



U.S. Virgin Islands Compilation of School Discipline Laws and Regulations

Prepared: April 3, 2019

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2019. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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U.S. Virgin Islands Revised Statutes

The U.S. Virgin Islands contracts with LexisNexis to provide free public access to the U.S. Virgin Islands Code (<http://www.lexisnexis.com/hottopics/vicode/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 3. Executive

Chapter 15. U.S. Virgin Islands Police Department (V.I.P.D.)

§ 262. Bureau of School Security

Title 14. Crimes

Chapter 97. School Attendance

§ 1941. Detaining children from school

Chapter 113. Weapons

§ 2253. Carrying of firearms; openly or concealed; evidence of intent to commit crime of violence; definitions

Title 17. Education

Chapter 3. Virgin Islands Board of Education

§ 21. Powers and duties of Board

Chapter 5. Public Schools

§ 57. Alcohol education week--Designation

§ 58. Instructions concerning use of alcoholic beverages and narcotics

§ 59. Duty of Commissioner of Education

Chapter 9. School Attendance

Subchapter I. General Provisions

§ 82. Compulsory school attendance; age of pupils; exceptions

§ 87. Punishment of pupils by school authorities

§ 88. Penalties affecting parents and employers

§ 89. Apprehension of, and manner of dealing with, truant

§ 91. Expulsion of pupils; appeal

§ 93. Information on pupils available to Police Department

§ 95. Appointment of attendance officers

§ 96. School information furnished to Department of Education

§ 98. Confidentiality of student records

Chapter 11. Teachers and Other Personnel

§ 130. Authority to discipline children

Chapter 42. Conflict Resolution Education

- § 761. Legislative findings; intent
- § 762. Definitions
- § 763. Approach utilized
- § 764. Conceptual framework
- § 765. Tasks required
- § 766. Fundamental skills
- § 767. Illinois Institute for Dispute Resolution as model
- § 768. Effective date

Chapter 42B. Bullying Prevention, Gang Resistance Education and Training

- § 780. Purpose
- § 781. Legislative findings; intent
- § 782. Definitions
- § 783. Implementation
- § 784. Effective date

Chapter 44. The Dropout Prevention Act

- § 821. Title
- § 822. Definitions
- § 823. Student eligibility and program criteria
- § 824. Program planning and implementation
- § 825. Evaluation
- § 826. Staff development
- § 827. Records
- § 828. Coordination with other agencies
- § 829. Dropout prevention manual
- § 830. Community-based dropout prevention program grants
- § 831. Rules

U.S. Virgin Islands Regulations

No relevant regulations found.

General Provisions

Authority to develop and establish rules of conduct

LAWS

17 V.I.C. § 21. Powers and duties of Board.

(a) The Virgin Islands Board of Education has authority and jurisdiction to--

(1) Recommend the establishment of public schools; prescribe general regulations and orders; adopt curricula and courses of study; recommend laws and amendments; recommend appropriations required for the operation of the public schools and the Department of Education; and in general to do anything necessary for the proper establishment, maintenance, management, and operation of the public schools of the Virgin Islands;

(9) Promulgate rules and regulations for the certification of all elementary, secondary and post secondary educational institutions; and

17 V.I.C. § 87. Punishment of pupils by school authorities.

All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 91. Expulsion of pupils; appeal.

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

17 V.I.C. § 130. Authority to discipline children.

All principals and teachers in the public schools shall have the right to exercise the same authority, as to conduct, and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians or persons in parental relations to such pupils.

17 V.I.C. § 831. Rules.

The Department of Education may adopt any rules necessary to implement the provisions of this chapter; provided that such rules must require the minimum amount of paperwork and reporting necessary to comply with this act.

REGULATIONS

No relevant regulations found.

Scope

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.

(d) Disciplinary Programs.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

17 V.I.C. § 87. Punishment of pupils by school authorities.

All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 130. Authority to discipline children.

All principals and teachers in the public schools shall have the right to exercise the same authority, as to conduct, and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians or persons in parental relations to such pupils.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

17 V.I.C. § 91. Expulsion of pupils; appeal.

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

(c) Notwithstanding subsection (b), the Commissioner of Education or the Virgin Islands Board of Education on appeal, may modify, in writing, the length of the expulsion on a case-by-case basis based on the specific circumstances surrounding each incident.

(d) Any parent or guardian aggrieved by such an expulsion may appeal to the Board of Education for review of such order within thirty (30) days after the date thereof.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.

All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(a) Educational Alternative Programs.

(1) Educational alternative programs are programs that differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting. These programs also employ alternative teaching methodologies, curricula, learning activities or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs must be voluntary. The minimum period of time during which the student participates in the program must be equivalent to three instructional periods per day of traditional school, unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

(2) The student will be identified as being a potential retention or dropout candidate based upon one of the following criteria:

(A) The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels;

(B) The student has a high rate of absenteeism;

(C) The student appears to have a drug or substance abuse problem;

(D) The student has been unsuccessful in school as determined by retention, failing grades, or low achievement test scores, and has needs and interests that cannot be met through government conducted educational programs or special education programs; or

(E) The student has been identified as a potential retention or school dropout candidate by school or student services personnel.

(b) Teenage Parent Programs.

(1) Teenage parent programs provide young men, pregnant students or students who are already parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs. Students participating in the teenage parent programs are exempt from the minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to those absences.

(2) The curriculum must include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.

(3) Ancillary services such as: child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance Abuse Programs.

(1) Substance abuse programs provide basic educational instruction for students participating in non-school based residential or day substance abuse treatment programs. Such educational programs must provide curricula and related services which support the program goals and which are appropriate for the completion of a high school diploma or its equivalent.

(2) The program must provide school-based programs that serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary Programs.

(1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:

(A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or

(B) Severely threatens the general welfare of the student or others with whom the student comes into contact.

