

COMMITTEE ON EDUCATION AND
WORKFORCE DEVELOPMENT

BILL NO. 31-0391

Thirty-first Legislature of the Virgin Islands

August 18, 2016

An Act repealing and reenacting with amendments title 17 Virgin Islands Code, chapter 9, section 84 relating to instruction of children at home

PROPOSED BY: Senator Novelle E. Francis, Jr.

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 17 Virgin Islands Code, chapter 9, section 84 is repealed and reenacted
3 with amendments to read as follows:

4 “§ 84. Home instruction

5 (a) As used in this section “parent” means a child’s biological parents or “a person in
6 parental relation” as defined in section 86.

7 (b) Children may be taught at home as provided in this section.

8 (c) A parent retains full control over a home instruction of a child, including the
9 teaching and testing methods, the selection of curriculum, the instructors, and the location of
10 instruction.

11 (d) Neither the Commissioner, the Department of Education, nor a school district may
12 adopt regulations pertaining to home instruction, unless provided in this section.

1 (e) A parent of a child of compulsory school attendance age shall submit by either mail,
2 fax or hand delivery to the Commissioner a notice of the intent to provide home instruction each
3 year by September 1. If home instruction begins after the school year commences, notice must be
4 filed not later than ten days after home instruction begins.

5 (f) The notice must include the following information:

6 (1) the parent's

7 (A) name;

8 (B) physical and mailing address;

9 (C) phone numbers; and

10 (D) email addresses;

11 (2) the full name and age of the child;

12 (3) the subjects to be taught during the school year; and

13 (4) the preferred method of communication between parent and the Department
14 of Education.

15 (g) The Commissioner shall confirm receipt of the notice or supplemental notice by the
16 method of communication indicated in the notice not later than 30 calendar days after receipt of
17 the notice. Notice is presumed if the Commissioner fails to confirm receipt of the notice within
18 the specified time.

19 (h) A notice is deficient if it does not contain all of the information listed in subsection
20 (f). If the notice is deficient, the Commissioner shall state the nature of the deficiency in the
21 confirmation of receipt and advise the parent that the parent has 10 days from the date of the
22 confirmation of receipt to submit a corrected notice. If the deficiency is not addressed within the
23 specified time and deficiency is an item listed in subsection (f), the Commissioner may commence
24 enforcement of the compulsory attendance requirements under sections 86(d) or 88(a). Section 89

1 of this title and 5 VIC §§ 2501 through 2555 are not applicable to a proceeding under this
2 subsection.

3 (i) Not more than once per school year, the Commissioner may request a portfolio of
4 work of each home instruction student. The portfolio must consist of no fewer than 10 samples of
5 work which have been completed within the current school year and must be submitted to the
6 Commissioner not later than 30 days after the date the Commissioner requests the portfolio. If the
7 parent does not provide the portfolio within the 30 days, a second notice must be sent by certified
8 mail providing a minimum of 10 business days to comply. If the portfolio is not provided to the
9 Commissioner within the time specified in the second notice, the Commissioner may initiate
10 enforcement of the compulsory attendance law under section 82 of this title. Notwithstanding the
11 ruling of a court or other administrative body, a parent is not hindered from filing a notice of home
12 instruction at a later date.

13 (j) If a child who has received home instruction enrolls in public school, the
14 Commissioner may determine by testing the grade level in which the child should be enrolled. The
15 testing must be conducted not later than 30 days after enrollment and at no cost to the parent or
16 student.

17 (k) If the child scores at or above the average Virgin Islands public school test score
18 for the grade level in which the parent is requesting the child be placed, then the child will receive
19 credit for the courses taken through home instruction and must be enrolled in that grade level.

20 (l) If the child scores below the average Virgin Islands public school test score for any
21 subject, the Commissioner may review the student's prior work, textbooks, or other evidence of
22 achievement in that subject area and determine which classes completed in that subject that child
23 will receive credit for and the grade level in which the child must be enrolled.

24 (m) A high school diploma awarded upon completion of a home instruction course of
25 study that has complied with the all requirements of this section must be accepted by the agencies,

1 departments and institutions of the Virgin Islands, and a student who has been earned a diploma
2 through home instruction is exempt from further compliance with the compulsory school
3 attendance laws.

4 (n) The Commissioner may extend the deadlines established in this section when the
5 parents are off island, or when a natural or other disaster prevents the normal operation of the
6 government or disrupts the usual mode of transportation or communication.

7 (o) Personally identifiable information, including directory information, is subject to
8 the confidentially requirements of section 98 and may be released only to the parents of the student,
9 the student who has attained the age of 18, or to a student enrolled in an institution of postsecondary
10 education.

11 (p) Compliance with this section satisfies the requirements of sections 82, 93 and 96.

12 **BILL SUMMARY**

13 The bill sets forth what conditions must be met to provide home instruction to a child in
14 the Virgin Islands. It also provides that the Commissioner of Education may request samples of
15 the work completed by home schooled children and a mechanism to address noncompliance with
16 the Commissioner's request. It also sets forth the procedure for a child to transition from home
17 instruction to attending public schools. It provides that all identifiable information submitted the
18 Commissioner is confidential as provided in title 17 VIC section 98. Finally, the bill also provides
19 that a diploma awarded through home instructions must be accepted in the Virgin Islands under
20 the same circumstances as would a diploma issued from a public, private or parochial school in
21 the Virgin Islands.

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24 **BR15-1099/July 20, 2016/ SLR**

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