



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

Prepared: March 31, 2021

Introduction

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

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

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

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

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U.S. Virgin Islands 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

Title 16. Education

Part 5. Comprehensive System of Education Services for All Children

Chapter 99. General Policy

§ 2902. Tiered system of supports and educational support team

Title 17. Education

Chapter 5. Public Schools

§ 41b. Character education

Chapter 9. School Attendance

Subchapter I. General Provisions

§ 87. Punishment of pupils by school authorities

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

§ 91. Expulsion of pupils; appeal

Chapter 11. Teachers and Other Personnel

§ 130. Authority to discipline children

Chapter 42. Conflict Resolution Education

§ 761. Legislative findings; intent

§ 767. Illinois Institute for Dispute Resolution as model

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

- § 822. Definitions
- § 823. Student eligibility and program criteria
- § 824. Program planning and implementation
- § 825. Evaluation
- § 828. Coordination with other agencies

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

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

§ 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.

§ 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.

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

Philosophy of the Virgin Islands Board of Education

The primary objective of the Virgin Islands Public School System is to develop each student's potential for learning and to foster positive interpersonal relationships. If this is to be accomplished, it is necessary that the school environment be free of disruptions which interfere with teaching and learning activities. The student's conduct determines to a great extent the full development of his/her potential for learning and the development of positive relationships.

The purpose of this document is to assist the Department of Education, students, parents, teachers and school administrators in the maintenance of an environment which will enhance the achievement of the objective. To be fully effective, the Discipline Policy addresses not only the role of the parents, the students, and the school but also specifies areas relative to: responsibilities and rights of students, grounds for disciplinary action, and procedures to be followed for acts requiring disciplinary action.

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 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.

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.

Scope

LAWS

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

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.

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.

Communication of Policy

LAWS

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

Student Rights

* To be informed of Virgin Islands Board of Education policies and rules and regulations of the Department of Education as well as individual school rules regarding absenteeism and tardiness.

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. [...]

5.3 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.
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

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

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. [...]

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

* Cheating

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

* Classroom Disruption

Conduct or behavior which interferes with or disrupts the teaching/learning process

* Disorderly Conduct

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

* Disrespect for Others

Conduct or behavior which demeans, degrades, antagonizes, humiliates, or embarrasses a person or group of persons

* Dress Code

Non-conformity to established dress code

* Failure to Report For Detention

Failure to report for assigned discipline

* False and/or Misleading Information

Intentionally providing non-valid or misleading information, or the withholding of valid information, to a school personnel

* Insubordination

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

* Misconduct on School Bus

Conduct or behavior which interferes with the orderly, safe, and expeditious transportation of other school students or other authorized riders

* Profane, Obscene, or Abusive Language/Materials

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

* Tardiness

Repeated late arrival to school or class

* Unauthorized Absence from School or Class

Violation of the Virgin Islands attendance laws and school policies

* Repeated Misconduct

Repeated behavior which includes one or more of the above offenses

* Other

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

* Fighting Threats

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

* Destruction of Property/Vandalism

The willful or malicious destruction of school property or the property of others

* Unauthorized Gambling

Any participation in games or activities of chance for money and/or other things of value

* Insubordination/Open Defiance

Either verbal or non-verbal refusal to comply with school rules or directions from school staff

* Intimidation

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"

* Misconduct on School Bus or other School Approved Transportation

Repeated or serious misconduct which interferes with the orderly, safe and expeditious transportation of students or other authorized riders.

* Stealing (under \$ 10.00)

The taking of property of another without permission of the person

* Unauthorized assembly, publications, etc.

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.

* Repeated Misconduct of a less serious nature

Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

* Forgery

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

* Other Serious Misconduct

Other than the offenses listed above

Disciplinary responses or 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 11 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

* Alcohol

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

* Over the Counter Drugs

Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.

