

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

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

Petitioner,

vs.

Case No. 04/05-X-011

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 parent was notified by the Principal of Roosevelt Full Service Center that the Respondent was being recommended for expulsion on September 20, 2004. The Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit A).
2. Respondent's parent was notified by the Superintendent of the School District of Palm Beach County, Florida ("School District") on November 18, 2004, 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 parent 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 November 18, 2004, to wit:

Committed grand theft auto while on the campus of Roosevelt Full Service Center on September 20, 2004.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed. [REDACTED] hereby expelled from the School District for one calendar year September 27, 2004. Your son may choose to continue educational services during his expulsion

period at the ACS site. However, if your son is dismissed from that program by ACS, 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 8th day of December, 2004.

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

BY: _____
Thomas Lynch, Chairman

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

(SEAL)

Filed with the Clerk of the School Board this 8th day of December, 2004.

Alicia Palmer, Clerk



THE SCHOOL DISTRICT
OF PALM BEACH COUNTY, FLORIDA
ALTERNATIVE EDUCATION
1800 Osceola Drive
West Palm Beach, Florida 33409
(561) 242-4130 FAX (561) 242-4135

JACK L. THOMPSON
DIRECTOR

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

Regular and Certified Mail

Return Receipt Requested

Date 09/20/2004

Student Number [REDACTED]

Parent/Guardian of:

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 09/01/2004 your son/daughter/ward was rendered a ten (10) day suspension as documented by my letter to you, a copy of which is attached

Pursuant to Florida Statute § 230.23(6)(c), 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 your son/daughter/ward from the public schools of Palm Beach County. My recommendation is based on substantial evidence available to me supporting the following serious misconduct.

Motor Vehicle Theft

Pursuant to Florida Statute § 230.33(8), the Superintendent may extend the ten (10) day suspension until the date the School Board Meeting at which time the School Board will act on the Expulsion.

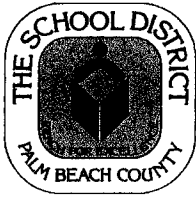
As of 09/27/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Janice M. Russell
1800 Osceola Dr.
West Palm Beach, FL 33409
(561)242-4130

cc: Area Superintendent
Chief Academic Officer
Director of Alternative Education
School Police

PBSD 0215 (REV 11/6/2001)



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

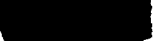
November 18, 2004


CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED



NOTICE OF RECOMMENDATION FOR EXPULSION



Dear 

Based upon the recommendation of Janice M. Russell, Principal of Roosevelt Full Service Center, 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,  from the Palm Beach County School District. This decision is based upon the following action:

Committed grand theft auto while on the campus of Roosevelt Full Service Center on September 20, 2004.

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:JRA:LEP:ci

cc: Principal, Roosevelt Full Service Center
Chief Academic Officer
Director of Alternative Education



THE SCHOOL DISTRICT OF PALM BEACH COUNTY Student Expulsion Recommendation

STUDENT NAME (last, first, middle initial) [REDACTED]	STUDENT ID [REDACTED]	GRADE 09	SEX M	DATE OF BIRTH 10/13/88	DATE OF INCIDENT 9/20/04
SCHOOL Roosevelt Full Service Center	PRINCIPAL / Designee <i>Janice M. Russell</i>		AREA SUPERINTENDENT		
VIOLATION AND CODE Motor Vehicle Theft (65); Stealing more than \$50 (60)		POLICE REPORT CHARGE (if known) Grand Theft Auto; Possession of Marijuana			

Student language is English

Student is enrolled in. Exceptional Student Education (ESE) 504

Persons involved and witnesses to testify:

Lynnette Henry; Gary Hawkins; Dave Robson; Shamus Gordon

Additional information:

You **MUST** summarize the facts/circumstances surrounding the recommendation. or the recommendation may not be properly processed. Use additional page(s) if necessary.

Student was entering campus and was in possession of a cell phone, which is against the policy of ACS. When he was requested to give the cell phone to Mr. Gordon. He refused, became angry, and walked off campus. While he was still in sight of Mr. Gordon, he called his mother on his cell phone. Mr. Gordon did not have the opportunity to call his mother. [REDACTED] came back on campus and then left.

Later that morning, [REDACTED] was seen outside of Mrs. Lynnette Henry's office door and appeared to have something under his shirt. Mr. Hawkins followed him, but [REDACTED] proved too fast was off campus and out of site. Around noon time, Mrs. Henry went to get her keys and found that her purse and all of its contents were missing. She soon discovered that her vehicle was gone also.

