

**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-46

[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 John I. Leonard Community High School that the Respondent was being recommended for expulsion on December 1, 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 other potentially dangerous items (brass knuckles) while on the campus of John I. Leonard Community High School on November 29, 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 December 14, 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 16<sup>th</sup> 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**



# JOHN I. LEONARD COMMUNITY HIGH SCHOOL

4701 Tenth Avenue North, Greenacres, Florida 33463  
(561) 641-1200  
FAX: (561) 357-1100

REGINALD B. MYERS  
Principal  
RIGOBERTO GAMEZ  
Vice Principal

Return Receipt Requested

Assistant Principals:  
Regular and Certified Mail  
THEORMANE DORLEANS  
PATRICIA KONTTINEN  
Date 03/07/2008  
Student Number LEWIS SCHOLZE

[Redacted Address]

West Palm Beach, FL 33415

Custodial Parent/Guardian of:

[Redacted Name]

Dear Custodial Parent/Guardian:

On 11/29/2004 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.

On 11/29/04 [Redacted] was in possession of brass knuckles. He stated that he had been jumped and hit with a brick on Wednesday, November 24, 2004 after school at the Walgreen's across the street. According to [Redacted] he brought them to school for protection. Case # 04-3783.

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 12/14/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely

Reginald B. Myers, Principal  
4701 Tenth Avenue North  
Greenacres, FL 33463

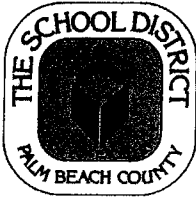
EXHIBIT

A



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

PB 00015 (REV 11/8/2001)



THE PALM BEACH COUNTY 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

**FILE COPY**

~~December 20, 2004~~  
Jan. 12, 2005

CERTIFIED AND REGULAR MAIL  
RETURN RECEIPT REQUESTED




West Palm Beach, FL 33415

7002 2410 0004 3477 3307

**NOTICE OF RECOMMENDATION FOR EXPULSION**



Dear Ms. 

Based upon the recommendation of Reginald Myers, Principal of John I. Leonard 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,  from the Palm Beach County School District. This decision is based upon the following action:

Possession of other potentially dangerous items (brass knuckles) while on the campus of John I. Leonard High School on November 29, 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, John I. Leonard High School  
Central Area Superintendent  
Chief Academic Officer  
Director of Alternative Education

**EXHIBIT**

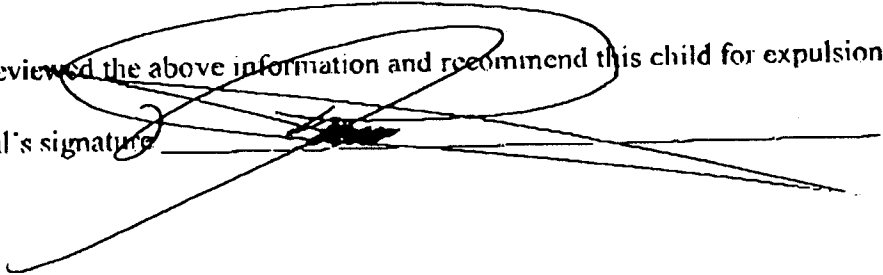
B

## INCIDENT SUMMARY

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Possession of potentially dangerous item-87
School	John I. Leonard High School
Principal	Reginald B. Myers
Area Superintendent	Rodney Montgomery
Grade	10
Sex	Male
Age	17 yrs and 1 mth
Language	Spanish
ESE?	No
504?	N/A
Police Report Charge, if known	04-3783
Persons Involved And Witnesses to Testify	Officer Richard Morris
Additional Information (Use additional page, if necessary)	On 11/29/04 [REDACTED] was in possession of brass knuckles. He stated that he had been jumped and hit with a brick on Wednesday, November 24, 2004 after school at the Walgreen's across the street. According to [REDACTED] he brought them to school for protection. The Victims and witness are unwilling to provide a written statement.

