

**GOVERNMENT OF THE VIRGIN ISLANDS  
VIRGIN ISLANDS BOARD OF EDUCATION**



**VIRGIN ISLANDS  
STUDENT DISCIPLINE POLICY**

**Last Revised May 14, 1998**

# **VIRGIN ISLANDS BOARD OF EDUCATION**

## **VIRGIN ISLANDS STUDENT DISCIPLINE POLICY**

### **PERTINENT LAW AND INFORMATION**

Virgin Islands Code Title 17, Section 21, authorizes the Virgin Islands Board of Education to prescribe general regulations and orders and in general to do anything necessary for the proper establishment, maintenance and operation of the public schools of the Virgin Islands.

Virgin Islands Code Title 3, Section 912, states that each regulation adopted, to be effective, must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law. Title 17, Section 21, confers the authority and jurisdiction on the Virgin Islands Board of Education to prescribe this policy as hereby set forth.

In compliance with Virgin Islands Code Title 3, Section 933, an original and two duplicates of these regulations and filed with the Lieutenant Governor for publication in the Virgin Islands Rules and Regulations.

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## 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.

## 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 1**

### **Roles of Parents, Student, School, and School Personnel**

In order for effective instruction to occur, there must be a cooperative relationship between student, parent, and educator. This relationship is described as follows:

**Parents or guardians are required to:**

- Keep in regular communication with the school concerning their child's progress and conduct and visit their child's school at least once monthly
- Ensure that their child attends school and all classes daily and promptly report and explain an absence or tardiness
- Provide their child with the resources needed to complete class work and homework
- Assist their child in being healthy, neat and clean
- Bring to the attention of school administrators any problem or condition which affects their child or other children of the school
- Discuss report cards and work assignments with their child
- Maintain current home, work, and emergency telephone numbers including doctors and dentists as well as an emergency health care form at the school
- Expect and insist that their child conforms to reasonable standards of conduct and set up home rules and expectations that support the school's efforts
- Participate and monitor their child's progress in extracurricular activities
- Expose their children to learning activities including visits to the libraries, museums, etc.
- Ask the school staff for assistance if help is needed
- Praise and/or reward their child for his/her effort, improvement, and achievement
- Develop high but realistic goals for and with their children

**Students are required to:**

- Attend All classes daily and be punctual in attendance
- Come to classes with appropriate working materials, and all homework or other required assignments completed
- Be respectful of all individuals and property
- Refrain from profane or inflammatory statements
- Conduct themselves in safe and reasonable manner
- Be neat and clean
- Be drug free
- Be responsible for their own work
- Abide by the rules and regulations of the school system, the school, and each classroom teacher
- Seek changes in orderly and recognized manner

- Strive to attain the high but realistic goals developed with their parents
- Request assistance from school staff if needed
- Actively participate in all class discussions and activities and ask questions for clarification
- Participate in extra/ co-curricular activities according to the guidelines and requirements of these activities

Schools are required to:

- Promote a safe, drug free school environment
- Provide a rigorous and challenging academic program
- Develop and implement acceptable guidance procedures
- Maintain an atmosphere conducive to acceptable behavior
- Exhibit an attitude of respect for students
- Plan a flexible curriculum to meet the needs of all students
- Develop and maintain appropriate extracurricular activities
- Promote effective training or discipline based upon fair and impartial treatment of all students
- Develop an effective working relationship with staff and caring relationship with students
- Encourage the staff, parents or guardians, and students to utilize the services of the school and the community
- Encourage parent participation in affairs of the school
- Insist that parents keep in regular communication with the school
- Involve the entire community in order to improve the quality of the school

School personnel are required to:

- Have regular attendance and be on time
- Be prepared to perform their duties with appropriate materials
- Be respectful to all individuals and property
- Be aware of and have respect for the diverse cultures within our community
- Refrain from profane or inflammatory statements
- Conduct themselves in a responsible manner and promote the health, safety, and welfare of students
- Be neat, clean and appropriately attired
- Provide models of conduct for students
- Assist students in developing and achieving high but realistic goals
- Work with students to develop behavioral standards for the classroom
- Recognize and plan appropriately for the various learning styles of the students in each classroom
- Seek changes in an orderly and recognized manner
- Seek to establish and maintain an orderly school environment
- Communicate with parents/guardians in an effective and appropriate manner

## **SECTION 11**

### **Student Rights and Responsibilities**

It is the intent of the students rights and responsibilities as expressed in this document that students understand that individual rights involve associated responsibilities, and that individual rights must be viewed in relationship to the health, safety, and welfare of the majority of students within each school. The administrator shall assume administrative responsibility and instructional leadership under the supervision of the superintendent's office in accordance with rules and regulations of the Department of Education, for the operation of the school to which he/she is assigned. The faculty and the staff shall assist in the orderly operation of the school and ensure the rights of all students.

