

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

ARTHUR C. JOHNSON, Ph.D.,
as Superintendent of Schools,

Petitioner,

vs.

Case No. 06/07-X-103


Respondent.

FINAL ORDER

THIS MATTER came to be heard by the School Board of Palm Beach County, Florida, ("School Board") for the purpose of entering a Final Order in the above-styled cause. In consideration of the Recommendation of the Superintendent and the attached exhibits, the School Board makes the following Findings of Fact and Conclusions of Law.


FINDINGS OF FACT

1. Respondent's parents were notified by the Principal of Spanish River Community High School that the Respondent was being recommended for expulsion on February 28, 2007. The Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit A).
2. Respondent's parents were notified by the Superintendent of the School District of Palm Beach County, Florida ("School District") on March 14, 2007, via certified and regular mail, that the Respondent would be recommended to the School Board to be expelled from the School District. The Notice of Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit B).
3. Said notice advised Respondent's parents of their right to an administrative hearing to contest the charges contained therein provided they requested a hearing within ten (10) days of receipt of same.
4. No hearing request has been received in the Office of the Chief Academic Officer.

CONCLUSIONS OF LAW

1. The School Board has jurisdiction over the subject matter and the parties hereto.
2. The School Board finds that the Respondent is guilty of the acts alleged by the Superintendent in the letter dated March 14, 2007, to wit:

Possession of knife while on the campus of Spanish River Community High School on February 27, 2007.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed.  is hereby expelled from the School District for one

calendar year from March 14, 2007. Respondent may choose to continue educational services during his expulsion period at the Excel site. However, if Respondent is dismissed from that program by Excel, no further educational services will be offered by the District until the expulsion period is ended.

This Order may be appealed within thirty (30) days by filing a notice of appeal with the District Court of Appeal. Except in cases of indigence, the Court will require a filing fee and payment for preparing the record on appeal. For further explanation of the right to appeal, refer to § 120.68, Fla. Stat., and the Florida Rules of Appellate Procedure.

Dated this 2nd day of May, 2007.

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

BY: _____
William Graham, Chairman

Attest: _____
Arthur C. Johnson, Ph.D., Secretary

(SEAL)

Filed with the Clerk of the School Board this 2nd day of May, 2007.

Alicia Gent, Clerk

Spanish River Community High

5100 Jog Road Boca Raton, Florida 33496

Phone: (561) 241-2200

Facsimile: (561) 241-2236

Principal Constance Tuman Rugg Ed.D.

Certified Mail Number: 7004 0750 0001 7287 9650

[REDACTED]

Regarding: Recommendation for Expulsion Study

February 28, 2007


Dear Mr. and Mrs. [REDACTED]

[REDACTED] earned a 10-day suspension beginning February 28, 2007. A copy of the letter documenting that suspension is attached pursuant to Florida Statute Section 230.23(6), which authorizes the School Board to decide cases recommended for expulsion. I have this date recommended to the Expulsion Screening Committee that the School Board expel [REDACTED] from the public schools of Palm Beach County. My recommendation is based on the substantial evidence available to me supporting the following misconduct, as documented in Police Case Report 07-0686.

On Tuesday February 27, 2007 at 12:45 P.M. at Spanish River High School [REDACTED] was found in possession of a knife. A student saw the knife in [REDACTED] hand inside the student store. The student told a teacher who was in the store. The teacher walked over to Mr. Sollod, Assistant Principal who was in front of the gym to inform him. Mr. Sollod and the teacher walked back to the student store where the witness said he saw [REDACTED] throw the knife in the trash. The knife was retrieved from the trash. The witness pointed [REDACTED] out to Mr. Sollod. Mr. Sollod escorted [REDACTED] to the office with Officer McCoy. The knife is a 3" serrated blade. The concern was [REDACTED] just returned to school after being suspended 10 days for a fight with another male student. Upon statements taken from [REDACTED] two friends they indicated they were with [REDACTED] and one friend noticed the knife in [REDACTED] back pocket and exclaimed, "What are you doing with this." Both friends claimed [REDACTED] was surprised he had it and stated, "I forgot to take it out of my jeans after fishing Saturday night." However his mother made a comment during the meeting that she took those jeans out of his backpack and washed them Sunday.

