

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-031


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 Santaluces Community High School that the Respondent was being recommended for expulsion on November 5, 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 January 26, 2005, 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 January 12, 2005, to wit:

Possession of drugs with the intent to sell and/or distribute while on the campus
of Santaluces Community High School on November 1, 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 November 16, 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 16th day of February, 2005.

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 ____ day of _____, 2005.

Alicia Palmer, Clerk



SANTALUCES COMMUNITY HIGH SCHOOL

6880 Lawrence Road, Lantana, Florida 33462-3599

561-642-6200

Glenn J. Heyward, Principal

Regular and Certified Mail

Return Receipt Requested 7099 3400 0002 7661 9159

Date 11/05/2004

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 11/02/2004 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.

The student was in possession of marijuana and Provigil medication on school grounds. The student admitted to an assistant principal that he intended to sell his prescription medication.

Police Case #04-3369.

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 11/16/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

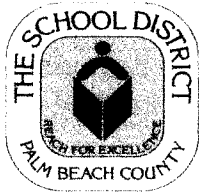
Glenn J. Heyward, Principal
Santaluces High School
6880 Lawrence Road
Lantana, FL 33462

cc: Area Superintendent
Chief Academic Officer
Director of Alternative Education

... HOME OF THE CHIEFS



00000116 (11/05/2004)



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

January 26, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

[REDACTED]

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

Dear Ms. [REDACTED]

Based upon the recommendation of Glenn J. Heyward, Principal of Santaluces 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 Santaluces Community High School on November 1, 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:mjp

cc: Principal, Santaluces Community High School
Central Area Superintendent
Chief Academic Officer
Director of Alternative Education

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Incident Code 71 & 75
School	Santaluces High School
Principal	Glenn J. Heyward
Area Superintendent	Mr. Rod Montgomery
Grade	10
Sex	Male
Age	15
Language	English
ESE?	N/A
504?	N/A
Police Report Charge, if known	Case # 04-3369
Persons Involved and Witnesses to Testify	Ms. Marie DiFonte, Assistant Principal
Additional Information	The student was in possession of marijuana and Provigil medication on school grounds. The student admitted to an assistant principal that he intended to sell his prescription medication. Police Case #04-3369.

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



Glenn J. Heyward, Principal

11-5-04

Date

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
 DIRECTIONS: Write in the appropriate code number or letter in the corresponding boxes.

Student Discipline Referral

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 10	ESE/504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 11/11/04	TIME 1440
LOCATION BX - Bookstore BS - Bus Stop BU - School Bus/Transportation CA - Cafeteria CL - Clinic CS - Regular Classroom GS - 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 OT Campus TR - To School	REPORTED BY Student	SCHOOL Seaboard	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Other	<input type="checkbox"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Teacher detention	BUS CODE
STAFF ID NUMBER 983	REPORTED BY (CODE) (Use number below for those persons without a staff ID.)	NATURE OF PROBLEM (Be Specific) possession of marijuana possession of prescribed medication packaged with intel [REDACTED] admitted that he intended to sell his prescription medication	DATE # 04-3369		

DISTRICT NUMBER 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 - Hairs related D - Drug related
SCHOOL NO. 1611	HOME SCHOOL If not Home School, provide School Number.	ADMINISTRATIVE USE ONLY BELOW THIS LINE	ADMINISTRATOR'S NAME M. D. Fonta	ADMINISTRATION ID 070
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) 71 75	COMMENTS Confiscation referred to school police Suspended Nov 2 - Nov 15 Possible re-admission for expulsion	SIGNATURE OF PARENT [REDACTED]	DATE 11/11/04
DURATION How many days 10 Begin Date 11/2/04 Return Date 11/16/04	ACTION CODE (see code sheets) 9D	ADMINISTRATOR'S NAME	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.	
CASE NUMBER/AGENCY PBSD 0279 (REV. 7/26/2001)	CRT/TEAM INTERVENTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	ADMINISTRATOR'S NAME	SIGNATURE OF STUDENT [REDACTED]	DATE 11/11/04

PANEL: _____

A03. DEMOGRAPHICS

YEAR: 05

Thursday November 18, 2004 2:35 pm

STDT: [REDACTED]

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

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

SEX	RACE	DOB	BIRTH CITY	ST	VER	PHONE	PUB	SUMMER	ORIG	SAC	SCHL2
M	W	[REDACTED]	[REDACTED]	FL	1	[REDACTED]	N		081699	231A	

ENT	DATE	SCHL	GR	OD	CL	AT	W/D	DATE	PR	PF	SSN	EXTRNL	NBR	PC	PS	PD
E01	081104	1611	10		01	Y					[REDACTED]	[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	070199			ZZ	3			NNNN	N	N	N	N	N	N

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

TERML: Z33E