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

Prepared: January 31, 2020
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 (NCSSLE). 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 January 2020. 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.

Prepared by:

Child Trends
7315 Wisconsin Avenue
Suite 1200W
Bethesda, Maryland 20814

EMT Associates, Inc.
1631 Creekside Drive
Suite 100
Folsom, California 95630
# Table of Contents

U.S. Virgin Islands Codes Cited .............................................................................................................. 1

General Provisions ................................................................................................................................. 4
  Authority to develop and establish rules of conduct ................................................................. 4
  Scope ................................................................................................................................................ 5
  Communication of policy .................................................................................................................. 6

In-School Discipline ............................................................................................................................... 8
  Use of multi-tiered discipline approaches .................................................................................. 8
  Teacher authority to remove students from classrooms ........................................................... 8
  Alternatives to suspension ............................................................................................................. 8
  Use of corporal punishment .......................................................................................................... 15
  Use of student and locker searches ............................................................................................. 16
  Other in-school disciplinary approaches .................................................................................... 16

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements ...................................................................................................................... 17
  Grounds for possible suspension or expulsion ........................................................................ 17
  Grounds for mandatory suspension or expulsion ....................................................................... 23
  Limitations, conditions, or exclusions for use of suspension and expulsion ............................. 30
  Administrative procedures related to suspension and expulsion .............................................. 31
  In-school suspension ...................................................................................................................... 35
  Return to school following removal .............................................................................................. 41
  Use of restraint and seclusion ......................................................................................................... 42
  Alternative placements .................................................................................................................... 43

Disciplinary Approaches Addressing Specific Infractions and Conditions .......................................... 53
  Firearms (as required by the Gun-Free Schools Act) .................................................................. 53
  Other weapons ............................................................................................................................... 60
  Students with chronic disciplinary issues .................................................................................... 67
  Attendance and truancy ................................................................................................................. 67
  Substance use ................................................................................................................................. 75
  Bullying, harassment, or hazing ...................................................................................................... 82
  Other special infractions or conditions ......................................................................................... 93

Prevention and Behavioral Interventions (Non-Punitive) .................................................................... 101
  Prevention ....................................................................................................................................... 101
  Behavioral interventions and student support services .............................................................. 106
  Professional development ............................................................................................................. 110

Monitoring and Accountability .......................................................................................................... 112
  Formal incident reporting of conduct violations ........................................................................ 112
  Parental notification ....................................................................................................................... 112
  Reporting and referrals between schools and law enforcement .................................................. 119
  Disclosure of school records ......................................................................................................... 126
  Data collection, review, and reporting of disciplinary policies and actions ............................... 129
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers</td>
<td>131</td>
</tr>
<tr>
<td>Authority and power to implement school arrest</td>
<td>131</td>
</tr>
<tr>
<td>Certification or training</td>
<td>131</td>
</tr>
<tr>
<td>MOUs, authorization, and/or funding</td>
<td>132</td>
</tr>
<tr>
<td>State Education Agency Support</td>
<td>133</td>
</tr>
<tr>
<td>State model policies and implementation support</td>
<td>133</td>
</tr>
<tr>
<td>Funding appropriations</td>
<td>133</td>
</tr>
<tr>
<td>Other or Uncategorized</td>
<td>135</td>
</tr>
<tr>
<td>Professional immunity or liability</td>
<td>135</td>
</tr>
<tr>
<td>Community input or involvement</td>
<td>135</td>
</tr>
<tr>
<td>Other or Uncategorized</td>
<td>135</td>
</tr>
<tr>
<td>Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline</td>
<td>136</td>
</tr>
</tbody>
</table>
U.S. Virgin Islands Codes Cited

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

Government of the Virgin Islands of the United States

Virgin Islands Board of Education - Policies

K-12 Bullying Intervention, Prevention and Remediation Policy

1.0. General information
2.0. Definitions
3.0. Activities prohibited for schools, school-sanctioned and related environments
4.0. Training and assessment
5.0. Virgin Islands Department of Education’s requirements and responsibilities
6.0. Consequences for violations
7.0. Virgin Islands Board of Education requirements and responsibilities
8.0. Immunity clause

Virgin Islands Student Discipline Policy (CVIR 17-003-002)

Section 1. Roles of parents, student, school, and school personnel
Section 11. Student rights and responsibilities
Section 1V. Infractions and disciplinary response
Section V. Procedures relating to disciplinary action
General Provisions

Authority to develop and establish rules of conduct

LAWS

(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.

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

K-12 Bullying intervention, prevention and remediation policy.
1.0 General information

1.1 The school and its supportive programs should provide a place of safety, comfort and enlightenment for students, teachers, staff workers and other positive stakeholders.
1.2 The Virgin Islands Board of Education acknowledges that national and local research indicates an increase in negative behavior which fosters bias, hate, victimization, and use of electronic communication media to promote low self esteem, depression, ostracism, retaliation, suicide, and poor academic performance.

1.3 The Virgin Islands Board of Education provides the following policy to address the rise in negative behavior in several areas which may affect a person’s right to privacy and free speech. This document is designed to provide guidance to the Virgin Islands Department of Education for the development of procedures and programs for the prevention, intervention and remediation of harassment, intimidation, bullying, cyber bullying, “cultural” teasing/belittling and sextexting behaviors in Virgin Islands schools.

1.4 All sections of the policy shall be established in both districts and shall be enforced equally in both districts.

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

Each school is permitted and encouraged to develop rules, procedures, and expectations for student conduct. While these may not conflict with direction provided in this discipline policy, broad latitude in dealing with school problems shall be afforded to each school so that student discipline may be responsive to particular problems in each individual school.

**SECTION 1 Roles of Parents, Student, School, and School Personnel**

Schools are required to:

1. Promote a safe, drug free school environment
2. Provide a rigorous and challenging academic program
3. Develop and implement acceptable guidance procedures
4. Maintain an atmosphere conducive to acceptable behavior
5. Exhibit an attitude of respect for students
6. Plan a flexible curriculum to meet the needs of all students
7. Develop and maintain appropriate extracurricular activities
8. Promote effective training or discipline based upon fair and impartial treatment of all students
9. Develop an effective working relationship with staff and a caring relationship with students
10. Encourage the staff, parents or guardians, and students to utilize the services of the school and the community
11. Encourage parent participation in affairs of the school
12. Insist that parents keep in regular communication with the school
13. Involve the entire community in order to improve the quality of the school

**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

K-12 Bullying intervention, prevention and remediation policy.

3.0 Activities prohibited for schools, school-sanctioned and related environments

3.1 No student or adult functioning in a school-related activity shall be subjected to bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, or sextexting in any public educational institution

3.2 These activities include: all education programs or activities; while in school or while using school equipment, property or school vehicles.

3.3 The use of data, telephone or computer software that is accessed through a computer, computer system or computer network of any public education institution shall not be utilized to bully, culturally tease or belittle, cyber bully, cyber stalk, harass, hate, intimidate, relationally aggress, or sextext any individual.

