clear, based on your information, it says that they don't do the Pledge of Allegiance. No, excuse me, Senator. It said Janie, to it does. So the two schools in St. Thomas and Lockhart, Kechu Gate and Muller. Okay all right I'm going to leave it at that because I'm just looking at the bullet it says Star Spangled Banner for Janey Tewitt and Virgin Islands March and not the Pledge of Allegiance. Right so some so it's a practice it's not a policy and it's a tradition that these are things that we do at the beginning of an assembly at the beginning of the class period depending on the school so it varies okay all right so because I'm seeing what and I like anyhow anyhow let's let's continue with the discussion because it's just a little bit of confusing here to me but so you're saying that they have the option of doing it correct it's a practice it's not a policy and it's it's not mandated by the department. Okay, Miss Abigail Hendricks-Kagan, what is causing the Department, the Board of Education,
- 1:04:19 to look at not supporting this as codified and mandated and required? Because it does say in the bill that it allows for persons here in Section 1B, it allows for students to opt out of participating in the recitation for personal, religious, or philosophical reasons without any penalty. Well, the board feels like the recitation of civil pledges and mottos is not properly suited for codification into law. We also feel like the proposal creates underburden through legislation. Okay, understood. And I appreciate that. Thank you so much, Mr. Chairman, for all the time.
- 1:05:06 Thank you, Senator Jose. Point of information, Senator Frances Ilaga. Thank you so much, Mr. Chair. I just wanted to put on the record in regards to the opt-out. There's a reason why we had to put that in there for constitutionality reasons. There were a previous court case that did happen, even though we have all of these states, 47 plus and different, require your children to do the Pledge of Allegiance, et cetera, the opt-out was needed because some parents had the opportunity to sign off and opt their children out. So we did not want to draft a legislation that forced everyone. It would have been unconstitutional. So that's why it was in there. And why we did not develop it, we were leaving that as an opportunity to the commissioner's office to develop the policy as to how those students would get that paperwork or whatever to the parent, however you guys chose to do it. But we gave the option in there and you guys will decide that policy. Thank you so much, Mr. Chair.
- 1:06:07 Thank you, Senator Francis. Hi, Logan. The 1943 U.S. Supreme Court ruling *West Virginia v. Barnett* determined that no school or government can compel someone to recite the Pledge of Allegiance or salute the flag. There's also some case history in which a teacher in Texas was sued and a \$90,000 settlement was paid because the teacher made the students write the Pledge of Allegiance. So just putting that out there. What prohibits the department from just making it a policy instead of having to codify it?

- 1:06:44 Nothing. Okay. Thank you so much. Senator Kenny Gittins, do you recognize? Is there? No. Senator Mary James. Thank you. Good morning, Virgin Islands. Good morning, colleagues. Testifiers, everyone in and outside the room. Of course, my biggest concern is Constitution and the violation of the Constitutional Amendment You know, the freedom of the First Amendment and the 14th Amendment.
- 1:07:34 And as the chair just cited, the West Virginia State Board of Education versus Barnett. My other concern really is that we already have such an issue with bullying in schools. And I am concerned about children being pressured, bullied by other students. I'm also concerned about the ability of, and when I say ability, I mean the, giving the teacher that responsibility to explain to other students that one student can in fact dissent from stating the Pledge of Allegiance.
- 1:08:29 I, and the other, the motto and all the other, I think, well, let me put the, let me just say this. I actually believe that saying the Pledge of Allegiance, singing the songs, the VI March, I actually will agree with the proponent and the sponsor of this bill that it really raises and increases national pride. And I say that because when my children were younger and we would go to Aruba for bowling tournaments, right before the tournament the entire audience all that all the people of Aruba would just get up and just start to sing this song and I felt like wow if the people of the Virgin Islands would just do the same thing at any event and this was a tournament but I am torn between you know between promoting national pride and unity and also the the constitutional challenges that we would face if a parent believes that their child is being unduly pressured in school so I'm conflicted on this one I will admit I don't know yet how I'm going to vote thank you mr chair time thank you senator james point of information senator harlagan please recognize senator harlagan mike thank you so much um i just wanted to say ask the point of information to the commissioner of education currently with so many schools already reciting the Pledge of Allegiance, Star Spangled Banner, Virgin Islands March, does, is every
- 1:10:36 student doing it or do they have the option to opt out currently? They have the option to opt out. Exactly. So based on your reading of my legislation, does my option to opt out also fall in line from your understanding, giving those students the constitutionality because it currently exist and have you seen any records of bullying for those students that choose not to do it currently so for that question I would refer that to the superintendents who work with the schools on a regular thank you so in the bush we don't want to give you a pay cut or dr. Bash tonight superintendent sink or district we currently have no incident reports that reflect such bullying as a result of failure or opting not to participate in reciting the pledge.
- 1:11:34 Senator Thomas. Good morning. I have not seen or heard of any bullying with specifically students not responding to sites to stating the Reginald's March. but I have seen individuals who are strong in their religion step aside and not recite. Exactly. They opted out. Thank you so much.
- 1:12:04 Have the question ever been asked at any school as to what or not any bullying have taken place for that specific recitation? No. Okay. In gathering the information for today's testimony, we did query the administrators and those individuals who lead the reciting of the Pledge of Allegiance, and we did not receive any indicators that we should not support. Okay, thank you.
- 1:12:33 I just want to put a scenario on the record that I have encountered as a high school principal. Individuals who join the armed forces and go away for service, when they join a special unit, the armed forces send a representative from the mainland to the high school and they do a thorough review of that particular student. They pull the cumulative folder, they look at all the records inside, they meet with teachers, they meet with the administrator of the school school and the one question that always stood out to me was did this student in any way disrespect the United States or the flag of the United States of America and if you said yes the student was disqualified from moving on my worry my worry and I'm just putting it out there I'm not in a debate I'm just telling you facts as to what took place. My worries are students who are opting out in elementary school are opting out because of the parents' belief. And as they move on they're opting out because of the parents' belief. And a child could become 18 years old and now they have their own belief and they want to join the armed forces and they're saying that I want to move on in this particular direction. And that one little incident could come back to harm them. Whether we want to acknowledge or don't acknowledge it could come back to harm the student as an adult as they move on especially if there's an apt-out document in a cumulative folder they would automatically not move on to the sensitive area that they want to go to so I'm just putting that out there. Senator Gittins you recognize. Point of information. Point of information Senator Johnson. Thank you very much I would like to ask the superintendents because i look at the chart and in the chart when it reflects to the high school them it says jrotc only so i'm trying to find out if the high schools have the classroom
- 1:14:42 them because none of your chart says that one of them even say over the intercom so i'm trying to find out in the high school grouping if they do do it in the classroom them on a daily base Bastian Knights, Superintendent St. Croix District. Currently as reflected in the chart at the Sequoia Educational Complex, the ROTC, they have their flag ceremony every morning and they participate in that Pledge of Allegiance and all the other items listed. As for the three other schools that

are listed as none, they currently don't participate in that daily activity but it's not it's nothing that can't be added that affects their daily schedule if it's directed via policy or codified it just needs to be added it's just currently not a practice at that school and it's a practice without penalty so they act whether they're going to do it or not and my reason for asking that question is because when we start having conversation about bullying i think if they're going to be any bullying it will happen in the high school classes where somebody might feel like i'll use a cc whoever they want to call you whatever name they want to call you for doing it but that's where i will think the the bullying probably would come from and that's why i was questioning if it's happening in a high school on a daily place i can see it happening in the elementary as a school said they're doing it but once we start going to the high school i think that's where these conflicts could come in so just want us to be weary and pay attention to that thank you very much mr chair thank you senator senator giddens you recognize thank you uh mr chair and good morning to all uh mr chair i must uh tell you first off that i'm a bit jealous that you have over there all dressed up and we don't even have a balloon here man but uh thank god we're wearing our pink but you know as i uh review the bill before us bill 360067 uh you know it makes me wonder

1:16:50 whether or not we're um addressing a real gap or if it's more uh symbolic and while i understand um what the bill sponsor is trying to do here I still I'm a bit concerned so first off let me ask the Department of Education or the board with the existing schools are there any policies in place currently that covers voluntary recite recitation of the of the the allegiance or the Virgin Islands motto no senator there's nothing no policy in place that says that our schools must do that all right Board of Education there are no policies that I'm aware of all right and Commissioner, have you discussed this with your legal counsel as to how this bill may impact students' First Amendment rights, especially with the freedom of speech and religion?

1:18:18 No, Senator. One minute. All right, so we probably don't know what are the potential implications for student climate and student inclusivity as well if this measure is implemented. Have you given any thought to that? Senator, so if there is a measure or any type of policy that's implemented that violates a student's rights, they have the option to opt out. So right now, as you can see from the chart, there's some schools that opt it out, and there's some schools that make it a daily practice.

1:19:01 Yeah, but you see, and that's what concerns me when you say schools that may opt out. I mean, it's one thing for a student to opt out for a particular reason, but why would there be an opt out by a school? So when I say opt-out, I mean they're not practicing using, reciting the Pledge of Allegiance or the Virgin Islands March on a regular basis. They may do that only for JROTC, like Dr. Bastia mentioned, or for assemblies that are more formal. I understand what you mean by opt-out.

1:19:37 I'm just wondering why would it be by school rather than not student? I wouldn't be able to answer that, Senator. That would be a question for the superintendents. Superdata Bastion. Bastion Knight, Superintendent, St. Croix District. I don't have that specific information, but what I would like to add that it's a practice and it's actually part of the junior ROTC curriculum that the students partake in that posting of the flags, retrieving the flags at the end of the day, and they do say the Pledge of Allegiance, and it isn't correctly reflected in this chart, but this inquiry Central High School, the principal just texted me that it is a practice every afternoon or daily, and they remove the flags as well as it's supposed to be done with the GROTC curriculum.

1:20:33 It's just not being done in individual classrooms. all right and in closing you know I've looked at the pros and cons of this and what I'm looking at even with um one of the cons is that even with the apt-out provision here um there may be implicit pressure or social stigma against students who choose not to participate so um you know I'll So, I'll have to really think about this and listen to the rest of the discussion. Thank you, Mr. Chair.

1:21:14 Thank you, Senator James. Point of information, Senator James, and then I'll come to you. Thank you, Mr. Chair. I just had a question on where I saw that individual classrooms daily. What happens if a teacher decides to opt out? Thank you, and anyone can respond on that. Thank you, Mr. Chair. Master Knight, Superintendent St. Croix District.

1:21:47 The principal runs his or her school, and you find somebody who can entertain that brief moment in the beginning of the class and you proceed with the end of the day. That teacher has that right, and in that case, in that case she'll make it aware to her school leader and they make the necessary adjustments thank you senator james in in reference to the high schools and the high schools re reciting uh the pledge a lot of time it's just a management issue it's extremely hard at the high school level to get all the students in the first period class on time and you know a lot of the teachers focus are just you need to get settled you need to take yourself out and we need to begin to work and just that simple that simple item is time consuming and if you look at the attendance and the tardiness of high school students you will see that most first period The teachers are saying that a large percentage of the students come late on a regular basis.

