IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED
June 20, 2024 04:00 PM
SX-2013-CV-00348
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MARIO MOORHEAD and GREGORY E. MILLER, **Plaintiffs** **vs.** **GOVERNOR ALBERT BRYAN, JR., RACQUEL BERRY-BENJAMIN, Commissioner of the Virgin Islands Department of Education and VIRGIN ISLANDS BOARD OF EDUCATION** **Defendants.**	**SX-2013-CV-348**

DECLARATORY JUDGMENT

This matter came before the Court on Plaintiffs' Second Amended Complaint filed April 3, 2020, defendant Board of Education's Answer filed October 13, 2021, and defendant Department of Education's Answer filed October 29, 2021. Plaintiffs seek a declaratory judgment regarding the teaching of Virgin Islands and Caribbean History in Virgin Islands public schools; and an injunction directing Defendants to make such courses a requirement before the next regular school year. For the reasons elucidated in the Memorandum Opinion issued on even date herewith, this Court grants Plaintiffs' request for declaratory judgment and denies their request for injunctive relief. Accordingly, it is hereby

ADJUDGED AND DECLARED that:

1) Title 17, Section 41(c)(1) requires that Virgin Islands and Basic

Caribbean History be taught as a "course" and does not provide for integrating such subjects into another course;[1]

2) Title 17, Section 41(c)(1) requires that Virgin Islands and Basic Caribbean History be taught in every grade from Kindergarten through Twelfth Grade;

3) Defendants are not teaching Virgin Islands and Caribbean History as a course nor in each grade, thus, are not properly administering Section 41(c)(1);

4) The Board of Education has not promulgated rules and regulations to carry out Section 41(c)(1) as mandated by 17 V.I.C. § 41(d), however, such promulgation is not due until June 14, 2025 (two (2) years after enactment of Act 8763); and

5) Compliance with the statutory provisions of Section 41(c)(1) is not required until June 14, 2025.

DATE: June 20, 2024

ALPHONSO G. ANDREWS, JR.
Superior Court Judge

[1] The declarations in this judgment reflects the Court's interpretation of 17 V.I.C. § 41(c)(1) as last amended on June 14, 2023.

IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED
June 21, 2024 01:13 PM
SX-2013-CV-00348
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MARIO MOORHEAD and GREGORY E. MILLER, **Plaintiffs** **vs.** **GOVERNOR ALBERT BRYAN, JR., RACQUEL BERRY-BENJAMIN, Commissioner of the Virgin Islands Department of Education and VIRGIN ISLANDS BOARD OF EDUCATION** **Defendants.**	**SX-2013-CV-348**

Cite as: 2024 VI Super 24P

Appearances:

Martial A. Webster, Sr., Esq.
Law Office of Martial A. Webster
116 Queen Cross Street
Frederiksted, VI 00840
For Plaintiffs

Ariel Smith, Esq.
VI Department of Justice
G.E.R.S. Building
34-38 Kronprindsens Gade
St. Thomas, VI 00802
For Governor Albert Bryan, Jr.

Christopher M. Timmons, Sr., Esq.
VI Department of Justice
231 Estate La Reine, RR1 Box 6151
Kingshill, VI 00851
For Racquel Berry-Benjamin, Commissioner - V.I. Department of Education

Jennifer Jones, Esq.
Law Office of Jennifer Jones
9003 Upper Havensight Mall, Ste. 319
St. Thomas, VI 00802
For Virgin Islands Board of Education

MEMORANDUM OPINION
(Filed June 20, 2024)

Andrews, Jr., *Judge*

INTRODUCTION

¶ 1 Over forty (40) years ago, on July 11, 1983, the Virgin Islands Legislature passed Act No. 4844 which mandated public schools in the Virgin Islands to instruct all students in Virgin Islands and basic Caribbean History (VICH). Thirty (30) years later, on October 21, 2013, Plaintiffs filed suit seeking judicial intervention to declare that the Virgin Islands Department of Education (DOE) and the Board of Education (the Board) have failed to administer the Act and order them to comply with it. Specifically, they contend DOE and the Board have failed to develop a VICH curriculum for grades Kindergarten through 12 (K-12) and to promulgate required rules and regulations. The failure to provide the required courses, they claim, is impairing the ability of Virgin Islands students to develop a sense of self and identity. DOE and the Board respond they are teaching the histories in compliance with the law. For the reasons mentioned below, this Court will grant Plaintiffs' request for declaratory relief and deny, as premature, their request to order compliance with the law.

PROCEDURAL HISTORY

¶ 2 The procedural history of this litigation is extensive. Mary L. Moorhead, Kendall Petersen and Gregory E. Miller, Jr. initially filed a petition for mandamus on October 21, 2013 against Governor John P. DeJongh, Jr. and Acting Education Commissioner Donna Frett-Gregory. They sought an order requiring DOE to develop a curriculum to instruct all elementary and secondary school students in VICH. Pet. 3 (Oct. 21, 2013). On June 26, 2014, this Court denied Plaintiffs' petition finding the statutory mandate under 17 V.I.C. § 41(c) was being followed. Order 3, Jun. 26, 2014. On appeal, the Virgin Islands Supreme Court reversed the denial and remanded the case for further proceedings. It concluded Plaintiffs were not entitled to mandamus relief but could maintain their taxpayer claim pursuant to 5 V.I.C. § 80. Op. 6, 9 (Apr. 14, 2015). After a series of status conferences and continuances, this Court, on December 16, 2016, ordered the parties to mediate their dispute before the Magistrate Division. Order (Dec. 16, 2016). On April 6, 2017, the Magistrate Division issued a report concluding the parties were at an impasse. Mediation Rep. (Apr. 6, 2017). On August 15, 2017, DOE filed their answer to Plaintiffs' petition. The assigned judge recused on October 18, 2017 pursuant to Plaintiffs' motion. Order of Recusal (Oct. 18, 2017). By Order dated January 24, 2018, the re-assigned judge also recused pursuant to

Plaintiffs' motion. Order (Jan. 24, 2018). On October 30, 2018, the matter was re-assigned to yet another judge. Order of Reassignment (Oct. 30, 2018). On July 29, 2019, Plaintiffs filed their First Amended Complaint and added Mario Moorhead as a plaintiff and the Board as a defendant.[1] The complaint also substituted Governor Albert Bryan and Racquel Berry-Benjamin for the former governor and former commissioner. First Am. Compl. (July 29, 2019).

