

**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-009

  
Respondent.

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**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 Odyssey Middle School that the Respondent was being recommended for expulsion on October 13, 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 26, 2005, to wit:

Committed verbal assault on a School Board Employee on September 24, 2004  
while on the campus of Odyssey Middle School.

**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 19, 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**



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

ODYSSEY MIDDLE SCHOOL  
8161 WOOLBRIGHT ROAD  
BOYNTON BEACH, FL 33437

(561) 752-1300 FAX (561) 752-1305

BONNIE C. FOX  
PRINCIPAL

ARTHUR C. JOHNSON, Ph.D  
SUPERINTENDENT

Regular and Certified Mail

Return Receipt Requested 7002 2030 0006 7597 2482

Date 10/13/2004

Student Number [REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 10/06/2004 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.

**Possession/Use of Tobacco Products on school Campus.**

Another teacher smelled smoke in the locker room and I smelled smoke also. I asked the student to empty his pockets and he said "Nobody is going to touch me! I'll beat your fuck'n punk ass up" then he put his binder down and started walking towards me. Then the other teacher stepped in front of him to stop him from coming towards me. He continued to say he was going to hit my fuck'n punk ass. He told me that I was a scared fuck'n punk.

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 10/19/2006, your son/daughter/ward is assigned to the Department of Alternative Education.

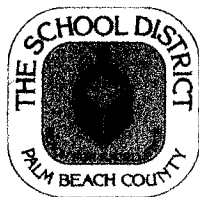
Sincerely,

Ms. Bonnie C. Fox, Principal  
6161 Woolbright Road  
Boynton Beach, FL 33437

**EXHIBIT**

a

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



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

CERTIFIED AND REGULAR MAIL  
RETURN RECEIPT REQUESTED

January 26, 2005

[Redacted]

**NOTICE OF RECOMMENDATION FOR EXPULSION**

[Redacted]

Dear [Redacted]

Based upon the recommendation of Bonnie Fox, Principal of Odyssey 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:

Committed verbal assault on a School Board Employee on September 24, 2004 while on the campus of Odyssey Middle School.

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

**EXHIBIT**

B

ACJ:AK:JRA:LEP:mjp

cc: Principal, Odyssey Middle School  
Central Area Superintendent  
Chief Academic Officer  
Director of Alternative Education

**SUMMARY OF INCIDENT**

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	70 - Possession/Use of Tobacco Products 52 - Verbal Assault on School Board Employee
School	Odyssey Middle School
Principal	Bonnie C. Fox
Area Superintendent	Rodney Montgomery
Grade	7th Grade
Sex	Male
Age	14
Language	English
ESE?	No
504?	No
Police Report Charge, if known	
Persons Involved And Witnesses to Testify	[REDACTED]
Additional Information (use additional page, if necessary)	See attached

Date of Incident  
9/24/04

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

Principal's Signature Bonnie C. Fox

# Student Discipline Referral

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

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

STUDENT NUMBER [REDACTED]	GRADE 7th	DATE 9/24/04	TIME 2:45
REPORTED BY K. Tardivo	STAFF ID NUMBER 146	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"/> Mediation <input type="checkbox"/> Parent Conference <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher delegation <input type="checkbox"/> Other	ADVISOR Odyssey
LOCATION 614	REPORTED BY (CODE) (Use number below for those persons without a staff ID.)	NATURE OF PROBLEM (Be Specific)	
BK - Bookstore BS - Bus Stop BU - School Bus/Transportation CA - Cafeteria CL - Clinic CS - Regular Classroom GR - School Grounds HA - Hallway IS - Alternative to Suspension LA - Laboratory LI - Library/Media Center OF - Office OC - Off School Grounds OT - Other PG - Playground/Track PK - Parking Lot RE - Restroom RT - Returning Home TO - Field Trip/Activity TR - Off Campus TS - To School	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	A student returned from getting a drink and told me that a boy wearing a black shirt/pants was smoking in the lobby of the gym. I went out and stopped a boy of that description and asked him a few questions. I smelled smoke and asked another faculty member, who was present at the time. I confronted this student, to escort him to the office. That's when [REDACTED] said 'he wanted to hit my fuckin punk ass and he put his binder.'	
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	WHERE EVENT OCCURRED (circle one) 1. SCHOOL GROUNDS / ON CAMPUS 2. School sponsored activity / off campus 3. School sponsored transportation (includes bus stops)	INVOLEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown
SCH-OCL NO. 2641	INCIDENT CODES (see code sheets)	ADMINISTRATOR'S NAME Anderson	RELATED ISSUES (circle all that apply) G - Gang related W - Weapon related A - Alcohol related H - Hate related D - Drug related
WHAT KIND OF WEAPON USED (if appropriate) K - Knife H - Handgun F - Firearm/Explosive device R - Rifle/Shotgun O - Other Weapon U - Unknown	ACTION CODE (see code sheets) 816 919 FA	ADMINISTRATION ID PPS	EVENT NUMBER 10748374
DURATION How many days 10 Begin Date 10/06/04 Return Date 10/20/04	CRT/TEAM INTERVENTION <input type="checkbox"/> Yes <input type="checkbox"/> No	SIGNATURE OF PARENT	DATE 5/10/04
CASE NUMBER/AGENCY	ORIGINAL - Administration	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.	
FESD (RF 72001)	COPY - Parent	COPY - Guidance Counselor / ESE Contact	SIGNATURE OF STUDENT

