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SENATE TESTIMONY
COMMITTEE ON EDUCATION AND WORKFORCE
DEVELOPMENT

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Good morning, Senator Kurt Vialet, Chairman of the Committee on Education and Workforce Development, committee members, other senators present, and members of the listening and viewing audience. Thank you for the opportunity to testify before the Committee on Education and Workforce Development and for your attention to this critical matter.

I am Kishma B. Francis, Esq., a Staff Attorney at the Disability Rights Center of the Virgin Islands (DRCVI) and the Project Director for the Virgin Islands Parent Training Information Center (VIPTI) housed at DRCVI.

DRCVI was established in 1977 via an Act of Congress, which created 57 protection and advocacy organizations throughout the United States and its territories. It is part of the national organization known as the National Disability Rights Network, also known as NDRN.

DRCVI has two offices: the main office is on St. Croix, in Frederiksted, just a stone's throw from the former Kmart West, and a satellite office is in Havensight on St.

Thomas. It comprises an 11-member staff that includes three full-time lawyers/advocates. Its work is overseen by a nine-member board, which meets quarterly and includes individuals with disabilities, educators, lawyers, parents, and family members of individuals with disabilities. In addition to the Board, DRCVI has a Protection and

Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council or PAC, comprised of professional mental health providers, individuals, and/or family members of individuals receiving mental health services.

DRCVI's mission is to advance the rights of individuals with disabilities, support and empower families, and inform and involve professionals and others interested in the healthy development and education of children and youth. DRCVI provides Legal Advocacy and Free Representation, Information and Referral Services, Training and Education, and Systemic Advocacy.

As the only territory-wide Protection and Advocacy and Parent Training Institute, we recognize the importance of delivering quality information and assistance to underserved and underrepresented communities. DRCVI

supports families of infants, toddlers, children, and youth with disabilities from birth to age 26 by helping parents engage in their children's educational progress and collaborating with professionals and policymakers to improve outcomes.

VIPTI serves families and students enrolled in our public K-12 schools, children in Head Start and Early Head Start programs overseen by the Department of Human Services, and infants and toddlers in the Early Intervention Program administered by the Virgin Islands Department of Health.

Under the Individuals with Disabilities Education Act (IDEA) for the 2022-2023 school year, the largest reported disability groups nationwide include specific learning disabilities, which affect 32% of the students served by

IDEA. These disabilities can manifest in various challenges with listening, speaking, reading, writing, and mathematical calculations. Speech or language impairments impact 19% of students, other health impairments affect about 15% of students, and approximately 13% of students are diagnosed with autism, highlighting the critical need for tailored interventions and support within our educational framework.

In the USVI, data from standardized assessments show that our children often fall below basic academic proficiency. VIDE Data for the Learning Accomplishment Profile (LAP) assessment in the fall of the 2022-2023 school year shows that 43% of first-year students fall below age level in language skills, noted as the ability to express thoughts and appreciate books. That number

doesn't improve as they progress in school. According to the VIDE Smarter Balanced Assessment Analysis during the same school year, 62% of students in grades 3 -11 fall below basic proficiency in Language Arts, and 79% in grades 3 - 11 fall below basic proficiency in mathematics.

This raises serious questions regarding the effectiveness of our educational support systems, especially when the USVI has the lowest percentage of students participating in special education programs out of all US states and territories. The National Center for Educational Statistics data from the 2022-2023 school year shows that 9% of public-school students in the Virgin Islands receive special education services under IDEA, while the national average is 15%. Our neighbors in Puerto Rico have the highest, at 37%.

Given these statistics, it is evident that we are facing a crisis in our educational system, particularly for our children with disabilities. The disparities between our territory and national averages are not just numbers; they represent lives that are affected, futures at stake, and a call to action for us all.

Learning disabilities and other health impairments can be misconstrued as behavioral issues if the student has not been adequately diagnosed. This deficiency not only impacts their educational trajectories but also reflects a larger systemic problem, with a persistent backlog, where we have received complaints of a three-year wait for initial evaluations for special education services.

A 2022 report from the Virgin Islands Department of Human Services indicated that 40% of youth at the Youth Rehabilitation Center (YRC) are diagnosed as having

special education needs, emphasizing the urgent necessity for early targeted interventions. Additionally, 100% of the students at YRC were from single-mother households, emphasizing the importance of VIPTI's commitment to support and assist families through time-flexible methods, one-on-one assistance, and training in educational rights.

Recently, more parents have been reaching out for support while navigating the Special Education System. Whether advocating for their children during Individualized Education Program (IEP) meetings or seeking guidance on the nuances of IDEA and the 1973 Rehabilitation Act Section 504, which assists with providing reasonable accommodations for students with disabilities. The policies surrounding discipline and behavioral interventions also overwhelm and discourage many families.

The good news is that numerous students who once struggled in traditional educational settings and received the support they needed under IDEA and Section 504 are now thriving. Many of them have returned to us as interns during the summer, illustrating the cyclical nature of empowerment that our work fosters. One student we represented at a due process hearing is now on the honor roll—an achievement they have never experienced before. This serves as a testament to the potential that lies in every child when given proper support and services.

