

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-015


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 W.T. Dwyer Community High School that the Respondent was being recommended for expulsion on October 14, 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:

Possession of a box cutter while on the campus of W.T. Dwyer Community High School on October 11, 2004.

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 October 26, 2004. Your daughter may choose to continue educational services during her

expulsion period at the ACS site. However, if your daughter 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 [REDACTED] day of [REDACTED]

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 [REDACTED] day of [REDACTED]

Alicia Palmer, Clerk



W T Dwyer

COMMUNITY HIGH SCHOOL

EST. 1991

13601 N. Military Trail
Palm Beach Gardens, Florida 33418
561-625-7800

David Culp
Principal

Regular and Certified Mail

Return Receipt Requested 7004 0750 0000 4739 8019

Date 10/14/2004

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 10/11/2004 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.

[REDACTED] was found to have a concealed weapon in her purse while on the campus of Dwyer High School. The student stated she brought the box cutter for protection against students at this school.

[REDACTED]

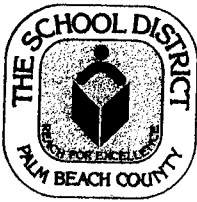
Pursuant to Florida Statute § 230.33(8), the Superintendent may extend the ten (10) day suspension until the date the School Board Meeting at which time the School Board will act on the Expulsion.

As of 10/26/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

David Culp
Principal
William T. Dwyer High School
13601 N. Military Trail
Palm Beach Gardens, FL 33418
561-625-7800

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



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

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear Ms [REDACTED]

Based upon the recommendation of David Culp, Principal of W. T. Dwyer 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 daughter, [REDACTED] from the Palm Beach County School District. This decision is based upon the following action:

Possession of a box cutter while on the campus of W.T. Dwyer Community High School on October 11, 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 daughter 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, W.T. Dwyer Community High School
North Area Superintendent
Chief Academic Officer
Director of Alternative Education

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

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

Student Discipline

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 9	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 10/11/04	TIME 8:00
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/Activities Off Campus To School	REPORTED BY [REDACTED]	STAFF ID NUMBER 105	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input checked="" type="checkbox"/> Telephone call to parent <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Other		
NATURE OF PROBLEM (Be Specific) Student had trouble at a bus. Student brought a Box cutter to School found in purse. "I brought it for protection" "I forgot I had it in there" Student went through Mediation on Friday at last week for similar incident			NATURE OF PROBLEM (Be Specific) Student had trouble at a bus. Student brought a Box cutter to School found in purse. "I brought it for protection" "I forgot I had it in there" Student went through Mediation on Friday at last week for similar incident		
ADMINISTRATIVE USE ONLY BELOW THIS LINE			RELATED ISSUES (circle all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related		
WHERE EVENT OCCURRED (circle one) 1 - SCHOOL GROUNDS / ON CAMPUS 2 - School sponsored activity / off campus 3 - School sponsored transportation (includes bus stops)			INVOLEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown		
ADMINISTRATOR'S NAME [REDACTED]			ADMINISTRATION ID 105		
COMMENTS EX Car # [REDACTED] Student Spiked the reason She brought the "Shark" (knife) was to defend herself against another student at school on the bus stop. Called Mom parent			SIGNATURE OF PARENT [REDACTED]		
INCIDENT CODES (see code sheets) K - Knife H - Handgun F - Firearm/Explosive device R - Rifle/Shotgun U - Other Weapon O - Unknown			EVENT NUMBER [REDACTED]		
DURATION How many days 10 Begin Date 10/11/04 Return Date 10/25/04			DATE 10/11/04		
CASE NUMBER/AGENCY			DATE 10/11/04		

ANEL: A03. DEMOGRAPHICS YEAR: 05
STDT: Wednesday November 3, 2004 2:47 pm

LAST APP FIRST MIDDLE AKA FORMER
RES NBR DR STREET TYPE PD APT/BLDG CITY ST ZIP+4
MLG NBR DR STREET TYPE PD APT/BLDG CITY ST ZIP+4

SEX RACE DOB BIRTH CITY ST VER PHONE PUB SUMMER ORIG SAC SCHL2
F B PALM BCH COUNTY FL 1 87D
ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD
R02 110104 3047 09 X 01 Y US FL 50
NG PGL COB SURVEY STAT CAT LEP RES EN:DS SCHL C1:B-H-M-N CH2 EHA D/B ST:C M EX
IN EN US 070194 ZZ 3 N N N N Y N N N N Z

F1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE
RECORD IS DISPLAYED...NEXT? TERM: Z328