¶ 3 On November 17, 2019, this Court scheduled the above-captioned matter for a March 16, 2020 trial. On the day of trial, the Court dismissed the Board for lack of proper service by Plaintiffs. At Plaintiffs' request, the Court continued the matter to allow them an opportunity to effect proper service on the Board and amend their complaint. R. of Proceedings (Mar. 16, 2020). On March 26, 2020, the assigned judge self-recused due to certain public commentary about his impartiality. Order of Recusal (Mar. 27, 2020). In light of the recusal, the matter was transferred to the St. Thomas Division. Notice of Judge Reassignment (June 16, 2020). On April 3, 2020, Plaintiffs filed a Second Amended Complaint. They deleted Mary L. Moorhead as a plaintiff and re-named the Board as a defendant. Second Am. Compl. (Apr. 3, 2020). On February 10, 2021, the matter was finally

1 Petersen passed away the year after the litigation commenced and thus was not included in the Amended Complaint.

re-assigned to the undersigned. Order (Feb. 10, 2021). The Board filed their Answer to Plaintiffs' Second Amended Complaint on October 13, 2021. DOE filed their Answer on October 29, 2021. The Court scheduled the matter for trial on December 14, 2021 and continued it to March 7, 2022 on motion by the parties. On Plaintiffs' request, the Court again continued the trial to March 21, 2022. Trial commenced on that day and concluded on March 25, 2022.

¶ 4 The parties filed post-trial briefs on May 31, 2022 and July 1, 2022. In light of an amendment to 17 V.I.C. § 41(c) on January 1, 2023, the parties, at the Court's request, filed supplemental briefs on February 27, 2023. See Act 8684. After a second amendment to same statute on June 14, 2023, the parties again filed supplemental briefs on July 14, 2023 and August 18, 2023. See Act 8730. At the Court's request, the parties filed further briefs, concerning the issue of mootness, on January 26, 2024 and February 13, 2024.

FACTUAL FINDINGS[2]

Virgin Islands Public Schools

¶ 5 DOE organizes and administers all public elementary, junior, and high schools in the territory. 17 V.I.C. § 1(1). The Board, upon recommendation of the DOE Commissioner, is authorized and required to prescribe courses of study for all public schools in the territory. 17 V.I.C. § 41(a). In the St. Thomas / St. John District, there are seven public elementary schools (Jane E. Tuitt, Joseph Gomez, Joseph Sibilly, Julius E. Sprauve, Lockhart, Ulla F. Muller, and Yvonne E. Milliner-Bowsky), two junior high schools (Addelita Cancryn and Bertha C. Boschulte), and

[2] The Factual Findings is a summary of pertinent facts found by a preponderance of the evidence. They were derived from evidence (i.e. testimony and exhibits) presented by the parties during the trial. The following witnesses testified: Winona Adams Hendricks (Vice Chair - B.O.E.), Lauren C. Larsen (St. Croix District Social Studies Coordinator - D.O.E.), Mario C. Moorhead (Historian), Raymond H. Ross, Jr. (Former Assistant Principal - D.O.E.), Jeanette Smith-Barry (Member - B.O.E.), Raquel Berry-Benjamin (Commissioner - D.O.E.), Victor Somme (Assistant Commissioner - D.O.E.), Yvette McMahon-Arnold (State Director of Instructional Development - D.O.E.), Diane Clarke (St. Thomas District Director of Curriculum and Instruction - D.O.E.), and Shanet Alexander (Assistant Principal - D.O.E.).

The factual summary labeled “Virgin Islands Public Schools” were derived from judicial notice. They are facts not subject to reasonable dispute as they are generally known within the territory and can be accurately and readily determined from sources that cannot reasonably be questioned. V.I.R.E. 201(b).

two high schools (Charlotte Amalie and Ivanna Eudora Kean). In the St. Croix District, there are six elementary schools (Alfredo Andrews, Eulalie Rivera, Claude O. Markoe, Juanita Gardine, Lew Muckle, Pearl B. Larsen, and Ricardo Richards), one junior high school (John H. Woodson), and two high schools (St. Croix Central and St. Croix Educational Complex). Some of the elementary schools in both districts teach Kindergarten through Eighth grades. Each school is managed by a principal and one or more assistant principals who ultimately are under the direction of the Commissioner of Education. Most of these schools were in existence upon passage of Act 4844 in 1983. During the 2022-2023 school year, there were approximately 10,000 students enrolled in Virgin Islands public schools territory wide. Virgin Islands Department of Education, Public Schools Enrollment by Grade, *https://vide.vi/documents/pre/enrollment/grade-level/2963-2022-2023-enrollment-by-grade/file.html.*

Teaching of Virgin Islands and Basic Caribbean History

¶ 6 Virgin Islands History and Culture are taught in public schools through integration within the Social Studies Curriculum. Trial Tr. Vol. 1, 60:3-7 (Test. of W. Hendricks); Trial Tr. Vol. 2, 38:2-3 (Test. of L. Larsen). At year's end, the student receives a grade in Social Studies, not V.I. History. Trial Tr. Vol. 5, 22:9-12 (Test. of D. Clarke), 34:21-25 (Test. S. Alexander). In elementary schools,

Caribbean History is incorporated into Social Studies. Trial Tr. Vol 2, 73:18-22 (Test. of L. Larsen). VICH is taught as a separate semester course in the Ninth Grade and is a requirement for high school graduation. Id. at 69:1-14 (Test. of W. Hendricks); Trial Tr. 03/23/22 Vol. 3, 36:14-18 (Test. of J. Smith-Barry). In DOE's view, a stand-alone course for V.I. History would not be appropriate for any elementary grade; V.I. History is taught at the high school level "because it is mandated;" and it is "better taught integrated." Trial Tr. Vol. 3, 225:10-14 (Test. of R. Berry-Benjamin). It is burdensome, DOE maintains, to develop additional classes or stand-alone classes for V.I. History as there are not enough hours in the day. Trial Tr. Vol 4, 45:12-16 (Test. of R. Berry-Benjamin).

¶ 7 DOE has begun to develop updated instructional resources to teach Virgin Islands History for K-8. Trial Tr. Vol 2, 82:23-25 (Test. of L. Larsen). Workbooks have been completed for K-2. Id. at 83:4-5; DOE, Exs. L, M, N. However, they are not available in the St. Thomas District. Trial Tr. Vol. 3, 97:9-17 (Test. of J. Smith-Barry); Pls.' Ex. 9 (August 14, 2021 Letter from the Board to DOE inquiring when Dr. Larsen's workbooks will be in the St. Thomas/St. John District Schools.); Trial Tr. Vol. 3, 182:8-25 (Test. of R. Berry-Benjamin). Workbooks for Third through Eighth Grades are in the draft stage. Trial Tr. Vol 2, 99:2-3 (Test. of L. Larsen).