(2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

(3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

(e) Youth Services Programs.

(1) These programs are designed to serve the student who is participating in a detention, commitment, or a rehabilitation program that is sponsored by a community-based agency or is operated or contracted for by the Department of Human Services.

(2) A program must be provided that shall consist of appropriate basic academic, vocational, or exceptional curricula and related services that support the rehabilitation program goals and that leads to the completion of the requirements for a high school diploma or its equivalent.

(3) School age children are required to participate in the program.

(4) The insular superintendent shall make every effort to provide students in youth services programs with a wide range of educational programs.

(5) The Department of Education may contract with a private nonprofit entity to provide educational programs to clients of the Department of Human Services.

17 V.I.C. § 824. Program planning and implementation.

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, junior high school or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program shall develop a comprehensive dropout prevention program plan that describes all of the programs and services that the district will make available to the students pursuant to § 824 of this chapter. School districts that do not implement all of the programs outlined in § 824 shall provide evidence that such programs are not needed within the district, or that the needs of the students are being provided through existing public or private agencies or entities, or that the district is unable to provide the program.

(1) In order to be approved, each plan must include the following components:

- (A) Emphasis on parental, community, and business involvement;
- (B) Interagency coordination in order to maximize existing human and fiscal resources;
- (C) A method for early identification of potential dropouts;
- (D) Dropout retrieval activities;
- (E) Employment skills and other career awareness activities related to preparation for the work force;
- (F) The commitment of the district in achieving the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

(2) For each program provided by the district under § 824, the following information must be provided in the program plan:

- (A) Student eligibility criteria;
- (B) Student admission procedures;
- (C) Operating procedures;
- (D) Program goals and outcome objectives;
- (E) Qualifications of program personnel;
- (F) The program budget, including identification of all federal, local, or other funds which will be used to support the program;
- (G) A schedule for staff development activities; and
- (H) Evaluation procedures which describe how objectives will be achieved and measured.

(c) Prior to the implementation of the program, the Insular Superintendents must submit the district comprehensive dropout prevention program plans to the Commissioner of Education for approval no later than 60 days subsequent to the passage of this legislation. In subsequent years, the insular superintendents shall submit supplemental plans to the initial dropout prevention plan.

(d) The insular superintendents may modify courses listed in the state curriculum for the purpose of providing dropout prevention programs pursuant to the provisions of this chapter. The Commissioner must approve the modifications that may include the lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

14 V.I.C. § 2253. Carrying of firearms; openly or concealed; evidence of intent to commit crime of violence; definitions.

(f) Whoever, unless authorized by law, has, possesses, bears, transports or carries, either openly or concealed, on or about his person, or under his control in any vehicle, of any description, any firearm as defined in title 23, section 451(d) of this code and any assault weapon as defined in subsection (d), or any weapon that can be converted along with a conversion kit, loaded or unloaded within one thousand feet of the real property comprising a public or private elementary, junior, secondary or vocational school or a public or private college, junior college, or university or a playground or a housing facility owned by a public housing authority or within one thousand feet of a public or private youth center, school bus stop or private youth center or public swimming pool or public beach, is subject to twice the maximum punishment prescribed in subsections (a) and (b) of this section and section 2256(a) and (b) of this chapter.

17 V.I.C. § 91. Expulsion of pupils; appeal.

(a) The Commissioner of Education may authorize or order the expulsion from public school of any pupil guilty of gross misconduct or persistent disobedience, or having bad habits, or being in a physical condition detrimental to the best interests of the school, in accordance with regulations prescribed by the Virgin Islands Board of Education. Any parent aggrieved by such expulsion may appeal to the Board for review of such order within 30 days after the date thereof.

(b) The Commissioner of Education shall order the expulsion from public school for a period of not less than one year of any pupil who brings or possesses a firearm, as defined in 18 U.S.C. 921(a), on school property or at a school function.

(1) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus or at a school function.

(2) "School function" means any event or activity that is under the supervision and control of a public school.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

17 V.I.C. § 823. Student eligibility and program criteria.

All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(d) Disciplinary Programs.

(1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:

(A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or

(B) Severely threatens the general welfare of the student or others with whom the student comes into contact.

(2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

(3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

14 V.I.C. § 1941. Detaining children from school.

Whoever (1) detains any child from attending school at the prescribed times and places, without authority of lawful regulation; or (2) performs or omits any act whereby any child under his control, directly or indirectly, is hindered from regular attendance at school shall be fined not more than \$20 for each day's absence.

17 V.I.C. § 82. Compulsory school attendance; age of pupils; exceptions.

(a) 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, and they shall continue to attend school regularly until the expiration of the school year nearest their eighteenth birthday, except as provided in section 287 of this title; provided, however, those who graduate from high school before the age of 18 are excepted and students attending the National Guard Youth Challenge Program or any other program approved by the Virgin Islands Board of Education which has the equivalency of a high school diploma are also excepted.

(b) The Commissioner of Education, in conjunction with the Virgin Islands Board of Education shall promulgate rules and regulations to carry out this section no later than 12 months after the enactment of this section.

17 V.I.C. § 87. Punishment of pupils by school authorities.

All principals and teachers in the public schools in the Virgin Islands shall have the right to exercise the same authority, as to conduct and behavior, over pupils attending their schools during the time they are in attendance, including the time required in going to and from their homes, as parents, guardians, or persons in parental relation to such pupils.

17 V.I.C. § 88. Penalties affecting parents and employers.

(a) In case any parent, guardian, or other person in parental relation shall fail to comply with any provisions of this title he shall be deemed guilty of violation thereof and on conviction may be punished by a fine of not more than \$ 100.

(b) Any person who employs a child of compulsory school age and who by such employment knowingly causes tardiness or absence of such child shall upon conviction therefor be liable to a fine of not more than \$ 100 for the first offense and a fine of not more than \$ 500 for each succeeding offense.

