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Senators Vote to Revert Language in Controversial Bill Dealing with History Curriculum in Schools

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After hours of hearing testimony and asking questions, senators who make up the Committee on Education and Workforce Development voted to revert a piece of legislation that is not only causing division over the integration of VI and Caribbean History in the school curriculum, but voids a 10-year civil court case.

On December 29th 2022, the 34th Legislature amended a 30-year law - Act #4844 - to state that Virgin Islands History and Caribbean history should be “integrated” in the curriculum from kindergarten through to Grade 12. Former Senator Genevieve Whitaker – the bill's sponsor in the 34th Legislature — wanted to ensure that local and Caribbean-centered history were mandatory at all public schools in the territory by intentionally structuring lessons into the curriculum.

The change, however, has caused fierce debate over the importance of knowing VI History and the impact of the change on a case against the V.I. Dept. of Education and the V.I. Board of Education.

"The department will take a position on the bill upon completion of our collaborative efforts with all pertinent stakeholders," remarked Victor Somme III, the assistant commissioner of the Department of Education. Education Commissioner Dr. Dionne Wells-Hedrington was also in agreement.

The timeline was revealed when education officials appeared before the Legislature, in part, driven to find a resolution about how VI History and basic Caribbean History will fit into the curriculum.

Based on the Board of Education's policy, VI History is first required as a credited, standalone course in 9th grade. It is a graduation requirement for high school seniors, but is taught within the context of the Social Studies curriculum in elementary schools.

Dr. Lauren Larsen, St. Croix District Social Studies coordinator told lawmakers, "the Board requires certain courses at certain grade levels and the Legislature is also making certain mandates ... perhaps some discussion needs to occur between the board and the Legislature in terms of how to deal with this."

"The issue for the department isn't so much the integration of Virgin Islands history as to the fidelity of teachers teaching the history at all grade levels – I think that is really the crux of the problem," said Mr. Somme.

"What needs to happen," he continued, "is that as principals review lesson plans on a weekly basis, principals and also assistant principals should ensure and insist that they're seeing as a part of lesson planning, that teachers are incorporating Virgin Islands history in daily instruction."

Meanwhile, chair of the Virgin Islands Board of Education Dr. Kyza Callwood said the body maintains its position that emphasis must be placed on the "recurring need of additional resources and qualified history teachers."

He said adjustments to class schedules will be needed, given the limited number of instructional hours required to teach the subjects as standalone courses throughout the public school system. "There is simply not sufficient time in the school day for all of the courses/subjects mandated by the Legislature to include it as a standalone course for all students," he noted.

According to Amos Carty, legal counsel for the Legislature, the decision by the Senate to pass what is now Act #8684 in December 2022 made the argument of the plaintiffs of a 2013 lawsuit moot. The plaintiffs argued that the government — through its executives, administrators and agencies — had failed to carry out Act 4844 of 1983, which mandated that elementary and secondary public schools "instruct all students in [the] history of the Virgin Islands and basic Caribbean history."

Now that the December bill changed the language of the original bill, the case is at a standstill.

Mr. Carty said the plaintiffs have reserved further action until the Legislature makes a decision on the language of the new bill. "The court has not ruled on the plaintiffs' case that was actually filed in 2013 – that's how long this case has been pending — but no decision has been made at this point by the court," he explained.

The lawsuit was originally filed by Mary Moorhead in October 2013. When senators voted to amend the legislation last year, Ms. Moorhead did not mince words. "If we can just have the language reinstated that was removed...then the judge can rule. We accept and know that it is the authority of the Legislature to make laws but it is not the authority of the Legislature to interpret law and that is what we'd like Judge [Alphonso G.] Andrews Andrews to do if we can have the language reinstated," she said.

Ms. Moorhead's brother, Mario Moorhead, a current plaintiff in the matter, remarked that "there is mutual exclusion between the concept of a course and the integration of information in a curriculum." He is of the view that if VI history is merged with Caribbean and United States history, the outcome of the teachings would be "lost" to a much larger entity.

"Let us give the judge an opportunity to interpret the law prior to Act 8684 being passed in the 34th Legislature," Senator Javan James chimed in during his contribution.

Senate President Novelle Francis, who voted against the law when it was passed in December, said adding the word 'integration' was "shortsighted" and "lacked vision."

"We are a proud people as Virgin Islanders. Every single day, right here in this legislative body, we move legislation to honor and commend Virgin Islanders. Virgin Islanders are making history all over the world ... and here, we bending our head in shame like we don't want to recognize our very own people," he added.

Senator Donna Frett-Gregory shared that the amendment, which was expected to be adopted in the Committee of Rules and Regulations before the new bill passed, was supposed to have ensured that standalone teaching of those subjects was maintained at the high school level. "That never happened. When it came to the full body, I was one of the five senators who voted no," she recalled.

Senator Franklin D. Johnson, who sponsored the bill to revert the changes, said "our children must know whose shoulders they are standing on today. We must make sure that we instill pride and VI pride in our children by letting them know that their forefathers did great things."

Bill #35-0055 will move to the Committee of Rules and Judiciary to be voted upon. Only one committee member, senator Carla Joseph, abstained from voting when last week's eight-hour session concluded.

Meanwhile, Sen. Johnson was expected to meet with stakeholders in Education on Monday to revise and perfect the bill that will address, once and for all, how Virgin Islands History is taught at schools.