¶ 8 Based upon the evidence presented, this Court finds there is no structured curriculum that guides the teaching, or evaluates student comprehension, of VICH in a systematic manner for all Virgin Islands students. See Pls.' Ex. 2 (April 7, 2021 Letter from the Board to DOE stating "there is no clear guide or systematic approach to teaching VI History such that all students can partake in the benefits and values derived from learning about one's own history;" and "a clear outline or evidence of a fully developed course of study to specifically teach Virgin Islands History to ALL students from Kindergarten through grade twelve has not been presented to or shared with the VIBE."); Pls.' Ex. 9 (August 14, 2021 Letter from the Board to DOE requesting a projected timeline "when a comprehensive VI History curriculum will be available for use in our schools."). The absence of Dr. Larsen's K-2 Workbooks in the St. Thomas District evinces the absence of instruction from such books in that district. Testimony from DOE corroborated the absence of a course for, or structured teaching of, V.I. History (except for 9th Grade) in the public schools. For example, the Commissioner testified regarding what guide a new teacher would use to teach V.I. History stating,

> "December, we know we're teaching on Crucian Christmas Festival. If it's V.I. History month, we know we have an abundance of skills - - I'm sorry – concepts and history that we can teach on. There's no one specific course of study - I'm sorry - direction or path to teach V.I. History."

Id. at 253:11-16 (Test. of R. Berry-Benjamin). As such, the instruction given is not provided in the form of a course nor is it structured. As DOE concedes, embedding V.I. History or Culture into another course does not constitute a course in V.I. History. Trial Tr. Vol. 4, 71:6-13 (Test. of R. Berry-Benjamin).

¶ 9 Further, it is evident that DOE does not recognize nor appreciate the distinction between history and culture. In their view, "while they are different, they're one of [and] the same." Id. at 259:19:22 (Test. of R. Berry-Benjamin). The Court finds that the plain (or commonly understood) meaning of history is a chronological record of significant events as they occurred within a particular geographical region. See Merriam-Webster, *www.merriam-webster.com/dictionary/history* (last updated May 22, 2024). Culture is but one aspect of history. It specifically relates to the accumulation of the art, architecture, dance, music, beliefs, customs, language, values, etc. of a particular group of people. In short, it is a people's way of life. See Cambridge Dictionary, www.dictionary.cambridge.org/dictionary/english/culture, (last visited May 31, 2024); Meriam-Webster Dictionary, *www.meriam-webster.com/dictionary/culture* (last updated May 26, 2024). History encompasses much more than culture and cannot be altered. Culture, however, evolves with time and new experiences (e.g.

environmental, technological, contact with other cultures, etc.). In fact, the V.I. Legislature recognizes a distinction as it enacted a separate law requiring the establishment of a "Virgin Islands Cultural Curriculum" for K-12. 17 V.I.C. § 41(c)(2).

The Virgin Islands Social Studies Curriculum Guide

¶ 10 In 1986, DOE created the Virgin Islands Social Studies Curriculum Guide (the SSCG). DOE's Ex. A. It "provides a framework for teachers to develop flexible courses of study to meet basic educational goals." Id. at 6 (Foreword by Commissioner Charles W. Turnbull).[3] It was intended to serve as "a tool for teachers to use in systematically planning for instruction" in grades K-12. Id. at 28 (How to Use This Guide). The SSCG "embodies critical social studies content and skills objectives which the teacher should present through meaningful activities." Id.

¶ 11 The SSCG contains a Content Organization Outline for each grade relative to Virgin Islands and Caribbean History as follows:

Kindergarten	Course Title: Introduction to Family/Home/School/Community Major Topics: Virgin Islands Studies plus 3 others
First Grade	Content: School and Family Life in a Changing Society

[3] The page numbers cited from DOE Ex. A refer to the Bates number at the bottom right of the page and not to the original numbers appearing at the bottom middle of the page.

Major Topics: Virgin Islands Studies plus 3 others

Second Grade Content: Living and Working Together in Neighborhood and Community
Major Topics: Virgin Islands Studies plus 3 others

Third Grade Content: Changing Communities
Major Topics: Virgin Islands Studies plus 3 others

Fourth Grade Course Title: Virgin Islands History and Selected World Regions
Units: Virgin Islands Studies plus 4 others

Fifth Grade Content: The United States
Major Topics: Virgin Islands Studies plus 3 others

Sixth Grade Content: Our Changing World
Major Topics: Virgin Islands Studies plus 3 others

Seventh Grade Course Title: World Geography
Major Topics: Five topics listed excluding VICH

Eighth Grade Course Title: United States History
Major Topics: Eight topics listed excluding VICH

Ninth Grade Course Title: Virgin Islands-Caribbean History and Civics Integration
Major Topics: Ten Virgin Islands and Caribbean related topics

Tenth or Twelfth Grade
Course Title: Caribbean Heritage (1 year elective)
Major Topics: Geography of the Islands, Natural Environment, The Earliest Societies, Exploration and Colonization, Revolution and Emancipation, Post-Emancipation Period, Twentieth-Century Developments

Tenth or Twelfth Grade
Course Titles: Comparative Governments, Economics, Psychology, Sociology, World History

Id. at 35, 46, 60, 81, 100-107, 114, 126, 140, 150, 163, 186, 191-192, 197-217. It was the last curriculum for DOE adopted by the Board. Trial Tr. 03/23/22 Vol. 3, 189:23-25 (Test. of R. Berry-Benjamin). Based on trial testimonies, it is not utilized by all schools. See Trial Tr. Vol. 3, 15:5-7, 16:25, 17:1-3, (Test. of R. Ross, a 20-year teacher and 10-year assistant principal, stating he never saw a curriculum for teaching Virgin Islands History); Trial Tr. 03/23/22 at 40:1-4 (Test. of J. Smith-Barry, 15-year teacher and 3-year Board member, stating she has no recollection of a 1986 Virgin Islands DOE curriculum); Trial Tr. Vol 4, 34:1-4 (Test. of S. Alexander that she has not seen a document called a Curriculum Guide for V.I. History); Trial Tr. Vol. 3, 190:17-20, 192:3-5 (Test. of R. Berry-Benjamin stating she did not have a copy of the SSCG during her tenure as a teacher between 2005 and 2011.). The SSCG does not provide for nor require the teaching of VICH except in the Ninth Grade. Consequently, it is evident that VICH is not being taught in all schools nor in each grade.