Pursuant to Florida Statute Section 230.33 (8), the Superintendent may extend the 10-day suspension until the date of the School Board Meeting at which time the School Board will act on the expulsion. When [REDACTED] resumes classes on March 14, 2007 after his current suspension, he will be assigned to the Department of Alternative Education.

Sincerely,


Constance Tuman Rugg Ed.D.
Principal

EXHIBIT



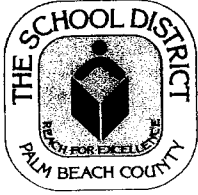
☆ ☆ ☆ ☆ ☆
A Florida Department of Education
"Five Star School of Excellence"

Accredited by the Southern Association
Of Colleges and Schools

Florida Department of
Education Grade:



Palm Beach County Schools #3 in the NATION!



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

ANN KILLETS
CHIEF ACADEMIC OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT OF SCHOOLS

CHIEF ACADEMIC OFFICE
3300 FOREST HILL BLVD., C-316
WEST PALM BEACH, FL 33406-5813

Ph: 561-649-6888 Fx: 561-649-6837

www.PalmBeachSchool.org

March 14, 2007

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 9366 0234

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear Mr. Schluter:

Based upon the recommendation of Constance Tuman-Rugg, Principal of Spanish River Community High School, and in accordance with Florida Statute § 1006.07, and Palm Beach County School Board Policy 5.1813, I will request that the School Board of Palm Beach County, Florida, expel your son, [REDACTED], from the Palm Beach County School District. This decision is based upon the following action:

Possession of knife while on the campus of Spanish River Community High School on February 27, 2007.

Pursuant to Florida Statute § 120.569, you have the right to an administrative hearing. Your request must be received by the Office of the Chief Academic Officer within ten (10) days of the date of this letter. If you request a hearing, a hearing officer will be appointed pursuant to Florida Statute § 120.81(1)(e). If you do not request a hearing, this recommendation will become final.

Your son may receive educational services at the ACS Transition Program during this expulsion due process. If you have any questions regarding the expulsion due process or the educational services available at the ACS Intensive Site, please contact the Office of the Chief Academic Officer at 561-649-6888.

Sincerely,

Arthur C. Johnson, Ph.D.
Superintendent

ACJ:AK:GAW:ITM:dib

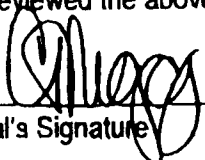
cc: Principal, Spanish River Community High School
South Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student ID	[REDACTED]
School	Spanish River High School
Principal	Dr. Constance Tuman-Rugg
Area Supt.	Carole Sheller
Grade	[REDACTED]
Sex	[REDACTED]
Date of birth & age	[REDACTED]
Language	English
ESE/504	ESE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 504: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Date of Incident	2/27/2007
Violation & Code	#86 Possession of Knife
If weapons infraction, did student allege weapon was brought for protection?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Please check one box only)
If so, has School Board Policy 5.001 been followed?	Yes <input type="checkbox"/> No <input type="checkbox"/> (Please check one box only)
Police report charge & number	07-0686 Possession of a weapon on school property
Persons involved & witnesses to testify	Ira Sollod
Student's Explanation of Incident (Use additional page if necessary)	Student said he was not aware the knife was in his pocket. He said he was fishing Saturday night with the same pants.
Additional Information (Use additional page if necessary)	

