

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-032

[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 parent was notified by the Principal of Pahokee Middle Senior High School that the Respondent was being recommended for expulsion on November 8, 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 12, 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 a knife and possession of another potentially dangerous item (box cutter) while on the campus of Pahokee Middle Senior High School on November 2, 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 November 8, 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

Regular and Certified Mail

Return Receipt Requested

Date 11/08/2004

Student Number [REDACTED]

[REDACTED]
Pahokee, Fl. 33476

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.

Several students reported that they had witnessed [REDACTED] brandishing a knife during lunch. The student was escorted to the Assistant Principals' office and there he was asked if he was in possession of a knife. The student turned over a knife and upon searching his book bag the Assistant Principal found a box cutter. Upon discussing the incident, the student stated that he was going to cut the students who he felt had been harassing him. He was asked if he had talked to any adults on campus about being harassed and he stated that he would take care of his own problems. The student stated that his intent was to cut the students he believe d had harassed him.

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 11/08/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

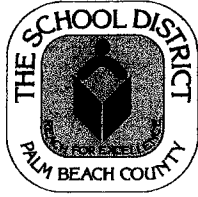


Dr. Reed Bain, Principal
900 Larrimore Road
Pahokee, Florida 33476
(561) 924-6410

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

EXHIBIT

A



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

~~December 20, 2004~~

Jan. 12, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED



NOTICE OF RECOMMENDATION FOR EXPULSION



Dear Ms. Littles:

Based upon the recommendation of Dr. Reed Bain, Principal of Pahokee Middle Senior 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 a knife and possession of another potentially dangerous item (box cutter) while on the campus of Pahokee Middle Senior High School on November 2, 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

cc: Principal, Pahokee Middle Senior High School
West Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

B

Case # 04-3375

4-7651

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Student Discipline Referral

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

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 9	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 11/2/04	TIME 11:55 am
LOCATION HA	REPORTED BY OFC. T. MOORE	SCHOOL PMSHS	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Parent Conference <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher detention <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Other		
REPORTED BY (CODE) 709	NATURE OF PROBLEM (Be Specific) Several students reported to me that they saw [REDACTED] brandishing a pocket knife during lunch. I located [REDACTED] and escorted him to an administrator's (Eddie Rhodes) And [REDACTED] A knife and a box cutter was found in [REDACTED]				
STAFF ID NUMBER 709	WHEN EVENT OCCURRED (circle one) 1 - SCHOOL GROUNDS / ON CAMPUS 2 - School sponsored activity / off campus 3 - School sponsored transportation (includes bus stops)				
REPORTED BY (CODE) 981	ADMINISTRATIVE USE ONLY BELOW THIS LINE				
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 989 - Other	INVOLEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown				
LA - Laboratory LI - Library/Media Center LO - Office OG - Off School Grounds OT - Other PG - Playground/Track PK - Parking Lot RE - Restroom RT - Returning Home TO - Field Trip/Activity TR - To School	RELATED ISSUES (circle all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related				

DISTRICT NUMBER 50	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	ADMINISTRATOR'S NAME [Signature]	ADMINISTRATION ID [REDACTED]	EVENT NUMBER [REDACTED]	DATE 11/2/04
SCHOOL NO. 1771	ADMINISTRATOR'S NAME Mother, School Police Student, Adm. Conf.	COMMENTS 10 DAYS Pending	SIGNATURE OF PARENT [REDACTED]		
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) 86 87	SIGNATURE OF STUDENT [REDACTED]			
DURATION How many days 10 Begin Date 11/2/04 Return Date 11/16/04	ACTION CODE (see code sheets) 96	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 (at Palm Beach County School District facility during the dates of my suspension).			
CASE NUMBER/AGENCY	CRT / TEAM INTERVENTION <input type="checkbox"/> Yes <input type="checkbox"/> No	[REDACTED]			

Est 10762662