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

Principal's signature



**Case Summary****Palm Beach County School Police Case # 04-3804 Ofc. Richard Morris #935****Date 11/24/2004 Time- 3:05 p.m.**

ON 11-24-04 AT 1505 HRS. SCHOOL POLICE WERE NOTIFIED BY RADIO THAT ASSISTANT PRINCIPAL GAMEZ WAS REQUESTING ASSISTANCE WITH A LARGE CROWD INVOLVED IN A FIGHT. UPON POLICE ARRIVAL A GROUP OF ABOUT 10 UNIDENTIFIED MALE SUBJECT(S) WERE OBSERVED RUNNING IN A SOUTHWARD DIRECTION ACROSS 10TH AVE.. ONE OF THE SUBJECTS [REDACTED] WAS IDENTIFIED BY THIS OFFICER. THIS OFFICER HAD RECEIVED INFORMATION EARLIER IN THE DAY THAT [REDACTED] HAD CUT SCHOOL AND WAS POSSIBLY REPORTED BY HIS PARENTS AS A MISSING PERSON. OFFICER ESTRELLA WHILE ON SCENE OUTSIDE THE GATES OF JOHN LEONARD HIGH SCHOOL MADE CONTACT WITH VICTIM #1 ([REDACTED]) WHO IN SUMMARY RELATED THE FOLLOWING. HE STATED THAT HE OBSERVED A CROWD APPROACH HIM FROM ACROSS 10TH AVE., THE CROWD ASKED HIM IF HE WAS A MEMBER OF A GANG KNOWN AS SUR 13. VICTIM [REDACTED] STATED THAT THEY DISCLAIMED MEMBERSHIP TO ANY GANG, HE SAID THEY WERE ATTACKED BY A CROWD, BEING STRUCK TO THE FACE AND BODY WITH HANDS AND FISTS. [REDACTED] SAID HE WAS UNABLE TO MAKE IDENTIFICATION AS HE COVERED HIMSELF UP TO PREVENT INJURY.

[REDACTED] AT THE TIME OF THIS CONTACT WAS UNSURE IF HE WANTED FURTHER POLICE ACTION OR REPORTING, HIS INJURIES WERE MINOR AND DID NOT NEED MEDICAL ATTENTION.

ON 11-29-04 AT 0700 HRS. SCHOOL POLICE AND ADMINISTRATORS INTERVIEWED JOHN LEONARD STUDENTS KNOWN TO BE ASSOCIATES OF A LOCAL GANG SSL (SOUTH SIDE LOCOS). SSL IS RECOGNIZED BY LAW ENFORCEMENT AS A LOCAL HISPANIC STREET GANG INVOLVED IN CRIMINAL ACTIVITY, WITH LITTLE KNOWN ORGANIZATION AND A MEMBERSHIP OF FROM 20-30 MEMBERS. DURING THE INTERVIEWS [REDACTED] AND [REDACTED] WERE IDENTIFIED AS MEMBERS OF SSL. THEIR IDENTIFICATION WAS MADE BY LAW ENFORCEMENT INTELLIGENCE, STUDENT INTERVIEWS AND VOLUNTARY SELF ADMISSION.

DURING THESE INTERVIEWS IT WAS LEARNED THAT [REDACTED] AND [REDACTED] WERE IN THE CROWD DURING THE ATTACK. THE VICTIMS WERE UNABLE TO POSITIVELY IDENTIFY THESE THREE SUBJECTS AS THEIR ATTACKERS. THE LACK OF IDENTIFICATION BY THE VICTIMS MAY BE ASSOCIATED WITH FEAR OF GANG RETALIATION. DURING AN INTERVIEW WITH

[REDACTED] WAS FOUND IN POSSESSION OF A WEAPON (BRASS KNUCKLES) SEE ARREST REPORT 04-3783.

AT TIME OF REPORTING THE INVESTIGATION WILL CONTINUE. PROSECUTION IS UNABLE TO BE INITIATED AT THIS TIME DUE TO LACK OF VICTIM/WITNESS COOPERATION, AND AVAILABLE EVIDENCE.