Promulgation of Regulations Pursuant to Section 41(d)

¶ 12 On April 15, 2010, the Virgin Islands Legislature passed Act 7167 which required DOE Commissioner in conjunction with the Board to promulgate rules and

regulations to carry out Section 41 of Title 17, Virgin Islands Code within twenty-four (24) months of the enactment (i.e., by April 15, 2012). 17 V.I.C. § 41(d). No evidence of rules and regulations pertaining to Act 7167 was presented at trial. See Trial Tr. Vol. 4, 11:10-18 (Test. of Y. McMahon-Arnold stating she has not seen any rules and regulations regarding the 1986 Social Studies Curriculum Guide). This Court is aware of no rules and regulations promulgated pursuant to Section 41(d).[4]

¶ 13 Several exhibits that appear to regulate the teaching of VICH were admitted at trial. One, labeled as "Secondary Level (Grades 7-12) Promotion and Retention of Students, Grading System and Graduation Requirements for Grades 7-12," was approved by the Board on November 29, 1996. BOE's Ex. B. The document was amended on September 1, 2000 and January 23, 2003. Id. It listed VICH as a required course in the Eighth and Ninth grades and for graduation from

[4] Virgin Islands Rules and Regulations are codified in the Code of U.S. Virgin Islands Rules. A LexisNexis search thereof reveals no rules and regulations promulgated after passage of Act 7167. The last publication of rules and regulations pertaining to education occurred in 1998. See CVIR 17-003-002 (pertaining to V.I. Student Discipline Policy (05/14/98)); CVIR 17-003-003 (pertaining to Promotion and Retention of Students in Grades K-6 (05/14/98)); and CVIR 17-009-002 pertaining to Home Instruction (05/14/98). As these rules were promulgated before 2010, they could not have been pursuant to Act 7167. Although Defendants approved a document entitled the 1986 Social Studies Curriculum Guide (SSCG), it does not appear in published regulations.

high school. Id. at Sec. 2.31, 2.73. However, it is unsigned, not in the format of draft regulations, and does not have codification numbers assigned. As such, it has not been promulgated and pre-dates the passage of Act 7167. The Board also approved a document labeled "Approved Promotional Policies 9-12" on January 2, 2013. BOE's Ex. C. It requires VICH to be included in Social Studies. The document, however, is not in regulations format.

¶ 14 On June 28, 2019, the Board approved yet another document labeled "Curriculum Development and Implementation Policy" (CDIP) for public schools in the Virgin Islands which had a scheduled implementation date of July 15, 2020. BOE's Ex. D. The CDIP is in the form of draft regulations and was designed to establish a process for curriculum development and implementation by the DOE. Id. at Sec. 21-2. It required DOE to present a proposed Curriculum Guide to the Board for review. Id. at Sec. 21-4. The Curriculum Guide would "delineate the philosophy, goals, objectives, learning experiences, instructional resources and assessments of educational programs to be utilized by all schools within the Territory." Id. It would also "set goals indicating what students should know and be able to do and shall support teachers in knowing how to assist students in achieving these goals." Id. The Board sent letters to DOE on May 6, 2020, and November 17, 2020, requesting that they provide the Curriculum Guide. Pls.' Exs.

6, 7. The CDIP was never sent to the Lieutenant Governor's Office for approval, thus, it was not promulgated. Trial Tr. Vol. I, 50:15-18; 71:7-12 (Test. of W. Hendricks).

¶ 15 Based on the evidence, this Court concludes that no regulations, pertaining to the teaching of required courses or subjects listed in 17 V.I.C. § 41(c)(1), have been promulgated as required by 17 V.I.C. § 41(d).[5]

APPLICABLE LAW

¶ 16 Plaintiffs seek a declaratory judgment regarding the proper administration of Section 41(c).[6] Once a case is within this Court's jurisdiction, it has the "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed." 5 V.I.C. § 1261. See Holmes v. Gov't of the V.I., 370 F. Supp. 715, 717 (D.V.I. 1974) (stating "a taxpayer in the Virgin Islands may maintain a suit in the district court for declaratory relief against illegal governmental action.").

[5] See also Trial Tr. 03/22/22 Vol 2 at 32:3-8 (Test. of L. Larsen, St. Croix District Director of Curriculum and Instruction, stating he is not aware of any rules and regulations developed by DOE to teach Virgin Islands History.)

[6] Plaintiffs also request the issuance of an order permanently enjoining Defendants for failing to teach Virgin Islands and basic Caribbean History pursuant to the law; and for failing to issue required rules and regulations pursuant to Section 41(d). The Court finds Plaintiffs' request for injunctive relief premature, hence, will not address the standard for issuance thereof.

Declaratory judgments are remedial and designed "to settle and afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. 5 V.I.C. § 1270. The Declaratory judgment rules are to be liberally construed and administered. Id. In determining whether to issue a declaratory judgment, this Court must decide whether there is a "substantial controversy, between parties having adverse legal interest, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." MedImmune Inc. v. Genentech, Inc. 549 U.S. 118, 127 (2007) (interpreting the Federal Declaratory Judgment Act), (citing Maryland Casualty Co. v. Pacific Coal & Oil Co., 312 U.S. 270, 273 (1941)). The party bringing an action for declaratory judgment bears the burden to prove, by a preponderance of the evidence, that an actual controversy exists between the parties.[7] 5 V.I.C. § 740(5) (providing "[i]n civil cases the affirmative of the issue shall be proved, and when the evidence is contradictory the finding shall be

[7] DOE argues Plaintiff must meet the higher burden of clear and convincing evidence since they seek declaratory and injunctive relief in equity. DOE's Second Supp. Br. 4. In support, they cite Wilkinson v Wilkinson, 70 V.I. 901 (V.I. 2019). DOE misconstrues Wilkinson. There, the Virgin Islands Supreme Court concluded that "claims for rescission of contracts based upon fraudulent misrepresentation present a proper occasion to deviate from the general preponderance of the evidence standard provided in section 740(5) and demand a heightened degree of proof by clear and convincing evidence." Id. at 919. This conclusion applies to cases involving allegations of fraudulent conduct. Courts apply it to reduce the risk to a defendant of having his reputation tarnished erroneously. No such concern is present here.

according to the preponderance of evidence."); Benihana of Tokyo, Inc. v. Benihana, Inc. 622 Fed. Appx. 169, 174 (3d Cir. 2015); See also Beachside Ass'n. V. Bayside Resort, Inc., 2011 V.I. LEXIS 68 (Sup. Ct. Nov. 25, 2011) (denying issuance of a declaratory judgment and stating counterclaimant failed to demonstrate "by a preponderance of the evidence" its entitlement to same.); Pappas v. Hand Surgical Assocs., 364 So. 3d 495, 504 (La. App. 5 Cir. 2023) (stating declaratory judgment "should be determined in ordinary proceedings after a trial on the merits by a preponderance of the evidence."). If such a controversy exists, this Court may proceed to determine the parties' adverse interests. Conversely, if no adverse controversy exists, declaratory relief should be denied.