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

Jurisdiction of the Virgin Islands Board of Education

Virgin Islands Public School students are subject to the policies of the Virgin Islands Board of Education and the rules and regulations of the Department of Education during the school day and regular school activities, while being transported on school buses or at the public expense to and from school or other educational facilities and during the time they are otherwise in route to and from school or are presumed by law to be attending school, at such time and places including, but not necessarily limited to, school sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have jurisdiction over students. In addition to the foregoing, jurisdictional control over the student may be extended to the immediate vicinity of the school whenever the conduct of the student is deemed to have a detrimental effect on the health, safety, and welfare of other students and/or of the school.

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

K-12 Bullying intervention, prevention and remediation policy.

5.0 Virgin Islands Department of Education’s requirements and responsibilities
5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education.

5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

5.3 The Policy shall contain, at a minimum, the following components:

1. Notification - All stakeholders shall be notified about the bullying policy in writing and verbally; the policy should be included in each school’s student handbook.

2. Public display - The policy shall be placed in each school site in plain view of all stakeholders in age-appropriate language.

*De-identified - should not include information that can identify student(s)

3. Warnings must be posted throughout the school that the infractions in this policy will not be tolerated. These warnings should be included in student and employee handbooks.

4. Immediate notification - The DOE shall provide a procedure for immediate notification within 24 hours if any of the infractions occur in a school or department site to the appropriate persons and authorities. Staff identification - Each school shall provide the name and job title of the school official who is responsible to ensure that the policy is implemented. This individual is also responsible for all publicized notices regarding this policy.
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

K-12 Bullying intervention, prevention and remediation policy.
6.0 Consequences for violations
The Department of Education shall review and refer to the Board’s Disciplinary Policy in identifying the appropriate consequence(s) for violations of this policy. Each infraction should be evaluated carefully before a consequence is applied. Educational intervention should occur on every level of violation to deter further acts of aggression.

6.1 Sample consequences
1. Counseling within the school
2. Verbal or written reprimand
3. Parental conference
4. Loss of school privileges
5. Transfer to another school building, classroom or school bus
6. Exclusion from school-sponsored activities
7. Retribution for property damage
8. Detention
9. Suspension
10. Suspension
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

**SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES**

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
   a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
   a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRINGEMENTS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRINGEMENTS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRINGEMENTS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity
10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the
      intent to deceive the staff member or under circumstances which would be reasonably calculated to
deece the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail;
Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property,
Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom
Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of
misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and
property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may
result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other
      substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one
      person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be
      considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an
      apparent ability to do so, or the actual and/or intentional touching or striking of another student(s)
      against his or her will. In severe cases, such actions may be the basis for expulsion and will be
      considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal
      property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of
      another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear
9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or
      furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of
      another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm,
       injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other
       chemical weapons). Weapons shall be confiscated and will not be returned to the student.
       Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin
       Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or
    School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with
       the education process, or which can result in damage or destruction to public or private property, or
       cause personal injury to participants and others, or otherwise pose a threat to the health, safety,
       and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a
       probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school
       function, or extra/co-curricular program or activity. Recommendations for expulsion relative to
       repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a
recommendation for expulsion for grades 7-12, Suspension and probation for elementary school
students, Assignment to alternative program/school, Expulsion from School

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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

CORPORAL PUNISHMENT
Virgin Islands Code, Title 17, Chapter 9, Section 87 states:
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 pupil.
The ramifications of this procedure must be carefully analyzed before this procedure is utilized.

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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.
Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.
A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.
Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.
The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:
1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity
4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons
5. Dress Code
   a. Non-conformity to established dress code
6. Failure to Report For Detention
   a. Failure to report for assigned discipline
7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel
8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders
10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity
11. Tardiness
   a. Repeated late arrival to school or class
12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses
14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS
First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others. This conduct must be reported to the school administrator/designee for disciplinary action. The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS
1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)
2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others
3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value
4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff
5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"
6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.
7. Stealing (under $ 10.00)
   a. The taking of property of another without permission of the person
8. Unauthorized assembly, publications, etc.
a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom
Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS
First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension
from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
   a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
   a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature
LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity
8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear
9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or
      furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of
      another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm,
       injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other
       chemical weapons). Weapons shall be confiscated and will not be returned to the student.
       Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin
       Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or
    School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with
       the education process, or which can result in damage or destruction to public or private property, or
       cause personal injury to participants and others, or otherwise pose a threat to the health, safety,
       and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a
       probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school
       function, or extra/co-curricular program or activity. Recommendations for expulsion relative to
       repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a
recommendation for expulsion for grades 7-12, Suspension and probation for elementary school
students, Assignment to alternative program/school, Expulsion from School

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

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

PROCEDURES FOR SUSPENSIONS
Suspension of students from school should occur only if a careful study of all facts surrounding each
individual case indicates that no other disciplinary approach is feasible. Student suspension without
proper controls seems of little therapeutic value. Placing students out of the supervision of the school may
possibly serve to increase their antisocial activities.
Putting children out of classes or suspending students for trivial matters is not a solution to the behavioral
problem. It merely removes the problem or the offender from one locale to another.
Suspensions shall be of four (4) kinds:

1. Suspension requesting a parent conference with appropriate school personnel.

2. Suspension for a few days (one to five) within the school. In such a case, the student is denied the privilege of attending classes but must report daily to school. The student will be under the supervision of someone designated by the administrator. During this period, the student may be assigned special duties.

3. Suspension which requires the student to be away from the school premises from one day to five days.

4. Suspension for one to ten days

Administrators are encouraged to use more in-school suspensions in preference to out of school suspensions.

Suspensions should never result in a total of 5% of the school population being out of school.

The maximum suspension is ten (10) school days without requiring the Commissioner of Education’s approval.

Suspensions should never replace expulsion.

No parent should be asked to voluntarily withdraw a student for a discipline problem, as a substitute for suspension or expulsion.

**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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

Step 1: The student must be told by the administrator/designee of the reasons for consideration of suspension.

Step 2: The student must be given an opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.

Step 3: The administrator/designee shall make a determination as to whether or not the student is guilty of the misconduct and, if so, what the terms of punishment will be. The student shall be informed of the determination. If the determination is to impose suspension, the notice of suspension shall be in writing.

Step 4: The administrator/designee shall report each suspension in writing to the student's parent or guardian and to the Superintendent or his/her designee. This report shall be mailed by certified mail or delivery initiated within twenty(24) hours of the start of the suspension or on the next regular work day. This report shall include the various incidents relating to the suspension or removal from classes and shall document specific facts with regard to times and dates of offenses and other undesirable behavior. Additionally the report shall include all efforts to assist the student (letters to parents, referrals to counselors, pupil personnel services, Departments of Health and Human Services etc.)

Reasonable and documented efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the administrator or designee may determine that suspension will start without contact with the parent or guardian, but continued reasonable efforts to contact the parent or guardian shall be made.