#### 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.

##### Student Responsibilities

- To take advantage of their educational opportunities by attending all classes daily and on time
- To provide the school with an adequate explanation or appropriate documentation indicating the reason for the absence.
- To request makeup assignments from teachers upon return to school and to complete this work within a reasonable length of time

##### Students 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.
- To appeal a decision pertaining to an absence
- To make up class work within a reasonable length of time when there is an excused absence.

#### **Counseling**

##### Philosophical Basis

Personal concerns of students can seriously limit their educational development. Schools have the responsibility to provide a counseling program, to make relevant the objective information available to students, and to encourage students to use these services.

#### Student Responsibilities

- To use guidance services for their own educational and personal improvement.
- To schedule appointments in advance unless the problem or concern is one of an emergency
- To work cooperatively with all school personnel

#### Students Rights

- To be informed as to the nature of the guidance services available in their school
- To have access to individual and group counseling
- To request counseling assistance

### Curriculum

#### Philosophical Basis:

The degree of curriculum involvement is a function of age, grade, maturity, and sophistication on one hand and level and complexity of courses on the other. Student opinion regarding curriculum offerings is extremely important and, therefore, deserves careful analysis and consideration.

#### Student Responsibilities

- To request participation in academic programs and extracurricular activities that are commensurate with ability
- To seek assistance in course selection from informed and responsible persons in the school
- To cooperate with the instructor and contribute to an atmosphere that is conducive to learning and free of bias and prejudice
- To cooperate fully and exert every effort to achieve mastery of the basic skills

#### Students Rights

- To have equal educational opportunity with regard to academic programs and extracurricular activities within reasonable and acceptable limits imposed on the school
- To receive curriculum course descriptions that will facilitate informed choices.
- To receive instruction in courses of study by competent instructors in an atmosphere that is conducive to learning and free of bias and prejudice
- To participate in appropriate basic skills programs in elementary, middle and high schools

### Free Speech/Expression

#### Philosophical Basis:

Virgin Islands Student Discipline Policy



Citizens in our democracy are guaranteed self expression under the first and fourteenth Amendments of the United States Constitution. In a democratic society, one of the basic purposes of education is to prepare students for responsible self expression.

#### Students Responsibilities

- To respect the rights of others individuals, to express disagreement in a manner which does not infringe upon the rights of others and does not interfere with the orderly educational process
- To act in a manner which preserves the dignity of patriotic observances
- To respect the religious beliefs of others
- To plan for, seek approval of, and conduct activities which are consistent with the educational objectives of the school
- To refrain from publishing libelous and obscene material; to seek complete information on the topics about which they write; and to observe the normal rules for responsible journalism under the guidance of a staff advisor
- To refrain from sexual harassment

#### Students Rights

- To perform and express viewpoints through speaking and writing in a manner which is not obscene, slanderous, or libelous and which is not disruptive to an orderly school environment
- To affirm their identity with the American Ideals (pleading allegiance to the flag and singing the Virgin Islands Song)
- To refrain from activity which violates the precepts of their religion or holds it up to ridicule
- To assemble peacefully on school grounds or in school building. Such assembly shall be consistent with all applicable federal and local laws and regulations
- To participate in the development and distribution of publications as part of the educational process

### Grades

#### Philosophical Basis

An academic grade must reflect the teacher's most objective assessment of a student's academic achievements.

#### Students Responsibilities

- To become informed of the grading criteria
- To maintain standards and academic performance commensurate with ability and to make every effort to improve performance upon receipt of notification of unsatisfactory progress

#### Students Rights

- To receive a teacher's grading criteria at the beginning of each year or semester

- To receive reasonable notification of failure or potential failure at any time during the grading period when it is apparent unsatisfactory work is being performed.

### Privacy and Property Rights

#### Philosophical Basis:

Federal and Virgin Islands laws provide persons with reasonable expectation of privacy in addition to freedom from unreasonable search and seizure of property. Such guarantees are not unlimited and must be balanced by the school's responsibility to protect the health, safety, and welfare of all students.