- 1:22:57 So just putting that out there, Senator Francis, you had a point. Thank you so much. To the Chair point of inquiry, I am requesting legal counsel to just give us some clarity specifically as it relates to the bill and the opt-out section because that seems to be a contention as to whether it would suffice constitutionality in making sure that the students would have that option or not so if we could get some clarity on that um it would be helpful thank you so much mr chair thank you legal council if you could make your way up to the floor to answer that particular concern senator the graph you recognize yes go ahead go ahead you go ahead and then okay uh thank you mr chair good morning colleagues good morning testifiers of you listening and present i vote yes i ain't gonna fumble i ain't I'm going to second-guess myself.
- 1:23:59 The bottom line is, for me, I have sworn oaths. I, Dwayne DeGraff, will support and defend the Constitution of the United States against all enemies, foreign and domestic, and further. I put my life on the line as a police officer where I swore a oath to protect and serve this territory, to provide freedoms that we have in the Virgin Islands. I have sworn a oath in the military. In addition, I went to war to preserve the freedoms and rights of people in the United States and the Virgin Islands. And I say that to say I respect and believe in everyone's right to what they believe in and what they choose, they have that right, I agree. The opt-out statement in this bill satisfies that for me. But for me, there's no question on the freedoms that we have in the territory, the freedoms that we have in the United States. I went to war for it, signed up.
- 1:25:14 Many people that I know have lost their lives in support of this civil rights and stuff people lose their life our civil rights that we have that it had to be made by constitution for us people of color to be equal to other people crazy so i support this bill and i don't think i'll have my college you hear anybody vote yes yet well i vote yes i ain't gonna second guess one minute and something that i see has a opportunity to opt out where it exists in the schools and they're already given the opportunity to opt out and i totally am against anybody being bullied against it you know so i i don't say i'm supporting that i totally respect everyone's religion but like i say for me in this body here, you have a choice.
- 1:26:11 Vote yes or vote no. Dwayne Maurice DeGraff, vote yes. Thank you for your time, Mr. Chair. Thank you, Senator DeGraff. Legal counsel, if you could respond, I will have the Senator Max a question. Legal counsel, as it relates to Bill 360067, There's some concern as to whether this piece of legislation would cause individual students' constitutional rights to be violated. And I expressed to them that Section B states, notwithstanding subsection A, any student may opt out of participating in their recitation for personal, religious or philosophical reasons without penalty. would that statement erase any issues of constitutional violation if they choose to opt out? Through the Chair. Through the Chair. Antonio Adorno.
- 1:27:16 Please recognize legal counsel Mike. Okay, you sir. Through the Chair, through the Chair to Senator Alma-Francis Heiliger, And the second part of the proposed legislation does not really accomplish that a clear intent that there is a way out.
- 1:27:45 Because the bill itself, reading the first part of it, emphasizes that they must recite. So if somebody overlooks the second part, they are left with the impression that they have to. So it's in the formatting of the legislation that to me is a concern going forward. Okay, just for clarity, the constitutionality was one of my major points that I needed cleaned up when I requested legal counsel for this drafting. So are you stating that we should include the way they should opt out in the legislation? Because the reason why we didn't give that is because we wanted to leave it up to the commissioner's office and the Department of Education to decide on that policy. Are you suggesting we should outline how that opt out is for further clarity? Through the chair to Senator Francis, perhaps if you take out the word must and you put in me, that will give a clear intent at the beginning that there is no mandatory necessity to recite the pledge or whatever it is that you have written here.
- 1:29:09 Okay. Thank you for that clarity. Thank you so much, legal counsel. About superintendent, does certain schools have a motto that they recite? Yes. Bachelor 9th St. Quarry District superintendent, yes, they do. For example, at the St. Quarry Educational Complex, press for time, bell-to-bell instruction. When you walk in the gates of the St. Quarry Educational Complex, it's playing the school song, everything. It's playing over the intercom as the students shuffle through the gates and go to their classrooms. Okay. And there are some elementary schools, I think, on St. Croix, that have a model.
- 1:29:45 Yes, they do. Okay. St. Thomas? St. Simra D. Brown, Deputy Superintendent, yes. Many schools have models. For instance, at Charlotte and Maliah High School is to excel always, and we strive for success. There are many models, especially on the elementary level also. Okay, so I just wanted to put out that a lot of schools individually already have a model that they utilize. I'm going to go to the last two senators.
- 1:30:18 We're just keeping everything in context. It's a whole different scenario in reference to America right now. Okay, it's no longer right and left. All you hear is far left and far right. Freedom of expression this weekend was looked at as un-American, Antifa. So let's tread carefully with decisions that we are going to make as a body. I believe that this can be

implemented, I have no issue with the Pledge of Allegiance being said, but I think it needs to be a department policy. The Department of Education, the Board of Education, it needs to come through the department and not be codified in the Virgin Islands Code.

1:31:02 Senator Noel Francis, you recognize. Thank you very much. Good morning. Good morning to my colleagues, central staff, as well as to the testifiers. I too want to join my colleagues in recognition of the Breast Cancer Awareness Month, month of October, being a cancer survivor myself, one that have undergone both chemotherapy and radiation I have an appreciation for what those individuals are maybe going through so again I salute salute them I continue to pray again for speedy recovery and those individuals that have lost loved one as a result of breast cancer again my sincere condolences I'm not a member of this committee but certainly the conversation intrigued me and I must said I agree with you know the testifiers and the discussion thus far in respect to you know this is a good measure however your codification may not be the best way to go and approach in this situation I certainly believe I'm very patriotic believe in national pride I remember going to school that I had the responsibility of the pledge allegiance and even affirmation in some of my classes back then and I believe that if you start off in early education this may be a good approach head start and kindergarten and those areas you know when you start to get into the junior high and the high school level there may be some challenges there I wanted to ask the board representative there miss Hendricks Keegan whether or not since the presentation of this measure have there been any discussion as a board whether or not this is something that they'll consider in putting it into a policy? Well, the board's position is that you have to be very intentional when constructing

1:33:10 this bill as it threatens to encroach on people's protected rights. So that was our stance on it. have to be very careful and very intentional of your of what the bill represents all right any further recommendations in terms of implementation consideration by the board no they are not they're not okay all right again I appreciate the 30 seconds as far you know so you know at this point I have no further comments in regards to this I believe that you know it's important that we create the level of discipline on an early stage and I believe the Pledge of Allegiance certainly presents some opportunities for us to initiate some discipline among our young people however I took very concerned that when it gets into the higher grades the junior high and high school there could be some challenges there and bullying is real so um i support policy and not codification of this measure thank you very much mr chair for the time and opportunity thank you senator francis senator louis you recognize thank you mr chairman good morning testifiers good morning colleagues good morning to the people of the virgin islands good morning i too stand in recognition of uh today's breast cancer awareness i think um it's only fitting i'd like to thank the chairman and his staff really recognizing this day and i mean all the agencies that participated department of health and so forth everybody who had a walk by my education all those everybody who recognize these different proclamations and so forth as an edu i don't like to say form as an educator let me just talk about

1:35:13 my history at allamulla elementary school i started out with principal shillingford then i think we had um saru and then dr simra d brown dr brown smile man today's a good day man i recognizing you man and as one of the people, I was under your wing. But just fast-tracking, you know, I read the bill, I understand the intent, but it's my firm belief that this should not be codified, this should not be legislated. Every principal have a right to run their school. In the morning time, for the most part, when you go to all the schools, and we have visited these schools, the principals come out in the morning, they assemble the children, and they, you know, to start their routine.

1:36:02 So after the Pledge of Allegiance and the VA March, you know, we even give out important information and so forth. Some of the kids recite, may have a little play, a little skit or something in the elementary level. But this is up to the principal who have full authority and management of their school. I see, we'd have spent nearly a million dollars on some history books. I hope the VIA march and the Pledge of Allegiance. One minute. In it. Right? So I stand firm that this should not be legislated. Let the board, the superintendents, all of them get in a room, whatever, and decide how this is going to run. Just my little understanding of it, even with the Aptow part, we're still to the same position we are. They don't have to do it. who's coming around to mandate because ea and aft is not going to allow the commissioner not the superintendent to penalize their people for not doing this so let's just be clear here today i understand the intent and it's good for us to recite this annoyed because big man and woman walking around here and don't know it but i believe it should be something more policy driven now legislated thank you mr chairman thank you so much senator lewis and the bill sponsor senator francis eleger you recognize thank you so much good day once again one minute senator a point of information senator kennedy giddens thank thank you mr chair um you know so i wanted to just stay before the um the bill sponsor um but you know i'm i'm really like in in the middle with this because i understand exactly what she's trying to do so what i'm what i would suggest uh if she's amenable is that maybe what we should look at is mandating that the board of education creates a policy to this extent rather than us directly codifying the matter.

1:38:21 So I'll listen to her side now and see if we will be amenable in just directing the Board of Education to create the policy. Thank you. Thank you, senators. Thank you so much once again. Good day to my colleagues, the people of the Territory

and to the testifiers. Once again, I do appreciate all the testimony here today, the responses from my colleagues, their concerns, as well as some who have given support to the legislation and some who have major concerns. When I make decisions to bring pieces of legislation forward, I look at them holistically.

1:39:10 And the main things that are sticking out right here is you're concerned about bullying, you're concerned about legal constitutional rights. Those are the two main things I keep hearing is the biggest issue. And those things could be solved. Those things could be solved very easily. We had legal counsel suggest hey change muster me that would resolve any concerns you have and the other one speaks to the issues of bullying and when you have so many schools already reciting it and you don't see any issues of bullying what exactly are the concerns? It's almost like we're creating a phantom concern that even though they're doing it right now, the concern doesn't really exist. Now, if there's a situation where people are concerned that if a student formally opts out and say, well, okay, they do a paper or whatever, it could be a situation where the parent comes in and you just put it on a list and say that child, they don't have to sign off on anything you could come up with ideas to make sure there's no document floating around to say that I the parent of such and such and such opt out of this you know you just make the classroom aware and that could be something could be done internally but my concern with us finding so many reasons as to why not to do something and all I keep seeing is all of these fight circulating on social media. All I keep seeing is these children beating one another. All I keep seeing is these arguments and the time that it takes out of a teacher's day to have to break up these fights, call monitors, pulling the police, the time that it has to do for these constant interruptions. You're trying to convince me that a 13 second motto or stopping and for 60 seconds to say the Pledge of Allegiance on a motto is going to so disrupt these children's lives that somehow you're going to emotionally damage them they can't go

1:41:25 the logic that the logic from some of the things I've heard I don't agree with but what I do agree with is majority rule I've never had a problem with it But what I would like to ask the Commissioner of Education, because the schools do this at will, some do something here, some do something there. The two questions I want to ask, why was there never a policy implemented if, based on your testimony, you do see the importance of this with the students? students and do you think that it should be done by policy or if it's codified and set in stone to become a part of their daily lives that's what I need a little bit of clarity on so in reference thank you senator in reference to it being a policy as indicated before it has been a practice and generally principals run their respective sites and so there was never in need in my mind to create a policy that says everybody has to do it it has been a practice I've been in education 33 years and I know when I was a principal we recited the pledge we did the Virgin Islands March at the assemblies the morning assemblies like most elementary schools currently do now do I think it needs to be a law not necessarily it needs to be a policy and the policy as indicated before can come from the Board of Education doesn't matter where it comes from but it may be time for a policy to be put in place because the practice seems a little bit distorted in terms of how many schools are doing it so for me it could be a policy from the board that says this is what we should do and then we implement whatever that policy is so that's my my take on it thank you so much for that so as one of my

1:43:31 colleagues suggested that the bill could be amended to allow for the board of education to create that policy which would be then disseminated across the entire United States Virgin Islands in unison so it won't be some doing it some not doing it etc but one of the things that they expressed is they don't support doing it at all so to mandate and ask them to do something that they're clearly saying they don't care to do now we as legislators can do that and and i'm hopeful they will follow the law but do you see if the bill was amended to instead of this becoming a situation where the board of education would take the helm versus the board of education creating a policy would it be a situation of you guys just executing the law versus still holding on to your stance well majority rules like you stated so if it's presented to the board and we vote depending on which way the vote goes then we would adhere to the policy okay so we could draft a law to put it in your guys hands it's negotiable oh okay Okay. Well, thank you so much for your thoughts on that. I just want to quickly wrap up. Oh, my time is up. Oh, I wasn't sure. Your time was up, but go ahead and wrap up.