ADMINISTRATIVE USE ONLY BELOW THIS LINE

off as he attempted to come after me, [REDACTED] repeatedly stated he was going to "hit my fuck'n punk-ass", and told me I was a scared fuck'n punk when I turned and walked into the gym.

THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
SCHOOL POLICE DEPARTMENT

**Sworn/Affirmed Statement**

WITNESS  VICTIM  SUSPECT  OTHER

Case No. \_\_\_\_\_  
Date \_\_\_\_\_  
Time: \_\_\_\_\_

I, (print full name) \_\_\_\_\_  
\_\_\_\_\_ BIRTH DATE \_\_\_\_\_  
\_\_\_\_\_ HOME STREET ADDRESS \_\_\_\_\_ HOME TELEPHONE NO. \_\_\_\_\_  
\_\_\_\_\_ CITY \_\_\_\_\_ ZIP CODE \_\_\_\_\_ WORK TELEPHONE NO. \_\_\_\_\_

voluntarily furnish this sworn/affirmed statement to: \_\_\_\_\_ OFFICER \_\_\_\_\_ ID NO \_\_\_\_\_

**VICTIM ONLY:** I am requesting criminal charges be pressed in this case. Victim's Initials: \_\_\_\_\_

I WALKED OUTSIDE ~~BY~~ FROM THE GYM LOBBY. MR. TARDIVO ASKED ME TO HELP HIM. MR. TARDIVO TOLD ME HE SMELLED FRESH CIGARETTE SMOKE IN THE GYM LOBBY AND SAW A STUDENT LEAVING THE LOBBY. WHILE MR. TARDIVO WAS SPEAKING WITH THE STUDENT HE COULD SMELL CIGARETTE SMOKE ON THE STUDENT AS DID I. MR. TARDIVO ASKED THE STUDENT TO EMPTY HIS POCKETS. THE STUDENT BECAME DEFENSIVE AND SAID "NOBODY TOUCHING ME" MR. TARDIVO SAID NO ONE WOULD OR WANTED TO TOUCH HIM. THE STUDENT PUT HIS BINDER DOWN AND STARTED TO WALK TOWARD MR. TARDIVO AND SAID "I'LL BEAT YOUR FUCK ASS UP" I STEPPED IN FRONT OF THE STUDENT AND STOPPED HIM FROM ADVANCING ON MR. TARDIVO. I ESCORTED THE STUDENT TO OFFICER MCCOY.

\_\_\_\_\_  
SIGNATURE, PERSON MAKING STATEMENT (sign every page)

10/7/04  
DATE

\_\_\_\_\_  
WITNESS SIGNATURE (sign every page)

DATE

\_\_\_\_\_  
WITNESS SIGNATURE (sign every page)

DATE

Sworn to and subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public, State of Florida

Law Enforcement Officer

ID No \_\_\_\_\_



October 8, 2004

[REDACTED]

I was asked to report to the gym, where I noticed Mr. Nichols and Mr. Tardivo escorting [REDACTED] to the office. The young man had to be led away by Mr. Nichols because he had made two attempts to accost Mr. Tardivo while stating, "I'll will knock you out if you fucking touch mc, and no one is going to search me. I don't give a fuck who they are." After reaching the student, Officer McCoy and I asked him to come with us to Officer McCoy's office. While speaking with the student about what had happened, he made numerous remarks that he would strike anyone, if they tried to search him regardless of who they were. I instructed [REDACTED] numerous times to empty his pockets. He stated that he was not going to do anything and no one is going to touch him. After numerous attempts, I asked Ms. Fox to come into the office and [REDACTED] repeated to make the comments, "that if anyone touched me I will punch them and run. [REDACTED] belligerent behavior is a danger to staff, students, and the educational process on our campus.

