

**RESOLUTION NO. 001/2020**

**RESOLUTION OF THE VIRGIN ISLANDS BOARD OF EDUCATION REGARDING  
PROMOTION AND RETENTION POLICY COMPLIANCE DURING THE COVID-19  
EMERGENCY**

**WHEREAS**, on March 13, 2020, the Governor of the United States Virgin Islands declared a territory wide emergency and stay at home order effective to April 30, 2020, and that same day the President of the United States declared a national emergency regarding COVID-19;

**WHEREAS**, the World Health Organization has declared COVID-19 a pandemic;

**WHEREAS**, the Virgin Islands Board of Education recognizes the COVID-19 is an unforeseen and unavoidable emergency of urgent necessity,

**WHEREAS**, the Board of Education acknowledges that as a result of the territorial, national and world-wide declarations, all public schools territory-wide were closed on March 17, 2020, and on April 8, 2020 it was announced that all public school facilities remain closed for the remainder of the 2019-20 school year;

**WHEREAS**, the Board of Education has authority and a continued responsibility under the Virgin Islands Code Title 3, Section 21 to prescribe regulations and orders and in general to do anything necessary for the proper maintenance and operation of public schools of the Virgin Islands;

**WHEREAS**, the Board of Education has prescribed the Virgin Islands Promotion and Retention of Students and Grading System for Grades K-6 and the Virgin Islands Board of Education Secondary Level (Grades 7-12) Promotion and Retention of Students, Grading System and Graduation Requirements (hereinafter referred to jointly as "Promotion and Retention Policies") both of which are premised on the Department of Education meeting the minimum requirement of 180 days of instruction under Virgin Islands Code, Title 17, Section 61;

**WHEREAS**, the Board of Education recognizes that due to early closing of schools, the ability of the Department of Education to fully comply with the letter and spirit of its Promotion and Retention Policies have been severely hampered; and

**WHEREAS**, given the urgent and rapidly changing landscape due to the spread of the COVID19, the Board of Education is committed to working with the Department of Education to ensure that absences relating to COVID-19 do not negatively impact student achievement or the ability of any student with the potential for promotion despite not meeting the promotional requirements on March 17, 2020 to pass to the next grade level.

**THEREFORE, BE IT RESOLVED THAT** the Retention and Promotion Policies are hereby **SUSPENDED** to allow the Department of Education to continue instruction remotely provided the following conditions are met:

- a. The Department shall for the remainder of the school year continue to provide substantial student learning opportunities on a remote basis to those students with internet access and shall immediately design and implement a plan for providing such opportunities to students without computer access, including but not limited to engaging local media sources and providing by mail or personal delivery instructional packets to such students.
- b. No child shall be retained who has not met the threshold requirement for promotion, unless the child has been given an opportunity to meet the requirements by the natural end of the school year. The Department shall insure that teachers use their best efforts to provide opportunity through make-up work, projects, reports or extra assignments.
- c. Students who would have been otherwise eligible for Summer School shall be given the opportunity to have substantial learning opportunities on a remote basis similar to (a) above.
- d. Each student shall be given the opportunity to improve their grades (whether failing or passing) through remote instruction applied in a fair and consistent manner with all other students in the same grade level by the natural end of the school year;

**BE IT FURTHER RESOLVED THAT** for the remainder of the 2019-20 school year, the Department shall assess the core subjects of math, science, history/geography and English in accordance with the grading system provisions of the Promotion and Retention Policies, however, other subjects may be assessed on a pass/fail basis at the discretion of the Department of Education;

**BE IT FURTHER RESOLVED THAT** the Department of Education may in its discretion, extend remote instruction through June, July and/or August as necessary to provide students with substantial instruction, however, this requirement is subject to the provisions of any and all Collective Bargaining Agreements currently in place between the Department and public school teachers and any emergency order issued by the Governor; and

**BE IT FURTHER RESOLVED THAT** the Department shall comply with the child study team meeting and the parental notice requirements remotely.

**BE IT FURTHER RESOLVED THAT** all other provisions of the Promotion and Retention Policies not addressed in this resolution shall remain in full force and effect.

Adopted this 11th day of April 2020, by the Virgin Islands Board of Education.

*Arah C. Lockhart*

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Arah C. Lockhart,  
Chairperson, Board of Education

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Due to COVID-19  
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*Winona Hendricks*

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Winona Hendricks,  
Secretary, Board of Education