1:45:02 Well, I just want to quickly wrap up and say thank you to everyone that came. And this is what bills do. When we bring them forward to the public, we have a dialogue. And through these conversations, they could either be amended or further developed. So with the dialogue that we've had here with my colleagues, along with you guys, I could see where we could improve it to make sure that it's standardized across the United States Virgin Islands, because I think our children have an opportunity to not only understand repetitive as well as respect of each other, that could even help how they go through their entire day and make sure that they have a better education and not take away from some of these unfortunate incidents that we continuously see throughout the schools we want better human beings in our territory and if these types of policies and laws will do so i am willing to push them forward so thank you very much thank you point of information senator dalma francis i like a point of it before i go to the point um member hendrix laws are not negotiable if the legislature mandate that this is what the board need to do the board need to do it the board can't have a vote and say they're not going to do it so the laws of the legislature exactly that laws it's not debatable it's not negotiable it's just

something that needs to take place once that measure pass senator marie james you recognize thank you mr chair that's right thank you um i just want to to first of all thank legal counsel for um showing where there is a violation with the constitution and i'm glad that the the sponsor sees it because it says all public school students must and that was my concern um you know at times i try to be very diplomatic here in the senate but But I appreciate legal counsels pointing out the inconsistency.

1:47:09 I also want to ask the superintendent, well, I believe it's the superintendent. Someone talked about the fact that students could opt out. But I noticed that on the data provided by the Department of Education on the island of St. Croix, St. Croix Central High School, St. Croix Educational Complex High School, John H. Woodson Junior High, and St. Croix Career and Technical Center have no recitation of the Star Spangled Banner, Virgin Islands March, or Pledge of Allegiance, except for JROTC on a complex. therefore there is no data on whether students at the high school would in fact opt out or be bullied or pressured and and at it is at those levels I still agree with the sponsor that we need to instill national pride but rather than requiring our public school students as stated in a we perhaps need to know change that to public schools and then and then have be well those are my suggestions I'm actually turning into an attorney right now here sorry about that thank you mr. chair bye thank you senator James attorney James you could talk to the sponsor the bill and make some some recommendations as to how we going to move forward point information senator the graph thank you mr. chair in regards to the information that came out here and you know how legal counsel

1:48:58 said that if we add me it may change the whole process and everything I think with the information in the back and forth the discourse and in consultation consultation with the bill sponsor who is not a member of this committee she asked that we hold a bill in committee so I motion motion Senator de Graff I move bill number 36-0067 an act of many title 17 Virgin Islands code chapter 5 by adding a section 41 j requiring the Pledge of Allegiance and in the Virgin Islands motto to be recited at the beginning of each school day in public schools, but additionally provides that students may opt out for the resuscitation be held in this committee at the call of the chair.

1:49:57 I so move. Second. Motion made by Senator DeGraff, seconded by Senator Carla. Joseph, roll call. Senator Duane N. DeGraff. Yes. Senator DeGraff, yay. Senator Kenneth L. Gittins. Yes. Senator Gittins, yay. Senator Marie C. James. Yes. Senator James, yay. Senator Franklin D. Johnson. Yes. Senator Johnson Yee, Senator Carla J. Joseph, Senator Joseph Yee, Senator Avery L. Lewis, Senator Lewis, Nay, Senator Kurt A. Viala, Senator Viala, Nay, Senator Viala, Nay, Mr. Chair you have six yea and one nay.

1:50:47 Thank you Madam Clerk Bill number 36 and 0067 and the Act amending Title 17 Virgin Islands Code Chapter 5 by adding in Section 41g requiring the Pledge of Allegiance in virgin hours matter to be recited at the beginning of each school day in public schools but additionally provide that students may act out of the recitation recitation will be held in the committee on education and workforce development at the call of the chair the committee stands in recess for So two minutes, and we're going to move on to the next wheel.

1:51:49 Thank you. Thank you.

1:52:49 Oh, my God. Thank you.

1:53:49 ¶¶ Thank you.

1:54:49 ¶¶ La, la, la, la, la, la, la. Thank you.

1:56:18 Thank you. Lee, lo, la, la, lee, lo, la, lee, lo, la, lee, lo, la, lee, lo, la. ¡Oye, amigo! Thank you. Oh, my God.

1:58:18 Here we go. Let's go.

1:59:18 so so The Committee of Education and Workforce Development is back on the record. Madam Clerk, can you read the second item on the agenda?

2:00:28 Yes, Mr. Chair. Bill number 36-0069, an act amending Title 17, Virgin Islands Code, Chapter 9, Subchapter 1, Section 82, Subsection A, by changing the age a child begins kindergarten from five years of age to four years of age. the Honorable Alma Frances Heidegger. Invited testifier, Kaisa A. Kawa, PhD, Chairperson, Virgin Islands Board of Education. Honorable Dionne Wells Hendrickton, Ed.D., Commissioner, Virgin Islands Department of Education. Marlene Jones, Ed.D., Principal, Lockhart K-8 School, Virgin Islands Department of Education. Honorable Avril George, Commissioner, Virgin Islands Department of Human Services.

2:01:14 And Honorable Husta y Encarnacion, Commissioner Virgin Islands Department of Health this concludes the reading of this block thank you madam clerk those new individuals who just came into the well who didn't have an opportunity to put the name and title on the record I'm going to allow you at this time I to my left here left and right oh let's start with assistant commissioner good morning Nicole Craig will Sims assistant Commissioner, Virgin Islands Department of Health. Thank you, next. Recognize the mic and then, go ahead. Mic and then, on my left, try it again. Okay, let me go to.

- 2:02:09 Good morning, Carla Benjamin, Assistant Commissioner, Virgin Islands Department of Human Services. okay thank you on St. Croix Reuben Malloy Assistant Commissioner Virgin Islands Department of Health thank you next good morning Makeesh Taylor-Jones Chief Legal Counsel Virgin Islands Department of Health good morning Janice Vauman Deputy Commissioner Department of Health okay let's try it again Good morning, Janice Valmond, Deputy Commissioner, Department of Health.
- 2:02:50 I got you, Ms. Valmond. So we're going to move you right next to Assistant Commissioner Sims. And while you're moving, who speaks to this bill? You recognize Senator Dalma Francis-Elligo. Hello. Okay, it's on. Good day to my colleagues, to the people of the territory. good day to the testifiers and staff. I offer bill number 360069 because I think as we progress in life, I think we need to make adjustments as it relates to how we attempt to educate our students. In doing quite a bit of research and speaking to many individuals, parents, teachers, I had conversations with other states I did a lot of research in looking at how other countries and how advanced their students are if and like ages and looking at various things and one of the things that I kept noticing that even if it was not dictated specifically at age four, there were many countries that had structurally organized classes and schools where children, some of them started from age three, four, and by the time they started to get to the formal education side of it, whether it's kindergarten and first grade, they were were so well prepared and as I see our children the five-year-olds and the four-year-olds of today are nowhere near what I was at four and five when I was at that age with the advent of technology the way we have advanced in society our children are more smarter they're more knowledgeable they're more computer oriented. There are so many pluses as it relates to us really getting a hold of them
- 2:04:57 at a younger age. For me, one of the things I did recognize is we do have legislation on the books, I think it's title 17, subsection 233, 32, 34, and it gives the commissioner the right to to deal with um pre-k on a optional basis it would be up to the the commissioner and and it's a whole slew of regulations and things that could or could not be done when it comes to pre-k um one of my goals is trying to get these children mandatory under a formal set of education from age four and not five i think if we get a hold of them and start getting them in the in the course of education and it's not an option that we we have a better chance in my opinion of potentially helping our students to get better scores just to really start acquiescing to the educational process from a much younger age and speaking to so many people there was one factor that stuck out with everyone utilization of bathrooms that was the one thing so many people kept saying we believe the kids could come in from four we're concerned about them learn knowing how to use the bathroom that was their biggest issue and that was something I'm open and willing to discuss and have that conversation as to how that is something that we could adapt to or would we make amendments to the code that if something is so egregious we would allow the commissioner to then step in and say okay that child might you know whatever i don't mind i'm open to conversation that that's what i love about having these
- 2:06:49 hearings because as a senator i could put forward a piece of legislation but with the dialogue we could find ways how to improve it and best suit everyone possible so the goal of this legislation has always been for our children to be better for our children to have an earlier option to education for our children to have an opportunity to grasp things at a much earlier age because when you look at the statistics of where we are as a nation compared to other nations it concerns me so for me i want our vi children to be at the top i want us to excel and this was one of the ways from doing research and speaking to various individuals was a way of getting a hold of them but once we have the structures in place whether it's education on trying to get the parents to know hey your child might be mandatory going to whether we choose pre-k or kindergarten from age four they might start preparing for learning bathroom breaks a whole lot earlier than they might have done when they say okay i have till age five so it's a lot of things that could be done might involve public education but the long-term goal for me is our children to get into the system as early as possible that we could get them as educated as we can because i ultimately want them to do better so i am open to the conversation today and i look forward to the dialogue so thank you very much for the time mr chair thank you senator francis heiliger let's try the mic again good morning masika lewis department of human services administrator for the office of head start okay thank you so much so once again we're going to start with the board
- 2:08:41 of education and then we'll move on to the department of ed department of human services and then last department of health you're recognized good morning chairman and senator kurt vla of the 36th legislature of the virgin islands committee on education and workforce development other esteemed members of the committee legislative staff staff fellow stakeholders and are listening and viewing audiences i am abigail hendrick st john a large member of the Board of Education. I'm representing Dr. Kaiser A. Calwood, the chairman of the Virgin Islands Board of Education and our esteemed members alongside Sandra Bess, Executive Director, and Kimberly Giroux, Associate Executive Director, who are in the chambers for additional support. I thank you for the opportunity to provide testimony on bill number 36-0069 an act amending title 17 virgin islands code chapter 9 sub chapter 1 section 82 subsection a by changing the age a child begins kindergarten from five years to age four years as a body entrusted with both the legal and moral responsibility to

safeguard the education of our territory's children, the Virgin Islands Board of Education appears before you with respect, candor, and deep concern.

