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Education Department Faces Subpoena as Commissioner Rejects December Senate Invite, Asks For Questions to Be Forwarded to Her

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Dept. of Education Commissioner Racquel Berry-Benjamin participates during a Education and Workforce Development Committee hearing on Feb. 11, 2020. By. VI LEGISLATURE

Dept. of Education Commissioner Racquel Berry-Benjamin has rejected an invite from the Senate Committee on Education and Workforce Development to provide important school updates, among them plans for students' eventual return to classrooms, an updates on the first marking period, among other important functions.

The request to attend the hearing virtually was made by current Committee Chair Donna Frett-Gregory on November 20, according to a [letter](#) obtained by the Consortium. The request scheduled the hearing date for Tuesday, Dec. 1.

But in a response provided to the senator on November 25 — five days following the receipt of the Nov. 20 request — Mrs. Berry-Benjamin said she would not be able to attend the virtual hearing, stating that the entire month of December was booked with previously planned events.

"The VI Department of Education regrets not being able to participate during the month of December 2020 due to a loaded schedule of activities. Since the impact of COVID-19 pandemic, the speed of work has been impacted and I ask for your support as the Department needs the time to execute already planned activities," Ms. Berry-Benjamin [wrote](#). She added that the department would provide updates to the community and its employees directly.

The Senate Committee on Education and Workforce Development is seeking updates from Ms. Berry-Benjamin and her support staff on the following:

- First Marking Period
- Plans for students return to classrooms
- Upfitting of classrooms due to COVID-19 Pandemic
- Availability of chrome books and MIFI devices for students o Number of students without devices and how are they receiving appropriate engaging instruction
- Expenditure of federal funds
- School Lunch program

Ms. Frett-Gregory has deemed the education commission's response unacceptable. The commissioner, she said, only stated that she was busy and provided no details relative to what would keep the department so occupied for an entire month that its leaders would not be able to attend a virtual Senate hearing — as required by law — for a few hours. "She sent me a letter stating she cannot make it because she is busy. She didn't say that they have a professional development schedule, they have some important items like a leadership team meeting — she just said as a result of Covid they can't come."

The senator also did some research to determine why the department's officials couldn't attend, only to find out that the commissioner had not communicated the planned hearing with support staff. "After checking around with her respective divisions to find out if she ever even sent them the correspondence about the meeting on Dec. 1, it was foreign to them," Ms. Frett-Gregory said. "She never shared with them that they had to come to the Senate."

Ms. Berry-Benjamin also requested that each senator provide her with questions they plan on asking at the hearing so that D.O.E. could respond without actually participating. "In an effort to address any urgent questions or concerns members of the Committee on Education and Workforce Development may have, I ask that specific questions and/or concerns are provided so that a written response or courtesy call (whatever method is preferred) is provided to each senator respectively."

Ms. Frett-Gregory viewed the responses as disrespectful to the first branch of government, and, in some instances, unprecedented. "I have been a commissioner, I have been an assistant commissioner, I have been a director of operations — I have never experienced anything like this

in the 30 years that I have worked in this government where these commissioners feel they could be disrespecting the Senate like that," she said. The senator said she would ask her colleagues to join her in subpoenaing the department.

Mrs. Berry-Benjamin did not only refuse to attend in December, she did not even provide an alternate date.

Ms. Frett-Gregory said Gary Molloy, Dept. of Labor commissioner, wrote a similar response letter for the Dec. 1 hearing, which the senator also rejected. "The community needs to be updated on what's happening and we are exerting our oversight responsibility. I'm not taking no for an answer," she said. Ms. Frett-Gregory said Mr. Molloy provided another response Monday stating he would attend with support staff virtually.

Vice Chairman of the Committee on Education and Workforce Development, Senator Kurt Vialet, joined his colleague in demanding attendance. "I haven't seen commissioners decide that they're not going to come. And if you don't come you send your assistant, you send your deputy — you send somebody. But to just not come is an issue."

Mr. Vialet seeks answers on a number of issues. "What is the plan in terms of school readiness. What have they done that is different from before the pandemic. Do we have hand wash stations throughout the schools; do we have dispensaries for hand sanitizers; have they been erected. What is the protocol. You're hearing nothing, just silence."

He added, "I think the community is in the dark when it comes to the possible reopening of schools come January. The original plans were that we were going to go virtual for the first semester and at the beginning of the year they would begin to allow students to return to school, but we have not heard any plans whatsoever."

Mr. Vialet said he was concerned about the K-3rd grade population. "Parents are having a lot of problems with that age group because parents haven't been educated to be teachers, and that is the age when you have to make sure that those students have the basic skills. If not, it affects them for the rest of their lives and to continuously have that K to 3rd grade out, and additionally our special needs population, I think it creates a really bad situation for the Virgin Islands," said Mr. Vialet, a former educator.

"We have made no effort whatsoever to have any type of normalcy when it comes to school, while the private and parochial schools have been reopened in-person. So we're putting that generation of students at a disadvantage," he concluded.

In her followup letter to the Education commissioner, Sen. Frett-Gregory wrote, "I understand you may be busy, however an excuse letter indicating such is not sufficient for consideration at this time. Regrettably, the committee is unable to accommodate your request to be excused. As you are aware meetings held by the Legislature are being conducted remotely, hence allowing you and your key staff members to participate. As part of the Legislature's oversight responsibility it is critical that an immediate update to the parents, students and stakeholders be provided as requested."

"We look forward to receiving testimony indicated in the letter dated November 20, 2020. Updates from your department is scheduled to appear in Block II which will begin at 1:00pm. We look forward to receiving your written testimony. You will receive the Teams link to participate remotely."

The Consortium will have followup stories as this matter develops.

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