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.

(a) Any child of compulsory school age, who is found anywhere other than on the school's premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child's release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.

(b) Subsection (a) is not applicable to children:

- (1) Who are home-schooled;
- (2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;
- (3) who are on supervised school trips;
- (4) Who are on any school-to-work assignment; or
- (5) Who have graduated from high school before the age of 18.

(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers' professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.

(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who wilfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

17 V.I.C. § 780. Purpose.

The purpose of this chapter is to provide for the creation of a bullying prevention, gang resistance education and training program.

17 V.I.C. § 781. Legislative findings; intent.

(a) The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior:

- (1) Sexual, discrimination due to sexual orientation; and
- (2) Harassment.

(b) Bullying behavior has been linked to other forms of antisocial behavior, such as: vandalism, shoplifting, truancy and non-completion of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence.

(c) The Legislature further finds that the number of youth delinquent gangs continues to rise on a territory-wide basis. Given the higher rates of criminal offenses by gang members, as well as the availability of increasingly lethal weapons, the spiraling level of criminal activity by gang members has taken on greater importance for law enforcement agencies, schools, the community, and prevention efforts.

17 V.I.C. § 782 Definitions

As used in this chapter:

- (a) "Board" means the Virgin Islands Board of Education;

(b) "Bullying prevention" includes but is not limited to instruction in the prevention and strategies for student-centered problem solving all of the following:

- (1) Intimidation;
- (2) Student victimization;
- (3) Sexual harassment;
- (4) Sexual violence;
- (5) Sexual, discrimination due to sexual orientation; and
- (6) Harassment.

(c) "Gang resistance education and training" means instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:

- (1) Conflict resolution;
- (2) Cultural sensitivity;
- (3) Personal goal setting; and
- (4) Resisting peer pressure.

17 V.I.C. § 783. Implementation

(a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein.

(b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42.

(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.

(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

17 V.I.C. § 57. Alcohol education week—Designation.

The school week following the first Sunday in February of each year is hereby designated as Alcohol Education Week in the public schools of the Territory of the Virgin Islands.

17 V.I.C. § 58. Instructions concerning use of alcoholic beverages and narcotics.

During this week, each school principal or other designated person shall instruct each class from the seventh grade upward for at least 30 minutes on 3 days concerning the risks and dangers involved in the use of alcoholic beverages and narcotics. The principal, or such other designated person, shall also have at least one assembly session during the week of not less than 45 minutes, at which time the subject of the dangerous effect of alcohol shall be presented.

17 V.I.C. § 59. Duty of Commissioner of Education.

The Commissioner of Education shall each year call to the attention of each school principal Alcohol Education Week, and shall through the Division of Education Programs provide suitable printed materials and other aids for use in the observance of the week.

17 V.I.C. § 761. Legislative findings; intent.

The Legislature of the United States Virgin Islands hereby finds that school violence is a problem in the territory's schools. The Legislature also finds that there needs to be a reshaping of the approach to combating school violence. The Legislature further finds that the imposition of penalties alone is an insufficient and ultimately unworkable device for curbing school violence. As such, the Legislature finds that there currently exist a need for the insertion of an in-school mechanism for assisting our youngsters with handling inter-personal and inter-group conflicts without resorting to violent behavior. The Legislature proposes to implement a school-based, conflict resolution education program. The intent of conflict resolution education and consequently this chapter is to reduce violence, vandalism, chronic absence, and suspension in Virgin Islands schools. The goals of conflict resolution education are as follows:

- (1) Offer problem-solving processes that can improve the school climate;
- (2) Offer Virgin Islands students an alternative to self-destructive violent behavior when faced with interpersonal and inter-group conflicts;
- (3) Help students and teachers deepen their understanding of themselves and others, thus developing important life skills;
- (4) Provide training in negotiation, mediation, and consensus decision making as a means of encouraging a high level of citizenship activity;
- (5) Shift the responsibility for solving nonviolent conflicts to students so that adults can be free to concentrate more on teaching and less on discipline; and
- (6) Create behavior management systems that are more effective than detention, suspension, or expulsion in order to deal with conflict in the school setting.

17 V.I.C. § 762. Definitions.

- (1) "Conflict resolution" means the process of transforming individuals involved in interpersonal or inter-group confrontations from being adversaries to being partners in a side-by-side search for a fair agreement that is advantageous to both.
- (2) "Consensus decision making" means a group problem-solving process in which all of the parties in the dispute or representatives of each party collaborate to resolve the dispute by crafting a plan of action that all parties can and will support. This process may or may not be facilitated by a neutral party.
- (3) "Mediation" means a problem-solving process in which the two parties in the dispute or their representative meet face to face to work together to resolve the dispute assisted by a neutral third party called the "mediator."
- (4) "Negotiation" means a problem-solving process in which either the two parties in the dispute or their representative meet face to face to work together unassisted to resolve the dispute between the parties.

17 V.I.C. § 763. Approach utilized.

The conflict resolution education approach that shall be utilized in schools throughout the Virgin Islands is the "Peaceable School" approach. The peaceable school approach is a comprehensive whole-school methodology that utilizes conflict resolution as a system of operation for managing the school as well as the classroom. Conflict resolution principles and processes are learned and utilized by every member of the school community-librarians, teachers, counselors, students, principals, and parents.

17 V.I.C. § 764. Conceptual framework.

The peaceable school approach integrates conflict resolution into the operation of the school. Every member of the school community learns and uses conflict resolution concepts and skills. Peaceable school climates reflect caring, honesty, cooperation, and appreciation for diversity. Peaceable schools incorporate:

- (1) Cooperative learning environments;
- (2) Direct instruction and practice of conflict resolution skills and processes;
- (3) Noncoercive school and classroom management systems; and
- (4) Integration of conflict resolution concepts and skills into the curriculum.