#### Student Responsibilities

- To attend school and other school activities without bringing materials or objects prohibited by law or school policy or other items that will detract from the educational process
- To respect the property rights of the public at large as well as those of individuals and to refrain from destruction of or the damage to such property

#### Students Rights

- To maintain privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material which is prohibited by law or board policy
- To attend school in an educational environment in which personal property is respected

### Student Records

#### Philosophical Basis:

A well developed student record file contains information needed for making appropriate educational decisions for the student.

Student records are to be treated confidentially and must contain information that is relevant, accurate, and appropriate.

#### Student, Parents and Guardians Responsibilities

- To inform the school of any information that may be useful in making appropriate educational decisions
- To authorize release of pertinent information to those individuals or agencies who are actively and constructively working for the benefit of the student

#### Students, Parents, Guardians Rights

- To inspect, review, and challenge the information contained in records directly relating to the student

- To be protected by legal provisions which the release of personally identifiable information to other than legally authorized persons without the consent of the parents, guardians or eligible student. Eligible students are those 18 years of age or over and/or those attending a post secondary institution

## Section 111

### Student Dress

All students are to be appropriately dresses and groomed. Any style of dress which threatens the health and safety of the individual student, or the body as a whole, or which disrupts the learning situation, or tends to cause a break down in the morale or general discipline of the school is prohibited.

Any student whose dress or style of grooming so violates the dress code, that it is unsafe, unsanitary, indecent, or so ridiculous as to cause comment and commotion in the classroom will not be permitted to class.

Girls are to be dressed in fully pleated skirts that touch the knees; front buttoned blouses with sleeves and collars including polo shirts (no frills or ornamentation); dark colored shoes and sneakers.

Boys are to be dressed in pants (no faded jeans); front buttoned shirts including polo shirts with collars; dark colored shoes and sneakers.

T-shirts are to be worn as part of the school uniform. Special school approved T-shirts maybe worn on special days only if prior approval is given by the principal.

Hats, caps and dark glasses are not acceptable and will not be permitted.

Students are permitted to wear one watch, one ring, and one pair of earrings.

Students shall not wear emblems, insignias, badges, or other symbols where the effect thereof is to unreasonably distract the attention of other students or otherwise cause disruption or interference with the operation of the school.

Students who have religions that require specific dress requirements must submit the requirements in writing to the Administrator for approval.

All school personnel shall encourage acceptable dress and shall provide guidance in these matters without embarrassment to the student.

## Section 1V

### INFRACTIONS AND DISCIPLINARY RESPONSE

In order to establish reasonable consistency in the schools, this disciplinary response code has been developed. School 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 the Virgin Islands public schools in grade 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 1V offenses.

Disciplinary responses to infraction become progressively more severe as one moves upward in the levels of misconduct.

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.

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:

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 substantial nature

#### LEVEL 1- INFRACTION 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 codes
- **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 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
- 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 RESPONSE**

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 students (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
- In subordination/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 or property of another without permission of the person

- Unauthorized assembly, publications etc.

Demonstrates 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 less serious nature

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

- Forgery

The making of false or misleading written communication to a school staff member with either the intent to deceive the staff or under circumstances which would be reasonably calculated to deceive the staff member

- Other Serious Misconduct

Other than the offences listed above

### **DISCIPLINARY RESPONSES FOR LEVEL 11 INFRACTIONS**

**First Offense: Level 11 responses**

**Subsequent Offences: 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 or 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 or 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 by 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 materials worth

- Firecrackers/Fireworks

Unauthorized possession and/or igniting of fireworks or firecrackers on school property, at 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 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 have 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 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 1V INFRACTIONS 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 selecting this action, the principal shall consider the age, prior discipline record, the seriousness of the behavior, 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 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 school employee or a volunteer, coupled with an apparent ability to do so, or the actual reckless or intentional touching or striking of school employee or a volunteer against his/her will.

In extreme cases, the assault/battery of a student of a student may be basis for expulsion

- **Bomb Threats/Explosion**

Any communication, which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to school property, at school property, at

school function, or extra/co-curricular activity, or 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, 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 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 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 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 1V INFRACTIONS**

#### **First and Subsequent Offenses: Level 1V responses**

Mandatory Parental Contact, Mandatory ten-day suspension from school with consideration of recommendation for expulsion for grades 7-12, suspension and probation for elementary school students, Assignment to alternative program/school, Expulsion from School

## **SECTION V PROCEDURES RELATING TO DISCIPLINARY ACTION**

In order to protect students 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 area 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 attendance, including the time required in going to 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.

### **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 students grievance procedure or any complain directly to the building administrator.

### **PROCEDURES FOR SUSPENSION**

Suspension of students from 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 anti-social 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 discipline problems, as a substitute for suspension or expulsion.