The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense

* Assault/Battery (Fighting)

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

* Breaking and Entering

The unlawful or willful entry or attempted forcible entry of any school property or the personal property of students or school personnel

* Destruction of Property/Vandalism (\$ 10.00 and over)

The willful or malicious destruction of school property or property of others

* Extortion/Threats

The willful or malicious threats of harm, injury, or violence to the person, property or reputation of another with the intent to obtain money, information, services, or items of material worth

* Firecrackers/Fireworks

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

* Gross Insubordination/Open Defiance

Willful refusal to submit to or comply with authority, exhibiting contempt or open resistance to a direct order

* Illegal Organization

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

* Smoking and Use of Tobacco Products

The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity

* Stealing (\$ 10.00 and over)

The taking of property of another without the permission of the person

* Trespassing

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.

* Possession of Contraband Material

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.

* Repeated Misconduct of a More Serious Nature

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

* Violation of Curfew

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

* Other Serious Misconduct (may include profanity)

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 IV 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

* Alcohol

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

* Arson

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

* Assault/Battery of Employees, Volunteers, and Students

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

* Bomb Threats/Explosions

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

* Drugs

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

* False Fire Alarm

The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire

* Police Charges

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

* Theft/Robbery

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

* Sexual Offenses

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

* Weapons

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

* Inciting, Leading, Participating in Acts which Substantially Disrupt Orderly Conduct of School or School Functions

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

* Violation of Reentry Plan/Probation

Any act or series of acts which violate or have the practical effect of violating a reentry plan or a probation plan

* Repeated Misconduct of a More Serious Nature

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 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.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

§ 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.

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

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. [...]

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 1V Infractions and Disciplinary Responses

Infractions

* Repeated Misconduct of a More Serious Nature

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.

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. Expulsion
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

No relevant laws found.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

Section V Procedures Relating to Disciplinary Action

In order to protect student rights, certain procedures shall be followed with regard to major disciplinary actions. These procedures were developed as suggested or required by law or regulation.

School/classroom procedures for administering discipline in areas not covered by these procedures are encouraged.

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.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

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 [...]

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 [...]

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 [...]

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.

Limitations or Conditions on Exclusionary Discipline

LAWS

§ 91. Expulsion of pupils; appeal.

(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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

Level 1V Infractions and Disciplinary Responses

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.

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.

Due Process

LAWS

§ 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. [...]

(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

CVIR 17-003-002. Virgin Islands Student discipline policy.

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.

Return to School Following Removal

LAWS

No relevant laws found.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

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. [...]

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 [...]

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 [...]

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 [...]

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.

Alternative Placements

LAWS

§ 822. Definitions.

(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.

§ 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.

§ 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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

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 [...]

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.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

§ 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.

(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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

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). [...]

Level 1V Infractions and Disciplinary Responses

Infractions

* Weapons

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.

Students with Chronic Disciplinary Issues

LAWS

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

Level 1 - Infractions and Disciplinary responses

Infractions

* Repeated Misconduct

Repeated behavior which includes one or more of the above offenses

Level 11 Infractions and Disciplinary responses

Infractions

* Repeated Misconduct of a less serious nature

Repeated misconduct which tends to disrupt the orderly environment or extra/co-curricular program or activity

Level 111 Infractions and Disciplinary responses

Infractions

* Repeated Misconduct of a More Serious Nature

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

Chronic Absenteeism and Truancy

LAWS

§ 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.

§ 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.

§ 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.

§ 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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

Attendance

Philosophical Basis

School administrators have an obligation under Virgin Islands law to enforce compulsory school attendance laws as well as the attendance policies of the Virgin Islands Board of Education. Regular attendance by students will facilitate the development of the skills and knowledge necessary to function in our democratic society. [...]

SECTION IV INFRACTIONS AND DISCIPLINARY RESPONSES

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.

Substance Use

LAWS

§ 822. Definitions.

(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.

§ 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:

(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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

Section IV Infractions and Disciplinary Responses

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:

- 8. Possession, use/distribution of drugs (mandatory reporting)
- 9. Possession, use/distribution of alcohol products. [...]

Level 111 Infractions and Disciplinary Responses

Infractions

* Alcohol

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

* Over the Counter Drugs

Possession of such substances beyond that which might be reasonably consumed/used by one person in a short period of time.

The second use or possession violation by any student during any one school year shall be considered an automatic Level 1V offense. [...]