- 2:10:16 We are here not to oppose for the sake of opposition, but to ensure that our collective pursuit of progress, we do not take steps that may unintentionally set our children or our territory back. Bill No. 36-0069 proposes to amend the Virgin Islands Code to lower the compulsory kindergarten age from 5 to 4. At first glance, this may appear to be a bold step towards expanding early education, but when examined closely, the law already speaks to this matter. Section 233, Title 17, Chapter 20 of the Virgin Islands Code establishes the framework for a pre-kindergarten program. It charges the Commission of Education with setting eligibility rules, ensuring proper teacher-to-child ratios, defining program standards, involving parents, coordinating health screenings, and aligning pre-k with elementary education. Importantly, this program is voluntary and a recognition that at four years old, children develop at different paces and families must retain the right to choose what is best for their child. Bill 36-0069 conflicts with this statutory framework and risks destabilizing programs that are already carefully regulated by law. The compulsory education law fixes age five as the standard because it balances developmental readiness with educational opportunity. Research and common sense alike confirm that not every four-year-old is ready for the social, emotional and academic demands of kindergarten.
- 2:12:13 For those born in the later months of the year, September, October, November, compulsory enrollment would mean beginning the school year nearly an entire year before they are developmentally ready children are not served by laws that force them into classrooms before they can thrive there indeed the wrong beginning can dampen curiosity weaken confidence and strain families we must also speak plainly about our workforce and infrastructure the territory faces a shortage of qualified early childhood educators and many who are currently serving are eligible for retirement. Our classrooms are not uniformly equipped for four-year-olds and our curricula are not designed for this age group. To mandate early kindergarten under these circumstances would be to build an unsteady ground. And beyond our local resources, we must consider federal partnerships.
- 2:13:22 Head Start, which serves as many four-year-olds, which serves many four-year-olds, ties its funding to very specific populations and outcomes. a compulsory shift would overlap and possibly jeopardize that federal investment, particularly in the current political climate where every dollar is contested. None of this is to deny the value of early childhood education. On the contrary, we affirm it. The evidence is overwhelming that high quality pre-K and Head Start programs improve the outcomes of a child's lifetime. That is precisely why we advocate for strengthening pre-kindergarten and Head Start rather than mandating kindergarten at age four. We encourage you to invest in, we encourage you to invest in expanding access, recruiting and training more teachers, upgrading classrooms and aligning curriculum across the pre-K to K transition. This is how we build capacity and honor both the letter and the spirit of our existing laws. In conclusion, as a board, we stand in firm opposition to Bill Number 36-0069 in its current form.
- 2:14:46 It conflicts with Section 233, Title 17, Chapter 20, risked federal funding, disregards developmental readiness and burdens an already strained workforce. Yet, in offering our opposition, we do not close the door to collaboration. On the contrary, we extend an invitation. Let us together craft policy that honors the wisdom of our laws, protects the well-being of our children and strengthens, not fractures the foundation of early education in the Virgin Islands.
- 2:15:23 As Aristotle once reminded us, education, Educating the mind without educating the heart is no education at all. In that spirit, we urge this body to move forward with both wisdom and compassion, ensuring that our decisions are not only lawful, but just, not only ambitious, but sustainable. Progress is not achieved by speed alone, but by building wisely, deliberately, and with the child always at the center. That is the motivation we bring to you today, and that is the safe space we hope to create in this chamber, one where the truth is spoken, concerns are heard, and solutions are found.
- 2:16:08 Thank you for your time and consideration. Thank you, Member Hendricks. And testifiers, before you put anything on the record, please state your name, because we have a new recorder. You're recognized, Commissioner. Dr. Dean Walz Hedrington, Commissioner for the Virgin Islands Department of Education. Good morning, Chairman Kurt Viallee, Vice Chair Senator Avery Lewis, other committee members, Senator Maris James, Senator Duane DeGraff, Senator Franklin Johnson, Senator Carla Joseph, and other members of the 36th Legislature. Today, I am privileged to not only serve as the Commissioner of Education for the Virgin Islands but to have an opportunity to provide testimony on the department's position on the following bill bill number 36.0069 an act amending title 17 Virgin Islands code chapter 9 sub chapter 1 section 82 subsection a by changing the age a child begins kindergarten from five years of age to four years of age, sponsored by Honorable Alma Francis Heiliger. Joining me today are Assistant Commissioner Victor Sohm III, Dr. Carl Abastien Knight, St. Croix Superintendent, and Dr. Simra Brown-Gums, Deputy Superintendent for the St. Thomas St. John District. Additional VIDE personnel will be on standby should we need to get further clarification to any of the questions after extensive review of the proposed legislation and consultation with some of our pertinent sister

- 2:17:54 agencies the virgin house department of education does not support the bill number 36.0069 for following for the following reasons starting kindergarten at four years old is possible though often younger children benefit from a later start to develop social and emotional maturity which are crucial for academic success and overall well-being while early intervention at younger ages can provide short-term benefits for language and literacy development delays in the start of school known as red-shirting can offer longer-term advantages in self-regulation and academic performance, particularly in boys. Both these benefits can be influenced by family background and may not be major determinant of long-term success. Data and research. Standard factors to consider when a child should begin kindergarten include individual child's readiness whether the child is multi-faceted encompassing academic social and emotional preparedness family and childcare experiences factors like family background prior quality health care experiences can have a more significant impact on the child's long term success than age of entry alone demographic differences there may be differences in the outcome of red-shirting for boys and girls, with some research suggesting it be more beneficial for boys. And then short-term versus long-term effects. While some advantages of red-shirting are short-term, others, particularly in the areas of self-regulation, can be long-lasting according to a Stanford study. Additional research findings from the National Institute of Child Health and Human Development study on early childcare December 2007 of more than 900 students nationwide were analyzed to examine the effects of age to entry to kindergarten on children's functioning in early elementary school. Children's academic achievement and social emotional development were measured repeatedly from the age of 54 months through third grade with family background factors and experiencing childcare in the first 54 months of life controlled hierarchical linear modeling which is a growth curve analysis revealed that children who entered kindergarten at younger ages had higher estimated scores in kindergarten on the Woodcock Johnson letter word recognition subset but received lower ratings from kindergarten teachers on language and literacy and language and literacy and mathematical thinking scales furthermore children who entered kindergarten at older ages showed greater
- 2:21:13 increases over time on that same test to include letter word recognition, applied problems, memory and sentences, picture vocabulary, and outperform children who started kindergarten at younger ages on that same test from 54 months to third grade. The table shows the different benefits of both entering early, entering later and you'll see that the major major difference is the long-term academic goals as well as that social emotional maturity and that's something that really plays a significant impact on that child's success required costs changing the mandatory starting age for kindergarten from five years to four years would be contrary to the territory-wide public preschool program are mandated by law and would be detrimental to federally funded head start programs operated by the Department of Human Services. The potential mass insertion of four year old students into public school will put a massive, massive strain on an already burdened infrastructure of the department's aging elementary schools prove a tremendous hardship on recruiting sufficient kindergarten teachers given the current national teacher shortages and dual certification requirements for early childhood certification and schools with outsized classes the lack of a proposed funding source is detrimental to the adoption of this bill. In conclusion, I respectfully urge consideration of the department's position, as outlined in the enclosed testimony. The Virgin Islands Department of Education remains steadfast in its mission to ensure that every decision made ultimately benefits the students, educators, and families we serve. We look forward to working collaboratively with you and your colleagues to advance legislation that strengthens our educational system and supports the long-term success of our territory. Thank you once again for your leadership and for the opportunity to provide this testimony. My team and I remain ready to answer any questions regarding our testimony and to provide additional information and clarification if needed. Thank you.
- 2:23:51 Thank you, Department of Human Services, next. Carla Benjamin, Assistant Commissioner, Department of Human Services. Good morning Chairman VLA, Senators of the Committee on Education and Workforce Development, invited testifiers, and fellow Virgin Islanders. My name is Carla Benjamin, Assistant Commissioner of the Virgin Islands Department of Human Services, and I appear before you today on behalf of Commissioner Avril George, who is unable to attend this hearing due to a previously scheduled engagement. I am joined in the well today by Ms. Masike Lewis, Administrator of the Office of Head Start, who oversees the daily operations of our federally funded Early Childhood Education Program. Together, we thank you for the opportunity to provide testimony on Bill No. 36-0069. which proposes to lower the starting education age from five years to four, thereby requiring kindergarten attendance by age four. The Department of Human Services plays a critical role in early childhood education through our administration of the federally funded Office of Child Care and Regulatory Services, which licenses, monitors, and provides quality improvement and training opportunities strategies for all early childhood education programs in the Territory and the Head Start program which serves children ages 3 to 5 across St. Thomas, St. Cory and St. John.
- 2:25:25 As such, any change to the statutory age for kindergarten entry intersects with the services we deliver, the federal regulations that govern Head Start and the broader childcare and education landscape of the Virgin Islands. The value of early education. We begin by recognizing the intent of the legislation. Research confirms that the earliest years of a

child's life are critical to cognitive development, language acquisition, and social-emotional growth. Starting schooling earlier can, under the right conditions, increase access to structured learning, smooth transitions from preschool, and help narrow disparities among children from different socioeconomic backgrounds. We also acknowledge that the bill's sponsor is correct in pointing to the international trend many jurisdictions have adopted policies that allow younger children to enter formal schooling earlier, often with positive results where strong supports are in place, developmental and operational concerns. At the same time, the Department must raise several critical concerns.

- 2 : 26 : 37 First, not all four-year-olds are developmentally prepared for the structure and expectations of a kindergarten classroom. According to the National Association for the Education of Young Children, readiness for kindergarten varies widely among children, and policies that mandate earlier entry without accounting for developmental differences can create unnecessary stress and learning gaps. While some children may thrive, others may struggle socially, emotionally, or academically. And pushing children into formal schooling before they are ready may risk creating frustration for both students and teachers.
- 2 : 27 : 17 The Harvard Center on the Developing Child emphasizes that strong social-emotional foundations build through play-based early learning settings are critical predictors of later academic success and self-regulation in school. Four-year-olds who are not ready for assessment and evaluations related to the onset of formal schooling may be misdiagnosed and labeled with developmental delays and other potentially stigmatizing characterizations that they would likely not face had they been allowed another year of social, emotional, and intellectual preparation and growth. Parents and caregivers who determined that their preschool-aged child would benefit from a structured early childhood education setting may already access pre-kindergarten via the Virgin Islands Department of Education's granny preschools as well as through structured classroom settings in private and parochial schools additionally Headstart exists precisely to provide a bridge for children during these formative years offering individualized instruction social-emotional development, health and nutrition supports, and family engagement in ways that are not replicated in public school settings. Federal studies have shown that children who participate in Head Start programs demonstrate significant gains in vocabulary, early literacy, and social skills before kindergarten entry. If four-year-olds are shifted wholesale into kindergarten,
- 2 : 29 : 13 Head Start's enrollment of second-year students, which are four-year-olds, would decline significantly and this in turn would affect the program's federal funding allocation, which is based on enrollment levels. As of this month, the Virgin Islands Head Start program is operating at 91.9 percent of its funded enrollment of 637 children, with 586 currently enrolled. Of that number, 53.4 percent, which is more than half, are four-year-olds. In the St. Thomas-St. John district, there are 249 children enrolled, of which 60.1 percent, or 151, are four-year-olds. In the St. Croix district, there are 337 children enrolled, of which 48 percent, which is 162, are four-year-olds. The passage of this bill would therefore be very detrimental to the Head Start program, as it would directly eliminate a majority of our current student population and destabilize the funding and staffing that sustains it. At this time, DHS is actively managing five major Head Start construction projects across the Virgin Islands. These projects are nearing completion at varying stages, with anticipated finish dates now ranging from December 2025 through January 2026, specifically on St. Croix, Anna's Hope Estimated completion, December 20, 2025.
- 2 : 30 : 53 Concordia, estimated completion, December 20, 2025. On St. Thomas, Lindbergh, estimated completion, December 2025. Minetta Mitchell, estimated completion, December 2025. And Bolongo, estimated completion, January 20, 26. These facilities represent a transformative investment early childhood education and are being purpose-built to serve three to five-year-olds under the current Head Start model. Any statutory shift of four-year-olds into kindergarten would directly affect the utilization of these new centers and the federal funding tied to their enrollment. Additionally, the Virgin Islands Department of Education would need to absorb an entirely new cohort of students that requires instruction from teachers with specialized early childhood competencies. This would require additional classrooms, early childhood education credential teachers, and instructional materials. Given current teacher shortages, such an expansion would strain already scarce resources and potentially dilute instructional quality unless paired with significant investment in staffing and infrastructure. The Learning Policy Institute has found that early childhood classrooms require teachers trained in child development and differentiated instructions and that expanding enrollment without adequate staffing support often leads to lower instructional quality. Parents too would be pressed to send their child to kindergarten earlier than they believe their child is ready creating inequities between families who wish to follow the statutory mandate and those who feel strongly about keeping their child
- 2 : 32 : 46 in a preschool or head start setting until age five private child care centers and preschools which often depend on four-year-olds for enrollment may also be destabilized by such a shift further reducing child care options in an already limited market. In conclusion, the Department of Human Services supports the overarching goal of expanding access to high quality early education. We recognize the value of engaging children earlier, reducing disparities and supporting

their academic and social emotional development from the start.

2 : 33 : 24 However, we urge that any shift in kindergarten entry age be undertaken with careful coordination between the Department of Education, the Department of Human Services and private child care providers. Such a change should be accompanied by thorough analysis of its impact on Head Start and federal funding streams and a realistic assessment of the resources required to ensure that our youngest learners thrive. We stand ready to collaborate with this body and with our education partners to ensure that the best interests of Virgin Islands children and families remain at the center of any reform. Myself and Ms. Lewis are here for any questions.