Step 5: No later than seventy-two(72) hours after the suspension begins, the student and his/her parents shall have a right to a hearing with the administrator or designee. The administrator shall have the discretion to reduce or cancel the suspension if it is felt that it would be in the best interest of the student and the school to do so. The parent and student shall be informed of the administrator's decision and the reason therefor in writing within twenty-four (24) hours after the hearing.

Step 6: An educational planning conference shall be held each time any handicapped student has been suspended from school or transportation for total of ten(10) school days during any school year. The purpose of the conference shall be to determine if the placement is appropriate and if any changes must be made in order to more effectively deal with the student's behavior problem.

Step 7: At the discretion of the administrator or designee, a written behavior contract may be required upon return of the suspended student.

Step 8: If the parents feel that due process was not provided, they may further appeal the procedural due process provided by contacting the superintendent. The superintendent or designee shall discuss the matter with the parent and, if appropriate, schedule a meeting with the administrator, and the parent to further discuss the matter and rectify any procedural errors.

DUE PROCESS PROCEDURE FOR SUSPENSION IN EXCESS OF TEN(10) DAYS OR EXPULSION

A student accused of a violation of the Virgin Islands Student Discipline Policy which, in the opinion of the administrator or his/her designated representative, may require expulsion from school or transportation shall be afforded the due process procedure described below. In emergency situations, these procedures may be modified if reasonable and documented efforts are made to provide substantially similar opportunities for due process.

Step 1: The student must be told by the administrator or designee of the reason(s) for consideration of suspension or expulsion.
Step 2: The student must be given the opportunity to present his/her side of the matter either verbally or in writing and must have the opportunity to present witnesses to the incident.

Step 3: The administrator or designee shall make a determination in writing as to whether or not the student is guilty of the misconduct and, if so, what the terms of punishment will be. The student shall be informed of the determination. If the administrator or designee determines that there are sufficient grounds for expulsion, then the administrator or designee shall inform the student that he/she is being suspended from school for ten (10) days and a recommendation for expulsion is being considered.

Step 4: The administrator or designee shall report in writing to the student's parent or guardian and the superintendent that the student has been suspended for ten (10) days and a recommendation for expulsion from school is being considered. The report shall be mailed by certified mail or delivery initiated within twenty four (24) hours of the start of the ten(10) day suspension or on the next regular work day. This report shall include the various incidents relating to the suspension and recommended expulsion and shall document specific facts relating to times and dates of offenses and other undesirable behavior. Additionally, the report shall include all efforts to assist the student (letters to parents, referrals to counselors, pupil personnel services, Departments of Health and Human Services etc.)

Reasonable efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the administrator or designee may determine that the suspension will start without prior contact with the parent or guardian.

Step 5: The principal shall convene the Student Review Team comprising of the administrator or designee, counselor and a teacher as soon as possible but not later than the fifth day of the suspension period to determine:

1. if there is documentation or evidence that the student has a disability requiring exceptional education services;
2. if any modification or adaptations need to be made within the school as an alternative to expulsion;
3. if a recommendation for expulsion is appropriate.

Step 6: The recommendation for expulsion will be referred to the superintendent for disposition. The superintendent or designee shall review the information provided by the Student Review Team, and no later than the seventh school day of the suspension, shall conduct a hearing with the parent, and student to determine if expulsion should be imposed.

At the time the parents and student are given notice of the expulsion hearing, they should be advised that they have the right to have a lawyer present, to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident which led to the recommended expulsion.

During the hearing, the superintendent or designee has the right to limit witnesses at any time when there is a serious threat of disruption. The hearing shall be electronically recorded.

Step 7: If expulsion is determined to be the appropriate course of action, the superintendent shall submit the expulsion recommendation to the Commissioner of Education in writing within twenty-four hours or the next regular work day. The Superintendent shall include a detailed report by the administrator or designee on the incident, alternative measures, if applicable, taken prior to the recommendation of expulsion and a summary of the Student Review Team's findings.

Step 8: The Commissioner shall notify the parent or guardian in writing within forty-eight (48) hours that the student be expelled for a specific period of time. The written notification shall indicate the grounds for expulsion and the parent's right for appeal to the Board of Education within thirty (30) days of receipt of the expulsion notice.

Step 9: If the Board of education determines that any student should return to school after a specified period, a written behavior plan for the expelled student shall be developed by the school prior to the
return of the expelled student to the school program. The plan shall be developed in cooperation with all parties including the student and parent or guardian to assure that the conduct leading to the expulsion will not recur in the future. If the student, parent or guardian refuse to cooperate, then the principal shall fashion a plan and inform the student and parent or guardian of the same. Substantial violations of this plan shall be considered a violation of the Virgin Islands Student Discipline Policy and may subject the student to suspension or expulsion.

DUE PROCESS PROCEDURES FOR EXPULSION OF HANDICAPPED STUDENTS

Continuous suspensions by the administrator may be interpreted as expulsion. An educational planning conference shall be held each time any handicapped student has been suspended for a total ten (10) days during a school year. This conference is necessary to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior problem.

Specific policies and procedures applicable to handicapped students are part of the Procedures/Staffing Handbook for Exceptional Students. A copy of this document will be available at each school.

Handicapped students who commit serious acts of adverse behavior are subject to suspension for up to ten (10) days in keeping with the Virgin Islands Student Discipline Policy. If the administrator determines that the offense or offenses warrant consideration for expulsion, the procedures established below shall be followed.

Step 1: The administrator or designee shall follow the procedures established for all students in the Due Process Procedures for Expulsion.

Step 2: Upon determination that the recommendation for expulsion is appropriate, the administrator or designee shall promptly convene a staffing committee meeting. The meeting of the staffing committee must take place within the five (5) days of the suspension period. This committee may include such persons as the principal, staffing chairperson, counselor, teacher, psychologist, director of special education and the parent or guardian.

The student may be invited to attend. Persons empowered to make placement decisions must be included on the staffing committee.

A. The staffing committee will determine if the offense is caused by the handicap. When a staffing committee determines that the offense is caused by the handicap, the student cannot be expelled. The committee must find educational alternatives for resolving the problem other than expulsion.

B. The staffing committee will review and revise, when appropriate, the IEP to include objectives related to the elimination or reduction of the student's offending behavior.

C. The staffing committee will examine and recommend alternatives for continuing educational programs and services. These alternatives may include, but are not limited to:

1. continuation in the present program with some modifications;
2. a reduced day program;
3. transferal to a more restrictive environment;
4. attendance for special education classes only;
5. the student may come to the school campus at the end of the school day for the instructional program;
6. home instruction
7. other options, or some combination of the above

D. The staffing committee shall inform the parent/guardian of the right to review by the superintendent and/or the due process rights for handicapped students.
The superintendent or designee shall assign any student so suspended to an individually designated program or other special placement.

The administrator or designee shall forward the written recommendation(s) along with the staffing committee findings and plan for continuing educational services and program(s) along with information generally accompanying a recommendation for expulsion of non-handicapped students to the superintendent.

