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Decade-Long Legal Battle Concludes with Mandate for Schools to Teach Virgin Islands and Caribbean History; Implementation Deadline June 2025

V.I. Superior Court rules that the Department of Education must comply with a 1983 law to develop and implement a comprehensive V.I. and Caribbean History curriculum across all grade levels by June 2025

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In a case that has been pending for over a decade, the Superior Court of the Virgin Islands has ruled that the Department of Education is not following the law when it comes to teaching local and Caribbean history in schools. Judge Alphonso G. Andrews Jr., in a declaratory judgment dated June 20, has given education officials until June 2025 to fix the issue.?

The mandate that public schools in the territory teach Virgin Islands and Caribbean History (VICH) came from a 1983 law – Act 4844. Three decades onward, two plaintiffs sued the government, claiming that education officials had, for thirty years, been failing to comply with the stipulations of the act.?

The Department of Education, and Board of Education had failed to develop an adequate VICH curriculum for all grades, and failed to promulgate rules and regulations for the teaching of VICH in public schools, the plaintiffs claimed.

The original lawsuit named then-governor John DeJongh Jr. and then-acting Education Commissioner Donna Frett-Gregory as defendants. The courts first rejected the petition, a stance which was reversed on appeal. Eventually, mediation was ordered, but by 2017 the Magistrate Division reported that the parties were at an impasse. It took two years and several judicial recusals before an amended complaint was filed in 2019, substituting Governor Albert Bryan Jr. and then-Commissioner Racquel Berry-Benjamin as defendants. The matter languished through another judicial recusal, and a second amended complaint, before finally coming to trial in March 2022. Post-trial briefs continued to be filed until February of this year.

While the legal proceedings were slowly unfolding, the territory’s law-making body was also grappling with this issue. In 2022, then-senator Genevieve Whitaker introduced new legislation to ensure that local and Caribbean-centered history are strategically taught at all public schools in the territory by intentionally structuring lessons into the curriculum. At the time, the move received [mixed reactions from education officials](#), with Commissioner Dione Wells-Hedrington in opposition and Board Chair Kyza Callwood in support of the measure. The change in the law threw the pending lawsuit into limbo, much to the consternation of the plaintiffs.

In March 2023, lawmakers voted to [roll back Ms. Whitaker’s bill](#), thereby allowing the lawsuit to proceed. During trial, former Commissioner Berry-Benjamin had testified that stand-alone classes for VI History were not feasible due to time constraints, and that the teaching of local history is better integrated into the social studies curriculum. The department had begun developing workbooks for deployment into schools, but at the time of trial, the only one that had been completed was a second-grade workbook, which was only available on St.Croix. In 2022, workbooks for third through eight grades were still being drafted.

Ultimately, [the court found](#) that unlike what is prescribed in Act 4844 from 1983, “there is no structured curriculum that guides the teaching, or evaluates student comprehension, of VICH in a systematic manner for all Virgin Islands students.” The court also chastised the Department of Education for its evident inability to “recognize [or] appreciate the distinction between history and culture,” whereas the territory’s legal framework does, since a separate law was passed to require the establishment of a “Virgin Islands Cultural Curriculum” for grades K-12. The court did not opine on whether this mandate was indeed being correctly followed by the Department of Education.

After an examination of the law as it currently stands, as well as all the permutations and changes that the statute has gone through, the court held that “the statute requires that VICH be taught as a course. It does not allow for integration of VICH as topics or subjects in another course.” The court also held that VICH must be taught in every grade from Kindergarten through Grade 12. “Defendants misconstrue the statute,” the judge held.

?Despite finding that the Department of Education is not correctly teaching Virgin Islands and Caribbean History in public schools, Judge Andrews hesitated to issue an injunction to compel

compliance as the plaintiffs requested, calling that move “premature.” Instead, he has set a deadline of June 14, 2025 for the Department of Education to promulgate regulations guiding the teaching of VICH in public schools as a standalone course from grades K-12, and to ensure that the teaching of VICH is being done according to prevailing law.

The original lawsuit, filed in 2013, included Mary Moorhead and Kendall Petersen as plaintiffs. In 2019, an amended complaint added Mario Moorhead. A subsequent amendment later removed Mary Moorhead and Kendall Petersen, was the latter who had passed away. The final plaintiffs were Mario Moorhead and Gregory Miller.

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