* Smoking and Use of Tobacco Products

The possession, use, distribution, or sale of tobacco products on school property, at a school function or extra/co-curricular activity [...]

Level 1V Infractions and Disciplinary Responses

Infractions

* Alcohol

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 [...]

* Drugs

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

Gang-related Activity

LAWS

§ 780. Purpose.

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

§ 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.

§ 782. Definitions.

As used in this chapter:

(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.

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

Level 11 infractions and disciplinary responses infractions

* Illegal Organization

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

Bullying, Harassment, or Hazing

LAWS

§ 780. Purpose.

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

§ 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.

§ 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.

§ 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.

§ 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

CVIR 17-003-002. Virgin Islands Student discipline policy.

Student Responsibilities

* To refrain from sexual harassment. [...]

Sexual Harassment

Virgin Islands Board of Education policy states that no student shall be involved in any sexual harassment activity. Any student who alleges sexual harassment by another student may use the school's student grievance procedure or may complain directly to the building administrator.

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 cowering) 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.

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

§ 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.

§ 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.

§ 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.

7.0 Virgin islands board of education requirements and responsibilities

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

Multi-tiered Frameworks and Systems of Support

LAWS

§ 2902. Tiered system of supports and education support team.

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For

each school it maintains, a school district board shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team, instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom and may include intensive, individualized interventions for any student requiring a higher level of support.

(b) The tiered system of supports shall:

- (1) be aligned as appropriate with the general education curriculum;
- (2) be designed to enhance the ability of the general education system to meet the needs of all students;
- (3) be designed to provide necessary supports promptly, regardless of an individual student's eligibility for categorical programs;
- (4) seek to identify and respond to students in need of support for emotional or behavioral challenges and to students in need of specialized, individualized behavior supports;
- (5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students;
- (6) promote collaboration with families, community supports, and the system of health and human services; and
- (7) provide professional development, as needed, to support all staff in full implementation of the multi-tiered system of support.

(c) The educational support team for each public school in the district shall be composed of staff from a variety of teaching and support positions and shall:

- (1) Determine which enrolled students require additional assistance to be successful in school or to complete secondary school based on indicators set forth in guidelines developed by the Secretary, such as academic progress, attendance, behavior, or poverty. The educational support team shall pay particular attention to students during times of academic or personal transition.
- (2) Identify the classroom accommodations, remedial services, and other supports to be provided to the identified student.
- (3) Assist teachers to plan for and provide services and accommodations to students in need of classroom supports or enrichment activities.
- (4) Develop an individualized strategy, in collaboration with the student's parents or legal guardian whenever possible, to assist the identified student to succeed in school and to complete his or her secondary education.
- (5) Maintain a written record of its actions.
- (6) [Repealed.]

(d) No individual entitlement or private right of action is created by this section.

(e) The Secretary shall establish guidelines for teachers and administrators in following federal laws relating to provision of services for children with disabilities and the implementation of this section. The Secretary shall develop and provide to supervisory unions information to share with parents of children suspected of having a disability that describes the differences between the tiered system of academic and behavioral supports required under this section, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Individuals with Disabilities Education Act, 20 U.S.C. chapter 33, including how and when

school staff and parents of children having a suspected disability may request interventions and services under those entitlements.

(f) It is the intent of the General Assembly that a gifted and talented student shall be able to take advantage of services that an educational support team can provide. It is not the intent of the General Assembly that funding under chapter 101 of this title shall be available for a gifted and talented student unless the student has been otherwise determined to be a student for whom funding under that chapter is available.

(g) The tiered system of academic and behavioral supports required under this section shall not be used by a school district to deny a timely initial comprehensive special education evaluation for children suspected of having a disability. The Agency of Education shall adopt policies and procedures to ensure that a school district's evaluation of a child suspected of having a disability is not denied because of implementation of the tiered system of academic and behavioral supports. The policies and procedures shall include:

- (1) the definition of what level of progress is sufficient for a child to stop receiving instructional services and supports through the tiered system of academic and behavioral supports;
- (2) guidance on how long children are to be served in each tier; and
- (3) guidance on how a child's progress is to be measured.

