

# ACT NO. 9 0 0 5

BILL NO. 36-0064

## THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

### Regular Session

2025

An act amending title 33 Virgin Islands Code, chapter 111, section 3100i to align the disbursement and spending limitations of funds allotted to public schools from the Education Initiative Fund with the realities of academic planning, ensuring that funds are used to maximize student success; appropriating funds to the Virgin Islands Board of Education to administer the Caroline Felicia Adams Aviation Scholarship; amending Act No. 8954 regarding the Division of Libraries, Archives and Museums; amending title 27 Virgin Islands Code, chapter 16 regarding the Appraiser Qualifications Board; appropriating funds to the Virgin Islands Water and Power Authority for the purchase and installation of street lighting on St. Thomas; amending Act No. 8872 regarding an appropriation for girls softball; amending title 3 Virgin Islands Code, chapter 27 regarding Psychiatric Technicians; amending title 23 Virgin Islands Code, chapter 7 authorizing the Virgin Islands Fire and Emergency Medical Services to obtain a federal Employer Identification Number; appropriating funds to the Department of Sports, Parks and Recreation for the development of the St. Croix Cricket Field and for other purposes

---0---

**WHEREAS**, school funds are allocated for schools in October to be expended by September, creating a restrictive spending window;

**WHEREAS**, these funds are not distributed to schools until March, significantly reducing the time available for effective planning and utilization of resources;

**WHEREAS**, the summer break beginning in June further shortens the timeframe, leaving administrators with only a brief period to plan and utilize funds before the September deadline;

**WHEREAS**, when schools resume in August, administrators are left with just one month to spend remaining funds, often leading to rushed or inefficient expenditures that do not align with long-term educational priorities;

**WHEREAS**, the current funding timeline limits schools' ability to make strategic investments in staffing, infrastructure, instructional materials, and student programs;

**WHEREAS**, any funds unexpended by the September deadline are returned to the Education Initiative Fund, reducing the total amount available for direct educational use;

**WHEREAS**, the requirement to return unspent funds results in schools expending less than their full allotment, thereby hindering their ability to implement critical programs, purchase necessary resources, and enhance student achievement;

**WHEREAS**, the failure to fully expend allocated funds may create a misleading perception that schools require less funding than is actually needed, potentially leading to reduced future appropriations and negatively impacting long-term educational planning;

**WHEREAS**, amending the law to make funds "available until expended" would provide schools with the necessary flexibility needed to allocate resources effectively ensuring that financial decisions are based on educational priorities rather than arbitrary spending deadlines; and

**WHEREAS**, allowing funds to carry over beyond the fiscal year would minimize wasteful spending, improve financial and academic planning, and ensure that resources are fully utilized to maximize student success; Now, Therefore,

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

**SECTION 1.** Title 33 Virgin Islands Code, chapter 111, section 3100i is repealed.

**SECTION 2.** Title 33 Virgin Islands Code, chapter 111, section 3093 is amended by striking the language in its entirety and inserting the following language:

“(a) There is established in the Treasury of the Virgin Islands, a fund to be known as the Virgin Islands Education Initiative Fund (hereinafter the “Fund”). The Commissioner of Finance shall provide for the administration of the Fund as a separate and distinct fund in the Treasury of the Government of the Virgin Islands and shall promulgate rules for the expenditure of funds and the reporting of such expenditures pursuant to the provisions of this section.

(b) The Fund shall consist of:

(1) thirty-five percent of the proceeds derived from the games under each contract between the Virgin Islands Lottery and a private contractor of lottery games, including the proceeds under a contract with a contractor of video lottery games authorized under title 32 Virgin Islands Code, section 246(a)(1);

(2) all sums appropriated thereto by the Legislature of the Virgin Islands; and

(3) all donations, gifts and bequests.

(c) Monies in the Fund shall be dispersed by the Commissioner of Finance into an imprest fund checking account pursuant to the following formula:

(1) A base allocation of \$65,000 and \$20,000 per public school and public adult education facility, respectively. Each public school and public adult education facility shall receive the additional sum of \$20.00 per student for every enrolled student over five hundred, as determined by the fall school population report of the Office of Planning, Research and Evaluation, and the Department of Education. The fall school population report shall be submitted no later than September 1<sup>st</sup> of each fiscal year. The funds should be released within 30 days after the report is submitted.

(2) Each fiscal year, each superintendent must receive the sum of \$75,000 from the Fund to manage district related academics and social and emotional programs.

(3) Each fiscal year, the Commissioner of Education must receive the sum of \$176,000 from the Fund to pay non-American Federation of Teachers coach stipends for athletic programs.

