

MAY 19, 2005

To amend title 17 Virgin Islands Code, to add chapter 45 establishing the National Guard Youth Challenge Program and to authorize the Program to award participants Adult High School Diplomas and for other purposes

Senator Roosevelt St. C. David
Co-Sponsors: Craig Barshinger, Pedro Encarnacion
and Louis Patrick Hill

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Title 17, Virgin Islands Code, is amended by adding chapter 45 to read as follows:

“Chapter 45 National Guard Youth Challenge Program

§1001. This subchapter may be cited as “The National Guard Youth Challenge Program Act of 2005”.

§1002. The Virgin Islands National Guard shall implement and administer the Youth Challenge Program and shall promulgate rules and regulations concerning the administration of the program. The National Guard shall prepare written guidelines concerning the nomination and selection process of participants in the program, and such guidelines shall include a list of the factors considered in the selection process.

§1003. Participation in the Youth Challenge Program is on a voluntary basis. No person may be sentenced by any court to participate in the program; however, a youth court judge may recommend the program to a child when, under the court's determination, such program would be sufficient to meet the needs of the child.

§1004. The Virgin Islands National Guard under the auspices of the Challenging Academy, may award an adult high school diploma to each participant who meets the requirements for a general educational development (GED) equivalent under the policies and guidelines of the GED Testing Services of the American Council on Education and any other minimum academic requirements prescribed by the National Guard and Challenge Academy for graduation from the Youth Challenge Program. Participants in the program who do not meet the minimum academic requirements may be awarded a special certificate of attendance. The National Guard and the Challenge Academy, in consultation with the Virgin Islands Board of Education, shall establish rules and regulations for awarding the adult high school diploma and shall prescribe the form for such diploma and the certificate of attendance.

§1005. The Virgin Islands National Guard may accept any available funds that may be used to defray the expenses of the program, including, but not limited to, federal funding, public or private funds and any funds that may be appropriated by the Legislature for that purpose.

§1006. The Virgin Islands National Guard shall make an annual report to the Governor and the Legislature on the Youth Challenge Program to include, but not limited to, the number of applicants to the program by county, race and sex, the number of applicants accepted, the number of applicants rejected, the number of persons completing the program, the number of GEDs awarded, the number of certificates awarded and data regarding sources of funding, employees and expenditures.

SECTION 2. Severability. Each section and each provision of this Act stand alone, and if any provision in this Act has been held, or in the future is held, to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, all of the other provisions set forth in this Act are intended to, and shall remain, fully effective and shall be interpreted to exclude the unconstitutional, preempted, or otherwise invalid provision. If any section, subsection, paragraph, sentence, clause, word, or portion of this Act is for any reason held to be unconstitutional, preempted by federal law, or otherwise invalid, that holding shall not affect the remaining portions of this Act. The Legislature expressly declares that it would have enacted this Act and each section, subsection, paragraph, sentence, clause, word, or portion thereof despite the fact that one or more sections, subsections, paragraphs, sentences, clauses, words, or portions of this Act may be held unconstitutional, preempted by federal law, or otherwise invalid.

SECTION 3. This Act takes effect 180 days after enactment.

Bill Summary

Section 1 establishes the National Guard Youth Challenged Program, an interdiction program designed for children determined by the Guard to be “at risk”. This

proposal authorizes the National Guard to implement the Program, promulgate rules and regulations and guidelines for participant selection. The Guard is authorized, under the auspices of the Challenge Academy, to issue an adult high school diploma to each participant that meets the requirements for a GED.

The bill authorizes the Guard to accept any available funds, including funds from the federal government, private funds and appropriations from the Legislature. The bill imposes a duty on the Guard to make an annual report on the Youth Challenge Program to the Legislature.

Section 2 sets forth a severability clause and section 3 sets the effective date of the Act at 180 days after the bill's enactment.

BR05-0607/April 22, 2005/AA