Peaceable schools value and encourage diversity and promote peacemaking as the normative behavior of adults and students. Participants in the peaceable school apply conflict resolution skills to address interpersonal and inter-group problems and issues that confront students, faculty, administrators, and parents. Peaceable school programs offer all of the school community training in the problem-solving processes of conflict resolution. Consensus decision making characterizes each classroom. Negotiation is used by all members of the school community to resolve conflicts equitably. Peer mediation can be applied school-wide and as a service in the classroom to help disputing students settle their differences constructively. The goal of the peaceable school is to create a school wide discipline program focused on empowering students to regulate and control their own behavior. Educators are allowed to model an orderly, productive system through cooperation and persistent pursuit of constructive behavior.

17 V.I.C. § 765. Tasks required.

The tasks required for the establishment of peaceable schools throughout the Virgin Islands shall include but not be limited to:

- (1) Instituting conflict resolution training for adults;
- (2) Designing behavior expectations and management systems in concert with conflict resolution theory;

- (3) Building cooperation by incorporating cooperative learning and interaction activities into the classroom;
- (4) Developing the scope and sequence of conflict resolution skills taught to students;
- (5) Providing opportunities for an age-appropriate understanding of conflict and of peace and peacemaking;
- (6) Providing opportunities for an age-appropriate understanding of the principles of conflict resolution based on integrative negotiation theory;
- (7) Providing opportunities for each student to learn and practice problem-solving strategies of negotiation and/or consensus decision making within the classroom;
- (8) Providing opportunities for students to serve as mediators in their classrooms to help peers resolve issues that they choose not to resolve or cannot resolve through negotiation or consensus decision making;
- (9) Providing mediation training for those who want to become mediators in the school-wide program; and
- (10) Developing an evaluation process to reach the goal of becoming a peaceable school.

17 V.I.C. § 766. Fundamental skills.

The skills necessary for the effective development of a conflict resolution education program utilizing the peaceable school approach shall include but shall not be limited to the following:

- (1) Building a peaceable climate: Responsibility and cooperation are the foundation for all other skills in the peaceable school. To manage student behavior without coercion, adults must take the attitude that effective behavior is the responsibility of the student and strive to develop a sense of responsibility in each.
- (2) Understanding conflict: For students to engage in successful conflict resolution, they must have a shared understanding of the nature of conflict. The idea that psychological needs are the underlying cause of conflict is useful to students as they seek to resolve disputes through common interests.
- (3) Understanding peace and peacemaking: Peacemaking activities help students understand and practice the concept of peace. Students shall be taught that specific behaviors are associated with peacemaking, namely appreciating diversity, understanding perceptions, empathizing, dealing with emotions, managing anger, countering bias, and communicating. Principles of conflict resolution shall also be taught as peacemaking behaviors.
- (4) Mediation: Mediation involves assisted conflict resolution between disputants to be used in the classroom as a school wide vehicle for resolving conflicts. Training activities shall entail a mediation process that allows students to acquire the skills to act as impartial third parties when facilitating conflict resolution between disputants.
- (5) Negotiation: Disputants shall be taught to resolve their conflicts unassisted by stating their individual needs, focusing on their interests rather than their positions, and in so doing generate options for mutual gain.
- (6) Group Problem Solving: Group problem solving shall be taught as a creative strategy for dealing with conflicts involving a number of students within the class-room, within groups, and between groups in the school. The objective of the group shall be to achieve a consensus decision that, when implemented, will resolve the conflict.

17 V.I.C. § 767. Illinois Institute for Dispute Resolution as model.

(a) The fundamental skill areas are parts of the curriculum of the Creating a Peaceable School model of the Illinois Institute for Dispute Resolution ("IIDR"). It is the intent of this chapter to have the IIDR model

adopted throughout the territory's schools to the extent applicable and appropriate. Each school in the Virgin Islands shall have the flexibility to decide whether or not to adopt the IIDR model given its level of intra-school conflict, needs, and level of violent behavior. If the IIDR model is adopted by a school, that school shall develop a peer mediation program.

(b) A broad-base coalition of administrators, classroom teachers, special educators, counselors, deans, social workers, and health educators interested in developing a conflict resolution program will be necessary for a successful program.

(c) The conflict resolution program team of any school utilizing the IIDR model may also include parents, students, and/or community members.

(d) A school in the Virgin Islands opting for the IIDR model shall include the following six phases of the peer mediation-based, conflict resolution program.

- (1) Develop the Program Team and Commitment
- (2) Design and Plan the Program
- (3) Select and Train the Mediators
- (4) Educate a Critical Mass
- (5) Develop and Execute a Promotional Campaign
- (6) Program Operation and Maintenance

(e) PHASE I shall include the following activities:

- (1) Creating the program team
- (2) Training the program team
- (3) Designating the program coordinators
- (4) Conducting a needs assessment
- (5) Building faculty consensus for program development

(f) Following phase I, the school is encouraged to establish an advisory committee of 10 to 12 members representing the diverse interests of the school and community, including parents, teachers, school and district administrators, students, support staff, community representatives and corporate sponsors. The advisory committee shall oversee the development of the program, including the role of mediation within the school's discipline program: assist the program team in developing timelines for implementation; and identify and develop funding sources.

(g) PHASE III entail recruiting, selecting, and training student mediators. Nominations shall be broadly solicited from among staff and students, including self-nominations. Student mediation training shall involve 12 to 15 hours of basic training and 12 to 15 hours of additional advanced training. Basic training shall include understanding conflict, responses to conflict, sources of conflict, communication skills, the role of the mediator, and the mediation process. Advanced training includes bias awareness, social/cultural diversity, advanced communication, uncovering hidden interests, dealing with anger, caucusing, negotiation, group problem solving.