(4) Each fiscal year, the sum of \$250,000 shall be allocated from the Fund to the Department of Education for the purpose of covering administrative costs incurred in the operation of the Fund and to retain one Financial Control Officer per school district to aid principals in complying with the reporting requirements of the Fund.

(5) At the end of the fiscal year, all remaining funds will remain with each school to be used for enhancing classroom instruction and resources, and for student support and intervention. The uses include the acquisition of textbooks, software, and related educational resources.

(d) Principals may use monies from the Education Initiative Fund for costs associated with the management and operation of the school district's administrative functions to include:

(1) Salaries and benefits for district-level financial control officers;

(2) Communication costs, such as telephone and internet for administrative offices;

(3) Professional development for administrative and financial staff;

(4) Data processing costs related to student information and financial management systems; and

(5) Necessary operating expenses for the district's administrative offices.

(e) Principals shall not use monies from the Education Initiative Fund to purchase:

(1) entertainment items, goods, or services;

(2) more than \$8,000 worth of equipment and supplies for administrative offices annually;

(3) donations, raffle tickets, or other related expenditures;

(4) more than \$5,000 per person, legal entity, employee, or more than fifty percent of the school's total allocation on professional services, professional services provided by non-employees with specialized skills under independent contractor agreements, excluding payments for goods, materials, and travel expenses of independent contractors;

(5) delinquent prior obligations;

(6) vehicles; or

(7) employee travel.

(f) Each superintendent and school receiving an allocation under the Education Initiative Fund shall have established an imprest fund checking account.

(g) The principal of each school or facility, or the next highest ranking assistant principal in the principal's absence shall be the sole authority empowered to write checks on the respective school's imprest fund checking account.

(h) All monies due to schools and educational facilities shall be allocated, disbursement, and reported in accordance with the provisions of this section as follows:

(1) The Virgin Islands Department of Education shall initiate the process by formally requesting the necessary funds and preparing documentation outlining the proposed distribution of funds no later than October 1<sup>st</sup> of each fiscal year.

(2) The Office of Management and Budget shall authorize the release of funds no later than November 1<sup>st</sup> of each fiscal year.

(3) The Department of Finance shall disburse the funds, including processing payments to schools, no later than December 1<sup>st</sup> of the fiscal year.

(4) Each principal and superintendent shall submit to the Commissioner of Education a monthly report detailing the amount, the nature, and the justification for each expenditure. Reports shall be submitted by the 15<sup>th</sup> of each month and must include receipts, and any other documentation required under the guidelines of the Virgin Islands Education Initiative Fund and the laws of the Virgin Islands.

(5) The Department of Education shall compile an annual financial report summarizing the fiscal year's activities for submission to the Department of Finance by the 30th day of the month following the end of the fiscal year.

(i) The Commissioner of Finance shall maintain comprehensive records of all monies deposited into and disbursed from the Fund and shall submit an annual report on the status of the Fund to the Governor and the Legislature no later than the sixty days after the close of the fiscal year.

(j) Violations and Enforcement:

(1) Any suspected or confirmed violations of the rules of the Fund to include misappropriation, misuse, or unauthorized expenditure of funds disbursed under this section shall be investigated by Department and appropriate law enforcement agencies. Where applicable, offenders shall be subject to administrative sanctions, including suspension or termination, and civil or criminal penalties under applicable laws.

(2) Principals or superintendents who fail to submit required monthly or annual financial reports may have subsequent disbursements suspended until compliance is achieved and may be subject to disciplinary action by the Department of Education.

(3) The Department of Education shall develop and enforce a system of progressive penalties for noncompliance, which may include written warnings, mandatory

financial management training, reduction in allocations, and referral to the Virgin Islands Inspector General or Attorney General for further action.

**SECTION 3.** The Virgin Islands Inspector General shall conduct a bi-annual audit of each Imprest Fund checking account and issue a report of the findings to the Governor and the Legislature of the Virgin Islands.

**SECTION 4.** The sum of \$44,000 is appropriated in the fiscal year ending September 30, 2025, from the Territorial Scholarship Fund of the Treasury of the Government of Virgin Islands to the Virgin Islands Board of Education for the administration of the Caroline Felicia Adams Aviation Scholarship.

**SECTION 5.** Section 7(3) of Act No. 8954 is amended by striking “TERRITORIAL PARKS SYSTEM” and inserting “Division of Libraries, Archives and Museums”.