  
Mr. A. Anderson  
Assistant Principal

When I went out to get a  
drink I saw him lighting  
it up when I saw he acted  
like he was drinking water and  
was in a hurry.  
He was wearing a black shirt  
and I think a pair of black pants.





THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
SCHOOL POLICE DEPARTMENT

# Case Report Check List

Juvenile     Adult     Original     Supplement

OFFICER <u>KJ Mccoy</u>	<u>853</u>	ID <u>853</u>
CASE NUMBER <u>04-3069</u>	DATE OF REPORT <u>10-14-04</u>	

Offense Assault School Board Employee      Date of Offense: 092404

- Offense Incident Report (PBSD 1654) .....  YES     NO
- Victim Rights (PBSD 1538) and Victims Rights Pamphlet .....  YES     NO
- Victim Notification (PBSD 1681) .....  YES     NO  
(Homicide, Attempted Murder, Sexual Offense, Attempted Sexual Offense, Stalking, Domestic Violence)
- Victim Wavier (PBSD 0425) .....  YES     NO
- Victim Statement (PBSD 1658) .....  YES     NO
- Witness Statement (PBSD 1658) .....  YES     NO
- Miranda Rights (PBSD 1657) .....  YES     NO
- Suspect Statement (PBSD 1658) .....  YES     NO
- Traffic Crash Reports .....  YES     NO  
(Original HSMV Crash Report with HSMV Crash Report Number (in red) must be attached)
- Property/Drug (PBSD 1660) .....  YES     NO
- Property Receipt (PBSD 0429) .....  YES     NO
- Weapon form (PBSD 1670) .....  YES     NO
- Use of Force form (PBSD 1757) .....  YES     NO
- Narrative (PBSD 1655 on Floppy Diskette) .....  YES     NO

## ARREST/CAPIAS

- Juvenile Cases - Uniform Traffic Citation [for violations of FSS 562 (alcohol); 893 (narcotics); Grand Theft Auto; Theft of Motor Vehicle Parts (N/A for Youth Court cases)] .....  YES     NO
- Adult Cases - Uniform Traffic Citation [for violations of FSS 893 (narcotics); Grand Theft Auto; Theft of Motor Vehicle Parts (N/A for Youth Court cases)] .....  YES     NO
- Warrant Check .....  YES     NO
- School Notification of Arrest (PBSD 1901) .....  YES     NO
- Parent Notified .....  YES     NO
- Transported to JAC .....  YES     NO
- Transported to Jail .....  YES     NO
- NTA/P.C. Affidavit .....  YES     NO
- Witness List for Juvenile/Adult Misdemeanor Arrests .....  YES     NO
- Filing Packet for All Felony Arrests (PBD 1758) .....  YES     NO
- Print Cards (three each) .....  YES     NO
- Youth Court Recommendation .....  YES     NO

**V. Snow**  
**Logged in:**  
**OCT 20 2004**

Youth Court Office Contact Name: \_\_\_\_\_ (561) 682-0026 Date: / /

Youth Court Office conditional acceptance .....  YES     NO

Comment

Reported Day **FRIDAY** Date **09 24 04** Time (mil) **1500** Time Dispatched (mil) **1500** Time Arrived (mil) **1500** Time Completed (mil) **1600**

Incident Day **FRIDAY** Date **09 24 04** Time (mil) **1445** Incident Day **FRIDAY** Date **09 24 04** Time (mil) **1500**

CODES	Offense	Type	Description and Florida State Statute	A/C	NCIC/UCR Code
Type: 1-Felony	<b>#1</b>	<b>3</b>	<b>ASSAULT SCHOOL BOARD EMPLOYEE 784.081</b>	<b>C</b>	<b>130B</b>
3-Misdemeanor	<b>#2</b>				
9-Other	<b>#3</b>				
	<b>#4</b>				