REGULATIONS

No relevant regulations found.

Prevention

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

§ 41b. Character education.

(a) For the purposes of this section "Character Education" means a structured curriculum where the children of the Virgin Islands learn about character traits, including but not limited to, commitment, cooperation, courtesy, creativity, generosity, honesty, moderation, patience, patriotism, punctuality, respect, compassion for others, respect for the environment, school pride, self-discipline, tolerance, dignity and the necessity of hard work.

(b) The Department of Education shall establish a comprehensive elective character education program for grades K-12 grade consisting of not less than ten (10) minutes of instruction per day. Character education exercises may also include an assembly program to be held at least once a month.

(c) The curriculum developed by the Department of Education shall be adopted and approved by the Board of Education, in accordance with section 21 of this title. The Department of Education shall be the administrator of the character education program and shall:

(1) take all necessary steps to provide workshops and training for character education for school personnel; and

(2) secure the necessary teaching materials and equipment to implement the character education program in public schools in the Virgin Islands.

(d) The Department of Education shall seek federal funds for the purpose of initiating and maintaining the provisions of this section. Funds shall also be appropriated annually in the Department of Educations' budget. Grants, contributions, gifts and bequests may also be made available for purposes of this section.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

No relevant laws found.

REGULATIONS

K-12 Bullying Intervention, Prevention, and Remediation Policy.

5.0 Virgin Islands Department of Education's Requirements and Responsibilities

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

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.

Parental Notification

LAWS

No relevant laws found.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

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. [...]

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 [...]

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 [...]

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.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

§ 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.

§ 825. Evaluation.

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

REGULATIONS

K-12 Bullying Intervention, Prevention, and Remediation Policy.

5.0 Virgin Islands Department of Education's Requirements and Responsibilities

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. [...]

5.4 Reporting and Investigations

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. [...]

7.0 Virgin Islands Board of Education Requirements and Responsibilities

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.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

§ 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.

§ 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.

REGULATIONS

CVIR 17-003-002. Virgin Islands Student discipline policy.

Section IV Infractions and Disciplinary responses

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.

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. Expulsion
11. Counseling/therapy outside of school
12. Department of Human Services referral
13. Law Enforcement referral.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

§ 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.

(c) The Commander shall report on the preparation of the annual budget and on detailed information on the future needs and past accomplishments of the Bureau of School Security. Such report shall be submitted to the Commissioners of Education and Police, with a joint report forwarded to the Governor by the Commissioners, not later than February 1 of each year. The Commissioner of Police shall, in consultation with the Commissioner of Education and in the manner prescribed by law, promulgate rules and regulations for the proper administration of the Bureau of School Security.

(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.

(e) The Commissioner of Police, in consultation with the Department of Education, may utilize security guard services of private companies to supplement the Bureau of School Security.

§ 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.

§ 828. Coordination with other agencies.

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

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

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

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

Title	Description	Website address (if applicable)
<i>Website</i>		
Positive Behavioral Interventions and Supports, The Virgin Islands Department of Education	Provides an overview of PBIS and links to related topics such as bullying prevention and resources including toolkits, surveys, and forms.	https://www.vide.vi/our-divisions/pbis/
<i>Documents</i>		
A Manual to Prevent and Address Bullying and Harassment in Schools (2017), The Virgin Islands Department of Education	Manual, adapted from evidence-based models of prevention, is used for training schools on bullying prevention techniques and curriculum.	http://www.vide.vi/documents/pbis/1536-bully-prevention-pbs-manual-vide/file.html
Discipline in Special Education; A Brief Overview of Discipline Procedures Under IDEA 2004, The Virgin Islands Department of Education	Brief overview of discipline procedures under the Individual with Disabilities Education Act (IDEA).	http://www.vide.vi/documents/special-education/1205-sose-s-discipline-in-special-education-fact-sheet-092616/file.html
<i>Other Resources</i>		
Public School Incident Data, Government of the United States Virgin Islands Department of Education	Reports on suspension and expulsion incidents in Virgin Islands schools.	http://www.vide.vi/documents/pre/public-school-incidents.html