West Palm Beach Police were called and later [REDACTED] was found driving the van and was arrested for grand theft auto and possession of marijuana. The vehicle was recovered, but the purse and its contents were not.

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

Janice M. Russell
SIGNATURE OF PRINCIPAL

9/20/04
DATE

10/13/98
24

Student Discipline Referral

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

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

STUDENT NUMBER [REDACTED]	GRADE 9	ESE: 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 8/31/04	TIME 9:30 a.m.	BUS CODE
SCHOOL H.S. Roosevelt Center	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Other <input type="checkbox"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation <input checked="" type="checkbox"/> Telephone call to parent <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher detention				
REPORTED BY (CODE) (Use number below for those persons without a staff ID.) 999	NATURE OF PROBLEM (Be Specific) After associate was referred to [REDACTED] returned to [REDACTED] and having conversations, the process of calling [REDACTED] stand over [REDACTED] was in the process of calling [REDACTED] for them when he decided to leave campus. [REDACTED] was later arrested in a stolen car [REDACTED] in [REDACTED] Beach; the car belongs to a member of staff. Her bag, [REDACTED] keys and [REDACTED] book were also stolen by [REDACTED].				
RECORDED BY (CODE) (Use number below for those persons without a staff ID.) 999 975 - 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 999 - Other	WHERE EVENT OCCURRED (circle one) <input checked="" type="radio"/> SCHOOL GROUNDS / ON CAMPUS 2. School sponsored activity / off campus 3. School sponsored transportation (includes bus stops)				
DISTRICT NUMBER DISTRICT 50 If not District 50, provide District number SCHOOL NO 21411 HOME SCHOOL If not Home School, provide School Number.	WHEN EVENT OCCURRED (circle one) <input checked="" type="radio"/> DURING SCHOOL HOURS 2. Outside school hours, school sponsored activity 3. Outside school hours, non-school sponsored activity 4. Unrelated event or unknown		INVOLVEMENT TYPE (circle one) <input checked="" type="radio"/> STUDENT N - Non-student B - Both student and non-student U - Unknown		
WHAT KIND OF WEAPON USED (See code sheets) <input type="checkbox"/> [REDACTED] K - Knife H - Handgun F - Firearm/Explosive device R - Rifle/Shotgun O - Other Weapon U - Unknown	INCIDENT CODES (See code sheets) 21165 4003		RELATED ISSUES (circle all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related		
DURATION How many days 10 Begin Date 9/15/04 Return Date 4/21/04	ADMINISTRATOR'S NAME [REDACTED] COMMENTS Associate is [REDACTED] wanted for [REDACTED]		ADMINISTRATION ID 805 EVENT NUMBER [REDACTED]		
CASE NUMBER AGENCY	CCT TEAM INTERVENTION <input type="checkbox"/> YES <input type="checkbox"/> NO		SIGNATURE OF PARENT TRESPASSING NOTICE: I the student, am aware that I 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. SIGNATURE OF STUDENT DATE		

PBS0 0279 (REV. 7/2/2001) ORIGINAL - Administration COPY - Parent COPY - Originator COPY - Guidance Counselor / ESE Contact

PANEL: [REDACTED] YEAR: 05

A03. DEMOGRAPHICS
Wednesday November 3, 2004 1:58 pm

STDT: [REDACTED]

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

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

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

SEX RACE [REDACTED] BIRTH CITY [REDACTED] ST VER PHON [REDACTED] SUB SUMMER [REDACTED] ORIG SAC [REDACTED] SCHL2 [REDACTED]

M B [REDACTED] WEST PALM BEACH FL 1 [REDACTED] Y [REDACTED] 082393 011 [REDACTED]

ENT DATE [REDACTED] SCHL GR OD CL AT W/D DATE PR PF [REDACTED] SSN [REDACTED] EXTENT NBR [REDACTED] PC PS PD [REDACTED]

R02 101304 3048 09 X 01 Y [REDACTED] [REDACTED] S FL 50 [REDACTED]

LNG PGL COB SURVEY STAT CAT LEP RES EN:DS SCHL C1:B-H-M-N CH2 EHA D/B ST:C M EX [REDACTED]

EN EN US 072793 [REDACTED] ZZ 3 [REDACTED] Y N N N Y N N N N N Z [REDACTED]

PF1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE
RECORD IS DISPLAYED...NEXT? TERM: Z328