(h) PHASE IV focuses on educating a critical mass about conflict, conflict resolution, and the mediation process by using workshops for faculty, students, parents, and the community. An in service training program shall be established for the purpose of helping staff develop a common understanding of conflict, learn the principles of conflict resolution, develop an understanding of the mediation process, learn how to support the peer mediation program through curriculum integration and referral of conflicts to mediation, and prepare to conduct student workshops.

(i) Because peer mediation can be greeted with skepticism, promoting the program among the student population is crucial to its success.

(j) PHASE VI encompasses requesting mediation, scheduling mediations and mediators, supervising mediators, recording mediation data, providing ongoing training and support, and evaluating programs.

17 V.I.C. § 768. Effective date.

The Conflict Resolution Education program shall be implemented by all schools in the Virgin Islands by no later than January 31, 1999.

17 V.I.C. § 780. Purpose.

The purpose of this chapter is to provide for the creation of a bullying prevention, gang resistance education and training program.

17 V.I.C. § 782 Definitions

As used in this chapter:

- (a) "Board" means the Virgin Islands Board of Education;
- (b) "Bullying prevention" includes but is not limited to instruction in the prevention and strategies for student-centered problem solving all of the following:
 - (1) Intimidation;
 - (2) Student victimization;
 - (3) Sexual harassment;
 - (4) Sexual violence;
 - (5) Sexual, discrimination due to sexual orientation; and
 - (6) Harassment.
- (c) "Gang resistance education and training" means instruction in, without limitation, each of the following subject matters when accompanied by a stated objective of reducing gang activity and educating children in grades K through 12 about the consequences of gang involvement:
 - (1) Conflict resolution;
 - (2) Cultural sensitivity;
 - (3) Personal goal setting; and
 - (4) Resisting peer pressure.

17 V.I.C. § 783. Implementation

- (a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein.
- (b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42.
- (c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.
- (d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

17 V.I.C. § 821. Title.

This chapter may be cited as the "Dropout Prevention Act."

17 V.I.C. § 822. Definitions.

- (a) "Community based dropout prevention program" means a program or service provided by a public or private non-profit agency designed to support and supplement the dropout prevention program of the school district.
- (b) "Disciplinary program" means a program designed to provide intervention for students who are disruptive in the traditional school environment.
- (c) "Dropout retrieval activities" means educational programs and activities that identify and motivate students who have dropped out of school to re-enter school in order to obtain a high school diploma or its equivalent.
- (d) "Educational alternative program" means an educational program that is designed to offer variations from traditional instructional programs and strategies for the purpose of increasing the likelihood that students who are unmotivated or unsuccessful in traditional programs will remain in school and obtain a high school diploma or its equivalent.
- (e) "Retention activities" means educational programs and activities that identify students who are potential dropout candidates, remove those students from the traditional educational environment, motivate them and provide for their return to the educational mainstream and obtain high school diplomas.
- (f) "Substance abuse program" means an agency-based or school-based educational program designed to meet the needs of students with drug or alcohol-related substance abuse problems.
- (g) "Teenage parent program" means an educational program designed to provide specialized curriculum and other services to meet the needs of both pregnant students and students who are already parents.
- (h) "Youth services program" means an educational program provided to students who participate in youth residential or day services programs conducted by the Department of Human Services or another agency.

17 V.I.C. § 823. Student eligibility and program criteria.

All programs funded pursuant to the provisions of this chapter must be positive and reflect strong parental and community involvement. In addition, specific programs must meet the following criteria:

(a) Educational Alternative Programs.

(1) Educational alternative programs are programs that differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting. These programs also employ alternative teaching methodologies, curricula, learning activities or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs must be voluntary. The minimum period of time during which the student participates in the program must be equivalent to three instructional periods per day of traditional school, unless the program utilizes a resource or tutorial model rather than regularly scheduled courses.

(2) The student will be identified as being a potential retention or dropout candidate based upon one of the following criteria:

- (A) The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels;
- (B) The student has a high rate of absenteeism;
- (C) The student appears to have a drug or substance abuse problem;
- (D) The student has been unsuccessful in school as determined by retention, failing grades, or low achievement test scores, and has needs and interests that cannot be met through government conducted educational programs or special education programs; or
- (E) The student has been identified as a potential retention or school dropout candidate by school or student services personnel.

(b) Teenage Parent Programs.

- (1) Teenage parent programs provide young men, pregnant students or students who are already parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs. Students participating in the teenage parent programs are exempt from the minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to those absences.
- (2) The curriculum must include instruction in such topics as prenatal and postnatal health care, parenting skills, and child growth and development.
- (3) Ancillary services such as: child care, health care, social services, and transportation may be provided through the coordination of existing programs and services.

(c) Substance Abuse Programs.

- (1) Substance abuse programs provide basic educational instruction for students participating in non-school based residential or day substance abuse treatment programs. Such educational programs must provide curricula and related services which support the program goals and which are appropriate for the completion of a high school diploma or its equivalent.
- (2) The program must provide school-based programs that serve students who have documented drug or alcohol-related problems and shall include instruction designed to prevent substance abuse.

(d) Disciplinary Programs.

- (1) Disciplinary programs serve the student who has a disruptive behavior in school or has committed an offense that warrants suspension, adjudication as a person in need of supervision, or expulsion from school according to the code of student conduct. For the purposes of this program, disruptive behavior is behavior that:
 - (A) Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classrooms; or
 - (B) Severely threatens the general welfare of the student or others with whom the student comes into contact.
- (2) The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.
- (3) Students who have been placed in detention or a court-adjudicated commitment program or a person adjudicated in need of supervision must be evaluated by school district personnel upon the completion of the program prior to the placement of the students into an educational program. Such students must not be automatically assigned to a disciplinary program upon re-entering the school system.

