

BILL NO. 35-0082

Thirty-Fifth Legislature of the Virgin Islands

May 31, 2023

An Act amending title 17 Virgin Islands Code, chapter 9, Subchapter I, section 91 to limit the expulsion and suspension of students in pre-kindergarten through third grade and amending title 17 Virgin Islands Code, chapter 11, by adding a section to make a course in mitigating behavioral issues and misconduct in the classroom for school-based professionals a requirement

PROPOSED BY: Senator Donna A. Frett-Gregory

1 **WHEREAS**, suspension and expulsion are disciplinary tools in response to behavioral
2 misconduct displayed in the school environment, that remove students from classroom
3 instruction; and

4 **WHEREAS**, studies show that children suspended or expelled during their early years
5 of education are more likely to be suspended or expelled again in the future; and

6 **WHEREAS**, studies illustrate that removing a student from classroom instruction
7 negatively impacts the student's level of achievement and continued removal from classroom
8 instruction increases both the risk of dropping out of school and the likelihood of future
9 involvement with the criminal justice system; and

10 **WHEREAS**, prolonged removal from school in early childhood ages can hinder
11 cognitive and social development; and

12 **WHEREAS**, research demonstrates that there are racial implicit biases that contribute to
13 disproportionate rates of suspension and expulsion. Across the mainland United States, with

1 predominantly Caucasian instructors, black students are 3.8 times more likely to be suspended
2 and twice as likely to be expelled as white students; and

3 **WHEREAS**, other implicit biases and limited training opportunities for teachers of
4 children with disabilities contributes to a phenomenon of disproportionate student suspension
5 and expulsion. Data across the United States shows that students with disabilities are more
6 than twice as likely to be suspended than their peers, and male students are being suspended at
7 higher rates than their female counterparts; Now, Therefore,

8 ***Be it enacted by the Legislature of the Virgin Islands:***

9 **SECTION 1.** Title 17, Virgin Islands Code, chapter 9, subchapter I, section 91 is
10 amended:

11 (1) in subchapter (a) by striking “persistent disobedience, or having bad habits, or
12 being in a physical condition detrimental to the best interests of the school”;

13 (2) by adding subsections (e) and (f) that read:

14 “(e) Children in pre-kindergarten through the third grade may not be expelled from
15 schools, unless the child’s misconduct involves a deadly weapon, a controlled substance or
16 endangers the safety of others in the school.”; and

17 (f) Decisions of suspension and expulsion for students in pre-kindergarten through the
18 third grade must be made in consultation with a mental or behavioral health specialist, such as
19 a school counselor, therapist or social worker.”

20 **SECTION 2.** Title 17, Virgin Islands Code, chapter 11, is amended by adding a section
21 136 to read:

22 “**§136. Behavioral health training.** Every school-based professional, including
23 teachers and administrators, shall complete a course in mitigating behavioral issues and
24 misconduct in the classroom, at no cost to the school-based professional, provided by the

1 Commissioner of Health, Division of Behavioral Health Services in accordance with 19 V.I.C.
2 § 1022.”

3 **BILL SUMMARY**

4 Section 1 amends title 17 Virgin Islands Code, chapter 9, subchapter I, section 91 to limit
5 the expulsion and suspension of students in pre-kindergarten through third grade. Section 2
6 amends title 17 Virgin Islands Code, chapter 11, by adding section 136 to make a course in
7 mitigating behavioral issues and misconduct in the classroom for school-based professionals a
8 requirement.

9 **BR23-0039/May 18, 2023/HLF**