The procedures described in the Due Process Procedures for Expulsion, will be followed.

In-school suspension

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRINGEMENTS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity
11. Tardiness
   a. Repeated late arrival to school or class
12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses
14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)
2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others
3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value
4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff
5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"
6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.
7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person
8. Unauthorized assembly, publications, etc.
a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL III INFRACTIONS
First Offense: Level III Responses
Subsequent Offenses: Level III and/or Level IV Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension
from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Return to school following removal

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
PROCEDURES FOR REENTRY OF EXPELLED STUDENTS
Following the Commissioner of Education's action to expel a student, the student shall have no right to attend public schools in the Virgin Islands unless the Board of Education hears the appeal and reverses the decision of the Commissioner.

The Board of Education in its sole discretion and acting upon the evidence presented at the appeal hearing may revoke the existing expulsion and order a reentry plan. Failure of the student to abide by a reentry plan may be grounds for recommending permanent expulsion.

It is intended that the procedure to be followed in developing reentry plans shall be flexible, but shall require a commitment on the part of the student and his/her parent or guardian to cooperate with school authorities in reasonably assuring that the behavior which led to the original expulsion will not recur.

Reentry plans are to be developed when appropriate, following the procedures outlined below. The decision to recommend a reentry shall be the prerogative of the Board of Education.

Step 1: After the appeal hearing, and if there is reason to believe that reentry would be in the best interest of the student and that reentry would not adversely impact the orderly conduct of the school, the Board may direct the Commissioner to develop a reentry plan for the student.

Step 2: The reentry plan shall be developed by a committee including appropriate school personnel and others including but not limited to the principal who originally recommended the expulsion or his designee; a representative of the superintendent; appropriate school based staff, the parent/guardian, the student and representatives of student services if necessary.

Step 3: Reentry plans must be reasonable and realistic in demands placed upon the student and the school and achievable by both parties. The reentry plan shall include:

   A. Decisions of the student relative to his/her future conduct. Such a statement reflect the student's commitment in his/her own words that he/she will follow the rules of conduct established by the school.

   B. Requirements may include (but not limited to) evaluation by representative of Student Services, contact with a community agency (where appropriate), counseling, completion of special school work, and such requirements as may be deemed reasonable to assure that the misconduct leading to expulsion will not recur. The reentry requirements shall not include those which would cause negative feelings toward the instructional program but may include special classes or transfer of school assignments.

   C. A listing of any adjustments to the student program of study or school day or special assignment.

   D. A statement by the school citing the resources which will be utilized to assist the student in his/her reentry to school.

   E. A statement relative to the procedures or actions to be taken in the event the agreement between the school and the student is broken.

   F. An indication from the parents or guardians that they understand and accept the conditions set forth in the reentry plan.

Step 4: Following completion of the reentry plan which is acceptable to the school administrator who will be responsible for supervision of the student, the plan shall be sent to the Commissioner or designee for review and approval. When approved the Commissioner shall submit the reentry plan to the Board of Education.

Use of restraint and seclusion

LAWS

No relevant laws 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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation. The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRINGEMENTS

First Offense: Level 11 Responses

Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

**INFRACTIONS**

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
   a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL IV INFRACTIONS
First and Subsequent Offenses: Level IV Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Other weapons

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting  
4. Bombs and other explosive agents other than minor fireworks  
5. Breaking and entering  
6. Disturbances which substantially disrupt school  
7. False alarms or calls  
8. Possession, use/distribution of drugs (mandatory reporting)  
9. Possession, use/distribution of alcohol products  
10. Property damage of a substantial nature  
11. Robbery  
12. Sexual offenses endangering the health, safety, or welfare of others  
13. Theft of items of a substantial nature  
14. Trespassing after warning  
15. Vandalism of a substantial nature  

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES  
Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.  
The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.  

INFRACTIONS  
1. Cheating  
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test  
2. Classroom Disruption  
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process  
3. Disorderly Conduct  
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity  
4. Disrespect for Others  
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons  
5. Dress Code  
   a. Non-conformity to established dress code  
6. Failure to Report For Detention  
   a. Failure to report for assigned discipline  
7. False and/or Misleading Information  
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel  
8. Insubordination  
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders
10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity
11. Tardiness
    a. Repeated late arrival to school or class
12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies
13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses
14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS
First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS
1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)
2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others
3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value
4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff
5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"
6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious
      transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized
      publications which interfere with the orderly process of the school environment, a school function, or
      extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program
      or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the
        intent to deceive the staff member or under circumstances which would be reasonably calculated to
        deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail;
Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property,
Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom
Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of
misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and
property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may
result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other
      substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one
      person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be
      considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an
      apparent ability to do so, or the actual and/or intentional touching or striking of another student(s)
against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm
without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of
said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
    a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
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 willfully, deliberately, and continuously absents himself from school and who fails to respond in a positive by the Departments of Education and Human Services.

**REGULATIONS**

**Virgin Islands Student Discipline Policy (CVIR 17-003-002).**

**SECTION IV INFRINGEMENTS AND DISCIPLINARY RESPONSES**

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRINGEMENTS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation. The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses

Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insobriety/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
   a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
   a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 11

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth
7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V
LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Substance use

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRINGEMENTS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.
Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses. Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school
      environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person
      or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to
      a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply
      with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other
      school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects,
       or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school
       environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRINGEMENTS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment;
Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention
( parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of
referral to Level 11.

LEVEL 11 INFRINGEMENTS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also
include repeated acts of misconduct and acts directed against persons or property but which do not
seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action. The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $ 10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

**INFRACTIONS**

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material

a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature

a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew

a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)

a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature.

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others.

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion.

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity.

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy.

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire.

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center.

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear.

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds.

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies.

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

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

K-12 Bullying intervention, prevention and remediation policy

1.0 General information

1.1 The school and its supportive programs should provide a place of safety, comfort and enlightenment for students, teachers, staff workers and other positive stakeholders.

1.2 The Virgin Islands Board of Education acknowledges that national and local research indicates an increase in negative behavior which fosters bias, hate, victimization, and use of electronic communication media to promote low self esteem, depression, ostracism, retaliation, suicide, and poor academic performance.

1.3 The Virgin Islands Board of Education provides the following policy to address the rise in negative behavior in several areas which may affect a person’s right to privacy and free speech. This document is designed to provide guidance to the Virgin Islands Department of Education for the development of procedures and programs for the prevention, intervention and remediation of harassment, intimidation, bullying, cyber bullying, “cultural” teasing/belittling and sextexting behaviors in Virgin Islands schools.
1.4 All sections of the policy shall be established in both districts and shall be enforced equally in both districts.