2 : 34 : 10 Thank you for your testimony, Department of Health. On the end of the day, Honorable Senator Kurt Aviali, Chair of the Committee on Education and Workforce Development, Vice Chair Senator Avery L. Lewis, committee and non-committee members, and the viewing and listening public. I am Dr. Nicole Cragwell-Simms, Assistant Commissioner, Virgin Islands, Department of Health, testifying on behalf of Health Commissioner, Husta Incanasiung, who is currently out of the territory, attending an ASTHO board meeting. Joining me today are Assistant Commissioner, Ruben Malloy, Deputy Commissioner of Health Promotion and Disease Prevention, Dr. Janice Vauman, Chief Legal Counsel, Marquise Taylor-Jones, and members of the MCH team, Director Mead and Ms. Jackson. Thank you for the opportunity to testify on Bill number 360069, an act amending Title 17, Virgin Islands Code, Chapter 9, Subchapter 1, Section 82, Subsection A, by changing the age a child begins kindergarten from five years of age to four years of age. At its core, the proposed bill seeks to strengthen early learning by allowing children to begin kindergarten at four years of age instead of five. The motivation is understandable. We all want Virgin Islands children to have the strongest possible education foundation. It reflects a shared understanding that early learning lays the foundation for academic success, social development, and lifelong wellness. What research shows, however, is that early access does not automatically mean better outcome, particularly when readiness, equity, and system capabilities are not equally addressed. Across the United States, the standard age for kindergarten entry is five years old, a benchmark grounded in decades of research in child development, public health, and education. By age five, most children have reached key milestones in cognitive, social, emotional, and behavioral growth. They can typically follow multi-step instruction and agree with overall direction, sustain attention in structured environments, and engage in meaningful play with peers. Their fine motor coordination, early literacy, and emerging numeracy skills are also more advanced, enabling them to participate fully in kindergarten level learning. In contrast, many four year olds are still developing these fundamental skills, increasing the likelihood of early academic struggles and behavioral challenges when placed in formal schooling too soon. Local pediatrician, Dr. Trevina Moore, board certified in both pediatrics and developmental behavioral pediatrics, supports this position. She notes that while early access to school services can benefit families and help identify developmental concerns, research consistently shows that most four-year-olds are not yet socially or emotionally ready for the academic expectations of kindergarten. Many may display early cognitive ability but lack the attention span, emotional regulation, and stamina required to sustain a full-day structured setting. National studies and pediatric research affirm that introducing formal academics prematurely can heighten anxiety, frustration, and behavioral issues without yielding long-term academic gains. Developmentally, most four-year-olds are still mastering self-regulation, focus, and emotional control. When placed among older peers, they may experience increased behavioral redirection,

2 : 37 : 35 classroom disruption, and feelings of inadequacy. Mandating kindergarten entry at age four, therefore risk placing children in environments designed for older, more mature students, set in settings that prioritize early literacy, benchmarks over play, exploration, and social-emotional learning. Leading organizations, such as the American Academy of Pediatrics and the National Association for the Education of Young Children caution that chronological age alone is not a reliable indicator of school readiness. Children, particularly those born later in calendar years, may face unnecessary emotional and academic strain when required to begin formal education before they are developmentally prepared. Physical and health factors strongly support maintaining the current kindergarten entry age. By age five, most children have completed their early childhood immunizations, providing essential protection for both themselves and their classmates in group learning environments. Their physical development, such as bladder control, stamina, and motor coordination, is also more advanced, enabling them to handle the structure and demands of a full school day. These developmental milestones align naturally with kindergarten expectations, creating safer and more successful learning environments. In contrast, pre-kindergarten or pre-K and Head Start programs are specifically designed to meet the developmental needs of four-year-olds. These classrooms focus on social, emotional, and early academic growth through smaller class sizes, play-based learning, and routines that match how young children learn best through exploration, conversation, and hands-on activity. This structure differs intentionally from the more formal academic settings of kindergarten. A key purpose of both pre-K and Head Start is to build school readiness, the fundamental social, emotional, and cognitive skills that support later academic success. Head Start also provides wraparound support such as health screening, nutrition services, developmental assessments, and family engagement activities. These services extend

beyond the classroom, helping to reduce inequities and remove barriers to learning for children and families. In the Virgin Islands, programs like Granny Pre-K, Sugar Apple Pre-K, and Head Start were created to offer this critical year of growth before kindergarten, ensuring children enter school healthy, confident, and developmentally prepared to thrive. Data collected by the Virgin Islands Department of Health highlights the need to strengthen early childhood support rather than lower the kindergarten entry age. Assessments show that access to early learning opportunities remain uneven. Many children from low-income households or those without access to private preschool enter school for the first time at age five and may be behind their peers in language, social skills, and behavioral development. According to the 2023 Maternal and Child Health Needs Assessment, only 48% of children ages three to five in the Virgin Islands receive timely developmental screenings. This gap underscores the urgent need to expand structured early learning environments that can identify and address developmental delays before kindergarten. The same assessment found that 21% of children ages two to five are classified as overweight or obese, reinforcing the critical role early childhood programs play in promoting physical activity, healthy nutrition, and preventative health habits before children reach school age. While early learning programs such as pre-K and Head Start provide valuable developmental and health benefits, access is not universal. Eligibility is based on age and in some cases income, yet not all qualified children are able to enroll. Limited capacity and resources disparities continue to create barriers, particularly for families in underserved or low-income communities. These findings point to a clear policy direction rather than lowering the kindergarten entry age. Efforts should focus on strengthening and enhancing access to high-quality education, early education, childhood programs that meet the developmental, social, and health needs of every young learner. Research supports this approach. A longitudinal study published in *Pediatrics* 2020 found that the skills children bring to kindergarten, such as vocabulary, math knowledge, and classroom engagement, predicts academic performance, health behaviors, and grade point averages well into adolescence. Similarly, a well-known Stanford University study compares children who entered kindergarten at age five with those who delayed entry until age six, found that the older group demonstrated 73% lower levels of inattention and hyperactivity into adolescence, illustrating the lasting behavior benefits of additional developmental time. Further assessments of state kindergarten cutoff policies across the United States confirm that older kindergarten entrants generally experience stronger academic and behavioral outcomes throughout their early school years. As we all work to improve educational outcomes in the Virgin Islands, Maintaining age five kindergarten entry is a developmentally sound and equitable policy. This policy reflects extensive development science, public health standards, and educational research. It ensures that our children are more prepared to meet classroom expectations. It aligns with national health standards and allows pre-kindergarten programs for four-year-olds to focus on essential readiness skills. This is about giving our children the strongest possible start. By keeping kindergarten entry at five years old and expanding early childhood support, we can work together to build a healthier, more successful future for our young people. This concludes our testimony. Thank you for your time and for your commitment to the wellbeing and future

2 : 43 : 29 of the children of the Virgin Islands. We welcome any questions the committee may have. Thank you for your testimony, colleagues. We're going to go to a three minute round, but before we go to that particular round, Title 17, subsection 82, compulsory school attendance, age of pupil exceptions. E, all children shall commence their school education by attending an approved kindergarten from the beginning of the school year in the calendar year in which they reach their fifth birthday. So that means that if the student is going to reach five years old in November, they start school at four years old in August.

2 : 44 : 17 Okay, so they could make five up to December 31st and they're going to start school in August. The bill proposes to strike fifth and insert fourth. So that means if the child makes four years old in November, they're going to start school at three years old in August. If you look at the data from all of the states, which I was surprised, and I'm glad this bill came up because you get a chance to look at stuff. And if you look at the data from all the states, we're literally the only jurisdiction that has that calendar year, December. All other state has September, and I think Colorado and Maine, the latest is October. So just food for thought as we go along with the discussion. Three minutes round, colleagues, Senator Franklin Johnson, you're recognized.

2 : 45 : 11 Good morning. Thank you very much, Mr. Chair. I felt so excited about this measure. And when I start digging into some of the testimony, I was like, whoa, slow down a bit. Slow down a bit. But, you know, and I would say that today you find a lot of younger children doing magnificent thing with the cell phone, with learning. And I guess those numbers are, you know, just isolated situation. And I really came in saying, well, you know, this is a good move. Give these children an early chance. But some of my question goes back to the federal funding. and that that's where my question really lies so I want to understand it if this was supposed to pass what really would happen to us with the federal funding and I think um human service could try and answer that for me so those are my my main interests at this time what would happen if um we go to this move with the federal funding Benjamin, Assistant Commissioner, Virgin Islands Department of Human

Services.

- 2:46:20 Do you want service? Yes. Yes. Head Start funding is directly tied to our funded enrollment. It doesn't look like you can't hear me. Senator, you heard the response? No. Okay. So hold the Senator time. We'll give him 30 seconds more. Ask the question again so that you can answer. If this measure was supposed to be adapted by the legislature, what would happen to the federal funding for the pre-start and all of the investment that have been put in so far? The Head Start program as it currently is, the funding is directly tied to our funded enrollment.
- 2:47:03 In order to remain in good standing, we cannot be chronically enrolled. chronically under-enrolled based on the numbers that we just presented more than half of our student population are our second year Head Start students which means four-year-olds so that we would lose more than half of our enrollment which would definitely make us chronically under-enrolled and we would essentially lose Head Start funding. And then to the Commission of Education and I think Department of Health I keep hearing some data but nobody giving me a timeline as to when this data was achieved when when was these data's key when did they came out what year time frame does the data that was used in a testimony was from December 2007 and I think Department of Health gave some data too yes so the data are recording a testimony came from the 2023 MCH one minute all right thank you very much I really appreciate and I said these are some very good discussion and I appreciate the testifiers with those enlightening information thank you very much mr. chair thank you Senator Johnson Assistant Commissioner Benjamin, what's the total in federal funding we received for Head Start?
- 2:48:33 Currently, it's above \$10 million. \$10 million? Yes. The teachers in Head Start, are they 100% funded or 50% funded in terms of the federal general fund? The program itself is funded by both funding streams. Some are 100% federally funded, some are locally funded because they can't all be sustained on the grant without a grant. Okay, so some of the teachers and paras are 100% federally funded and some are a combination of local and federal and some are all general funded. Correct. Okay, the same thing goes for your food service program in the Head Start?
- 2:49:17 Yes. Some federally funded? Correct. Okay, Commissioner. Yes, Senator. Are any of your kindergarten teachers federally funded? No. None of our kindergarten teachers are federally funded. Pre-K is federally funded. OK. So the classification of kindergarten would mean that you would have to utilize general funds to hire all of these additional teachers and paras that you need?
- 2:49:45 Correct. OK. Thank you so much. It's a point of information, Senator Lavery Lewis. Thank you, Commissioner Wells and Trenton. Good morning again. What's your current... Not enrollment. Pre-K? No. You're for elementary education. How many teachers are you missing? Oh, I'll have to get that to you, Senator. I don't have that. Maybe the superintendent, no? How many shortages you have? Dr. Bastion-Knight? Bastion-Knight, St. Croix District.
- 2:50:23 while i do not have the actual number i do know that we have a lot of vacancies that we currently can't fill and we're actually awaiting some early childhood um teachers to come and fill some of the gaps that we currently have and remembering this and this is an elementary level which we speak about early childhood to be able to teach those yes pre-k and kinder classes if at some point in time commissioner could get that shortage number for me thank you mr chairman through the Thank you. Thank you, Senator Lewis. St. Thomas, you have a shortage of elementary educators? Yes, we do. Go ahead now. Hello?
- 2:51:02 Is Simradi Brown? Yes, we do. Okay. Thank you so much. Senator Carla Joseph. Thank you so much, Mr. Chairman. This is a very good conversation. I know in the state of Georgia, because one of my granddaughters, she born later in September and she had to go to school at six and not at five. So that's an issue. But how are you addressing, because developmentally now, she may be a little bit advanced. Do you make, as education, make the assessment to determine, because this child are demonstrating the required social emotional and academic progress to test them out and advance them to a higher grade because i know even some of my classmates they had tested out and gotten to a higher grade so our schools have basic child study teams and if a child is determined to be advanced they would do a screening of that particular child looking holistically at the child and make that adjustment if needed we've done that in the past okay so the issue regarding children who are advanced is already embedded in the academic structure so we don't have to worry about that but my concern and i really want to point out the Department of Health, their issues, their concern, and, you know, correlate it with the Department of Human Services because Head Start plays such a critical role that pre-school
- 2:52:53 and building readiness. What is the purpose of that? What is the underlining purpose of Head Start and that preschool readiness what is the purpose because that's that's i think is a fundamental issue that we have to look at as far as academically socially even economically uh one minute sim yes no well head start and and also how it factors into health right because we're looking at immunization and the like how did how do you see the correlation between those two right so thank you for the question nicole craigwell sims assistant commissioner department of health so the two marry our sister agency um in that head start and that pre-k program it is necessary for the development i know senator johnson

mentioned children and their capabilities to kind of go through some technologies and electronics but that's really technological familiarity and not develop mental readiness there's a difference in that foundation and so the pre-k opportunities provide that opportunity for children to naturally grow and develop in the way that they should when it comes to health we're also looking at the age of readiness physically right mentally emotionally and receiving the vaccine that you need to go to school because of the setting that you'll be in so it definitely partners and goes hand in hand in a process that looks at the holistic child right because that's what i was getting at you know mr chairman i'll wrap up developmentally we want to assure that we aren't exposing the students because now they're going into a major population that is not just composed of students their age you have students who are going to be 11 10 years old so are they mature enough to handle that type of environment and perhaps put more burden on families and our system thank you so much mr chairman for the time thank you so much senator carla jose point of information senator ala francesca thank you thank you so much um i wanted to call this point of information just to share some additional