(4) Prior to assigning a student to a disciplinary program of more than 10 days in duration, the insular superintendent shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, students who have committed an offense which warrants expulsion according to the code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

(e) Youth Services Programs.

(1) These programs are designed to serve the student who is participating in a detention, commitment, or a rehabilitation program that is sponsored by a community-based agency or is operated or contracted for by the Department of Human Services.

(2) A program must be provided that shall consist of appropriate basic academic, vocational, or exceptional curricula and related services that support the rehabilitation program goals and that leads to the completion of the requirements for a high school diploma or its equivalent.

(3) School age children are required to participate in the program.

(4) The insular superintendent shall make every effort to provide students in youth services programs with a wide range of educational programs.

(5) The Department of Education may contract with a private nonprofit entity to provide educational programs to clients of the Department of Human Services.

17 V.I.C. § 824. Program planning and implementation.

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, junior high school or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program shall develop a comprehensive dropout prevention program plan that describes all of the programs and services that the district will make available to the students pursuant to § 824 of this chapter. School districts that do not implement all of the programs outlined in § 824 shall provide evidence that such programs are not needed within the district, or that the needs of the students are being provided through existing public or private agencies or entities, or that the district is unable to provide the program.

(1) In order to be approved, each plan must include the following components:

(A) Emphasis on parental, community, and business involvement;

(B) Interagency coordination in order to maximize existing human and fiscal resources;

(C) A method for early identification of potential dropouts;

(D) Dropout retrieval activities;

(E) Employment skills and other career awareness activities related to preparation for the work force;

(F) The commitment of the district in achieving the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

(2) For each program provided by the district under § 824, the following information must be provided in the program plan:

(A) Student eligibility criteria;

(B) Student admission procedures;

(C) Operating procedures;

(D) Program goals and outcome objectives;

(E) Qualifications of program personnel;

(F) The program budget, including identification of all federal, local, or other funds which will be used to support the program;

(G) A schedule for staff development activities; and

(H) Evaluation procedures which describe how objectives will be achieved and measured.

(c) Prior to the implementation of the program, the Insular Superintendents must submit the district comprehensive dropout prevention program plans to the Commissioner of Education for approval no later than 60 days subsequent to the passage of this legislation. In subsequent years, the insular superintendents shall submit supplemental plans to the initial dropout prevention plan.

(d) The insular superintendents may modify courses listed in the state curriculum for the purpose of providing dropout prevention programs pursuant to the provisions of this chapter. The Commissioner must approve the modifications that may include the lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

17 V.I.C. § 825. Evaluation.

Beginning with the 2008-2009 school year, each school district receiving funding for the dropout prevention programs shall submit an annual report to the Department of Education documenting the extent to which each of the district's dropout prevention programs have been successful in meeting the objectives established for the district program. The Department shall compile all of the information into an annual report which shall be submitted to the Legislature not later than June 30th of each year.

17 V.I.C. § 826. Staff development.

Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities pursuant to the district's approved dropout prevention program plan and master in service plan.

17 V.I.C. § 827. Records.

Each district providing a program for dropout prevention under this chapter shall include maintain provisions of statistical and demographic data for each participating student for whom funding is generated, records documenting the student's eligibility, the length of participation in the program, the type of program to which the student was assigned, and an administrative review of any action by school personnel relating to such placement.

17 V.I.C. § 828. Coordination with other agencies.

School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

17 V.I.C. § 829. Dropout prevention manual.

The Department of Education shall develop a manual for school districts which includes presentation of the intent and goals of this chapter, requirements for comprehensive dropout prevention programs plans, examples of successful practices, identification of resources available to supplement educational programs, and any other information that will assist in the successful implementation of this chapter. The manual must be made available to school districts at the beginning of the 2008-2009 school year.

17 V.I.C. § 831. Rules.

The Department of Education may adopt any rules necessary to implement the provisions of this chapter; provided that such rules must require the minimum amount of paperwork and reporting necessary to comply with this act.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

17 V.I.C. § 826. Staff development.

Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities pursuant to the district's approved dropout prevention program plan and master in service plan.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.

(a) Any child of compulsory school age, who is found anywhere other than on the school's premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child's release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.

(b) Subsection (a) is not applicable to children:

- (1) Who are home-schooled;
- (2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;
- (3) Who are on supervised school trips;
- (4) Who are on any school-to-work assignment; or
- (5) Who have graduated from high school before the age of 18.

(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers' professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.

(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social

development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who wilfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

17 V.I.C. § 93. Information on pupils available to Police Department.

Parents, guardians, and managers of landed properties shall give to the Commissioner of Education, on demand, all school information in their possession regarding children under their control.

17 V.I.C. § 783. Implementation

(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 828. Coordination with other agencies.

School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

17 V.I.C. § 93. Information on pupils available to Police Department.

Parents, guardians, and managers of landed properties shall give to the Commissioner of Education, on demand, all school information in their possession regarding children under their control.

17 V.I.C. § 96. School information furnished to Department of Education.

The principal or other person or persons in charge of every public, private, denominational, parochial, or any other school at the opening of such school or schools each year and at such other time or times as the Commissioner of Education directs, shall furnish to the Department of Education, the name, age, and grade of every child who has enrolled at such school or schools and other information required by the Commissioner.

17 V.I.C. § 98. Confidentiality of student records.

The Commissioner of Education shall insure, through the promulgation and enforcement of appropriate rules and regulations, family educational and privacy rights as required by the Federal General Education Provisions (20 U.S.C. Sec. 1221 et seq.) and any amendments thereto, or any other applicable federal

law which conditions the availability of federal funds on the local enforcement of such rights. Family educational and privacy rights shall include, but shall not be limited to, the following:

(a) Parents of students who are or have been in attendance at any Virgin Islands public school or institution shall have the right to inspect or review the education records of their children within 45 days of making a written request to make such inspection or review; provided, however, that if any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.