2.0 Definitions

2.1 Bullying: a form of abuse which is comprised of acts that involve a real or perceived imbalance of power with the more powerful individual or group abusing those who are less powerful. The power imbalance may be social and/or physical power. The victim of the bullying is sometimes referred to as the target. There are three types of bullying: emotional, verbal and physical. It also involves subtle methods of coercion, such as psychological manipulation. Bullying is also referred to as peer abuse. It also involves the creation of a threatening environment through: 1. an attempt to place the person in reasonable fear of bodily injury; 2. an intent to cause substantial emotional distress to the person; 3. use of hostile, offensive, or derogatory remarks; 4. intentional physical interference with another student’s movement.

2.2 “Cultural” teasing/belittling refers to the consistent teasing or belittling of an individual based on a perceived “weakness or abnormality” in the person’s physical or emotional makeup, that may result in the development of low self esteem and poorly developed social skills.

2.3 Cyber bullying: refers to the intentional use of the internet or other digital communication devices to bully peers. Such internet speech can be vulgar, cruel, threatening, and harassing to teachers, school administrators, or fellow students. Cyber bullying includes but is not limited to the phone, text messaging, internet, websites, email, blogs, chat rooms, and/or instant messaging.

2.3 Cyber stalking: to anonymously engage in a course of conduct to communicate -or to cause to be communicated - words, images or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

2.4 Harassment: the act of harassing or state of being harassed; worry, annoyance, anxiety; any overt act or combination of acts directed against a student by another student or groups of students which:
   1. is repeated over time;
   2. is intended to ridicule, humiliate, or intimidate the student; and
   3. occurs before, during or after the school day, on school property, on a school bus, or at a school-sponsored activity.

2.5 Hate/hate crimes: refer to attacks on individuals or their property intentionally selected based on race, color, gender, disability, sexual orientation, religion.

2.6 Intimidation: (also called cowing) is intentional behavior “which would cause a person of ordinary sensibilities,” fear of injury or harm.

2.7 Relational aggression: refers to bullying, sextexting, or other forms of aggression mostly related to the female gender based on envy or jealousy which results in social ostracism of the victims.

2.8 Sextexting: is the transference of sexually explicit photos using cell phones or the internet; these explicit photos show students involved in sexual activity, child pornography, rape, lewd acts, and the promotion of prostitution.

3.0 Activities prohibited for schools, school-sanctioned and related environments

3.1 No student or adult functioning in a school-related activity shall be subjected to bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, or sextexting in any public educational institution.

3.2 These activities include: all education programs or activities; while in school or while using school equipment, property or school vehicles.
3.3 The use of data, telephone or computer software that is accessed through a computer, computer system or computer network of any public education institution shall not be utilized to bully, culturally tease or belittle, cyber bully, cyber stalk, harass, hate, intimidate, relationally aggress, or sextext any individual.

4.0 Training and assessment

The Department of Education shall provide the following educational programs in its effort to prevent harassment, intimidation, bullying, cyber bullying and sextexting.

4.1 Annual training for school administrators, school employees and volunteers who have contact with students in preventing, identifying, responding to and reporting incidents of harassment, intimidation, cyber bullying and sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling shall occur.

4.2 In the 1st quarter of the school year, an educational program for students, parents, and all other stakeholders in preventing, identifying, responding to and reporting incidents of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, and sextexting shall occur.

5.0 Virgin Islands Department of Education’s requirements and responsibilities

5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education.

5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sextexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

5.3 The Policy shall contain, at a minimum, the following components:

1. Notification - All stakeholders shall be notified about the bullying policy in writing and verbally; the policy should be included in each school’s student handbook.

2. Public display - The policy shall be placed in each school site in plain view of all stakeholders in age-appropriate language.

*De-identified - should not include information that can identify student(s)

3. Warnings must be posted throughout the school that the infractions in this policy will not be tolerated. These warnings should be included in student and employee handbooks.

4. Immediate notification - The DOE shall provide a procedure for immediate notification within 24 hours if any of the infractions occur in a school or department site to the appropriate persons and authorities. Staff identification - Each school shall provide the name and job title of the school official who is responsible to ensure that the policy is implemented. This individual is also responsible for all publicized notices regarding this policy.

5.4 Reporting and Investigations

1. The Department of Education shall develop a reporting form for acts of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, sextexting, and, including a provision that permits a person to report such act(s) anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report without a thorough investigation.
2. The DOE shall include a requirement that any individual who has information that would lead a reasonable person to suspect that a person is the target of any infraction should immediately report said information to the principal or his/her designee.

3. Each school shall document prohibited incidents that are reported. The Commissioner of Education shall send a de-identified semi-annual report to the Virgin Islands Board of Education. This report should include a listing of all incidents and all remedies implemented to curtail the behavior.

5.5 Remedies and Victim Assistance
1. The Department of Education shall devise strategies and programs for providing counseling or referral to appropriate services, including guidance intervention, academic intervention, and protection to students - both targets and perpetrators - and appropriate family members affected by bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sextexting.
These strategies should be listed in the Department's Bullying, Intervention, Prevention and Remediation Policy.

2. The Department of Education shall provide a listing of the consequences and appropriate remedial action for a person who commits an act of bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, and sextexting.

3. The Department of Education shall provide a listing of consequences and appropriate remedial action for a student found to have falsely accused another as a means of retaliation, reprisal, or as a means of bullying, "cultural" teasing and belittling, cyber bullying, cyber stalking, hate crimes, harassment, intimidation, and sextexting.

6.0 Consequences for violations
The Department of Education shall review and refer to the Board’s Disciplinary Policy in identifying the appropriate consequence(s) for violations of this policy. Each infraction should be evaluated carefully before a consequence is applied. Educational intervention should occur on every level of violation to deter further acts of aggression.

6.1 Sample consequences
1. Counseling within the school
2. Verbal or written reprimand
3. Parental conference
4. Loss of school privileges
5. Transfer to another school building, classroom or school bus
6. Exclusion from school-sponsored activities
7. Retribution for property damage
8. Detention
9. Suspension
10. Expulsion
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral

7.0 Virgin Islands Board of Education requirements and responsibilities
7.1 The VIBE shall periodically review the Department of Education’s territorial and district procedures, programs, activities and services to determine whether the DOE is complying with the policy.
7.2 The VIBE shall establish a section on School Violence in the School Plants and Facilities Management Report, where collected data on this policy will be analyzed and summarized.

7.3 The VIBE will make annual recommendations for appropriate action to address identified problems.

8.0 Immunity clause
A school employee, school volunteer, student, parent or guardian who promptly reports in good faith, any violation of this policy to the appropriate personnel designated in the school policy and who makes the report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting of the incident or any failure to remedy the reported incident.

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.
Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.
A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.
Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.
The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity
10. Forgery  
   a. The making of a false or misleading written communication to a school staff member with either the  
      intent to deceive the staff member or under circumstances which would be reasonably calculated to  
      deceive the staff member  
11. Other Serious Misconduct  
   a. Other than the offenses listed above  

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS  

First Offense: Level 11 Responses  
Subsequent Offenses: Level 11 and/or Level 111 Responses  
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail;  
Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property,  
Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom  
Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111  
LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES  
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of  
misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and  
property of self or others and acts of serious misconduct.  
Major acts of misconduct must be reported immediately to the school administrator/designee and may  
result in immediate removal of the student from the school or extra/co-curricular activity.  