2:55:07 information with you guys um i did submit an amendment to this piece of legislation to, as when I did the introduction, I spoke about Title 17 subsections 232, 233, and 234, because what I had attempted to do in the amendment was to incorporate and shift over the H4 to that and also give the commissioner the option that if for some reason, even though was mandatory they could have discretion if something is happening with the child if they're not socially ready or whatever so that is what the the new amendment was to look like but how i drafted it some of the wording had overlapped with um i think another bill that's coming up so i i we're working on revamping it so part of the reason why you guys are here today is i could have asked the chairperson to pull the bill because this is not what it ultimately would look like but I thought having the dialogue was important so I could also get feedback while I'm still working on some of these amendments. I wanted to give you guys a general synopsis that the amendment has been shifted to actually the pre-k section in dealing with that section of the code that already exists that deals with pre-k and going to school at age four so thank you so much for giving me this opportunity to give that additional information to them thank you senator senator kenny kittens kennedy kittens you're recognized thank you mr chair and good morning to all these are some real interesting bills uh today um let me first go um to department of human services so with all the um head starts being built i think there was a listing about some five or so um

2:57:14 To gain a better insight into the operational or funding disruptions and how they might affect access or quality of services, what specific impacts do you foresee on the Head Start program itself and the Territory-wide Preschool Initiative? if the kindergarten entry age is actually lowered. Carla Benjamin, Assistant Commissioner, Department of Human Services.

2:57:53 And after I make my comments, if the administrator for Head Start can be allowed to speak as well. We definitely, based on our numbers, anticipate that the majority of our students would fall into the four-year-old category. head start program is designed to allow children to come in that first year and then to return that second year receive all the all the the support services the wraparound services and in collaboration with the department of education and the department of health make that transition then to kindergarten um additionally the funding enrollment and the the the fund federal funding are both tied together so if we were to not have four-year roles it would be impossible to meet any one minute federally funded enrollment that we have we are having trouble currently meeting our federally funded enrollment um and the head start program because of the uniqueness of the services that it provides there are children right now who qualify to go to the granny preschools but actually are have have attempted that and have come back to head start because they need the services that head start have because they're different thank you um just just in 30 seconds yes in the essence of of time i'll i'll move on i understand um what the assistant commissioner just stated um department of health um you testified that the data collected uh by your agency uh highlights the need to strengthen early childhood support

2:59:46 rather than lower the kindergarten entry age do you have any uh specific time so just for strengthening early childhood um support i would ask dr valman who is on st croix if she has any specific recommendations and we can definitely get some over to you sir janice valman deputy commissioner of health promotion this is prevention there are several different strategies and that can be used and in fact i was having that discussion just recently with a colleague about looking at the department of health um we already serve the head start program with regular screenings and continuing that type of effort and through our vicpap program we uh we do serve that population in terms of providing support in terms of behavioral and services so definitely besides just partnering and collaborating with our department of education the Department of Human Services and our community-based organizations who serve that population, we are definitely considering working with the child care centers, increasing that collaboration to provide additional support through the Department of Health, specifically through the MCH program. So those are some opportunities that we are definitely continuing to grow and explore for supporting early childhood because we know, I call it front-end loading, the more we can support and present opportunities from early we can see the long-term effects i like how you sit there and you maintain that eye contact because it seems like you were right in my head as i was going to ask you specifically which

program within the department of health and you went right there something near and dear to my heart because you know my mom worked in that section for many many years mch thank you uh for that response mr chair i had two more questions but i will just ask you if i could just ask one please proceed with the one thank you um uh and

3:01:55 i'm a i uh commissioner i really thought i would have seen your um legal counsel with you today there's other times that they come and they're right there lockstep with you however um you know to clarify the legal conflict and understand whether it's procedural structure or content-based, how does the proposed change that we have before us to the of the kindergarten age specifically conflict with the existing statutes in 17th VIC 223 and 231? So, as mentioned by Senator Heiliger, the pre-K program, there would be a conflict.

3:02:44 Currently, our pre-K program accepts students at the age of four. With this proposed legislation, we're asking now to accept students at the age of three. That will definitely significantly impact the work that we do at the department. Say that again?

3:03:16 Did I say you got the response? Am I missing? Not totally, but I'll rest. Thank you. Okay, thank you. Thank you so much. This legislation will make all the granny pre-K programs kindergarten. Whether it's sugar apple or whatever else you want to call it, all of them would automatically become kindergarten. You wouldn't have any granny pre-K. So granny pre-K would then become like three-year-old and some two, because this bill would allow three-year-old to start kindergarten if they're making four by December.

3:03:56 The next ramification I'm saying that is very serious is Human Services is being very nice in how they say it all the time, but Assistant Commissioner Benjamin, we'll lose the federal grant, all \$10 million, because we don't have the enrollment, correct? Correct? Correct, Senator. And how many individuals do you employ in Head Start? You could get, yes ma'am. 180.

3:04:23 So we're jeopardizing possibly 180 jobs that are partially federally funded to include school lunch and everything else that you can think about. It's significant. Point of information, Senator Avery-Lewis. Thank you, Mr. Chairman. And just to extend to something that the chairman just said, while we talk about Head Start and we talk about Department of Education, let's not forget the day case the private sector I don't really think government is designed to stop the private sector so we just gotta be careful what we're doing well I understand the intent we also have the private sector who employ as well and who was our hardship as well finding bodies to be in front of these students to to educate just like Department of Education and the head start so i just have to put that on the record and then you know department of human services place on the record when their new facilities open that may put a run to on the decades as well so just putting that on the record thank you commissioner so if i may senator um in reference to the inquiry that you made senator lewis we have uh four early childhood education vacancies in the St. Thomas, St. John district and seven in the St. Croix district okay thank you so much Senator Maurice James you recognize hello thank you thank you mr. chair this particular topic today is very dear to me because I've been working on an early childhood education and care system bill. And so it's providing a lot of valuable information. And I definitely intend to meet with all these agencies before I come before the relevant committee. I do want to say though that

3:06:34 when I read the different testimonies, there seems to be some inconsistencies or contradictions between the testimonies that I'll start by saying for example in the the Board of Education you this is second time you've meant mentioned Aristotle and I read Aristotle educating the mind without educating the heart is no education at all and in fact both of the bills the previous one and this one is an attempt by the sponsor I feel it seems to me to educate the heart because educating a heart means social emotional learning and developing moral and emotional development and so when you read in the department of education's testimony it says the harvard center on the developing child emphasizes that strong social emotional foundations built through play-based early learning settings are critical predictors of later academic success and self-regulation in school so therein lies a contradiction between your your testimonies um i also want to ask if it is that um when we're talking about children entering school early we know that research shows that the brain develops from birth to the age of some people say

3:08:27 the age of three five and some people go to the age of eight and I think the intent of the bill is to try to make sure that our children in those critical ages have the cognitive and social development that they need but I do understand that as the chair said funding is one of the biggest issues especially for the head start but explain to me if a child isn't ready for kindergarten I used to run through this and anyone can answer at the age of four and some some of the testimonies even say that that children should enter later than four so we need to be on the same page with regard to that but please answer then for the Head Start enrollment children do enter at an earlier age than the age of four so if they're ready to enter Head Start why are they not ready to enter kindergarten and is it because of the structured setting and the additional support system that I think highlighted by the Department of Health which by the way I do like the department of health testimony i i'll go on the record as saying that thank you mr chair i don't really have more on this because i myself feel i

need to do a lot more research and collaboration with respect to my bill thank you thank you so much uh senator james i think it's a common consensus that the earlier you start the better off you are but the the issue is the kindergarten because the kindergarten mean after that you're going to forest green the kindergarten is more academic than social emotional so the other pre-levels whether it's pre-k4 pre-k3 you want that and you you would want to mandate that students start at four but not in kindergarten but that they're in some type of program because that pre-k4 is learning communication social skills your ability to listen ability to follow directions your fine motor skills are cooperating with others managing your emotions while kindergarten is is more academic you know start with your letters start writing your name start you it's a more academic setting so i the intent i understand but not at the kindergarten level i mean if there's a mechanism where we have sufficient spots for all four-year-old and you're mandating that they're in some type of program I think that is a bit different. Well, human services, when the other sites open up, you're going to have additional capacity or the same capacity?

3:11:12 It will be the same capacity. Put your name on the record. Masika Lewis, Administrator for the Office of Head Start. It will remain the same capacity. We just will be changing the sites, correct? Okay. And then we got to remember that along with the government-run head start we also have head start programs that are run by lutheran social service they just build a big center um out there by by concadia so it's a ripple effect all around you know so um just careful as you proceed senator degraf you recognize oh you had a point of information senator carlo joseph uh thank you so much mr chairman around this conversation i regarding preschool and the like i wanted to ask department of human services assistant commissioner carla benjamin do you have a waiting list for students or young people you know between the ages of three to four or three to five who are waiting to come into the head start program and you're unable to provide the services carla benjamin assistant commissioner we do have a waiting list but we also have available slots so parents are able to choose where their child attends head start so in some situations even though there may be an available slot in the district the parent may not choose to send their child to where the vacancy is understood okay thank you thank you so much senator the graph you recognize uh thank you mr check uh good morning colleagues morning testifiers you know i i think when i was growing up you had Sesame Street, Mr. Rogers neighborhood. My children growing up they had Barney. Now you know my four-year-old granddaughter who is now five years old, when she was four told me, she said, Grandpa, I'm a big girl. So she was looking forward to go to school when she made five um i i think you know i i look at the plane and all the information we put out here i i don't second guess uh i understand it what is uh one i like to make sure we give that extra

3:13:31 credit to our children what's real different between a three-year-old and a four-year-old a four-year-old and five-year-old you could tell me anything but when your parents when you're growing up and they send a 12-year-old out. You know, I'll keep it local. Growing up, you had to go down to the pipe and bring up water so you could basically have stuff fixed up and things. It didn't make a difference what age you were. You had a paint bucket, you go down, you bring up water. So as you are in the job of educating, educate the children. So, but reality is the great information that was put out. Now, what seems to have me a little off is when you mentioned pre-K. Department of Human Services, you deal with three to five. But five is when you start education, start school. So, if you get \$10 million for funding for three to five, And four is your number that you're looking at, that if we start school at four, it bumps you out at \$10 million.