(b) Parents of students who are or have been in attendance at any Virgin Islands school or institution shall be provided an opportunity for a hearing by such school or institution to challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction and deletion of any proved inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(c) (1) For the purposes of this section, the term "education records" means, except as limited by paragraph (2) of this subsection, those records, files, documents, and other materials which contain information directly related to a student, and are maintained by a Virgin Islands school or institution or by a person acting for or on behalf of such school or institution.

(2) For the purposes of this section, the term "educational records" does not include:

(A) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(B) Records otherwise included in paragraph (1), but which are held by a law enforcement agency for a specific law enforcement purpose and are not made available to persons other than law enforcement officials of the same jurisdiction;

(C) Employment records of persons not in attendance, as students, of a school or institution; or

(D) Records on a student who is eighteen years of age or older which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to any one other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(d) Any educational school or institution making public directory information shall give public notice of categories of information which it has designated as "directory information" with respect to each student attending the school or institution and shall allow a reasonable period of time after such notice has been given for a parent to inform the school or institution that any or all of the information designated should not be released without the parent's prior consent. As used in this section, the term "directory information" includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized school activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational school or institution attended by the student.

(e) (1) No personally identifiable information in education records, other than directory information or as permitted under paragraph (2) of this subsection, shall be released, distributed, or made accessible to any person other than the parents of a student unless:

(A) There is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents; or

(B) Such information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the school or institution and given a reasonable time to file an appeal.

(2) Parental consent for the release of educational records of a student, as provided in paragraph (1) of this subsection (e), shall not be required in the case of any of the following:

(A) An emergency exists, as determined by the Commissioner, and the release of a student's records is necessary to protect the health or safety of the student or other persons directly affected by the information sought for release;

(B) The information is required by any authorized Federal or local official in conjunction with a lawful audit, to determine compliance with a federal program, or other similar purpose authorized by law;

(C) School officials of the Virgin Islands Department of Education, including teachers, with legitimate educational interests;

(D) Officials of other school systems in which the student seeks or intends to enroll, provided, however, that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(E) In connection with a student's application for, or receipt of, financial aid;

(F) Accrediting organizations in order to carry out their accrediting functions;

(G) Organizations or persons conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations or individuals who are enrolled in institutions of higher learning and are given permission by the Commissioner of Education and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(H) Parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954.

(f) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(g) The Commissioner shall inform the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(h) The Commissioner shall, whenever required by federal law as a condition precedent to the receipt of federal educational funds, modify and/or expand the rights accorded parents under this section to bring such rights, and the enforcement thereof, into compliance with the requirements for federal funding.

(i) Upon appeal by the parents or student, if the student is eighteen years of age or older, or is attending an institution of post-secondary education, the Board of Education shall review any decision by the Commissioner or Department of Education regarding the student's record.

17 V.I.C. § 828. Coordination with other agencies.

School district dropout prevention programs must be coordinated with social services, law enforcement agencies, prosecutorial and juvenile justice agencies in the school district. These agencies may exchange information contained in student records and juvenile justice records with written permission from the parents of the students. School districts and other agencies receiving the information shall use the information only for official purposes connected with the certification of students for admission and for the administration of the dropout prevention program and the agencies shall maintain provisions of statistical and demographic data the confidentiality of the information unless otherwise provided by law.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

17 V.I.C. § 765. Tasks required.

The tasks required for the establishment of peaceable schools throughout the Virgin Islands shall include but not be limited to:

- (10) Developing an evaluation process to reach the goal of becoming a peaceable school.

17 V.I.C. § 825. Evaluation.

Beginning with the 2008-2009 school year, each school district receiving funding for the dropout prevention programs shall submit an annual report to the Department of Education documenting the extent to which each of the district's dropout prevention programs have been successful in meeting the objectives established for the district program. The Department shall compile all of the information into an annual report which shall be submitted to the Legislature not later than June 30th of each year.

17 V.I.C. § 827. Records.

Each district providing a program for dropout prevention under this chapter shall include maintain provisions of statistical and demographic data for each participating student for whom funding is generated, records documenting the student's eligibility, the length of participation in the program, the type of program to which the student was assigned, and an administrative review of any action by school personnel relating to such placement.

REGULATIONS

No relevant regulations found.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

17 V.I.C. § 89. Apprehension of, and manner of dealing with, truant.

(a) Any child of compulsory school age, who is found anywhere other than on the school's premises in which the child is enrolled, during school hours, without an acceptable excuse having been furnished by a parent or guardian to the appropriate school official, or who is not enrolled in a school as required by law, must be taken into custody by any teacher, principal, attendance officer, or other school official, or by any police officer, peace officer, or truant officer, and must be held until a parent or guardian is summoned or appears and secures the child's release. The child may be released at the request of the Commissioner of Education, or placed in school as directed by the Commissioner or the Insular Superintendent.

(b) Subsection (a) is not applicable to children:

- (1) Who are home-schooled;
- (2) Who are accompanied by a parent, guardian, or other adult person authorized to have the care and custody of the child;
- (3) Who are on supervised school trips;
- (4) Who are on any school-to-work assignment; or
- (5) Who have graduated from high school before the age of 18.

(c) Subsection (a) is not applicable on holidays provided for in title 17 Virgin Islands Code, chapter 7, sections 62, 63, and 64 and on other holidays, vacation times, administrative leave days, teachers' professional developmental days or any other day that schools are not in session, as may be designated by the Commissioner of Education or the head administrator at a private or parochial school.