I have reviewed the above information and recommend this student for expulsion



 Principal's Signature

02/28/07

 Date

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

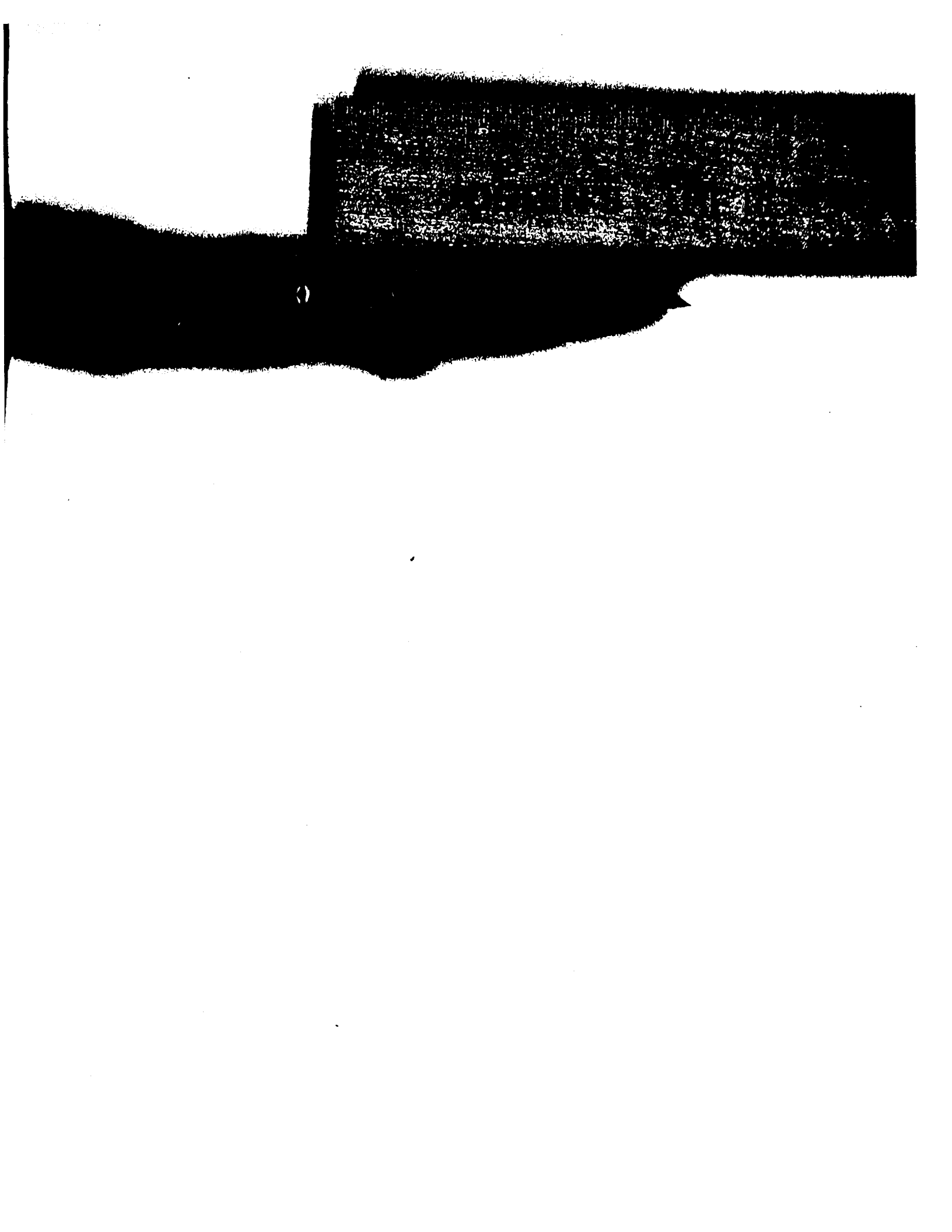
Student Discipline Referral

DIRECTIONS: Write in the appropriate code number or letter in the corresponding boxes.

