



Bill No. 35-0050 Testimony: Bureau of School Construction and Maintenance



Dionne Wells-Hedrington, Ed.D.
Commissioner

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Good morning Honorable Donna Frett-Gregory, Senator and Chairperson of the Budget, Appropriations, and Finance Committee; Senator Novelle E. Francis, Vice-chair; members of the committee: Senator Marvin A. Blyden, Senator Samuel Carrion, Senator Dwayne M. DeGraff, Senator Ray Fonseca and Senator Javan E. James, Sr.; other members of the 35th Legislature of the Virgin Islands; colleagues; ladies and gentlemen of the listening and viewing audience.

I am Dr. Dionne Wells-Hedrington, Commissioner of Education. Joining me today are:

- Victor Somme III, Assistant Commissioner,
- Ericilda Ottley-Herman, St. Croix District Insular Superintendent,
- Dr. Stefan V. Jurgen, St. Thomas-St. John District Insular Superintendent,
- Alan Fleming, Chief Operations Officer,
- Alvincent Hutson, Esq., Legal Counsel, and
- Chaneel Callwood, AIA, VIDE Architect.

First, I would like to thank the bill sponsor, Senator Donna Frett-Gregory, for this opportunity to testify. We sincerely appreciate the legislation's intent to aid the Department's Leadership. At the Virgin Islands Department of Education (VIDE), we are committed to providing a high-quality, equitable learning experience in partnership with families and the community to prepare all students to thrive in life. We are transforming today's learners into tomorrow's leaders; we are prepared to ensure we create opportunities for all students.

Title 3, Section 96, bestows the Department of Education the authority to administer and operate all educational facilities. Sections 24, 44, 45, 60d, and others speak to the Commissioner of Education and/or the Department of Education's responsibility to manage and maintain educational facilities. Presiding over our school facilities is not a burden but a necessary part of the Commissioner and Department's mandate to create safe environments conducive to learning.

A concern for VIDE is whether the Executive Director will have the same sense of urgency when it comes to maintenance concerns that can impact schools' day-to-day operations. The success of our children depends on this legislation not creating a system where this Bureau does not operate with urgency or collaborate.

In the spirit of collaboration and to better understand VIDE's role in meeting the goals and objectives of the bill, the VIDE team met with the bill sponsor and her staff to discuss modifications to some of the languages in the bill. Additionally, in further review of the bill language, the VIDE respectfully recommends the following changes:

- Change Renaming the Bureau to the Bureau of Architecture, Engineering, and Maintenance. This renaming reflects the primary tasks and duties of the Bureau.
- Subchapter II, Section 101 (b), change the language to reflect that "The Bureau is responsible for collaboration with the Commissioner of Education."
- Subchapter II, Section 101 (b)(2), "the acquisition of property for the construction of schools and determining which schools will no longer be used as schools must be in collaboration with the Commissioner, Superintendents, and the Department of Property and Procurement."
- Subchapter II, Section 101 (b)(4), add that "no school closure can occur without consultation and approval of the Commissioner and Superintendents."
- Subchapter II, Section 102 (b)(3); add that "the annual report shall be submitted by April 30th of each year.
- Subchapter II, Section 103 (a), revise the members of the review panel to include the Commissioner and Superintendents.

- Subchapter II, Section 103 (b), the Executive Director will expand the existing Facilities Master Plan that has already been vetted and approved by FEMA and the Governor to include capital improvement bond planning for future growth and systemic repairs and a preventative and routine maintenance plan.

The Bureau, as outlined in the legislation, will function as a semi-autonomous agency and will require funding annually to sustain the unit's operation and the salaries of personnel.

The Bureau would require a full complement of personnel to perform the administrative tasks to ensure the unit functions optimally. As such, there remains a concern as to whether the government would have revenues to sustain this standalone unit, which may ultimately affect the allotment of local funds to the Department of Education. In addition, the ability to find individuals to fill these new positions may pose a challenge as well.

Historically, the Department has been underfunded when it comes to the maintenance of our aged footprint. For the past seven (7) years, the Department has received an average of two (2) million dollars to maintain our territory-wide footprint. When the Army Corps of Engineers assessed our existing buildings in 2015, they indicated a minimum of fifteen (15) million dollars would be required to maintain our facilities annually, and our buildings have further deteriorated. Increasing allotment to the Maintenance Division is a step in the right direction. Still, there must be a consistent revenue stream of funding to ensure that we are not engaged in conversations surrounding dilapidated buildings 40 years after all the investments into our infrastructure are completed. We can all agree that we are here today because of decades of inadequate maintenance, and it is time for that to change. Currently, the bill speaks to utilizing 100% funding from any lease of properties previously used by schools; please understand that usually, schools are turned back over to DPP and used by other government agencies. This body and all future legislators must

be committed to funding the needs of the Bureau in its entirety without taking the much-needed resources from our Department.

Giving the Executive Director the authority to procure goods and services not to exceed one (1) million dollars and on projects of any size, to approve individual construction payments not to exceed one (1) million dollars is a huge leap from the Department's current authorization of up to \$250,000.00 for just goods and services. This means that it would be moved from the Department of Property and Procurement jurisdiction, but the Bureau must ensure that the proper solicitation follows the procurement laws. Please note that, as written, the bill does not speak to the existing threshold of \$50,000.00 for construction projects or payments; therefore, there would be no change in that process to allow the Bureau to procure services for construction projects in a timely manner if that section is not amended.

The VIDE is excited about the numerous infrastructure improvements that are imminent. The continued negotiations are critical, and the Commissioner needs to remain involved in acquiring and approving federal funding. We know and understand the importance of employees and students being in environments that are safe and secure and, most importantly, conducive to learning. Even when the Bureau is established, this will not remove the involvement of the Commissioner nor the Superintendents from ensuring that educational spaces and buildings are operable and that our goals and objectives are met. The VIDE has already established clusters of teams stationed at each site. This has proven to be very effective; therefore, we hope that the new executive director will be amenable to the recommendations offered by those who have worked in the trenches for years.

This legislation removes the responsibility of executing maintenance tasks from the leadership team. Having two (2) individuals with governing power over the school facilities can

be problematic if they aren't operating collaboratively and cohesively. We know that every four years, the guards are subject to change. Therefore, this bill must be written to ensure that there is no subjectivity in terms of the intent of the Bureau and the importance of maintaining schools. I cannot express enough that establishing meaningful and progressive relationships and synergy between the Bureau and Department is critical to its success. While the burden of execution is removed from VIDE, the role of the Leadership remains the same. We will still have to communicate with teachers, principals, and unions while we consult with the executive director to ensure that all stakeholders know the status of our facility repairs.

Finally, The VIDE team wishes to thank the bill sponsor for her persistence in taking steps to develop and perfect the legislation that will assist us in remaining steadfast in focusing on what is important - student success. We look forward to our continued partnership as we work to improve this territory. We stand ready to answer all questions and concerns that this body may have.