(d) At the discretion of the Department of Education, any child demonstrating problems of truancy may be referred to the Department of Human Services for Children, Youth and Families. Pursuant to such referral the Department of Human Services shall provide the necessary social services and make such reports to the Department of Education as may be necessary or helpful to the proper educational and social development of the child. If, as a result of a joint determination by the Department of Human Services and Education, the child appears to be an incorrigible truant, the Department of Education shall file a complaint with the Family Division of the Superior Court of the jurisdiction in which the child resides. For the purposes of this section, an incorrigible truant shall mean a child of compulsory school age who wilfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

3 V.I.C. § 262. Bureau of School Security

(a) There is established within the Department, Police Division, a Bureau of School Security, in the District of St. Thomas/St. John and in the District of St. Croix. The Bureau shall be headed by a Commander, who shall be a ranking police officer.

(b) The Commander shall perform such functions as may be prescribed by the Chief of Police. The Commander shall have the power and it shall be the duty of the Commander to implement, administer, supervise, and coordinate all programs and policies to ensure adequate protection of all public school buildings, property, students, personnel, and equipment. The Commander shall perform all duties in cooperation with the Commissioner of the Department of Education and shall establish a liaison within the Department of Education to carry out the provisions of this section.

(d) The Commander shall provide twenty-four hour security services for each public high school and each public junior high school in the Territory. The Commander shall provide such other appropriate security measures for the various other schools, property, personnel, and equipment in consultation with the Commissioner of Education.

17 V.I.C. § 95. Appointment of attendance officers.

The Governor may appoint persons to act as attendance officers. The persons appointed shall have the power to compel attendance in accordance with the provisions of sections 82 and 89 of this title.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

17 V.I.C. § 783. Implementation

(a) Each school district shall make suitable provisions for instruction in bullying prevention and gang resistance education and training in all grades and include such instruction in the courses of study regularly taught therein.

(b) The Department of Education shall incorporate the bullying prevention and gang resistance education and training with Conflict Resolution Education set forth in Title 17, Chapter 42.

(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.

(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

17 V.I.C. § 784. Effective date

Beginning 180 days after the effective date of this chapter, each school district shall create and maintain a policy on bullying, which must be filed with the Board. Each school district must communicate its policy on bullying to its students and their parents or guardians on an annual basis. The policy must be updated every two years and filed with the Board after being updated. The Board shall monitor the implementation of policies created under this subsection.

17 V.I.C. § 829. Dropout prevention manual.

The Department of Education shall develop a manual for school districts which includes presentation of the intent and goals of this chapter, requirements for comprehensive dropout prevention programs plans, examples of successful practices, identification of resources available to supplement educational programs, and any other information that will assist in the successful implementation of this chapter. The manual must be made available to school districts at the beginning of the 2008-2009 school year.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

17 V.I.C. § 830. Community-based dropout prevention program grants.

(a) Beginning with the 2008-2009 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education may award grants on a competitive basis to public or private nonprofit organizations wishing to implement dropout retrieval activities or community-based dropout prevention programs. The Department of Education shall award the grants annually no later than January 30th of each year.

(b) Organizations wishing to apply for a grant shall submit a grant proposal to the Department of Education. In order to be considered for funding, the grant proposal must include the following assurances:

(1) A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and an identification of all education, community agency, private sector or other personnel and resources involved in program development and implementation.

(2) Assurance that parents and guardians will be involved in the development and implementation of the program.

(3) A detailed program budget.

(4) Measures for the evaluation of the effectiveness of the program, including cost-effectiveness.

(c) The Department of Education shall consider the following factors in awarding grants as outlined in subsection (b):

(1) The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selections;

(2) The qualification of the personnel who will be responsible for program implementation and administration;

(3) The extent to which the programs will be coordinated with existing public educational programs and social and medical services; or

(4) The degree to which the programs' objectives and activities are consistent with the goals of this subsection.

(d) The Department shall make information on all criteria to be used in the selection of proposals for funding pursuant to the provisions of this subsection available to any organization wishing to apply for a community-based dropout prevention program grant.

(e) Organizations that are awarded grants pursuant to the provisions of this subsection shall submit an annual report to the Department of Education documenting the extent to which the program objectives are being met.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

17 V.I.C. § 783. Implementation

(c) The Board may collaborate with a community-based agency that provides specialized curricula in bullying prevention geared towards preventing sexual violence.

(d) The Board shall collaborate with law enforcement agencies for the purposes of gang resistance education and training. The Department of Education shall assist in the development of instructional materials and training for all school personnel in relation to bullying prevention and gang resistance education and training.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by the U.S. Virgin Islands provide additional context to policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Government of the United States Virgin Islands Department of Education, Positive Behavioral Interventions and Supports	Provides an overview of PBIS and links to related topics such as bullying prevention and resources including toolkits, surveys, and forms.	http://www.vide.vi/our-divisions/pbis.html#pbis-overview
Government of the United States Virgin Islands Department of Education, Bullying Prevention	Defines bullying and provides prevention strategies with warning signs a child is being bullied or being a bully. Includes information on accessing the Bullying Prevention manual.	http://www.vide.vi/our-divisions/pbis.html#bully-prevention-prevenci%C3%B3n-de-bully
<i>Documents</i>		
A Manual to Prevent and Address Bullying and Harassment in Schools (2017), The Virgin Islands Department of Education	Manual, adapted from evidence-based models of prevention, is used for training schools on bullying prevention techniques and curriculum.	http://www.vide.vi/documents/pbis/1536-bully-prevention-pbs-manual-vide/file.html
Discipline in Special Education, Government of the United States Virgin Islands Department of Education	Brief overview of discipline procedures under the Individual with Disabilities Education Act (IDEA).	http://www.vide.vi/documents/special-education/1205-sose-special-education-discipline-in-special-education-fact-sheet-092616/file.html
<i>Other Resources</i>		
Public School Incident Data, Government of the United States Virgin Islands Department of Education	Reports on suspension and expulsion incidents in Virgin Islands schools.	http://www.vide.vi/documents/pre/public-school-incidents.html