ANALYSIS

¶ 17 Upon passage, Act 4844 provided that:

> All schools in the Virgin Islands shall instruct all students in [the] history of the Virgin Islands and basic Caribbean history, such courses to be part of the curriculum in elementary and secondary schools.

17 V.I.C. § 41(c) (1983). Twenty-Seven (27) years later, on April 15, 2010, the Legislature passed Act 7167 which provided that:

> The Commissioner of Education, in conjunction with the Virgin Islands Board of Education, shall promulgate rules and regulations to carry out this section no later than 24 months after the date of enactment of this paragraph.

17 V.I.C. § 41(d). Plaintiffs seek judgment declaring Defendants have failed to properly administer the provisions of Section 41(c) and that such failure is harmful to the students. Second Am. Compl. ¶¶ 30, 31. They claim the Board has not promulgated regulations to guide DOE as required and Defendants have failed to implement a comprehensive curriculum to teach VICH as required by the law. Id. ¶¶ 10, 27, 37. Plaintiffs also seek an injunction directing Defendants to make VICH "a requirement within the protocol of other required subjects in K-12, on or before the next regular school year." Id. at 9 ¶ 2. Defendants generally deny Plaintiffs' allegations and maintain they are teaching VICH as required by law. For the reasons mentioned below, this Court concludes Defendants are not teaching VICH in compliance with the law; however, issuance of an injunction is premature.

1) Plaintiffs' Claims are Not Mooted by the Passage of Act 8730.

¶ 18 As a preliminary matter, this Court considers whether Plaintiffs' claims are mooted as a result of the post-trial amendment to Section 41(c)(1), by Act 8730, which became effective on June 14, 2023.[8] The amended statute now reads

> All public schools in the Virgin Islands shall instruct all students in:
>
> The history of the Virgin Islands and basic Caribbean history, such courses shall be part of the curriculum in grades kindergarten to

[8] In light of the post-trial passage of Act 8730 this Court ordered the parties to file memoranda regarding the potential mootness of Plaintiffs' claims. All parties made the required filing.

> eighth grade. From grades nine through twelve, the history of the Virgin Islands and basic Caribbean History shall be offered as specific courses.

17 V.I.C. § 41(c)(1) (2023). DOE contends Plaintiffs' claims (per their Second Amended Complaint) are based on 17 V.I.C. § 41(c) as provided in Act No. 4844 which is no longer law. DOE's Br. Regarding Mootness 3 (Jan. 26, 2024). They thus maintain the passage of Act 8730 mooted Plaintiffs' claims at least with respect to grades K-8. Id. The Board contends Act 8730 renders moot the requirement that they issue regulations, pursuant to 17 V.I.C. § 41(d), under Act 4844. BOE's Supp. Br. 2 (Jan. 11, 2024). The amendment, they claim, requires a reset of the timeline to promulgate the regulations required by Section 41(d). It thus moots any claim for enforcement of that section. Id. The Board further claims Defendants have issued and published applicable regulations. Id. Plaintiffs contend the intent of the statute, i.e., to guarantee VICH courses in all grades, remains unchanged despite the amendment, and thus, their claims are not mooted by Act 8730. Pls.' Submission of Additional Briefing Regarding Mootness 3. For the following reasons, this Court concludes that Plaintiffs' claims are not moot.

¶ 19 The Virgin Islands Supreme Court has made it clear that "[t]he central question in a mootness problem is whether a change in circumstance that prevailed at the beginning of litigation has forestalled the prospect of meaningful

relief." V.I. Taxi Ass'n v. V.I. Port Auth., 67 V.I. 643, 663 (V.I. 2017) (citing Zoning Bd. of Adjustment of Garfield Cnty. v. DeVilbiss, 729 P.2d 353, 356 (Colo. 1986)). Where it is possible to grant effectual relief, a case is not moot. U.S. v. Wash., 596 U.S. 832, 837 (2022) (citing Mission Product Holdings, Inc. Tempnology, LLC, 139 S. Ct. 1652 (2019)). Here, the mere fact that the Legislature has amended Section 41(c)(1) does not ipso facto deprive this Court of the power to hear and determine Plaintiffs' claims. The prospect of meaningful relief exists despite the passage of Act 8730.

¶ 20 Plaintiffs seek a declaratory judgment regarding the proper administration of Section 41(c)(1) and an order directing Defendants to make VICH a requirement in K-12 by the next regular school year. Second Am. Compl. 9. Even after passage of Act 8730, they maintain Defendants are still not teaching VICH in accordance with the law, i.e., Section 41(c)(1), because they have: 1) failed to promulgate the requisite regulations pursuant to 17 V.I.C. § 41(d); 2) failed to teach VICH in each grade from Kindergarten through grade 12; and 3) failed to institute a process to assess scholastic proficiency in VICH in grades K-8. Pls.' Additional Br. 6, 7 (Jul. 14, 2023). To the contrary, DOE maintains Act 8730 requires that instruction in VICH must merely be "offered" in grades 9 to 12; and DOE's instruction exceeds these requirements. DOE's Suppl. Post Trial Br. 18-19 (Aug.

18, 2023). Similarly, the Board maintains that the current teaching practice with regards to VICH exceeds the requirements of the amendment. BOE's Suppl. Br. 3, Aug. 18, 2023). The parties, thus, differ regarding the requirements of Act 8730 and whether Defendants are currently providing instruction in accordance therewith. As such, a substantial controversy still exists "between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment," despite passage of Act 8730. See, Super Tire Eng'G Co. V. McCorkle, 416 U.S. 115, 121-122 (1974) (citing Maryland Casualty Co. v. Pacific Coal & Oil Co., 312 US. 270, 273 (1941)).