Incident Location (Street, Apt. Number) **6161 Woolbright Rd. Boynton Beach Fla. 33487** City **Boynton Beach** State **Fla.** Zip Code **33487** Geographic Indicator **2601**

Business Name/Area Identifier **Odyssey Middle School** Forced Entry **O-N/A 2-No 1-Yes 0** Occupancy **O-N/A 2-Unoccupied 1-Occupied 3-Abandoned 0**

Location Type		# Offenses		# Victims		# Offenders		# Prem. Ent.		# Veh. Stolen		Type Weapon		02-Rife		05-Knife/Cutting Instrument		07-Hands/Fist/Feet		10-Fire/Incendary		13-Drugs								
01-Residence-Single	06-Gas Station	11-Specialty Store	16-Storage	21-Airport	26-Highway/Roadway	99-Other	02-Apartment/Condo	07-Liquor Sales	12-Drug Store/Hospital	17-Gov't/Public Bldg.	22-Bus/Rail Terminal	27-Park/Woodlands/Field	03-Residence-Other	08-Bar/Nightclub	13-Bank/Financial Inst.	18-School/University	23-Construction Site	28-Lake/Waterway	04-Hotel/Motel	09-Supermarket	14-Commercial/Office Bldg.	19-Jail/Prison	24-Other Structure	29-Motor Vehicle	05-Convenience Store	10-Dept./Discount Store	15-Industrial/Mfg.	20-Religious Bldg.	25-Parking Lot/Garage	30-Other Mobile
		<b>1</b>		<b>1</b>		<b>1</b>		<b>n/a</b>		<b>n/a</b>		<b>01-Handgun</b>		<b>04-Firearm</b>		<b>06-Blunt Object</b>		<b>09-Explosives</b>		<b>12-Simulated Weapon</b>		<b>99-Other</b>								

Victim Relationship to Offender: 00-N/A, 01-Undetermined, 02-Stranger, 03-Spouse, 04-Ex-Spouse, 05-Co-Habit, 06-Parent, 07-Brother/Sister, 08-Child, 09-Step-Parent, 10-Step-Child, 11-In-Law, 12-Other Family, 13-Student, 14-Teacher, 15-Child of Boy/Girl Friend, 16-Boy/Girl Friend, 17-Friend, 18-Neighbor, 19-Sitter/Day Care, 20-Employee, 21-Employer, 22-Landlord/Tenant, 23-Acquaintance, 99-Other

V/W Code	V/W Type	Race	Sex	Residential Type	Residential Status	Extent of Injury	Injury Type	05-Poss. Broken Bones	06-Poss. Internal Injury	07-Loss of Teeth	08-Burns	09-Abrasions/Bruises	99-Other
V-Victim	0-N/A	N-N/A	N-N/A	0-N/A	0-N/A	0-None	00-N/A						
W-Witness	1-Juvenile	W-White	M-Male	1-City	1-Full Year	1-Minor	01-Gunshot						
C-Reporting Person	2-L.E. Officer	B-Black	F-Female	2-County	2-Part Year	2-Serious	02-Stubbed						
P-Proprietor	3-Adult	I-American Indian	U-Unknown	3-Florida	3-Non-Resident	3-Fatal	03-Laceration						
Z-Other	4-Business	O-Oriental/Asian		4-Out-of-State			04-Unconscious						

Offense Indicator (circle) **1** V/W Code **V** # **1** V/W Type **3** Name (Last, First, Middle or Business) **[REDACTED]** Residence Phone **[REDACTED]**

Address (Street/Apt. Number) **[REDACTED]** City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]** Business Phone **[REDACTED]**

Other Contact Info. (Time Available, Interpreter, etc.) **[REDACTED]** Synopsis of Involvement **victim of assault**

Race **W** Sex **M** Date of Birth **[REDACTED]** Res. Type **2** Res. Status **1** Extent of Injury **0** Injury Type(s) **00** Relationship **00** Ethnicity **[REDACTED]**

Offense Indicator (circle) **1** Suspect Code # **S** Juvenile **1** Name (last, First, Middle) **[REDACTED]** Residence Phone **[REDACTED]**

Maiden Name **[REDACTED]** Nickname/Street Name **[REDACTED]** Place of Birth **[REDACTED]** Business Phone **[REDACTED]**