INFRATIONS  
1. Alcohol  
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other  
      substance capable of modifying mood or behavior  
2. Over the Counter Drugs  
   a. Possession of such substances beyond that which might be reasonably consumed/used by one  
      person in a short period of time.  
   b. The second use or possession violation by any student during any one school year shall be  
      considered an automatic Level 1V offense  
3. Assault/Battery (Fighting)  
   a. An intentional threat by word or act to do physical harm to another student, coupled with an  
      apparent ability to do so, or the actual and/or intentional touching or striking of another student(s)  
      against his or her will. In severe cases, such actions may be the basis for expulsion and will be  
      considered a Level 1V offense  
4. Breaking and Entering  
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal  
      property of students or school personnel  
5. Destruction of Property/Vandalism ($ 10.00 and over)  
   a. The willful or malicious destruction of school property or property of others  
6. Extortion/Threats  
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of  
      another with the intent to obtain money, information, services, or items of material worth  
7. Firecrackers/Fireworks
a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES
Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear
9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
   a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
   a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

Other special infractions or conditions

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.

Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code

6. Failure to Report For Detention
   a. Failure to report for assigned discipline

7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules

9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

10. Profane, Obscene, or Abusive Language/Materials
    a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
    a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
    a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
    a. Repeated behavior which includes one or more of the above offenses

14. Other
    a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS
First Offense: Level 1 Responses
Subsequent Offenses: Level 1 and/or Level 11 Responses
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.
This conduct must be reported to the school administrator/designee for disciplinary action.
The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property; Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES
Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material

a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature

a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew

a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)

a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
   a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
   a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
   a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
    a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
    a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or
cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
   a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
   a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS
First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School
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 intergroup 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.

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.

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

**K-12 Bullying intervention, prevention and remediation policy.**

4.0 Training and assessment

4.2 In the 1st quarter of the school year, an educational program for students, parents, and all other stakeholders in preventing, identifying, responding to and reporting incidents of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sextexting shall occur.

**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.

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.

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.

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.

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

K-12 Bullying intervention, prevention and remediation policy.

5.5 Remedies and Victim Assistance

1. The Department of Education shall devise strategies and programs for providing counseling or referral to appropriate services, including guidance intervention, academic intervention, and protection to students - both targets and perpetrators - and appropriate family members affected by bullying, “cultural” teasing and belittling, cyber bullying, cyber stalking harassment, hate crimes, intimidation, relational aggression, and sextexting,

These strategies should be listed in the Department’s Bullying, Intervention, Prevention and Remediation Policy.

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

K-12 Bullying intervention, prevention and remediation policy.

4.0 Training and assessment

The Department of Education shall provide the following educational programs in its effort to prevent harassment, intimidation, bullying, cyber bullying and sextexting.

4.1 Annual training for school administrators, school employees and volunteers who have contact with students in preventing, identifying, responding to and reporting incidents of harassment, intimidation,
cyber bullying and sexting, cyber stalking, hate crimes, relational aggression and “cultural” teasing/belittling shall occur.
Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS
No relevant laws found.

REGULATIONS

K-12 Bullying intervention, prevention and remediation policy.

5.4 Reporting and Investigations

1. The Department of Education shall develop a reporting form for acts of bullying, “cultural” teasing/belittling, cyber bullying, cyber stalking, harassment, hate crimes, intimidation, relational aggression, sexting, and, including a provision that permits a person to report such act(s) anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report without a thorough investigation.

2. The DOE shall include a requirement that any individual who has information that would lead a reasonable person to suspect that a person is the target of any infraction should immediately report said information to the principal or his/her designee.

3. Each school shall document prohibited incidents that are reported. The Commissioner of Education shall send a de-identified semi-annual report to the Virgin Islands Board of Education. This report should include a listing of all incidents and all remedies implemented to curtail the behavior.

Parental notification

LAWS
No relevant laws found.

REGULATIONS

Virgin Islands Student Discipline Policy (CVIR 17-003-002).

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.

Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.

Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.

A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.
Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.

The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:

1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test

2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process

3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity

4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

5. Dress Code
   a. Non-conformity to established dress code
6. Failure to Report For Detention  
a. Failure to report for assigned discipline  
7. False and/or Misleading Information  
a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel  
8. Insubordination  
a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules  
9. Misconduct on School Bus  
a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders  
10. Profane, Obscene, or Abusive Language/Materials  
a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity  
11. Tardiness  
a. Repeated late arrival to school or class  
12. Unauthorized Absence from School or Class  
a. Violation of the Virgin Islands attendance laws and school policies  
13. Repeated Misconduct  
a. Repeated behavior which includes one or more of the above offenses  
14. Other  
a. Other than offenses listed above  

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS  
First Offense: Level 1 Responses  
Subsequent Offenses: Level 1 and/or Level 11 Responses  
Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.  

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES  
Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others. This conduct must be reported to the school administrator/designee for disciplinary action. The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.  

INFRACTIONS  
1. Fighting Threats  
a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)  
2. Destruction of Property/Vandalism
a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include “stare downs, gestures, and stalking”

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
   a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses
Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 11

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
   a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($ 10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($ 10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
   a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
   a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses

Subsequent Offenses: Level 111 and/or Level 1V Responses

Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a
school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

7. Police Charges
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses
a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons
a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions
a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation
a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies.

**DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS**

First and Subsequent Offenses: Level 1V Responses

Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

**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
Virgin Islands Student Discipline Policy (CVIR 17-003-002).
SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES
In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. Schools and teachers may develop individual rules and disciplinary practices which do not conflict with but will supplement this policy. This response code applies to all students enrolled in Virgin Islands public schools in grades Kindergarten through 12.
Disciplinary infractions and the responses to them are divided into four levels. Each level represents progressively more serious infractions culminating in Level IV offenses.
Disciplinary responses to infractions become progressively more severe as one moves upward in the levels of misconduct.
A student who is required by law to attend school but does not shall be suspended for unexcused absences or truancy and shall be reported to juvenile authorities for appropriate action. A student who exhibits willful disregard for school rules by being absent from classes on a regular basis or not attending particular classes will be subject to disciplinary action.
Unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or at any school activity is prohibited. This policy is based on Virgin Islands statute as well as the belief that use of illicit drugs and alcohol is wrong and harmful.
The Virgin Islands Board of Education views disruptive and criminal acts, and those which may affect the health, safety, and welfare of those on a school campus as extremely serious in nature. In addition to disciplinary action administered at the school level, certain acts may be reported to the appropriate law enforcement agency. These may include, but are not limited to:
1. Possession, use/distribution of weapons (mandatory reporting)
2. Arson
3. Assaults other than minor fighting
4. Bombs and other explosive agents other than minor fireworks
5. Breaking and entering
6. Disturbances which substantially disrupt school
7. False alarms or calls
8. Possession, use/distribution of drugs (mandatory reporting)
9. Possession, use/distribution of alcohol products
10. Property damage of a substantial nature
11. Robbery
12. Sexual offenses endangering the health, safety, or welfare of others
13. Theft of items of a substantial nature
14. Trespassing after warning
15. Vandalism of a substantial nature

LEVEL 1 - INFRACTIONS AND DISCIPLINARY RESPONSES

Level 1 offenses are minor acts of misconduct which interfere with the orderly operation of the classroom, a school function, extra/co-curricular program or approved transportation.