¶ 21 Under the circumstances, Act 8730 must be construed to apply prospectively. See Walters v. Walters, 60 V.I. 768, 781 n.14 (V.I. 2014) (stating "statutes … are presumed to be applied prospectively, and not retroactively," citing Davis v. Omitowoju, 883 F.2d 1155, 1170 (3d Cir. 1989)). It would be ludicrous to compel Defendants to provide instruction in VICH, consistent with Act 8730, to individuals who were students upon the 1983 passage of Act 4844. The Legislature must have intended for the new law to apply to current and future students. Whether teaching to current students complies with the law and when such compliance is required are contested issues. Both parties, thus, have a

legally cognizable interest in such a determination. Since a live controversy exists, Plaintiffs' claims are not mooted by the passage of Act 8730.

2) Act 8730 Requires that VICH be Taught as a Course and Does Not Allow for Integrated Instruction.

¶ 22 To determine whether DOE is in compliance with the law regarding the teaching of VICH, this Court must first decide what the law requires. DOE argues, in light of the differentiation between elementary and high schools, the statute "now gives Defendants further latitude as to the method of instruction in grades Kindergarten through 7 - permitting any such instruction to be integrated into the curriculum at those grades." DOE's Suppl. Post Trial Br. 3 (Aug. 18, 2023). According to DOE, "the Legislature's use of the word 'courses' with respect to Virgin Islands History at the elementary level while using the words 'specific courses' at the high-school level implies an interdisciplinary approach at the elementary level that is not a formal stand-alone class." Id. at 15. The Board similarly argues that "stand-alone courses are not required for grade levels K to 8." BOE's Suppl. Br. 13 (Aug. 2023). Plaintiffs concede that Defendants "may agree to integrate these subjects [,i.e., VICH,] in the lower grades." Pls.' Add. Br. 2, (Jul. 14, 2023). Whether the statute requires a specific, stand-alone, or general

course, it still nonetheless requires a "course." Thus, the key issue is what is a course?

¶ 23 In construing Section 41(c)(1), the Court must "first look to the plain meaning of the text" and determine whether it is has a plain and unambiguous meaning. Xavier v. Treasure Bay V.I. Corp., 2024 VI 14, 21 (V.I. 2024). If so, the Court does not look beyond the statutory language. Id.; Atlantic Human Res. Advisors, LLC V. Espersen, 76 V.I. 583, 604 (V.I. 2022). It must "give effect to every provision, making sure to avoid interpreting any provision in a manner that would render it – or another provision – superfluous and without an independent meaning or function of its own." In re L.O.F. 62 V.I. 661, 665 (V.I. 2015) (quoting Defoe v. Phillip, 56 V.I.109, 129 (V.I. 2012)).

¶ 24 The operative language in Section 41(c)(1) provides that "[a]ll public schools in the Virgin Islands shall instruct all students in: the history of the Virgin Islands and basic Caribbean History, such courses shall be part of the curriculum in grades kindergarten to eight. From grades nine through twelve, the history of the Virgin Islands and basic Caribbean history shall be offered as specific courses." 17 V.I.C. § 41(c)(1) (emphasis supplied). The statute does more than require the teaching of VICH. It reveals a clear intent regarding the manner of instruction, i.e., through

means of a course. This Court is duty bound to give effect to the words "such courses" without rendering it superfluous and without independent meaning.

¶ 25 The adjective phrase "such courses" logically refers to the antecedent subjects "Virgin Islands and basic Caribbean History." It defines or classifies VICH as "courses" as opposed to topics or subjects. Thus, the statute mandates, that Virgin Islands and basic Caribbean History courses must be included in the curriculum. A course typically covers an individual subject through a series of lessons or lectures. Oxford Learner's Dictionaries, *www.oxfordlearnersdictionaries.com/definition/english/course* (last visited 06/10/24) (defining course as "a series of lessons or lectures on a particular subject."); *idoceonline.com/dictionary/course* (last visited May 30, 2024) (defining course as "a series of lessons in a particular subject"); Collins, *www.collinsdictionary.com/dictionary/english/course,* (last visited 06/10/24) (defining course as "a series of lessons or lectures on a particular subject."); Wikipedia, *https://en.wikipedia.org/wiki/Course_(education),* (last updated 04/03/24) (defining course (education) as "a unit of instruction in one subject, lasting one academic term."). It is a "set of classes or a plan of study on a particular subject, usually leading to an exam or qualification." Cambridge Dictionary, *https://dictionary.cambridge.org/dictionary/english/course*, (last visited

06/10/24). A course, then, is more than merely embedding or incorporating a subject or topic into another course. Such embedding or incorporating of VICH into a Social Studies course does not constitute a Virgin Islands or basic Caribbean History course. DOE's Commissioner acknowledged as much at trial. Trial Tr. Vol. 4, 71:6-13 (admitting that embedding V.I. History in another course does not make it a course in V.I. History); See also Trial Tr. Vol. 5, 22:9-12 (testimony by Diane Clarke, District Director of Curriculum and Instruction, stating at the end of the year the student receives a grade in Social Studies). Contrary to the parties' position, the statute does not allow for teaching VICH as subjects or topics integrated into a social studies course.

¶ 26 The placement of the word "specific" before the word "courses" regarding the teaching of VICH in grades 9 through 12 does not change the above analysis. The word "specific" is simply an adjective requiring that, for the high school grades, the course shall be focused on a particular aspect, area, or time period of VICH. The absence of the term "specific" for K-8 implies that VICH may be taught more generally with less detail or depth and would hence be more easily comprehensible. It does not support the argument that teaching may occur in a manner other, or less, than a course.

¶ 27 The foregoing conclusion is supported by the requirement that the courses shall be part of the curriculum. A curriculum is comprised of courses. Trial Tr. Vol 1, 175:3-9 (testimony of W. Hendricks, 14-year Board member, that "the curriculum would be a guide of courses that would be offered to students . . ."). Id. at 175:3-4. See Merriam-Webster, *www.merriam-webster.com/dictionary/curriculum* (last updated 06/09/24) (defining curriculum as "the courses offered by an educational institution," e.g., "the high school curriculum."); Collins, *www.collinsdictionary.com/dictionary/english/curriculum* (last visited 06/10/24) (defining curriculum as "all the different courses of study that are taught in a school, college, or university."); and Dictionary, *www.dictionary.com/browse/curriculum* (last visited 06/10/24) (defining curriculum as "the aggregate of courses of study given in a school, college, university, etc."). Hence, the requirement that VICH be part of the "curriculum" supports the conclusion that VICH must be taught as a course.