3:14:41 Then it puts education in an issue where they have to find out funding for teachers and everything. So it sends really an odd message that I myself was listening to. I'm not trying to contradict anything that you the experts are putting out, but it becomes contrary. So for me, I personally think that from a four-year-old to a five-year-old, there's no difference because of the things that the age we didn't know. I'm not saying there isn't. So don't get me wrong that I'm not saying it. I say to me, you know, the data you have to supersede me and correct me, I'm sure. But I'm just saying, when you take, like you mentioned, a five-year-old, but because of when your birthday is, you start school at four, has data shown that that child goes through school behind?

3:15:39 I don't know if there's any data that would say that. Is there anyone that could say that? Does that child go through school behind? Or at a disadvantage? We don't have that data here now, but I'm pretty sure it can be generated, Senator. Your opinion is different to my opinion. There is a difference. And we're talking about children entering school at three. Remember that now. We accept students right now who make five by December 31st. We are now saying we're accepting three-year-olds who make four by December 31st. stock difference my three you might have three-year-olds that are not fully party trained you may have three-year-olds that don't have the social emotional levels that we are looking for so we are setting our children up it's a disadvantage for our children now you might have some outliers who can but the majority are not ready they're not and so with this you you you impact our pre-k program which is federally funded where we accept the four-year-olds into the school that are not you know whatever follow human services head start requirements they come to us and so we're able to give them that early childhood start but now you're talking about taking that back to preschool so different okay superintendent yes and just putting on a record bachelor night

Superintendent St. Croix District. For our granny pre-k program we utilize the lap 3 assessment that's the learning accomplishment profile that's used to study children between the ages of 36 months to 72 months and a majority of our four-year-olds who are currently in the granny pre-k program they struggle to attain a successful rate and even at the end of the school year as you prepare for that transition to kindergarten we often have to put plans in place for majority of those students because they don't meet the cognitive development for transition the social the personal

3:17:52 the fine motor understanding spoken words are often still struggles to those students okay and and commissioner for the record i yield uh 100 to your assessment uh is no question in my mind But like I said, it was just my opinion, but I yield to what you have to say. Thank you for the time, Mr. Chair. Thank you, Senator DeGraff. And I caution when we're thinking about this scenario in utilizing, like how the Senator said, his grandchild and her development, which is more than likely true.

3:18:27 But the converse is that the public school must educate all, every single student. so you will have these students yeah they could do it at that particular age but then you're educated now and we're not even talking about students with disabilities okay we we didn't even factor that in yet so it's a lot and i'm i'm glad that we're having this discussion today senator noble francis you recognize uh thank you very much mr chair and thank you for all of the testimonies i i must say that they're very thought-provoking uh testimonies that have been put forth here certainly by the Board of Education, Department of Education, Department of Human Services and the Department of Health. I want to say that the discussion here today while you know we're hearing a lot of the input from the agencies not in support of this particular measure, it's not lost on me that tremendous amount of work have gone into where we are today. I know as the former chair of Health Hospital and Human Services there have been a lot of stakeholders engagement and just earlier this year as well where we had the Head Start conference you know this year late last year but you know there's a lot of work that had been put forth by the administration in respect to get us to this point especially with a 10 million dollar grant that was afforded the Virgin Islands for us to be able to capture the Head Starts throughout the territory I I certainly looked at some of the well the census data which speaks to the percentage of children ages 0 to 5 decreased from 7.8 percent in 2000 to 7% in 2010 and finally 5.1 in 2020 the national percentage of children ages 0 to 5 was 5.6 percent according to the 2020 census these findings are consistent with the decline in the total number of births and the birth rate for United States since 2015 and I think that the proposal here today where we we see where programs are competing or in fact maybe in some instances conflicting with the very same services that we provide into the same target so we have to be mindful of that and really just kind of be careful how we proceed. You know, when I first saw the bill, I said, well, this is certainly in us being able to

3:21:00 lower the age. But, you know, when you started to read and hear the testimony, you know, realistically, we see where the data that have been provided here is certainly one that should be considered. I like the Department of Health where you talk about developmentally sound and equitable policy. That certainly resonates with me. You know, based on the age that we're starting with with the five-year-old um at this point um just real quickly uh what what is the is there any data that support or could give us what is the um the individuals what is four-year-olds compared to five-year-olds what that population look like human services or department of health could provide that number I'm sorry what was the the question the question is what is the number of a population of four-year-olds versus population of five-year-olds we would have to get that information we don't have it well I but I don't have it right now.

3:22:15 Department of Education, do you? For, you're asking about the Sebastian Knight superintendent, you're talking about enrollment data, Senator? That's correct. For the St. Croix district, we have 83 students enrolled In the granny pre-K program and K-5, we have, I'm pulling it up as we speak. Give me one minute. Simra, I don't know if you wanna proceed to the St. Thomas district. In the, good morning, Simra D. Brown, St. Thomas, St. John district. In the Sugar Apple pre-K program right now, we have 75 children. I have to pull that up thank you do you have granny pre-k you know St Thomas yes it's called sugar apple pre-k okay very well yes and the number we got on St.

3:23:26 Corey is a 783 Bastian Knight St. Corey district superintendent total district enrollment for kindergarten it's 292 and as of monday we have 86 students enrolled in our granny pre-k program okay and if we could just email services if you could give us the number for head start currently i'll appreciate that yeah um carla benjamin assistant commissioner the number of four-year-old senator uh just just the head start whatever um numbers you may have preferably four-year-olds but but also whatever number you may have in head start currently yeah we it's in the testimony um is there okay i could get it from that that's fine yeah um but i did want to add one thing that wasn't mentioned with regard to federal funding. Remember that the Department of Human Services also operates the Office of Child Care and Regulatory Services.

3:24:32 Currently that program provides child care development funds only for non-school-age children. So currently we pay for child care for four-year-olds. If four-year-olds now become school-age children, we can no longer provide subsidies for that age group. We could only provide after school and summer school so that federal funding also would be impacted

thank you mr chair for the time thank you so much and and you're referring to the black grant program yes senator and how many students do you have in a black grant program i would have to get that number for you sir okay and now the the black grant program we got to keep in mind these are local individuals that have daycare centers that receive monies from the federal government and i do know because i've been calling consistently to try to get x amount paid but without the black grant a lot of those facilities will close um literally so we got to keep that in mind our superintendent deputy brown um deputy superintendent st thomas st john district presently there are 404 children in the kindergarten 400 404 babies on st croix yes and we did have an increase in enrollment this year um we call them the covet babies because these children are now five and they're coming in 2020 and we had a large enrollment we actually had to open kinder classrooms Okay, interesting. Senator Diabillo, where's your recognize? You're not in that subgroup, right?

3:26:16 No, no. Good afternoon, everybody, one more time. I'd just like to say, you know, it's a good discussion this morning. I think it's a discussion that probably was long overdue and, you know, hearing the good side and the pros and the cons. There's a lot of parents out there possibly feel and you know my child could take up my phone and manipulate my phone and they could go on youtube and they could this and that my child ready for fourth grade sorry my child is four ready for they're right they probably said they're ready for fourth grade but i just want to keep the conversation honest and real right now i'm going to carry it a whole nother different spin i don't think that the department of education has the facility to accept these children you know i just keep it at 100 with you you know we have moral issues we have air conditioning issues we in the process of reconstruction rebuilding schools and so forth we just don't have the capability now, if we were to impose, implement this law, to accept these children.

3:27:35 You know, that's just one. Two, again, like I stated before, it's going to be a run, a takeaway from the daycares, the privately owned daycares. At times I've asked Human Services if possible, you know, how we could get programs in place to try to offer some kind of education program to try to get train up teachers to go before either headstart or daycares where the daycares would employ them themselves and headstart would have more teaching staff as well when we open these new facilities so is how many facilities you testified here today is going to be reopened we actually have six that will be opening the one is in sinjan up and running The one is in St. John, it's operational, yes. It's operational now. So we have five more to go.

3:28:24 And what's the age? Three to five. Three to five, great. So while I understand the intent, and I have known in the classroom, and we're talking about teachers, we also have to include paraprofessionals. Let me include another tier of, maybe another assistant principal, or something for the school. You know, the chairman touched on children with disabilities, because we have to be inclusive of all. When the private schools go say, you ain't no different, public schools can't say that. They have to take all.

3:29:05 When Head Start go say, when the daycares go say different, Head Start have to take all. So we just have to be inclusive of all of that. And you know, Mr. Chairman, I understand the intent of the four-year-olds wanting time you know and yes you are correct about the measure as i did that study that we are flexible with the early start of the age of children here in the virgin islands but while i do understand the bill sponsors intent it need a little more work here for me today thank you everyone and thank you testifiers for your testimonies thank you senator lewis a bill sponsor senator alma francesca thank you so much mr chair um thank you so much to the testifiers to my colleague um as i stated earlier you know i had a choice do i let us have this discussion with the bill in its current form or do i ask him to pull it because it's drastically being overhauled and i made the choice to just leave it on because i i saw the importance of having this frank discussion in its form as it is now because i learned quite a bit of additional information that could help me in improving the bill so that is what these meetings are for and that's what i love about having this dialogue um for example with the amendments i submitted um like for example some of the changes that spoke to um the definition of what pre-kindergarten is because like I shared with you I recognized after doing additional research by the time this came out and was performed we did quite a bit of additional research and I said wait a minute this might be best suited dealing with pre-k and four-year-olds and that is what the essence of the the amendments which more than likely we were doing amendment in

3:31:00 in the nature of a substitute will be for this piece of legislation. So I do appreciate all the dialogue that we had today. And one thing I will say with us, my ultimate goal is for our children to do better. I have no other purpose. And I recognize that, yes, sometimes our children at age four, some of them are in some really good schools that are very structured, and they come out like little geniuses. I've witnessed that. And then some of them go to preschools that are like glorified babysitters. Let's be real. And my goal here is to get them prepared. That's all I care about. Get them prepared with the mentality of understanding the basics. Because even when the testifiers spoke a little bit earlier about even in preschool, By the time they're ready to transition to kindergarten, some of them aren't ready.

3:32:02 So how do we tackle that? How do we get a hold of them and start preparing them, whether it's from three, four, whatever the case is, so that by the time they hit kindergarten, our kids have that advantage. They have the knowledge. They have

the know-how. They're ready to hit the ground running because they're excited about learning. 30 seconds they've learned basic fundamentals they've already socialized with kids so i was watching this one video um of an overseas country that where they they they have their children starting like they're pre-k from three and if you had to see the production with this video the children screaming down the place they're trying to claw their way out to the classroom teachers grabbing them the parents them are littered over the whole entire school climbing just to because that detachment for the child and the parent for some of them it's difficult and even to that i was watching but then it also showed two weeks later they went from that initial first day to when the kids were they were normal they were like okay i know my parent is coming back for me and they started to adjust so we know that there's going to be some disconnect there but I fully understand and I appreciate the dialogue we had here today but I guarantee you what I have made the changes to is to shift to pre-k for four years and well that's why I brought up title 17 232 233 and 234 because it already outlines um specifically as it relates to pre-k but the goal is to get these kids there as quickly as we can because I need them

3:33:50 to be educated as quickly as possible. We want our children to excel and yes I went to Charlotte Amali High School and to excel always I know it like the back of my hand class of 91 but But, oh, the stenographer, too. That's my classmate. But at the end of the day, our goal is to really, when we become representatives of the people, we listen, we hear, we pay attention to what's happening around us. And if I want better for the kids of this territory, I know you guys want better, too. So collectively, with this information, I'm sure we could come up with something that could really help propel our kids forward. So thank you so much, and we will be requesting to hold a bill.

