

The Virgin Islands Consortium

Two measures pertaining to the permanent closure of public schools in the territory and to establish a Virgin Islands School Construction and Maintenance Authority were held in the Committee on Education and Workforce Development

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The Committee on Education and Workforce Development convened on Tuesday in the Frits E. Lawaetz Legislative Chambers to consider two Bills, Bill No.33-0302 and Bill No.33-0239.

Bill No.33-0302 is an Act amending the V.I. Code to establish the Virgin Islands School Construction and Maintenance Authority. The purpose of the Authority is to ensure that the children of the Virgin Islands have a safe, modern, secure, educational environment for them to learn and to be responsible for the functions of regular and timely maintenance, inspection, construction, renovation, upgrade, repair, and modernization of educational facilities. The Authority will further establish, acquire, construct, develop, improve, renovate, upgrade, operate, and manage all public schools and public educational facilities in the Territory. "We have to build for future generations- this legislation is not about me or any of my colleagues; it's about the future of the Virgin Islands," said Sen. Frett-Gregory

According to Sen. Donna Frett-Gregory, the Bills' primary sponsor, the Authority will be governed by the Virgin Islands School Facilities and Maintenance Authority Board of Directors, composed of seven members. The members will consist of the Commissioner of Education or the Commissioner's designee, and six other members appointed by the Governor. She added that those six members should consist of two former educators, one from each district, one current educator, two engineers, one from each district, and one member with business or finance experience. The Board will elect a chairperson, but at no time shall the Commissioner of education or designee serve as the chairperson. The Authority would be funded through the Education Initiative Fund (\$1.5 million), the St. Croix Capital Improvement Fund (\$250,000), the St. John Improvement Fund (100,000), and revenues from governmental building rentals, in conjunction with the Department of Property and Procurement.

Several testifiers who attended the hearing fully supported the measure's intent, including Jeanette Smith-Barry, Former District Superintendent STTJ and Principal of Charlotte Amalie High School. Ms. Smith-Barry told lawmakers in her testimony, "as an educator, former school and district administrator, and one who remains committed to improving education for our children in this territory, I wholeheartedly support this Bill to create a School Facilities and Maintenance Authority." Smith-Barry said, "an entity like this School Facilities and Maintenance Authority can relieve school administrators of unnecessary burdens, and more importantly, can help ensure that all the persons who would be addressing repair and maintenance concerns are persons who are trained and know what they are doing."

Racquel Berry-Benjamin, Commissioner of the Virgin Islands Department of Education (VIDE), agreed with Ms. Smith-Barry and told the committee, "I appreciate the efforts of Sen. Frett-Gregory to address this issue. I think any attempt to reform the current structure of maintaining the VIDE's school buildings and facilities is commendable." Commissioner Berry-Benjamin added, "the lack of adequate funding and a master plan to properly maintain and upkeep VIDE schools and facilities over decades have contributed to the rapid deterioration of many of our buildings."

While Commissioner Berry-Benjamin applauds Sen. Frett-Gregory's efforts, she also acknowledged VIDE's series of concerns with the proposed Bill. "The way in which Bill 33-0302 is structured, it appears to be promoting a duplication of services that already exist within the Government of the Virgin Islands and the VIDE's Operations and Facilities Unit," said Commissioner Berry-Benjamin. Berry-Benjamin continued by stating, "the Bill does not solve the real problem of the years of the Department being unable to purchase and install equipment and materials necessary to perform preventative, routine

maintenance and deferred maintenance at our sites, and to attract and to retain adequate staffing levels.

Furthermore, while the Authority is expected get its funding from four sources, Jenifer O'Neal, Director of Office of Management and Budget (OMB), said, "the costs that would be associated with this Board are costs that may be deemed unnecessary, especially at this time, during the COVID-19 pandemic, where there is much uncertainty, and the tourism sector has been decimated. Because of this, I do not feel that the creation of yet another Board would be in the best interest of GVI or to achieve the intent of this legislation." According to Director O'Neal, "for the reasons stated above, I am unable to fully support this bill until and unless an amendment is made to allow for a transfer of funding and personnel to the Department of Public Works to achieve the intent of this measure." Commissioner Berry-Benjamin further explained to the committee, "these funding sources only begin to provide a small portion of the necessary funds needed to carry out the purpose of the Authority, much less the maintenance and capital projects. The elephant in the room still appears to be insufficient funds unless proven otherwise." Commissioner Berry-Benjamin concluded by saying, "It is our belief that the intent of the Bill is noble and clearly seeks to provide a solution to a longstanding issue in the VI Department of Education. While the VIDE supports the intent of Bill 33-0302, we cannot support it in its current form."

The Committee on Education and Workforce Development continued the hearing by hearing testimonies on Bill No. 33-0239, an Act amending V.I. Code, relating to public schools' permanent closure, sponsored by Sen Myron Jackson. The measure will give the Board of Education the authority to recommend the Department of Education the permanent closure of a public school. However, the Commissioner of Education must consult with the Board of Education before making a final decision to close a public school. Furthermore, before the closure of any school, the Board of Education and the Department of Education must provide testimony to the Legislature on the school's condition, the reasons for the closure, and the future use, if any, of the school.

Commissioner Berry-Benjamin and Arah Lockhart, Chairwoman of the V.I. Board of Education, told the committee that they support the measure. Commissioner Berry-Benjamin stated that she sees no harm with its intent to ensure all parties are privy to the Department's reason(s) for the closure of a public school before such a decision is made.

Ms. Lockhart indicated to lawmakers that the Board is tasked with providing the Governor and the Senate with a School Plant and Facilities Management Report annually. Those reports provide a comprehensive assessment of the Territory's public schools' condition, said Ms. Lockhart. "The Board welcomes any opportunity to have a seat at the table with other pertinent stakeholders, to include community residents, when a decision of this magnitude is being made." Ms. Lockhart stated.

Even though all the senators in attendance agreed with the suggested measure's intent, Sen. Janelle Sarauw highlighted that there is a separation of power issue with the proposed piece of legislation, and it's a violation of the role of the Board of Education. "I understand the intent of the Bill, but legislatively... we are overreaching it's an encroachment," said Sen. Sarawu.

While both Bills were tremendously crucial for the Virgin Islands Department of Education's future, they were held in the committee pending further consideration.

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