¶ 28 This position is further supported by the absence of the term integrated in the statute. Just five (5) months prior to the June 2023 Amendment, the Legislature amended Section 41(c)(1) to provide that:

> (c) All public schools in the Virgin Islands shall instruct all students in:
>
> (1) The history of the Virgin Islands and basic Caribbean history to be

> integrated into the curriculum for kindergarten through grade 12.

17 V.I.C. § 41(c)(1) (01/19/23) (emphasis supplied). The Amendment evinces the Legislature's knowledge and familiarity with the manner of instruction referred to as "integration." It is also noteworthy that the January 2023 Amendment deleted the word "courses" and simply provided for the teaching of VICH. In the current statute, however, the Legislature deleted the word "integrated" and reinstated the term "courses." This change in terminology undermines the argument that, under the current statute, VICH "may be integrated into other courses in the lower grades." DOE's Supp. Post Trial Br. 2 (Aug. 18, 2023).

¶ 29 DOE also argues that the use of the term "structured" with reference to civic courses in Section 41(c)(8) implies that "with respect to Virgin Islands and Caribbean History, the structure of the course requirement is something less for Virgin Islands and Basic Caribbean History than the legislature demands for the teaching of Civics." Id. at 15. Use of the term "structured" for civics course may well suggest something different for VICH. However, such term does not change the fact that civics, like VICH, must be taught as a "course." DOE's argument fails to address this point. In fact, by arguing that "the structure of the course requirement is something less" for VICH, they implicitly concede the statute

requires that VICH be taught as a course. A more meaningful analysis is derived by comparing other numbered paragraphs of 41(c) with paragraph one (1). For example, paragraph two (2) requires instruction in "a Virgin Islands cultural curriculum for kindergarten through grade twelve." Paragraph three (3) requires instruction in "[d]rug prevention and substance abuse education." Paragraph four (4) requires instruction in "[r]eal estate appraisal." Paragraph six (6) requires instruction in "[f]inancial education programs." Paragraph nine (9) requires instruction in "[b]asic agriculture education." None of these paragraphs include or reference the term "course." They clearly grant wide discretion to Defendants in structuring or determining the manner of instruction. In contrast, the applicable statute here classifies VICH as a "course." The Court's reading of the statute gives meaning to the Legislature's deliberate use of the term in Paragraph one (1). Accordingly, the statute requires that VICH be taught as a course.[9] It does not allow for integration of VICH as topics or subjects in another course.

[9] DOE argues that it is impractical to teach VICH as a standalone course. However, it is not the role of this Court to dictate the methodology or duration of instruction; nor to prescribe the extent or depth of Virgin Islands history that should be taught. It is the Court's duty to determine whether the method employed comports with Virgin Islands law. Here, the law requires teaching by way of a course. It does not, however, specify the duration, content, or quantity of instruction. Such is left to the discretion of Defendants. If compliance with the law is too burdensome, Defendants' recourse is with the Legislature.

3) Act 8730 Requires that VICH be Taught in Every Grade from K-12.

¶ 30 The parties dispute whether VICH instruction is required in each grade. Plaintiffs maintain the intent of the statute is "to guarantee courses of study in Virgin Islands and basic Caribbean History in all grades in Virgin Islands public schools." Pls.' Submission of Additional Briefing Regarding Mootness 3 (Feb. 13, 2024). DOE counters that "to hold that instruction is required in each grade would require the court to add to the statute in violation of applicable rules of statutory construction." DOE's Supp. Post Trial Br. 6 (Aug. 18, 2023).[10] Similarly, BOE claims "Section 41(c)(1) does not state that the courses must be taught at each grade level." BOE Suppl. Briefing in Resp. 11 (Jul. 19, 2023). Defendants misconstrue the statute.

¶ 31 The pertinent statutory provision provides that VICH "shall be part of the curriculum in grades kindergarten to eighth grade. From grades nine through twelve, the history of the Virgin Islands and basic Caribbean history shall be offered as specific courses." 17 V.I.C. § 41(c)(1). A simple common sense reading of the

[10] DOE also argues that by use of the permissive word "offered," with respect to teaching VICH in grades 9-12, the Legislature made it clear that teaching "is not required at each and every grade level." DOE's Second Suppl. Br. 2. This argument ignores the Legislature's use of the mandatory word "shall" in the very same passage. The statute provides that from grades 9 through 12, VICH "shall be offered as specific courses." 17 V.I.C. 41(c)(1). It does not say VICH "may" be offered. The word "offered" refers to the manner, not the frequency, of instruction.

statute quickly reveals the legislative intent that the courses be taught at each grade level. First, the use of the plural form of "grade" (i.e., grades) signifies more than one grade. Secondly, requiring that the courses be part of the curriculum from grades kindergarten to eighth and that specific courses be offered from grades ninth through twelfth is unambiguous. It clearly means that courses shall be taught in all grades. If, as DOE contends, the intent was to "clarify what group cluster that portion of the law applies to," the Legislature could simply have used the terms "elementary and secondary schools." See BOE's Supp. Briefing in Resp. to Ct. Order 11 (Aug. 18, 2023). Those are the terms they used in the original statute (Act 4844) which required that VICH "be part of the curriculum in elementary and secondary schools." 14 V.I.C. § 41(c) (1983). The "elementary and secondary schools" language does not require teaching in each grade. However, the Legislature chose different language in the current statute, thus, evincing a different intent, i.e., to require teaching of VICH in each grade.

4) DOE has Failed to Properly Administer the Law Regarding the Teaching of Virgin Islands and Basic Caribbean History.

¶ 32 Based upon this Court's factual findings, DOE teaches VICH in Kindergarten to Eighth grade through integration in the Social Studies Curriculum. At year's end, the student receives a grade in Social Studies, not Virgin Islands or Basic

Caribbean History. In the Ninth Grade, VICH is taught as a separate semester course and is required for high school graduation. Further, the evidence shows that the instruction (except the Ninth Grade Course) is not reaching "all students" as required by statute. For example, the instructional resources, i.e., workbooks, developed by Dr. Larsen for Grades K-2 are not available in the St. Thomas District. The unavailability of those resources strongly suggests the absence of teaching VICH in Grades K-2 in that district.