3:34:40 That was the intent all along, but I wanted to have the dialogue today. Thank you, Senator. Quickly, point of information, Senator Joseph. Thank you so much, Mr. Chairman, because I'm listening to this conversation. Is there any requirement that parents have to enroll their students or their children in some type of structural educational or developmental program by the age of three or four? That's what I think what is, and I think that's what the bill sponsor is trying because if you put them in a structured setting rather than they coming in to the public school setting or school at five you're seeing that they are having to struggle with their developmental and academic because they haven't had any structural setting so i don't know if that is one of the things that we have to look at is getting them into at an earlier age into a structured setting and not just coming into kindergarten uh some students without having that level of structure either in granny or sugar apple or head start thank you so much mr chairman thank you and as i said let's proceed with with caution with everything that we are deciding that we're going to do um a lot of our decisions we've got to make sure it doesn't impact funding doesn't impact other areas i also want to put on the record that i've seen very young students um three four years old that are fluent in reading and i've seen some of those same students at seven years old who have academic burnout who are literally saying i am so tired because they

3:36:36 were just being pushed from such a young age and never learned to find motor skills or communication I was just this academic, academic, like robotic from a very young age, three years old. When you're that two, three, four, you're supposed to be learning through play and communication and social, and we get so caught up with, oh, my child could read at four. Yeah, well, when they're nine years old, the child couldn't read at four, already catch up to that child and actually doing better. So let's look at it, and perhaps the next conversation that we need to have is to bring some kindergarten and some some head start individuals and we have a private meeting and we talk to them to find out exactly what the ideas are in in reference to moving forward and then we see what we could do that's not going to impact um any type of funding or learning i heard a motion motion senator degra uh um yeah i didn't want to interrupt you i said i apologize mr chair motion I move that Bill No. 36-0069, an act amending, Title 17, Virgin Islands Code, Chapter 9, Subchapter 1, Section 82, Subsection A. By changing the age, a child begins kindergarten from five years of age to four years of age.

3:37:55 Be held in this committee at the call of the chair. I so move. Motion made by Senator Graff. Seconded by Senator Joseph. Bill No. 36-0069, an act amending Title 17, Virgin Islands Code, Chapter 9, Subchapter 1, Section 82, Subsection A, by changing the age, a child begins kindergarten from five years of age to four years of age, will be held in the Committee on Education and Workforce Development at the call of the chair. i am rushing i am rushing a bit i know we have consensus so that was like hey we have consensus from everybody roll call roll call roll call roll call so why did you guys let me go to the whole thing and then wait until i finish to say a vote couldn't somebody just say roll call what type of What kind of colleagues do I have? Roll call.

3:38:49 Senator Dwayne M. DeGraff. Senator DeGraff, yay. Senator Kenneth L. Gittins. Senator Kenneth? Yes, yes, yes. Senator Gittins, yay. Senator Maurice C. James. Yes. Senator James, yay. Senator Franklin D. Johnson. Yes. Johnson Yeh. Senator Carla J. Joseph. Yes. Senator Joseph Yeh. Senator Avery L. Lewis. Yes. Senator Lewis Yeh. Senator Kurt Aviala. Yes. Senator Aviala Yeh. Mr. Chair, you have seven yays. Thank you, Madam Clerk. Bill number 260069, an act amending Title 17, Virgin Islands Code, Chapter 9, Subchapter Chapter 1, Section 82, Subsection A, by changing the age

a child begins kindergarten from five years of age to four years of age, will be held in the Committee of Education and Work Post-Development at the call of the Chair.

3:39:49 The Committee will take a two-minute recess. Thank you. Thank you. Thank you.

3:41:36 Thank you. Thank you. Thank you. Oh, my God.

3:43:36 Thank you. Oh, my God. [2 such phrases repeated 11 times · standby audio before the proceeding, transcribed by the recogniser as speech]

3:49:06 Thank you. Thank you. The Committee of Education and Workforce Development is back on the record.

3:50:12 Madam Clerk, can you read the last item on the agenda? Yes, Mr. Chair. Bill number 36-0080, an act amending Title 17, Virgin Islands Code, Chapter 5, mandating a daily morning exercise routine for students in all public schools in the Virgin Islands. Sponsor, the Honorable Alma Frances Heiliger. Invited testifier, Kaisa A. Caldwell, PhD, Chairperson, Virgin Islands Board of Education. Honorable Deanna Wells Hendrickton, Ed D, Commissioner, Virgin Islands Department of Education. Honorable Justa E. Encarnacion, Commissioner, Virgin Islands Department of Health. Mr. Brian Young, MD, Pediatrician, Partners for Kids. Vincent Robert, Commissioner-Designee, Virgin Islands Department of Sports, Parks and Recreation.

3:51:07 That concludes the reading. Thank you, Madam Clerk. I will recognize the sponsor of the bill, bill number 36-0080, to provide some remarks. Senator Alba-Francis, how do you recognize? Thank you so much. Good day to my colleagues, to the testifiers, to the people of the territory. Bill 360080 specifically had to do with trying to add some exercise programs in the morning. The reason why this was done because we all know our a lot of our children have recess already, there's physical education. I know when I was in high school I had to do up to two years of phys ed I think it's been changed to one year now from what I understand but this was more along the lines of just carving out a few moments in the morning not to do rigorous things more like yoga type breathing and to get our children in a mental state of mind for preparation at the beginning of the day but in reading some stuff in the bill some things are not there that I need to carve out and differentiate between those that are already doing physical activity versus those that are still you know doing the mandated physical education. So I don't want us to you know have a whole long hour and it's going to be updated with the additional information so i i wanted to just put that on the record because the intent again is for the best well-being of our children and what when i took the time out to do some research that if you even carve out three minutes at the beginning of the day for those that might not be doing active physical exercise and at those times that short period of time could really change the mindset of a child and how they go through the entire day. So for me if you notice the three pieces of legislation I've attempted to bring today all have to do with our children education and well-being and them potentially progressing further. So I in speaking with my colleagues we're going to hold this one so we could make sure everything that I intended to be in the piece of legislation is there so that we could have the best legislation forward so i really appreciate everyone today and my colleagues for our dialogue and i think today was a very productive day and i'm very happy that we had this meeting and i'm walking away with a wealth of information to further develop these pieces of legislation to benefit the children of our territory thank you so much mr chair Thank you, Senator Francis. I have a motion. Senator DeGraff.

3:54:06 Thank you, Mr. Chair. I move Bill 36-0080, an act amending Title 17, Virgin Islands Code, Chapter 5, mandating a daily morning exercise routine for students in all public schools in the Virgin Islands, be held in this committee at the call of the Chair. I so move. Second. Motion made by Senator DeGraff, seconded by Senator Avery Lewis. Roll call. Roll call. Senator Dwayne M. DeGraff. Yes.

3:54:34 Senator DeGraff, yay. Senator Kenneth L. Gittins. Senator Kenneth L. Gittins. Senator Gittins, yay. Senator Marie C. James. Absent. Senator James, absent. Senator Franklin D. Johnson. Yes.

3:55:00 Senator Johnston, yay. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Avery L. Lewis. Yes. Senator Lewis, yay. And Senator Kurt A. Viala. Yes. Senator Viala, yay. Mr. Chair, you have six yay, one absent. Thank you. Thank you, Madam Clerk. Bill number 36 says 0080. An act amending title 17 for 18 dollars code, chapter five, mindating the daily morning exercise routine for students in all public schools in the Virgin Islands will be held in the Committee of Education and Workforce Development at the call of the chair. Colleagues, we had an early day today. Testifiers, we had an early day. However, our next meeting in November definitely won't be our early one because we're going to have a robust discussion about cell phone usage in our high schools and our school system. And I'm asking for everyone to come with real across section of individuals will be testifying to include principals.

3:56:04 And I'm asking individuals to come with an honest analysis as to the direction of the Virgin Islands need to pursue. States across the nation are coming up with cell phone policies, and they're codifying these policies because definitely cell phones impact learning. So we are going to take the plunge. And then after the plunge, you're going to go into the Career

and Technical Education College bill. We have a large number of testifiers with that particular bill to include individuals from CTEC, encouraging all the members of this committee and the non-committee members who are going to be at the meeting to read a particular bill in its entirety, and let's see if as is, it's what we want, or if there's a need for amendments, there's a need for changes. But that's a big move. So it's not something that we can take lightly, and it's going to take quite a discussion, I think, for us to get it right and determine the path that we're going to move in. I heard Senator Johnson, you wanted a point of personal privilege?

3:57:18 Not necessarily, but Molloy wants to put something on the ears, Assistant Commissioner. So we're just trying to get your attention. Okay, Assistant Commissioner Molloy, it is? You may go ahead. Good afternoon again, everyone. The Department of Health wanted to take this opportunity to remind the public that we are hosting the Breast and Prostate Cancer Awareness Walk this Friday at 530 on St. Croix from Claudio Marco School to Bodo Park. The walk occurred on St. Thomas last Friday and was a tremendous success. We want to make sure that we continue that momentum and be equally successful on St. Croix so join our Facebook page and the QR code and you can register so that you can get a t-shirt hopefully we have t-shirts for everyone but just wanted to make take this opportunity to make that announcement thank you thank you so much and I'll also like to announce my My colleague Senator Blyden is having a housing summit tomorrow on St. Thomas and is going to move to St. Croix on Friday, the USVI Innovative Housing Construction Summit Thursday, St. Thomas from 9 to 5 o'clock at the UVI Innovation Centre and St. Croix on Friday at UVI Great Hall from 8.30 to 4 o'clock. So all individuals who are first-time homebuyers or getting ready to, trying to construct, and they're supposed to have some very useful information. He's been working on this initiative for a couple years now.

3:59:15 So it's finally come to fruition, and we're looking for your participation tomorrow and Friday. We want to thank everyone for coming to the, attending the meeting today. I want to thank central staff, the individuals that made this meeting possible, the testifiers, my colleagues. Thank you so much. The Committee of Education and Workforce Development is hereby adjourned. .

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke - only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

17x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Duane DeGraf, Duane DeGraff, Duane N. DeGraff, Dwayne M. DeGraff, Graff
16x	Senator Marise C. James the surname alone also matches: Javan James; Giovanni James Sr heard in this transcript as: James, Marie C. James, Maris James, Mary James, Maurice C. James, Maurice James
13x	Senator Avery Lewis heard in this transcript as: Avery L. Lewis, Lavery Lewis, Lewis
13x	Senator Kenneth L. Gittens heard in this transcript as: Giddens, Gittins, Kenneth L. Gittins, Kenny Gittins
12x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Carla J. Joseph, Joseph
12x	Senator Franklin D. Johnson heard in this transcript as: Franklin Johnson, Johnson, Johnston
9x	Senator Kurt Vialet heard in this transcript as: Aviale, Kurt A. Viala, Kurt Aviale, Kurt Viallee, Viala
8x	Senator Novelle Francis heard in this transcript as: Francis, Noel Francis, Norval Francis
4x	Senator Kurt VLA heard in this transcript as: Kurt A. VLA, VLA
4x	Commissioner Virgin Islands Department heard in this transcript as: Department
3x	Senator Alma Francis-Heyliger

the surname alone also matches: Alma Francis Heiliger
heard in this transcript as: Alma-Francis Heiliger, Heiliger

3x **Commissioner Carla Benjamin**
the surname alone also matches: Barry Benjamin
heard in this transcript as: Benjamin

2x **Commissioner Avril George**

2x **Commissioner Gary Malloy**
the surname alone also matches: Ruben Malloy
heard in this transcript as: Molloy

2x **Dr. Kaiser A. Calwood**

2x **Senator Kurt Avila**
heard in this transcript as: Kurt Aviala

2x **Senator Marvin Blyden**
heard in this transcript as: Blyden

1x **Senator Athneil 'Bobby' Thomas**
the surname alone also matches: Joseph Vincent Thomas; Agnel Bobby Thomas
heard in this transcript as: Thomas

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 36-0067, Bill 36-0069, Bill 36-0080, Bill 26-0069