

BILL NO. 35-0270

Thirty-Fifth Legislature of the Virgin Islands

May 31, 2024

An Act amending title 17 Virgin Islands Code, chapter 9, subchapter I, requiring the Commissioner of the Virgin Islands Department of Education to establish, maintain, and administer a school suspension program for students who are suspended from a public school for three or more school days

PROPOSED BY: Senator Diane T. Capehart

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 17 Virgin Islands Code, chapter 9, subchapter I is amended by adding section 91a. that reads as follows:

“§ 91a. Establishment of school suspension program

(a) The Commissioner of Education shall establish, maintain, and administer a school suspension program for students who have been suspended from public school for three or more school days, to attend daily while on suspension. The purpose of the suspension program is to provide education and behavior management services for students who are suspended from school.

(b) The suspension program must include the formulation and execution of a Student Action Plan (“SAP”), which must contain an academic and a non-academic component. The academic component must be structured so that the student may continue the student’s education, including completing assignments and homework. The non-academic component

must include support services for the student during the suspension and upon returning to school that will identify and address the underlying causes of the student's behavior and assist with the development of positive attitudes and behaviors.

(c) A SAP must be prepared for each student who is suspended. Before the formulation of the SAP, the principal, or a designee, shall hold a planning meeting with the student, a parent or guardian of the student, and appropriate school personnel, including the student's homeroom teacher and guidance counselor. Depending on the reason for the suspension, appropriate community agency staff may also be included in the meeting. The planning meeting must occur not later than 24 hours after the suspension. At the planning meeting, the objectives of the SAP will be established and the following will be identified:

(1) the needs of the student and a determination of whether any assessment is required;

(2) the student's risk factors and factors that reduce the impact of those factors;
and

(3) any wraparound services that the student may need to continue the student's learning.

(d) Before returning to school after the suspension, the principal, or a designee, shall hold a re-entry meeting with the student, a parent or guardian of the student, and appropriate school personnel including the student's homeroom teacher and guidance counselor. Appropriate community agency staff may also be included in the meeting. The re-entry meeting must be held on the last day of the suspension or within 24 hours of that date. The purpose of the re-entry meeting is to facilitate the student's transition back to school, including identifying and providing additional academic and non-academic resources that the student may require.

(e) Every student who is suspended from a public school for three or more school days must participate in the suspension program for the duration of the suspension.

(f) The parent or guardian must attend both the planning meeting and the re-entry meeting and attend or participate in any wraparound services recommended by the Commissioner.

(g) The Commissioner may contract with a third-party vendor to administer the suspension program.

(h) The Commissioner, in collaboration with the Virgin Islands Board of Education, may adopt such regulations to effectuate the purposes of this section.”

(i) The term “wraparound services” as used in this section means services designed to assist the student and the student’s family in a community-based setting such as in the student’s home, school, or other community locations. The services are designed to meet the goals of the SAP. Wraparound services must be available when families need them, including after-school, in the evenings or on the weekends, and must emphasize treatment models that address issues and enhance positive behaviors through participation in purposeful activities allowing the student and the student’s family to practice life skills and positive choices.

SECTION 2. (a) Notwithstanding 33 V.I.C. § 3093(c), the sum of \$150,000 is appropriated in the fiscal year ending September 30, 2024, from the Virgin Islands Education Initiative Fund, to the Virgin Islands Department of Education, to establish the school suspension program codified in 17 V.I.C. § 91a.

(b) The funds appropriated in subsection (a) remain available until expended.

BILL SUMMARY

Section 1 of this bill amends title 17 Virgin Islands Code, chapter 9, subchapter I by adding section 91a. to require the Commissioner of the Virgin Islands Department of Education to establish, maintain, and administer a school suspension program for students who are

suspended from a public school for three or more school days. The suspension program includes the formulation and execution of a student action plan that contains an academic and a non-academic component. The bill also requires the school principal, or a designee, to hold a planning meeting and a re-entry meeting with the student, a parent or guardian of the student, and appropriate school personnel including the student's teachers and advisors. It is mandatory for a parent or guardian of the student to attend both the planning and re-entry meetings and any services recommended by the principal. The bill also authorizes the Commissioner, in collaboration with the Board of Education, to adopt regulations to effectuate the purposes of the bill and to enter into a contract with a third-party vendor to administer the suspension program. Section 2 of this bill makes an appropriation in the amount of \$150,000 from the Virgin Islands Education Initiative Fund to the Virgin Islands Department of Education, to establish the school suspension program.

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