The misconduct should be handled first by the individual staff member involved. When additional action becomes necessary because of continued violation or other serious concerns, the student will then be referred to the school administrator/designee for disciplinary action.

INFRACTIONS

1. Cheating
   a. Willful or deliberate unauthorized use of the work of another person for academic purposes, or inappropriate use of notes or other material in the completion of an academic assignment or test
2. Classroom Disruption
   a. Conduct or behavior which interferes with or disrupts the teaching/learning process
3. Disorderly Conduct
   a. Conduct or behavior which interferes with or disrupts the orderly process of the school environment, a school function, or extra/co-curricular activity
4. Disrespect for Others
   a. Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons
5. Dress Code
   a. Non-conformity to established dress code
6. Failure to Report For Detention
   a. Failure to report for assigned discipline
7. False and/or Misleading Information
   a. Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel
8. Insubordination
   a. Refusal or failure to comply with a direction or an order from school personnel; failure to comply with law, Board policy, school rules, behavior contracts, or classroom rules
9. Misconduct on School Bus
   a. Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders
10. Profane, Obscene, or Abusive Language/Materials
a. The use of either oral or written language (including racial, ethnic, cultural slurs), gestures, objects, or pictures which are disrespectful or socially unacceptable and which tend to disrupt the school environment, a school function, or extra/co-curricular activity

11. Tardiness
   a. Repeated late arrival to school or class

12. Unauthorized Absence from School or Class
   a. Violation of the Virgin Islands attendance laws and school policies

13. Repeated Misconduct
   a. Repeated behavior which includes one or more of the above offenses

14. Other
   a. Other than offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 1 INFRACTIONS

First Offense: Level 1 Responses

Subsequent Offenses: Level 1 and/or Level 11 Responses

Parental contact (required); Counseling and direction; Verbal reprimand; Special work assignment; Withdrawal of privileges; Return of property, payment for same, or restitution for damages; Detention (parental contact required); School/classroom positive/negative reinforcement plan; Demerits; Warning of referral to Level 11.

LEVEL 11 INFRACTIONS AND DISCIPLINARY RESPONSES

Intermediate acts of misconduct may include minor acts of misconduct previously identified. It may also include repeated acts of misconduct and acts directed against persons or property but which do not seriously endanger the health or safety of others.

This conduct must be reported to the school administrator/designee for disciplinary action.

The school administrator/designee will follow the procedure designated for minor violations in the investigation of circumstances and the assignment of the appropriate disciplinary action.

INFRACTIONS

1. Fighting Threats
   a. Minor physical conflict between two or more students; threat by word or act to do violence to another student(s)

2. Destruction of Property/Vandalism
   a. The willful or malicious destruction of school property or the property of others

3. Unauthorized Gambling
   a. Any participation in games or activities of chance for money and/or other things of value

4. Insubordination/Open Defiance
   a. Either verbal or non-verbal refusal to comply with school rules or directions from school staff

5. Intimidation
   a. The verbal or physical threat to do harm or violence to another student(s) or to the property of another person; may include "stare downs, gestures, and stalking"

6. Misconduct on School Bus or other School Approved Transportation
   a. Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

7. Stealing (under $10.00)
a. The taking of property of another without permission of the person

8. Unauthorized assembly, publications, etc.
   a. Demonstrations and/or petitions by students, or possession and or distribution of unauthorized publications which interfere with the orderly process of the school environment, a school function, or extra/co-curricular activity.

9. Repeated Misconduct of a less serious nature
   a. Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

10. Forgery
    a. The making of a false or misleading written communication to a school staff member with either the intent to deceive the staff member or under circumstances which would be reasonably calculated to deceive the staff member

11. Other Serious Misconduct
    a. Other than the offenses listed above

DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS

First Offense: Level 11 Responses
Subsequent Offenses: Level 11 and/or Level 111 Responses

Parental Contact (required); Behavior Contract (oral or written); In-school Suspension; Work Detail; Detention (parental contact required); Confiscation of unauthorized materials/objects; Return of Property, Payment for same or Restitution for Damages; Suspension from Bus; School/Classroom Positive/Negative Reinforcement Plan; Demerits; Warning or Referral to Level 111

LEVEL 111 INFRACTIONS AND DISCIPLINARY RESPONSES

Level 111 infractions are major acts of misconduct. They include but are not limited to repeated acts of misconduct, serious disruptions of the orderly conduct of school, threats to the health, safety, and property of self or others and acts of serious misconduct.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from the school or extra/co-curricular activity.

INFRACTIONS

1. Alcohol
   a. The use or possession of alcoholic beverages, unauthorized prescription drugs, or any other substance capable of modifying mood or behavior

2. Over the Counter Drugs
   a. Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.
   b. The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

3. Assault/Battery (Fighting)
   a. An intentional threat by word or act to do physical harm to another student, coupled with an apparent ability to do so, or the actual and/or intentional touching or striking of another student(s) against his or her will. In severe cases, such actions may be the basis for expulsion and will be considered a Level 1V offense

4. Breaking and Entering
a. The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

5. Destruction of Property/Vandalism ($10.00 and over)
   a. The willful or malicious destruction of school property or property of others

6. Extortion/Threats
   a. The willful or malicious threats of harm, injury, or violence to the person, property or repetition of another with the intent to obtain money, information, services, or items of material worth

7. Firecrackers/Fireworks
   a. Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at a school function or extra/co-curricular activity

8. Gross Insubordination/Open Defiance
   a. Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

9. Illegal Organization
   a. Establishing or participating in gangs on school property, at a school function, extra/co-curricular activity

10. Smoking and Use of Tobacco Products
    a. The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

11. Stealing ($10.00 and over)
    a. The taking of property of another without the permission of the person

12. Trespassing
    a. Unauthorized entry into school property, a school function, extra/co-curricular activity and/or remaining after the administrator/designee has directed such person to leave that location.

13. Possession of Contraband Material
    a. Possession, use and/or distribution of materials or items which are forbidden excluding weapons. Contraband may be confiscated and not returned to the student. Possession of items that could in danger the health and safety of others but there has been no threatening or intimidating display of the item.