### **DUE PROCESS FOR SUSPENSION OF TEN (10) DAYS OR LESS**

**Step 1:** The student must be told by the administrator/designee of the reasons for consideration of suspension.

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**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 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 workday. This report shall include the various incidents relating to the suspension or removal from classes and shall no 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 therefore 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 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 feel that due process was not provided, they may further appeal the procedural due process provided by contacting 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 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 witness 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 (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 Virgin Islands Student Discipline Policy Continued

the ten (10) day suspension or on the next regular workday. 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 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 of 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 hours that the student be expelled for a specific period of time. The written Virgin Islands Student Discipline Policy Continued

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 Virgin Islands Student Discipline Policy Continued

will not recur in the future. If the student, parent or guardian refuses to cooperate, then the principal shall fashion a plan and inform the student and parent or guardian of the Virgin Islands Student Discipline Policy



same. Substantial violations of this plan shall be considered a violation of the Virgin Islands Discipline Policy and may subject the student to suspension or expulsion.

### **DUE PROCESS PROCEDURES FOR EXPULSION OF HANDICAPPED STUDENTS**

Continuous suspensions by the administrator may be interpreted as expulsion. An educational planning conference shall be held each time any handicapped student has been suspended for a total ten (10) days during a school year. This conference is necessary to determine if the placement is appropriate and if any changes need to be made in order to more effectively deal with the student's behavior problem.

Specific policies and procedures applicable to handicapped students are part of the Procedures/Staffing Handbook for Exceptional Students. A copy of this document will be available at each school.

Handicapped students who commit serious acts of adverse behavior are subject to suspension for up to ten (10) days in keeping with the Virgin Islands Student Discipline Policy. If the administrator determines that the offense or offenses warrant consideration for expulsion, the procedures establish below shall be followed.

**Step 1:** The administrator or designee shall follow the procedures established for all students in the Due Process Procedures for Expulsion.

**Step 2:** Upon determination that the recommendation for expulsion is appropriate, the administrator or designee shall promptly convene a staffing committee meeting. The meeting of the staffing committee must take place within the five (5) days of the suspension period. This committee may include such persons as the principal, staffing chairperson, counselor, teacher, psychologist, director of special education and the parent or guardian.

The student may be invited to attend. Persons empowered to make placement decisions must be included on the staffing committee.

**A.** The staffing committee will determine if the offense is caused by the handicap. When a staffing committee determines that the offense is caused by the handicap, the student cannot be expelled. The committee must find educational alternatives for resolving the problem other than expulsion.

**B.** The staffing committee will review and revise, when appropriate, the IEP to include objectives related to the elimination or reduction of the student's offending behavior.

**C.** The staffing committee will examine and recommend alternatives for continuing educational programs and services. These alternatives may include, but are not limited to:

1. continuation in the present program with some modification;
2. a reduced day program
3. transferal to a more restrictive environment;
4. attendance for special education classes only
5. the student may come to the school campus at the end of the school day for the instructional program;
6. home instruction
7. other options, or some combination of the above

**D.** The staffing committee shall inform the parent/guardian of the right to review by the superintendent and/or the due process rights for handicapped students.

The superintendent or designee shall assign any student so suspended to an individually designated program or other special placement.

The administrator or designee shall forward the written recommendation(s) along with the staffing committee findings and plan for continuing educational services and program(s) along with information generally accompanying a recommendation for expulsion of non-handicapped students to the superintendent.

The procedures described in the Due Process Procedures for Expulsion, will be followed.

#### **PROCEDURES FOR REMOVAL FROM PARTICIPATION IN EXTRA/CO-CURRICULAR PROGRAMS**

1. Temporary removal of a student from participation in an extra/co-curricular program or activity may be determined by the teacher/sponsor. The administrator shall be notified of the action within twenty-four (24) hours.
2. Permanent removal of a student from participation in any extra/co-curricular program or activity shall be recommended by the teacher /sponsor. The administrator shall make the final decision.
3. Parent notification of temporary or permanent removal is mandatory
4. Upon notification, a parent may, within three days, request a conference with the teacher/sponsor and/or the administrator for the purpose of discussing the removal of the student from participation in the extra/co-curricular program or activity.
5. A student may be readmitted to participation in an extra/co-curricular program or activity at any time upon the recommendation of the teacher/sponsor with the final decision being made by the administrator.

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#### **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 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

Approved by the Virgin Islands Board of Education

Date: May 14/1998  
Chairman Charles W. Turnbull  
Charles W. Turnbull Ph.D