

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-037

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 parents were notified by the Principal of Christa McAuliffe Middle School that the Respondent was being recommended for expulsion on November 17, 2004. The Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit A).
2. Respondent's parents were 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 parents 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 and sale and/or distribution of Xanax while on the campus of Christa McAuliffe Middle School on November 15, 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 12, 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 11/17/2004

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 11/15/2004 your son/daughter/ward was rendered a ten (10) day suspension as documented by my letter to you, a copy of which is attached.

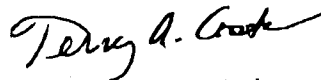
Pursuant to Florida Statute § 230.23(6)(c), which authorizes the School Board to decide cases recommended for expulsion, I have this date recommended to the Expulsion Screening Committee that the School Board expel your son/daughter/ward from the public schools of Palm Beach County. My recommendation is based on substantial evidence available to me supporting the following serious misconduct.

On November 15, 2004, it was reported to the Assistant Principal that [REDACTED] was in possession of, and taking Xanax pills. Several students reported this. [REDACTED] was escorted to the office by the Assistant Principal. Upon searching his book bag and pockets, he was not in possession of any pills, only \$40 in cash. The Assistant Principal asked [REDACTED] where the money came from and he told him that he had sold porn magazines to another student. Upon checking the other student, we found a bag of seven and a half 1mg Xanax pills in his book bag. He told us that [REDACTED] had sold the bag of seven and a half 1mg Xanax pills to him for \$20.00. [REDACTED] then finally told us that he had lied, and sold the bag of pills rather than a porn magazine. He also told us that he had stolen the pills from his mother that morning. We also found out from [REDACTED] that he had taken three 1mg Xanax pills approximately one hour before our interview. [REDACTED] also told us that he had given away several of the pills to other students.

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,



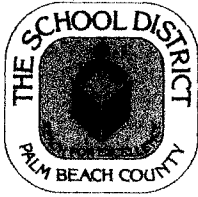
Terry A. Costa, Principal
Christa McAuliffe Middle
6500 Le Chalet Blvd.,
Boynton Beach, FL 33467
(561) 374-6600

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

FBSD 0215 (REV 11/6/2001)

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~~

January 12, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

[REDACTED]

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

Dear [REDACTED]

Based upon the recommendation of Terry Costa, Principal of Christa McAuliffe Middle 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 and sale and/or distribution of Xanax while on the campus of Christa McAuliffe Middle School on November 15, 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, Christa McAuliffe Middle School
Central Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

B

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Controlled Substance Florida State Statute 893.13 (3) (C) Florida State Statute 893.13 (6) (A)
School	Christa McAuliffe Middle
Principal	Terry A. Costa
Area Superintendent	Mr. Montgomery
Grade	7
Sex	Male
Age	[REDACTED]
Language	English
ESE?	No
504?	No
Police Report Charge, if known	Felony Sale of controlled substance within 1,000 ft. of school. Case Number 04-3856
Persons Involved And Witnesses to Testify	[REDACTED] - Arrest Filing. Possession of controlled substance. [REDACTED]
Additional Information (use additional page, if necessary)	

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

Principal's Signature Terry A. Costa

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 7	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 11/15/2004	TIME 1130
LOCATION G R	SCHOOL Christa McAuliffe Middle School	REPORTED BY Stirota	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Conference with student <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	NATURE OF PROBLEM (be Specific) Student reported to us that [REDACTED] had taken several Xanex this morning. Upon searching [REDACTED] belongings, we found \$40.00 on his possession. [REDACTED] told us that he sold porn magazines to another student for \$20.00. He could not account for the other \$20.00. Upon further investigation, we found that [REDACTED] had taken 3 mg of Xanex, sold a bag of them to another student for \$20.00, and gave several away to other students.	
STAFF ID NUMBER 044	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			

DISTRICT NUMBER 5 0	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 - Hate related D - Drug related
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DISTRICT 50 If not District 50, provide District number	SCHOOL NO. 1 8 2 1	HOME SCHOOL If not Home School, provide School Number.	ADMINISTRATOR'S NAME Paul R. Stirota	ADMINISTRATION ID 044	EVENT NUMBER 10770766	DATE 11/15/2004
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) 9 3 7 5	ACTION CODE (see code sheets) 9 0 1 0 E X R L	COMMENTS Mandatory 10 day suspension. Recommendation to Superintendent for Expulsion	SIGNATURE OF PARENT _____ DATE		
DURATION How many days 10 Begin Date 11/16/2004 Return Date 12/02/2004	CASE NUMBER/AGENCY	CRT / TEAM INTERVENTION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.			

PANEL: _____

A03. DEMOGRAPHICS

YEAR: 05

Thursday November 18, 2004 2:26 pm

STDT: [REDACTED]

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

RES NBR	DR STREET	TYPE PD	APT/BLDG	CITY	ST	ZIP+4
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]	FL	[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]	WEST PALM BEACH	FL	1	[REDACTED]	N		082196	208B	

ENT	DATE	SCHL	GR	OD	CL	AT	W/D	DATE	PR	PF	SSN	EXTRNL	NBR	PC	PS	PD
	051104	1821	07		01	N					0000000000	[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	050896			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