Last Known Address (Street, Apt. Number) **[REDACTED]**

Occupation **student** Employer/School **Odyssey Middle School** Address **6161 Woolbright Rd. Boynton Beach Fla. 33487** Social Security No. **595-92-6911**

Driver's License State/Number **n/a** Immigration and Naturalization Number **n/a** Other I.D. Number **n/a** FCIC/NCIC **[REDACTED]**

Clothing (described) **n/a** Scars/Marks/Tatoos (Location/Describe) **n/a**

Race **B** Sex **M** Date of Birth **[REDACTED]** Height **505** Weight **115** Eye Color **BLK** Hair Color **BLK** Hair Length **Short** Hair Style **Afro**

Complexion **DRK** Build **MED** Facial Hair **[REDACTED]** Teeth **[REDACTED]** Speech/Voice **[REDACTED]** Special Identifiers **[REDACTED]**

Officer Reporting **KJ Mccoy** I.D. Number **853** Date **10-14-04** Related Case No./Agency **[REDACTED]**

Lieutenant Reviewing **[REDACTED]** I.D. Number **215** Date **10/19/04** Captain Reviewing **[REDACTED]** I.D. Number **[REDACTED]** Date **[REDACTED]** Forward to **[REDACTED]** Date **[REDACTED]**

Case Status **Cleared** Clearance Type **1-Arrest 2-Exceptional 3-Unfounded** A-Adult **2** J-Juvenile **J** Date Cleared **10-14-04** Recommended Youth Court  Yes  No Number Arrested **[REDACTED]**

Exception Type **1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution 3-Death of Offender 4-V/W Refused to Cooperate 5-Prosecution Declined 6-Juvenile/No Custody** OBTS/Arrest Number **[REDACTED]** Page **[REDACTED]** of **[REDACTED]**

ADM	Agency ORI Number FLO 5 0 4 2 0 0	THE SCHOOL DISTRICT OF PALM BEACH COUNTY SCHOOL POLICE	<input checked="" type="checkbox"/> File <input type="checkbox"/> Adult	<input checked="" type="checkbox"/> 1 - Original <input type="checkbox"/> 2 - Supplement	Case Number 04-3069
	Original Date Reported 09 24 04		Offense Assault School Board Employee		

## Victim/Witness Report

CODES	<b>V/W Code</b> V- Victim W- Witness C- Reporting Person P- Proprietor Z- Other	<b>V/W Type</b> 0- N/A 1- Juvenile 2- L.E. Officer 3- Adult 4- Business	5- Government 6- Church 9- Other	<b>Race</b> N- N/A W- White B- Black I- American Indian O- Oriental/Asian U- Unknown	<b>Sex</b> N- N/A M- Male F- Female U- Unknown	<b>Residential Type</b> 0- N/A 1- City 2- County 3- Florida 4- Out-of-State	<b>Residential Status</b> 0- N/A 1- Full Year 2- Part Year 3- Non-Resident	<b>Extent of Injury</b> 0- None 1- Minor 2- Serious 3- Fatal	<b>Injury Type</b> 00- N/A 01- Gunshot 02- Stabbed 03- Laceration 04- Unconscious	05- Poss. Broken Bones 06- Poss. Internal Injury 07- Loss of Teeth 08- Burns 09- Abrasions/Bruises 99- Other
	<b>Victim Relationship to Offender</b>									
00- N/A    02- Stranger    04- Ex-Spouse    07- Brother/Sister    10- Step-Child    13- Student    16- Boy/Girl Friend    19- Sitter/Day Care    22- Landlord/Tenant										
01- Undetermined    03- Spouse    05- Co-Habit    08- Child    11- In-Law    14- Teacher    17- Friend    20- Employee    23- Acquaintance										
06- Parent    09- Step-Parent    12- Other Family    15- Child of Boy/Girl Friend    18- Neighbor    21- Employer    99- Other										