14. Repeated Misconduct of a More Serious Nature
    a. Repeated misconduct which tends to substantially disrupt the orderly conduct of school, a school function, or extra/co-curricular activity

15. Violation of Curfew
    a. Breaking of imposed curfew regulations during an extra/co-curricular activity

16. Other Serious Misconduct (may include profanity)
    a. Behavior not specifically described above which seriously disrupts the orderly conduct of school, a school function, or extra/co-curricular activity. This may include profanity, racial slurs, ethnic slurs, cultural slurs, sexist profane language, or other language intended or reasonably calculated to insult and/or incite another person and repeated dress code violations, or the activation of a fire alarm without reasonable cause which, in the discretion of the administrator was not the result of a reckless or malicious act

DISCIPLINARY RESPONSES FOR LEVEL 111 INFRACTIONS

First Offense: Level 111 Responses
Subsequent Offenses: Level 111 and/or Level 1V Responses
Parental Contact (mandatory), Written Behavior Contract, Assignment to Alternative Program/School, Return of Property, Payment for same or Restitution for Damages, In-School Suspension, Suspension from Bus, Suspension from school (1 to 10 days), Referral to Suspension Reduction Program, Expulsion from Bus (for bus related offenses), Temporary or Permanent Removal from Participation in Extra/co-curricular Activities or Programs, Referral to Appropriate Prevention or Treatment Programs, Warning of referral to Level 1V

LEVEL 1V INFRACTIONS AND DISCIPLINARY RESPONSES

Major acts of misconduct are those of the most serious category. Any of these acts committed shall be sufficient grounds for expulsion and shall result in a mandatory ten-day suspension with consideration of a recommendation for expulsion except as noted below for students in the elementary grades.

Major acts of misconduct must be reported immediately to the school administrator/designee and may result in immediate removal of the student from school.

For students in Kindergarten to sixth grade, the disciplinary response procedure shall be: parental contact, ten days suspension from school, a written behavior contract which shall serve as a probation. In severe cases, the administrator may elect to consider recommending immediate expulsion. In selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, the intent of the student, and if the health, safety, and welfare of other students and/or staff have been endangered. A violation of the probation during this period may cause the discipline response to be advanced to consideration of expulsion from school.

INFRACTIONS

1. Alcohol
   a. The selling or transmitting of alcoholic beverages or any other substance capable of modifying mood or behavior or the selling or transmitting of substances represented to be of said nature

2. Arson
   a. The willful and malicious burning of or attempt to burn or destroy school property, contents in or on the property or personal property of others

3. Assault/Battery of Employees, Volunteers, and Students
   a. An intentional threat by word or act to do physical harm to a school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of a school employee or a volunteer against his/her will. In extreme cases, the assault/battery of a student may be basis for expulsion

4. Bomb Threats/Explosions
   a. Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at a school function, or extra/co-curricular activity, or a person in or on that property or attending a function. Preparing, possessing, or igniting explosives including unauthorized fire works on school property, at a school function, or extra/co-curricular activity

5. Drugs
   a. The possession, selling or transmitting of drugs, drug paraphernalia, or any other substance capable of modifying mood or behavior or possession or selling or transmitting of substances to be of said nature. Possession of drugs shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policy

6. False Fire Alarm
   a. The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire
7. Police Charges  
a. A student who has been charged by the police for involvement in illegal activity shall be expelled from regular school. The student shall continue his/her education while confined at the Youth Rehabilitation Center

8. Theft/Robbery  
a. The act or attempted act of taking of money, property, or possession from another against his/her will, with or without the use of force, violence or fear

9. Sexual Offenses  
a. Any willful and/or deliberate act committed with the intention of promoting sexual favors or furthering acts lewd or lascivious in nature; any unsolicited sexual proposal or offensive touching of another person; or any act of indecent exposure; or having sexual intercourse on school grounds

10. Weapons  
a. The possession, use or control of any dangerous instrument which could be used to cause harm, injury or death to another person (includes firearms, knives, razors, clubs, explosives, and other chemical weapons). Weapons shall be confiscated and will not be returned to the student. Possession of weapons shall be reported to law enforcement authorities in accordance with Virgin Islands law and Board policies

11. Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions  
a. The willful act of inciting, leading, or participating in any disruption or other acts which interfere with the education process, or which can result in damage or destruction to public or private property, or cause personal injury to participants and others, or otherwise pose a threat to the health, safety, and/or welfare of students, staff, or others

12. Violation of Reentry Plan/Probation  
a. Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

13. Repeated Misconduct of a More Serious Nature  
a. Repeated misconduct which tends to substantially disrupt the orderly conduct of a school, school function, or extra/co-curricular program or activity. Recommendations for expulsion relative to repeated misconduct must be based on documented referrals and a variety of intervention strategies

DISCIPLINARY RESPONSES FOR LEVEL 1V INFRACTIONS

First and Subsequent Offenses: Level 1V Responses
Mandatory Parental Contact, Mandatory ten day suspension from school with consideration of a recommendation for expulsion for grades 7-12, Suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

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

Virgin Islands Student Discipline Policy (CVIR 17-003-002).
Student Records
Philosophical Basis:
   a. A well developed student record file contains information needed for making appropriate educational decisions for the student.
   b. Student records are to be treated confidentially and must contain information that is relevant, accurate, and appropriate.

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.
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.

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

K-12 Bullying intervention, prevention and remediation policy.
5.0 Virgin Islands Department of Education's requirements and responsibilities
5.1 The DOE shall involve students, parents, administrators, school staff, school volunteers, community representatives, and law enforcement agencies in the process of adopting a policy. The school policy must be implemented in a manner that is ongoing throughout the school year and integrated in the curriculum and other violence prevention efforts. A copy of the DOE’s policy shall be sent to the Virgin Islands Board of Education
5.2 The Department of Education shall maintain de-identified* records and statistics to identify patterns of intimidation, bullying, cyber bullying, sextexting, cyber stalking, hate crimes, relational aggression and "cultural" teasing/belittling in their institution. Those records and statistics should be sent to the Board semiannually in December and May.

7.0 Virgin Islands Board of Education requirements and responsibilities
7.1 The VIBE shall periodically review the Department of Education’s territorial and district procedures, programs, activities and services to determine whether the DOE is complying with the policy.
7.2 The VIBE shall establish a section on School Violence in the School Plants and Facilities Management Report, where collected data on this policy will be analyzed and summarized.
7.3 The VIBE will make annual recommendations for appropriate action to address identified problems.
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 manner to 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.

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**

**K-12 Bullying intervention, prevention and remediation policy.**

8.0 Immunity clause

A school employee, school volunteer, student, parent or guardian who promptly reports in good faith, any violation of this policy to the appropriate personnel designated in the school policy and who makes the report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting of the incident or any failure to remedy the reported incident.

**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.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Website address (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Website</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive Behavioral Interventions and Supports, The Virgin Islands Department of Education</td>
<td>Provides an overview of PBIS and links to related topics such as bulling prevention and resources including toolkits, surveys, and forms.</td>
<td><a href="http://www.vide.vi/our-divisions/pbis.html#pbis-overview">http://www.vide.vi/our-divisions/pbis.html#pbis-overview</a></td>
</tr>
<tr>
<td><strong>Documents</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Resources</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>