¶ 33 Defendants ask the Court to infer that VICH is being taught in Virgin Islands schools from the existence of the 1986 SSCG. The SCCG, however, does not allow for a reasonable inference that Virgin Islands History is being taught in all Virgin Islands schools or to all students because: 1) compliance therewith is not mandatory; 2) it is not utilized by all schools as some education officials were unaware of its existence; and 3) it does not provide for teaching VICH in each grade. Under these circumstances the Court is unwilling to make the inference that Defendants request. As explained above, the teaching that is occurring is not performed in the manner prescribed by statute, i.e., as a course. It also appears to be deficient as there is no structure or mechanism in place to assess student comprehension of the subject matter. See Pls.' Ex. 8 (April 7, 2021 Letter from the Board to DOE stating "there is no clear guide or systematic approach to teaching

VI History such that all students can partake in the benefits and values derived from learning about one's own history.")

¶ 34 Even if integration were permissible under the statute, the manner of teaching employed by DOE is woefully inadequate and would be in discord with legislative intent. Testimony on this point was as follows:

> Q. "You testified that V.I. History is integrated. What exactly did you mean by 'integrated?'
>
> A. If I may give an example? May I?
>
> Q. Well, maybe explain your definition of integrated and then you can give an example.
>
> A. Okay. Meaning it is crossed across various disciplines. It's not just taught in V.I. History. It's taught through mathematics, through art, through music. Um, a perfect example might be teaching fractions with a guava tart versus a pie chart – a pie or a pizza."

Trial Tr. Vol 4, 198:17-25 to 199:1 (Test. of Comm. R. Berry-Benjamin). Such use of a cultural dessert does not constitute teaching Virgin Islands History. The integration example displays a sense of arbitrary, haphazard and subjective manner of instruction. It suggests the absence of any appreciable level of importance attached to the teaching of VICH. This absence of priority is further

demonstrated by the numerous letters addressed to DOE by BOE.[11] See Pl.'s Exs. 6-10. The situation is somewhat disturbing as the Court presumes all parties agree historical memory is the key to self-identity, and hence the ancient proverb, "know thyself." The Court further presumes the parties' agreement that "a people without the knowledge of their past history, origin, and culture is like a tree without roots." Marcus Mosiah Garvey, Jr. Such knowledge helps one to understand their present circumstances, to positively guide future conduct and avoid pitfalls as they thread through the forest of life. Under these circumstances the delay in properly implementing Section 41(c) is perplexing.

¶ 35 In addition to the manner of teaching, the facts reveal that instruction in VICH is not occurring at each grade level. This is inconsistent with the statutory requirements of Section 41(c)(1) as explained above. Accordingly, DOE is not properly administering the law with respect to the teaching of VICH.

5) Promulgation of Rules and Regulations to Carry Out Act 8763 is Not Required Until June 14, 2025, and Issuance of an Injunction is Premature.

¶ 36 In 2010, the Legislature enacted Section 41(d) which provided as follows:

> The Commissioner of Education, in conjunction with the Virgin Islands Board of Education, shall promulgate rules and regulations to carry

[11] The letters further reveal an obvious discord between DOE and the Board regarding the development of an appropriate guide for teaching VICH. This is unfortunate and it is disheartening that a people would have to resort to the courts to compel its government to teach its own history to students.

> out this section no later than 24 months after the date of enactment of this paragraph.

17 V.I. § 41(d). It clearly evinces the Legislature's intent that DOE and the Board be given twenty-four (24) months to draft, and put into effect, rules and regulations to implement Section 41 of Title 17, Virgin Islands Code. Plaintiffs' complaint addresses only Section 41(c)(1). As concluded above, no regulations pertaining to the teaching of required courses or subjects listed in 17 V.I.C. § 41(c)(1) have been promulgated as required by Section 41(d). Nevertheless, the Legislature amended Section 41(c)(1) on June 14, 2023. As BOE argues, this requires a reset of the deadline for promulgation of the required rules and regulations. Read in *pari materia*, Section 41(d) requires a reset of the deadline to implement Section 41(c)(1). Willis v. People of the V.I., 71 V.I. 789, 826 (V.I. 2019) (stating that interrelated statutes must be read in reference to each other. Citations omitted. "Interpretations that are unjust or lead to absurd results must be avoided because they are inconsistent with legislative intent."). This result comports with fairness. Act 4844 required that VICH be taught in elementary and high schools, not necessarily in each grade. The new law, Act 8730, requires instruction in every grade from K through 12. To require immediate compliance therewith would be impossible and unreasonable. Equity demands that Defendants be permitted a

reasonable time to comport their teaching to the new law. That deadline is June 14, 2025. For this reason, issuance of an injunction compelling compliance with Act 8730 is premature.

¶ 37 The Court recognizes that generations of time have elapsed since the passage of Act 4844 and commencement of the current litigation. It is nonetheless anticipated that this decision will serve to encourage all stakeholders to engage harmonious efforts to expedite compliance with the statutory requirement to teach VICH to the territory's students. Their best interest should ride at the forefront of this cooperative endeavor.

CONCLUSION

¶ 38 For the reasons mentioned above, this Court concludes that Section 41(c)(1), Title 17, Virgin Islands Code requires that all Virgin Islands students be instructed in Virgin Islands and Basic Caribbean History in the form of courses at each grade level from Kindergarten through 12. Defendants are not administering the statute as required. The Court further concludes that compliance with the current statute, including the promulgation of regulations, is not required until June 14, 2025. A declaratory judgment consistent herewith will be issued contemporaneously.



ALPHONSO G. ANDREWS, JR
Superior Court Judge

IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED
June 21, 2024 01:15 PM
SX-2013-CV-00348
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
District of St. Croix

Mario Moorhead and Gregory Mille, Jr., Case Number: **SX-2013-CV-00348**
Petitioner Action: **Writ of Mandamus**

v.

Albert Bryan et al,
Respondent.

NOTICE of ENTRY
of
Declaratory Judgment and Memorandum Opinion

To: Jennifer Jones, Esq.
Martial Webster, Esq.
Ariel Smith, Esq.
Christopher Timmons, Sr. Esq.

Please take notice that on June 21, 2024
a(n) Declaratory Judgment and Memorandum Opinion
dated June 20, 2024 was/were entered
by the Clerk in the above-titled matter.

Dated: **June 21, 2024**

Tamara Charles
Clerk of the Court

By: D. Felix

Dayanara Felix
Court Clerk Supervisor