**SECTION 6.** Title 27 Virgin Islands Code, chapter 16 is amended as follows:

(a) Section 433, paragraph (10) is amended by striking “Appraisal Qualification Board” and inserting “Appraiser Qualifications Board”;

(b) Section 435 is amended as follows:

(1) In subsections (b), (c), and (d) by striking paragraph (4) in each subsection and inserting the following new paragraph (4) in each subsection:

“(4) submit evidence that the applicant has successfully completed a course of study in real estate appraising prescribed by the Board that meets the standards set by the Appraiser Qualifications Board of the Appraisal Foundation that is conducted by an approved education provider.”; and

(2) In subsections (b), (c), and (d), paragraph (6) by striking “Appraisal Qualification Board” in each paragraph (6) and inserting “Appraiser Qualifications Board”; and

(c) Section 439 is amended by redesignating subsection (h) as subsection (i) and inserting the following new subsection (h):

“(h) The Board shall adopt the Practical Applications of Real Estate Appraisal programs approved by the Appraiser Qualifications Board of the Appraisal Foundation as an option for applicants seeking licensure under this chapter.

**SECTION 7.** (a) The sum of \$296,700 is appropriated in the fiscal year ending September 30, 2025, from the St. Thomas Street Lighting Account of the District Street Lighting Fund of the Treasury of the Government of the Virgin Islands established under title 33 Virgin Islands Code, section 3002a to the Virgin Islands Water and Power Authority (“WAPA”) for the purchase and installation of street lighting in St. Thomas along the route from the University of the Virgin Islands to Raphune Hill. The appropriation must be allocated as follows:

- (1) \$203,200 for the purchase of materials;
- (2) \$42,500 for the purchase of equipment; and
- (3) \$51,000 for labor costs.

(b) The funds appropriated under subsection (a) remain available until expended.

(c) No later than 90 days after the installation of the street lighting, the Executive Director of WAPA shall submit a written report to the Legislature of the Virgin Islands identifying the specific locations along the route where the streetlights were installed.

**SECTION 8.** Act No. 8872 is amended in the following instances:

- (1) In section 1, strike “-GIRLS’ SOFTBALL STX”;
- (2) In section 2:
  - (a) subsection (a), strike “- GIRLS’ SOFTBALL STT-STJ”;
  - (b) subsection (b), strike “- GIRLS’ SOFTBALL STX”.
- (3) Insert the following section 3:

“SECTION 3. The sum appropriated in section 1 and 2 remain available until expended.”

~~**SECTION 9.** Title 3 Virgin Islands Code, chapter 27, section 705 is amended in subsections (d) and (e)(2) by inserting “Psychiatric Technician” after “X-Ray Technician” wherever it appears.~~

**SECTION 10.** Title 23 Virgin Islands Code, chapter 7, section 551 is amended by designating the existing language in subsection (a) as paragraph (1) and by adding the following paragraph (2):

“(2) The VIFEMS may obtain a federal Employer Identification Number and manage billing and collections systems for ambulance service.”

**SECTION 11.** (a) Act No. 8473 section 1, subsection (q)(3) the following line item is stricken:

‘New SPR St. Croix Cricket Field – Estate Bethlehem \$2,175,000’;

(b) Notwithstanding any other law, the sum of \$2,175,000 is appropriated in the fiscal year ending September 30, 2025, from the Community Facilities Trust Fund to the Department of Sports, Parks and Recreation, as a grant to the Twin City Cricket Association for the development of the St. Croix Cricket Field. The sums remain available until expended.

(c) All other requirements in Act No. 8578 remain in effect.

**SECTION 12.** Act No. 8868 is amended in Section 1 by striking “2024” and inserting “2025”.

Thus passed by the Legislature of the Virgin Islands on June 27, 2025.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30<sup>th</sup> day of June, A.D., 2025.



A handwritten signature in blue ink, appearing to read "Milton E. Potter".

Milton E. Potter  
President

A handwritten signature in blue ink, appearing to read "Avery L. Lewis".

Avery L. Lewis  
Secretary



**THE UNITED STATES VIRGIN ISLANDS**  
OFFICE OF THE GOVERNOR  
GOVERNMENT HOUSE  
**Charlotte Amalie, V.I. 00802**  
**340-774-0001**

**GOVERNOR'S OBJECTIONS**

**Bill No. 36-0064** is hereby approved with the exception of the following item(s), part or parts, portion or portions thereof, which are hereby objected to and disapproved and deleted as marked on the Bill, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954 as amended.

In **SECTION 9** by striking this entire section.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, U.S. Virgin Islands, this 9<sup>th</sup> day of July, 2025 A.D.



  
Albert Bryan Jr.  
Governor