

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-018


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 Palm Beach Gardens High School that the Respondent was being recommended for expulsion on October 18, 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 battery of a School Board Employee while on the campus of Palm Beach Gardens High School on October 14, 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 29, 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 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

Assistant Principals
Patricia Barrett
Lewis Black
Connie Bourwell
Michael Chamberlin
Steve Martin

Principal
Dr. Jonathan Prince

Regular and Certified Mail

Return Receipt Requested (receipt no.)

7004 0730 0000 -3748
5864

Date 10/18/2004

[REDACTED]

Re: Recommendation for Expulsion Study of [REDACTED]

Dear Parent/Guardian:

On 10/14/2004 your son/daughter 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 Study Team that the School Board expel your son/daughter from the public schools of Palm Beach County. My recommendation is based on substantial evidence available to me supporting the following serious misconduct in which your son/daughter was involved:

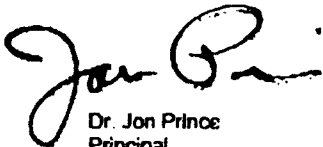
On October 14, 2004, [REDACTED] was involved in a fight with another female PBGHS student. While Officer's Charles Corr, Matt Williams, and Assistant Principal Bill Weed were trying to break [REDACTED] off of the other girl, [REDACTED] became so violent and enraged that the Officer's were forced to try and place her in handcuffs. She strongly resisted by kicking and flailing her arms at which time she kicked Officer Matt Williams in his stomach. Witnessing this, Crisis Intervention Teacher Williams Doyen, assisted the Officer's and restrained [REDACTED] and transported her to the Assistant Principal's office where [REDACTED] became even more violent, by kicking and screaming, requiring further restraint. Officer Corr was attempting to place Hobbies on her legs at which time she reached up with her head and bit CIT William Doyen on the forearm.

[REDACTED] was then placed under arrest and charged with Battery on a School Board Employee, Battery on a Police Officer, and Disruption of a School Function. Police Case # [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 10/29/2004, [REDACTED] is assigned to the Department of Alternative Education.

Sincerely,



Dr. Jon Prince
Principal
4245 Holly Drive
Palm Beach Gardens, FL 33418

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



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

[REDACTED]

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

Dear Ms. [REDACTED]

Based upon the recommendation of Jon Prince, Principal of Palm Beach Gardens High School, and in accordance with **Florida Statute § 1006.07**, and Palm Beach County School Board Policy 5-1013, 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:

Battery of a School Board Employee while on the campus of Palm Beach Gardens High School on October 14, 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

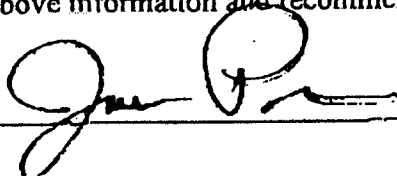
ACJ:AK:JRA:LEP:ci

cc: Principal, Palm Beach Gardens High School
North Area Superintendent
Chief Academic Officer
Director of Alternative Education

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	#96 Battery On A School Board Employee
School	Palm Beach Gardens High School
Principal	Dr. Jon Prince
Area Superintendent	Marisol Ferrer, Area 5
Grade	09
Sex	F
Age	16.3
Language	English
ESE?	No
504?	No
Police Report Charge, if known	Police Case [REDACTED] Battery On School Board Employee Battery on a Police Officer Disruption of a School Function
Persons Involved and Witnesses to Testify	[REDACTED] William Doyen - PBGHS Crisis Intervention Teacher Charles Corr - PBGHS Police James O'Connor - PBGHS Police Matt Williams - School Police Bill Weed - PBGHS Assistant Principal Patti Barrett - PBGHS Assistant Principal Sue Merkle - PBGHS Guidance Coordinator
Additional Information (use additional page, if necessary)	On Thursday, October 14, 2004, at approximately 11:20 a.m., in the school cafeteria [REDACTED] and [REDACTED] engaged in a fight. Officer Charles Corr was called to assist in breaking up the fight where both girls were pulling on each others hair. When ordered by Officer Corr to stop and release their grip on each other, [REDACTED] did so but [REDACTED] refused to let go of [REDACTED] hair. Officer Corr was assisted by Officer Matt Williams and Assistant Principal Bill Weed to release Mersadies grip on [REDACTED]. [REDACTED] was so enraged she would not calm down so Officer Corr decided to place her in handcuffs. While attempting to apply the handcuffs she was kicking and flailing her arms and <u>kicked Officer Matt Williams in his stomach</u> . At this point CIT William Doyen intervened and restrained [REDACTED] and took her to the Assistant Principal's office. In a continued state of kicking and screaming Officer Corr attempted to place Hobbles on her legs at which time she raised her head and <u>bit CIT Doyen on his forearm</u> . Officer Charles Corr placed [REDACTED] under arrest and charged her with <u>Battery on a School Board Employee; Battery on a Police Officer; and Disruption of a School Function</u> . Police Case [REDACTED]

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

Principal's Signature



Date:

10/18/04

PANEL: YEAR: 05

A03. DEMOGRAPHICS
Wednesday November 3, 2004 2:00 pm

STDT:

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 DOR BIRTH CITY ST VER PHONE PUB SUMMER ORIG SAC SCHL2
 F B WEST PALM BEACH FL 1 N 082593 081B

ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD
 E01 081104 1371 09 01 N 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 082593 ZZ 3 N N N N Y N N N N N Z

PF1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE
 RECORD IS DISPLAYED...NEXT? TERM: 2328