We need comprehensive efforts to foster a culture of inclusion and understanding within our communities. DRCVI doesn't just advocate but also educate our community to ensure compliance with crucial federal

mandates, including the Americans with Disabilities Act (ADA), IDEA, and Section 504.

Our work goes beyond assisting families and includes training professionals in various fields, from healthcare professionals to educators within our Department of Human Services Head Start and the Virgin Islands Department of Education. It is vital that school personnel are well-informed about ADA, IDEA, and Section 504, and that effective communication exists among educators, parents, and students to customize modifications and reasonable accommodations to fit individual needs.

Our attorneys, well-versed in special education and educational rights, are committed to advocating for necessary reforms that ensure every child with a disability receives Free Appropriate Public Education (FAPE) in the

Least Restrictive Environment (LRE) or reasonable accommodations under Section 504. Additionally, we teach students and their families how to advocate for themselves, a crucial skill they will need beyond their educational experiences.

It's disheartening to note that a stigma exists surrounding disabilities and services. When parents or educators refer a child who is having difficulty or falling behind for an initial evaluation, it must be investigated as soon as possible. Immediate and timely interventions help students with disabilities get the help that they need. Early intervention is important for diagnosis and modified instruction so the student can grasp core reading, writing, and mathematics concepts before compounding their understanding of that subject.

DRCVI trains our community's educational staff, students, other organizations, and parents in “disability sensitivity.” A lack of recognition and understanding of disabilities in the classroom and home, and a delay in initial and ongoing assessments, can lead to misunderstandings about the need for accommodation and modifications. We must change the narrative that views such support as “cheating.”

Students’ behaviors when they don't understand a subject, or when the teacher and the curriculum are moving too fast, can often look like they are acting out, being silly, or shutting down. These misunderstandings often lead to low self-esteem, anxiety, and depression, and can lead to or exacerbate underlying mental illness.

Moreover, we have seen instances of discrimination and segregation, where students with disabilities are unjustly excluded from general education settings. This robs them of critical educational opportunities and hinders their social development. All students deserve to learn in an inclusive environment that values and embraces diversity, regardless of their abilities.

Many complaints have surfaced regarding limited access to essential resources that students with disabilities require. We must underscore the significance of updated assistive technology. Our classrooms should be equipped with tools that cater to the needs of all learners, including speech-to-text software, augmentative communication devices, screen readers, and adaptive

tools. However, the reality is stark; many special education classrooms still lack the most basic technological support.

We recognize and acknowledge the voices of parents who have stated that their children with visual or auditory impairments do not have access to the resources they need to succeed. Many are still out of reach for E-readers, braille textbooks, and other vital resources. Parents and homes don't always have current technology and access to free or affordable internet and could greatly benefit from a school-based lending program and tech support. In addition, we need to ensure parents have access to documents in their native language.

We must advocate for increased funding dedicated to assisting students with disabilities. Our schools need the resources to provide necessary supplies, equipment, and

adequately trained personnel, which are essential for creating a supportive educational environment. To bridge this digital divide, a robust, multi-faceted approach will be required to combine funding, training, infrastructure upgrades, and community engagement.

Additionally, when it comes to the workforce, we must clarify the distinction between various educational achievements, specifically, the difference between a traditional high school diploma, a GED (or TASC), and an IEP diploma. An IEP diploma, awarded to students with disabilities who cannot meet standard graduation requirements, does not hold the same weight as a traditional diploma or a GED. This disparity can further hinder employment opportunities for these individuals. We must work to ensure that the most appropriate educational

pathway is followed for each student to provide them with equal opportunities and recognition in the job market.

We also see different planning timelines in the school system regarding when and if special education students receive Pre-Employment Services or "Pre-Ets" and the direct vocational services that are present in the community.

For job seekers, transportation remains a critical challenge. Reliable access to transit options is often limited for those with disabilities, making it difficult for them to reach job opportunities, attend interviews, or engage in necessary training. We must consider improving transportation services to better accommodate these individuals' needs. DRCVI works with the Northeast ADA Center and VIRTAN to ensure disability sensitivity and

monitor compliance. We also work with the UVI technology center to connect people with disabilities with remote work opportunities.

Furthermore, disability stigmas can play a significant role in the employability of individuals with disabilities. Many employers harbor misconceptions about the capabilities of disabled individuals, often viewing them through a lens of limitation rather than potential. We must advocate for awareness programs that promote understanding and highlight the valuable contributions that individuals with disabilities can make in the workforce.

In conclusion, we need your support to dismantle these barriers and create a workforce that not only includes individuals with disabilities but also values their contributions. Together, we can push for policies that

empower every individual to achieve meaningful employment, benefiting not just those with disabilities but also enriching our entire community. Children without adequate resources are more likely to face the risk of developmental delays, and related issues will likely burden them for the remainder of their educational careers and lives. VIPTI aims to ensure that all children in the Virgin Islands have access to free appropriate public education (FAPE) in the least restrictive environment (LRE), have their needs met through accommodations, an individualized education plan (IEP), or a 504 plan, and that parents and students are involved in the planning, evaluation, and placement decisions related to special education, free of educational opportunity gaps. I am available to answer any questions that you may have.