STUDENT NAME [Redacted]	STUDENT NUMBER [Redacted]	GRADE [Redacted]	ESE / 504 <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE 2/27/07	TIME 2:45	
LOCATION BK - Bookstore BS - Bus Stop BU - School Bus/Transportation CA - Cafeteria CL - Clinic CS - Regular Classroom GR - School Grounds GY - Gymnasium HA - Hallway IS - Alternative to Suspension Room LA - Laboratory LI - Library/Media Center OF - Office OG - Off School Grounds OT - Other PG - Playground/Track PK - Parking Lot RE - Restroom RT - Returning Home TO - Field Trip/Activity Off Campus TR - To School	REPORTED BY S. L. [Redacted]	SCHOOL Spanish River HS	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Parent Conference	<input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Other	<input type="checkbox"/> Referral to SBT <input type="checkbox"/> 1st Offense <input type="checkbox"/> 2nd Offense <input type="checkbox"/> Severe Offense	BUS CODE
STAFF ID NUMBER 950	REPORTED BY (CODE) (Use number below for those persons without a staff ID.) 975 - Paraprofessional 976 - Bus Driver 977 - Clerical 978 - Crossing Guard 979 - Custodian 980 - Food Service Staff 981 - Law Enforcement Officer 982 - Parent/Guardian 983 - Student 984 - Substitute Teacher 985 - School Volunteer 989 - Other	DESCRIPTION OF EVENT (Be Specific) Possession of knife on campus				

ADMINISTRATIVE USE ONLY BELOW THIS LINE

DISTRICT NUMBER 50	WHEN EVENT OCCURRED (circle one) 1 - DURING SCHOOL HOURS 2 - Outside school hours, school sponsored activity 3 - Outside school hours, non-school sponsored activity 4 - Unrelated event or unknown	WHERE EVENT OCCURRED (circle one) 1 - SCHOOL GROUNDS / ON CAMPUS 2 - School sponsored activity / off campus 3 - School sponsored transportation (includes bus stops)	INVOLVEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown	RELATED ISSUES (circle all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related
HOME SCHOOL 1681	ADMINISTRATOR'S NAME [Signature]	ADMINISTRATION ID 950	EVENT NUMBER 10971808	DATE 2/27/07
WHAT KIND OF WEAPON USED (if appropriate) K - Knife H - Handgun F - Firearm/Explosive device R - Rifle/Shotgun O - Other Weapon U - Unknown	INCIDENT CODES (see code sheets) 86	COMMENTS 10 days - pending DSS 2/28 - pending Expulsion ALT. ED.		
DURATION How many days 10	BEGIN DATE 2/27/07	RETURN DATE Pending	TRESPASSING NOTICE: the student am aware that... may not be on school grounds and may not attend any school functions or school activities on or off school grounds of any Palm Beach County School District facility during the dates of my suspension	
CASE NUMBER/AGENCY	CRT/PCN TEAM INTERVENTION <input type="checkbox"/> Yes <input type="checkbox"/> No	SIGNATURE OF STUDENT _____ DATE _____ SIGNATURE OF PARENT _____ DATE _____		



Agency ORI Number FLO 5 0 4 2 0 0	THE SCHOOL DISTRICT OF PALM BEACH COUNTY SCHOOL POLICE	<input checked="" type="checkbox"/> Juvenile <input type="checkbox"/> A	<input checked="" type="checkbox"/> 1 - Original <input type="checkbox"/> 2 - Suppl.	<input checked="" type="checkbox"/> 1 - Offense <input type="checkbox"/> 2 - Arrest	Case Number 07-0686
Original Date Reported 02 27 07	Offense Possession Weapon on school grounds				

