

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-013

[REDACTED]

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 Royal Palm Beach Community High School that the Respondent was being recommended for expulsion on October 8, 2004. 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 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 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 November 18, 2004, to wit:

Possession of drugs with the intent to sell and/or distribute while on the campus of Royal Palm Beach Community High School on October 7, 2004.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed. [REDACTED] is hereby expelled from the School District for one calendar year from October 21, 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

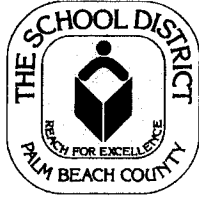
BY: _____
Thomas Lynch, Chairman

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

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

Mr. and Mrs. [REDACTED]

West Palm Beach, FL 33412

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear Mr. and Mrs. [REDACTED]

Based upon the recommendation of Sheila Henry, Principal of Royal Palm Beach 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 drugs with the intent to sell and/or distribute while on the campus of Royal Palm Beach Community High School on October 7, 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, Royal Palm Beach High School
West Area Superintendent
Chief Academic Officer
Director of Alternative Education



Royal Palm Beach Community High School

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED
70000520001626035894

October 8, 2004

Office of the Principal

Mr. & Mrs. [REDACTED]
[REDACTED]
West Palm Beach, FL 33412

RE: Recommendation for Expulsion, Student [REDACTED]

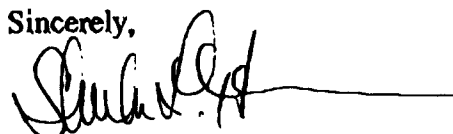
Dear Mr. & Mrs. [REDACTED]

On October 7, 2004, your son, 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 [REDACTED] from the public schools of Palm Beach County, Florida. My recommendation is based on substantial evidence available to me supporting the following serious misconduct:

Poss/use Drug Paraph. Disrupt of School Sal/intent drugs

Pursuant to Florida Statute §230.33(8), the Superintendent may extend the ten (10) day suspension until the date of the School Board meeting at which time the School Board will act on the expulsion. As of 10/21/04 [REDACTED] is assigned to the Department of Alternative Education.

Sincerely,


Shiela Henry, Principal

cc: Janis Andrews, Area 3 Superintendent
John Hayes, Chief Academic Officer
Mary Vreeland, Director of Alternative Education
School Police



SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	24331258
Violation and Code	80 disruption of school 75 Poss/use Drug 93sale/intent drug
School	Royal Palm Beach HS
Principal	Mrs. Shiela Henry
Area Superintendent	Janis Andrews
Grade	11
Sex	Male
Age	18
Language	English
ESE?	No
504?	Yes
Police Report Charge, if known	Poss Schedule IV w/ intent to sell Poss of a Schedule IV substance
Persons Involved And Witnesses to Testify	Officer Delia
Additional Information (use additional page, if necessary)	<i>Legally Sufficient</i> <i>10/21/04</i>

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

Principal's Signature

[Handwritten Signature]

Student Discipline Referral

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

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 11	ESE/504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 10/07/2004	TIME 1020
LOCATION CS	REPORTED BY P.O. DELIA	SCHOOL Royal Palm Beach High School	BUS CODE		
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	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Letter to parent <input type="checkbox"/> Parent Conference <input type="checkbox"/> Other	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher detention			
STAFF ID NUMBER 885	REPORTED BY (CODE) 981	NATURE OF PROBLEM (Be Specific) [REDACTED] WAS FOUND IN in portable classroom 12, to be in possession of 59 Tablets of XANAX (236 doses) a schedule IV controlled substance AND \$87.00 us currency in small denominations. [REDACTED] has been arrested AND will be charged with: 1- Possess Schedule IV with intent to sell (1,000 ft. of school) FSS 893.13 (1)(c) - 2 Degree Felony 2- Possession of Schedule IV substance FSS 843.13 (6)(a) - 3 Degree Felony			

DISTRICT NUMBER 50 DISTRICT 50 If not District 50, provide District number		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	
SCHOOL NO 2331 HOME SCHOOL If not Home School, provide School Number.		INCIDENT CODES (see code sheets) 877 93 74		ADMINISTRATION ID 129		EVENT NUMBER 81		DATE 10/7/04	
WHAT KIND OF WEAPON USED (if appropriate) <input type="checkbox"/> K - Knife <input type="checkbox"/> H - Handgun <input type="checkbox"/> F - Firearm/Explosive device <input type="checkbox"/> R - Rifle/Shoigun <input type="checkbox"/> O - Other Weapon <input type="checkbox"/> U - Unknown		ACTION CODE (see code sheets) [] [] [] [] [] [] [] []		ADMINISTRATOR'S NAME Turner COMMENTS 10 days D.S.		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	

PANEL: _____ A24. STUDENT DISCIPLINE SUMMARY YEAR: 05

Tuesday October 19, 2004 4:56 pm

STDT: _____ SCHL: 2331 GR: 11 ST: A
SPEC: _____ YTD-ISS: 000 OSS: 010
SY EVENT DATE TIME SCHL LOC CODE X C TAKEN DUR
05 _____

05 10749478 10072004 0000 2331 GR E 031 HENRY, SHEILA *
I 93 SALE/INTENT DRU *
I 80 DISRPUT OF SCHL *
I 75 POSS/USE DRUGS *
A 90 O/S MAND 10 DAY * 10072004 010
A FA FUTURE ACTION * * 10072004

PF1=HELP 3=EXIT 5=REFRESH 7=BKWD 8=FWD 9=NXT PAGE 12=ESCAPE
NO ADDITIONAL PAGES...NEXT?

TERML: Z324

PANEL: [REDACTED] YEAR: 05

A03. DEMOGRAPHICS

Wednesday October 13, 2004 9:39 am

STDT: [REDACTED]

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

RES NBR [REDACTED] DR STREET [REDACTED] TYPE PD APT/BLDG [REDACTED] CITY WEST PALM BEACH ST ZIP+4 FL 33412

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

SEX RACE M M DOB [REDACTED] BIRTH CITY [REDACTED] ST VER PHONE FL 1 [REDACTED] PUB SUMMER N ORIG 011102 SAC 068K SCHL2 [REDACTED]

ENT DATE [REDACTED] SCHL GR OD CL AT W/D DATE PR PF [REDACTED] SSN [REDACTED] EXTRNL NBR [REDACTED] PC PS PD [REDACTED] E01 [REDACTED] 2331 11 01 N [REDACTED] US FL 50

LNG PGL 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 011002 ZZ 3 N N N N N N N N Z

PF1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE
RECORD IS DISPLAYED...NEXT? TERML: Z322