Ofc. Richard Morris #935



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 11/27/04	TIME 1145
LOCATION OF	REPORTED BY Scholze	SCHOOL 1361	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"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Parent Conference <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Other <input type="checkbox"/> Mediation <input type="checkbox"/> Teacher detention		
NATURE OF PROBLEM (Be Specific) [REDACTED] was in possession of brass knuckles. He stated that he had been jumped and hit with a brick on Wednesday 11/24/04 after school across the street at Malgreens. He brought them for protection.					
STAFF ID NUMBER 097	INTERVENTIONS BY TEACHER BEFORE REFERRAL				
REPORTED BY (CODE) (Use number below for those persons without a staff ID.)	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 999 - Other				

ADMINISTRATIVE USE ONLY BELOW THIS LINE			
WHERE EVENT OCCURRED (circle one) 1 - SCHOOL GROUNDS / ON CAMPUS 2 - School sponsored activity / off campus 3 - School sponsored transportation (includes bus stops)	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	INVOVEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown	RELATED ISSUES (check all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related
ADMINISTRATOR'S NAME [REDACTED]	ADMINISTRATION ID 097	EVENT NUMBER 1129104	DATE 11/27/04
COMMENTS 10 days OSS 11/30-12/3 Officer Kuschel phone dad at 12:10	SIGNATURE OF PARENT [REDACTED]		
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.			

ORIGINAL - Administration	COPY - Parent	COPY - Originator	COPY - Guidance Counselor / ESE Contact
PBSD 0279 (REV. 7/26/2001)			

PANEL: \_\_\_\_\_

A24. STUDENT DISCIPLINE SUMMARY

YEAR: 05

Wednesday December 1, 2004 7:13 am

STDT: [REDACTED]  
SPEC: [REDACTED]

SCHL: 1361 GR: 10 ST: A  
YTD-ISS: 000 OSS: 012  
X C TAKEN DUR

SY	EVENT	DATE	TIME	SCHL	LOC	CODE			
05									
05	10778106	11292004	1145	1361	OF	E 097 [REDACTED]			
						I 87 POSS DNGR ITEMS	*		
						A 90 O/S MAND 10 DAY	*	11292004	010
						A 09 PAR/GRD CONTCT		11292004	
						A 01 CONF W/STDT/WRN		11292004	
05	10764057	11042004	0000	1361	OF	E 301 [REDACTED]			
						I 03 OUT/ASSGN AREA			
						I 02 TRUANCY/UNEXPL			
						A 43 SAT DETENTION		11042004	001
						A 09 PAR/GRD CONTCT		11042004	
						A 01 CONF W/STDT/WRN		11042004	
05	10758718	10272004	0710	1361	CS	E 142 [REDACTED]			
						I 02 TRUANCY/UNEXPL			
						A 09 PAR/GRD CONTCT		10272004	

PF1=HELP 3=EXIT 5=REFRESH 7=BKWD 8=FWD 9=NXT PAGE 12=ESCAPE  
PAGE FULL...CONTINUE.

TERML: BQ26



PANEL: \_\_\_\_\_ A24. STUDENT DISCIPLINE SUMMARY YEAR: 05

Wednesday December 1, 2004 7:13 am

STDT: [REDACTED] SCHL: 1361 GR: 10 ST: A  
SPEC: [REDACTED] YTD-ISS: 000 OSS: 012  
X C TAKEN DUR

SY	EVENT	DATE	TIME	SCHL	LOC	CODE	X C	TAKEN	DUR
05									
05	10758718	10272004	0710	1361	CS	A 01 CONF W/STDT/WRN			10272004
05	10758059	10262004	0000	1361	OF	E 301 [REDACTED]			
						I 47 SEV/REP IN ACTV			
						A 81 O/S 1-2 DAYS	*		10262004 002
						A 09 PAR/GRD CONTCT			10262004
						A 01 CONF W/STDT/WRN			10262004

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

TERML: BQ26

PANEL: \_\_\_\_\_

A03. DEMOGRAPHICS

YEAR: 05

Monday December 20, 2004 1:52 pm

STDT: [REDACTED]

LAST APP FIRST MIDDLE AKA FORMER

RES NBR DR STREET TYPE PD APT/BLDG CITY ST ZIP+4  
[REDACTED] WEST PALM BEACH FL 33415

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 H [REDACTED] NY 1 561 [REDACTED] Y 082395 161B

ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD  
E01 081104 1361 10 01 N [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  
SP SP US 080395 E A LZ 3 N N N N Y N N N N Z

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

TERML: Z331