On 2-27-07 at 1245 this officer was contacted via radio by Assistant Principal Doug Markwardt who advised he needed this officers assistance in front of the cafeteria. I met with him and Assistant Principal Ira Sollod. Mr. Sollod stated he needed to have student [redacted] brought to the office [redacted] sat on my golf cart and while Mr. Markwardt and Mr. Sollod conversed I asked [redacted] what had happened [redacted] advised he had a knife in school and Mr. Sollod was now in possession of the knife. I brought [redacted] to my office and Mr. Sollod spoke with [redacted] about the incident [redacted] advised he did not know the knife was in his pocket and he must have forgotten to remove it from his pants after fishing Saturday evening. Mr. Sollod advised this officer he was alerted by teacher, Mr. Dennis Sweetapple, that [redacted] was seen with a knife during lunch and was observed throwing the knife in a trash can after he believed he was seen with it. Mr. Sollod stated a witness pointed out the trash can where the knife was recovered by Mr. Sollod [redacted] was also identified as the person throwing the knife in this trash can by the same witness. I did advise [redacted] of his rights per Miranda, explaining each right and having him advise me his understanding of each right. It was clear to this officer that [redacted] understood his rights and that this was a criminal investigation [redacted] stated he was fishing Saturday evening 2-24-07 into Sunday 2-25-07 with his friends and fellow students [redacted] and [redacted] stated he was wearing the same jeans he had on today and did not know the knife was still in his pocket [redacted] advised as he and [redacted] entered the school store during lunch, [redacted] pulled the knife out of [redacted] rear pocket and immediately stated "what the fuck you have a knife in your back pocket". Mr. Sweetapple heard this commotion and thought there was a problem with the boy's and told them to go outside. When [redacted] and his friends left Mr. Sweetapple was advised by student [redacted] that one of the boy's that left had a knife and Mr. Sweetapple reported this to Mr. Sollod. I did interview both [redacted] after speaking with [redacted] and they advised basically the same scenario, to include fishing with [redacted] on Sat. evening. Both [redacted] stated [redacted] appeared surprised he had the knife when [redacted] recovered it and pulled it out [redacted] pocket [redacted] stated [redacted] stated "Ohh shit I must have washed my knife with my jeans!" [redacted] stated [redacted] face went blank when the knife was discovered and [redacted] stated "Oh shoot!". I did learn from Mr. Sollod that [redacted] had just returned to school after a 10 day suspension for fighting with another student [redacted] was the aggressor in this incident and the other student did not receive a suspension. Mr. Sollod expressed a concern that [redacted] had brought a knife to school due to this incident [redacted] denied having any intent to harm the other student and did not state to anyone that he would use this weapon to harm anyone. Both [redacted] in state [redacted] never said anything about harming the student he fought which resulted in his suspension. I did interview student [redacted] who [redacted] assaulted two weeks ago [redacted] stated when he went to gym on Monday 2-26-07 he saw [redacted] back in class. This was [redacted] first day back to school after the suspension [redacted] cursed him and [redacted] mother for reporting the previous fight which resulted in his suspension. On Tuesday 2-27-07 [redacted] stated [redacted] purposely elbowed him and pushed him into a girl and stated "When I'm out of this school I'm gonna kick your ass" [redacted] state [redacted] were present but I interviewed both [redacted] and they deny being present or denied observing this alleged incident. I did warn both [redacted] to avoid [redacted] and end this dispute [redacted] was released to his parents after a conference with them, Assistant Principal Sollod and this officer. It should be noted that during the conversation [redacted] stated she washed the jeans after taking them from [redacted] backpack. She confirmed her son was fishing this past Saturday.

Officer Reporting KJ Mccoy	I.D. Number 853	Date 2-28-07	Lieutenant Reviewing <i>[Signature]</i>	I.D. Number 889	Date 2-28-07	
Captain Reviewing <i>[Signature]</i>	I.D. Number 123	Date 3/5/07	Forward to			
Case Status Cleared	Clearance Type 1-Arrest 2-Exceptional	3-Unfounded 1	A-Adult J-Juvenile J	Date Cleared 2-28-07	Recommended Youth Court <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number Arrested 1
Exception Type 1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution	3-Death of Offender 4-V/W Refused to Cooperate	5-Prosecution Declined 6-Juvenile/No Custody	OBTS/Arrest Number	Page 3	of 4	

