

**COMMITTEE ON EDUCATION AND WORKFORCE
DEVELOPMENT**

**02/19/14-AMENDED AND REMANDED TO THE COMMITTEE ON RULES AND JUDICIARY
10/08/13-HELD IN COMMITTEE**

BILL NO. 30-0136

Thirtieth Legislature of the Virgin Islands

June 5, 2013

An Act amending title 17 Virgin Islands Code, chapter 11, as it relates to corporal punishment of pupils in public schools

PROPOSED BY: Senator Judi Buckley
Co-Sponsor: Nereida Rivera-O'Reilly

1 **WHEREAS**, the Association of Virgin Islands Psychologists has taken a stance against
2 corporal punishment and has declared that corporal punishment creates aggressive and anti-social
3 behavior in children and although it may achieve immediate compliance no new skills are learned;
4 and

5 **WHEREAS**, the United Nations Committee on the Rights of the Child in its 2008 report
6 characterized corporal punishment as "legalized violence against children"; and

7 **WHEREAS**, the National Education Association categorically opposes the use of corporal
8 punishment as a school discipline technique, believing it is more than ineffective and harmful; and

9 **WHEREAS**, the National Association of Pediatric Nurse Practitioners (NAPNAP) has said
10 that spanking or other forms of physical discipline are often the first steps in the cycle of abuse; and

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1 **WHEREAS**, corporal punishment has been banned in 31 states of the United States, the
2 Commonwealth of Puerto Rico, nearly all of Europe and over 100 countries, including Afghanistan,
3 Cambodia, Canada, China, Dominican Republic, Ethiopia, France, Germany, Haiti, Iran, Israel, Italy,
4 Japan, Jordan, Kenya, Libya, Malawi, Mongolia, Nicaragua, Russian Federation, Senegal, South
5 Sudan, Taiwan, Thailand, Turkey, The United Kingdom, and The United Arab Emirates; and

6 **WHEREAS**, there is a federal ban on the use of Corporal Punishment on prisoners in the
7 United States; and

8 **WHEREAS**, children should not be afraid to go to school, and therefore schools should be
9 designated as “Safe Havens” where no one is allowed to hit a child; Now, Therefore,

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

11 **SECTION 1.** Title 17 Virgin Islands Code, chapter 11, §130, is repealed and reenacted with
12 amendments to read as follows:

13 **“§130 Corporal punishment of pupils prohibited; definitions**

14 (a) As used in this section the term

15 (1) ‘Corporal punishment’ means paddling, spanking, or other forms of physical
16 punishment, however light, imposed upon a student as a means of discipline, punishment, or
17 to prevent behavior.

18 (2) Public school includes

19 (A) a day or residential elementary school or secondary school;

20 (B) an early childhood, elementary school, or secondary school program
21 that is under the jurisdiction of a school, local educational agency, educational service
22 agency; and

23 (C) other educational institutions or programs supported by Government
24 funds.

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1 **(b)** Except as provided in subsection (c), a person employed or engaged in a public school,
2 a private school that receives, funding from, or operates any program supported, in whole or in part,
3 with funds appropriated to the Department of Education, or daycare center, as defined in 34 V.I.C.
4 §382, may not inflict or cause to be inflicted any form of corporal punishment upon a pupil attending
5 such public school, private school or daycare center.

6 **(c)** A person employed or engaged in a public school, daycare or private school described
7 in subsection (b) may, within the scope of the person's employment, use and apply such reasonable
8 restraint to the lightest possible degree as is necessary under the circumstances in the situations
9 described in paragraphs (1) through (4) when such reasonable restraint ends immediately upon the
10 cessation of the situation described in paragraphs (b) (1)-(4). Reasonable restraint does not
11 constitute, and may not be construed to constitute corporal punishment within the meaning and intent
12 of this section when used:

13 (1) to quell a disturbance, threatening physical injury to others;

14 (2) to obtain possession of weapons or other dangerous objects upon the person or
15 within the control of a pupil;

16 (3) for the purpose of self-defense; or

17 (4) for the protection of persons or property.

18 **(d)** Virgin Islands public schools are designated as 'Safe Havens', where corporal
19 punishment may not be administered by anyone. The Board of Education shall maintain a
20 comprehensive discipline policy that includes non-violent forms of conflict resolution for
21 implementation by the Department of Education.

22 **(e)** An Employee of the Department of Education who willfully or intentionally violates
23 this section, or any discipline policy of the Board of Education adopted under subsection (d), may be
24 appropriately disciplined for the employee's behavior, and any non-employee engaged in the delivery
25 of services to students may be prohibited from providing services to students. Nothing in this section

1 ending September 30, 2014, to each of the various public schools of the Territory, from
2 the Virgin Islands Education Initiative Fund, the sum of \$10,000 to incorporate Bullying
3 Prevention Education and Gang Resistance Education and Training into the curriculum for
4 grades kindergarten through twelfth grade. The funds appropriated in this section shall
5 remain available until expended.

6 **SUMMARY**

7 Sections 780 and 781 delineate the purpose of the chapter and the findings and
8 intent of the Legislature with respect to the effect of bullying on students and the entire
9 school setting.

10 Section 782 establishes the definitions of words as used in this chapter.

11 Section 783 sets out the implementation provisions for instruction and training in
12 bullying prevention.

13 Section 784 sets the effective date of this act.

14 Section 2 establishes the funding source for implementation of the Bullying
15 Prevention Program.

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17 **BR13-0062/February 13, 2012/YLT**

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