Agency ORI Number FLO 5 0 4 2 0 0	THE SCHOOL DISTRICT OF PALM BEACH COUNTY SCHOOL POLICE	<input checked="" type="checkbox"/> Juvenile	<input checked="" type="checkbox"/> 1 - Original	<input checked="" type="checkbox"/> 1 - Offense	Case Number 07-0686
Original Date Reported 03 01 07	Offense Possession Weapon on school grounds	<input type="checkbox"/> 2 - Suppl.	<input type="checkbox"/> 2 - Arrest		

On 3-01-07 this officer was present in a meeting with [redacted] parents and Mr. Sollod. [redacted] were concerned with their son's safety as they had heard about [redacted] having a knife on campus after being involved in the previous altercation with their son which resulted in [redacted] suspension. Mr. Sollod explained the school's position in the issue and I advised them a investigation was ongoing and I would contact them when the investigation was concluded. They did request [redacted] parents be contacted to ascertain if they would be receptive to meeting at school to try to end this dispute and try to alleviate the fear of any further reprisal. Mr. Sollod stated he will ascertain if this could be accomplished.

The knife that [redacted] had in his possession has a serrated blade three inches in length. The knife had a black handle and is a folding type knife. The knife is not a common pocket knife. Based on the fact that [redacted] was in possession of the knife on school grounds he violated FSS 790.115(2)(a). I did contact Youth court and spoke with [redacted] who was eligible for the first offender program and I will forward the paperwork to them.

I did contact [redacted] on 3-01-07 at 1250 pm and explained to her that I would forward the paperwork to Youth Court and she would be contacted by those individuals to address this issue. I did explain to [redacted] that [redacted] would like to meet with them at school to help resolve the issue and [redacted] will call after speaking with her husband. The knife was packaged as evidence and sealed by this officer and turned over to Sgt. James Jackson on 2-28-07 to be entered into evidence.

NARRATIVE CONTINUATION

RECEIVED
MAR 03 2007
BY LEGAL SERVICES

Officer Reporting KJ Mccoy <i>[Signature]</i>	I.D. Number 853	Date 3-1-07	Lieutenant Reviewing <i>[Signature]</i>	I.D. Number [redacted]	Date 2-28-07
Captain Reviewing <i>[Signature]</i>	I.D. Number 123	Date 3/5/07	Forward to	Date	
Case Status Cleared	Clearance Type 1-Arrest 3-Unfounded 2-Exceptional	A-Adult J-Juvenile J	Date Cleared 3-1-07	Recommended Youth Court <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number Arrested 1
Exception Type 1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution	3-Death of Offender 4-V/W Refused to Cooperate	5-Prosecution Declined 6-Juvenile/No Custody	OBTS/Arrest Number	Page 4	of 4

PANEL: _____

A03. DEMOGRAPHICS

YEAR: 07

Wednesday February 28, 2007 2:23 pm

STDT: 22881916

LAST	APP FIRST	MIDDLE	AKA	FORMER
[REDACTED]	[REDACTED]			

RES NBR	DR STREET	TYPE PD	APT/BLDG	CITY	ST ZIP+4
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MLG NBR	DR STREET	TYPE PD	APT/BLDG	CITY	ST ZIP+4

S R	DOB	BIRTH CITY	ST	VER	PHONE	PUB MIL	SUMMER	ORIG	SAC	SCHL2
[REDACTED]	[REDACTED]	CORAL SPRINGS	FL	1	[REDACTED]	N		081998	318	

ENT	DATE	SCHL	GR	OD	CL	AT	W/D	DATE	PR	PF	SSN	EXTRNL	NBR	PC	PS	PD
E01	081606	1681	09		01	N					[REDACTED]	[REDACTED]		US	FL	50

LNG	PLG	COB	SURVEY	STAT	CAT	LEP	RES	EN:DS	SCHL	C1:B-H-M-N	CH2	EHA	D/B	ST:C	M	EX
EN	EN	US	081798			ZZ	3			NNNN	NN	NN	NN		NN	Z

PF1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE

RECORD IS DISPLAYED...NEXT?

TERML: Z324