VICTIM / WITNESS	<b>Offense Indicator</b> (circle) 2 3 4	<b>V/W Code #</b> W 1	<b>V/W Type</b> 3	<b>Name (Last, First, Middle or Business)</b> [REDACTED]					<b>Residence Phone</b> [REDACTED]		
	<b>Address (Street/Apt. Number)</b> [REDACTED]							<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Business Phone</b> [REDACTED]
	<b>Other Contact Info. (Time Available, Interpreter, etc.)</b>					<b>Synopsis of Involvement</b> witnessed incident					
	<b>Race</b> W	<b>Sex</b> M	<b>Date of Birth</b> [REDACTED]		<b>Res. Type</b> 2	<b>Res. Status</b> 1	<b>Extent of Injury</b> 0	<b>Injury Type(s)</b> 00	<b>Relationship</b> 00	<b>Ethnicity</b>	
	<b>Offense Indicator</b> (circle) 2 3 4	<b>V/W Code #</b>	<b>V/W Type</b>	<b>Name (Last, First, Middle or Business)</b>					<b>Residence Phone</b> ( ) -		
<b>Address (Street/Apt. Number)</b>							<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Business Phone</b> ( ) -	
<b>Other Contact Info. (Time Available, Interpreter, etc.)</b>					<b>Synopsis of Involvement</b>						
<b>Race</b>	<b>Sex</b>	<b>Date of Birth</b>		<b>Res. Type</b>	<b>Res. Status</b>	<b>Extent of Injury</b>	<b>Injury Type(s)</b>	<b>Relationship</b>	<b>Ethnicity</b>		
<b>Offense Indicator</b> (circle) 2 3 4	<b>V/W Code #</b>	<b>V/W Type</b>	<b>Name (Last, First, Middle or Business)</b>					<b>Residence Phone</b> ( ) -			
<b>Address (Street/Apt. Number)</b>							<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Business Phone</b> ( ) -	
<b>Other Contact Info. (Time Available, Interpreter, etc.)</b>					<b>Synopsis of Involvement</b>						
<b>Race</b>	<b>Sex</b>	<b>Date of Birth</b>		<b>Res. Type</b>	<b>Res. Status</b>	<b>Extent of Injury</b>	<b>Injury Type(s)</b>	<b>Relationship</b>	<b>Ethnicity</b>		
<b>Offense Indicator</b> (circle) 2 3 4	<b>V/W Code #</b>	<b>V/W Type</b>	<b>Name (Last, First, Middle or Business)</b>					<b>Residence Phone</b> ( ) -			
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<b>Other Contact Info. (Time Available, Interpreter, etc.)</b>					<b>Synopsis of Involvement</b>						
<b>Race</b>	<b>Sex</b>	<b>Date of Birth</b>		<b>Res. Type</b>	<b>Res. Status</b>	<b>Extent of Injury</b>	<b>Injury Type(s)</b>	<b>Relationship</b>	<b>Ethnicity</b>		
<b>Offense Indicator</b> (circle) 2 3 4	<b>V/W Code #</b>	<b>V/W Type</b>	<b>Name (Last, First, Middle or Business)</b>					<b>Residence Phone</b> ( ) -			
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<b>Other Contact Info. (Time Available, Interpreter, etc.)</b>					<b>Synopsis of Involvement</b>						
<b>Race</b>	<b>Sex</b>	<b>Date of Birth</b>		<b>Res. Type</b>	<b>Res. Status</b>	<b>Extent of Injury</b>	<b>Injury Type(s)</b>	<b>Relationship</b>	<b>Ethnicity</b>		

ADMINISTRATIVE	<b>Officer Reporting</b> KJ McCoy <i>KJ McCoy</i> 853	<b>I.D. Number</b> 853	<b>Date</b> 10-14-04	<b>Lieutenant Reviewing</b> <i>LT M...</i>	<b>I.D. Number</b> 215	<b>Date</b> 10/19/04	
	<b>Captain Reviewing</b>	<b>I.D. Number</b>	<b>Date</b>	<b>Forward to</b>	<b>Date</b>		
	<b>Case Status</b> Cleared	<b>Clearance Type</b> 1-Arrest 2-Exceptional	3-Unfounded 2	<b>A-Adult</b> J-Juvenile J	<b>Date Cleared</b> 10-14-04	<b>Recommended Youth Court</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Number Arrested</b>
	<b>Exception Type</b> 1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution				3-Death of Offender 4-V/W Refused to Cooperate	5-Prosecution Declined 6-Juvenile/No Custody	<b>OBTS/Arrest Number</b>  <b>Page</b>  of

ADM	Agency ORI Number FLO 5 0 4 2 0 0	THE SCHOOL DISTRICT OF PALM BEACH COUNTY SCHOOL POLICE	<input checked="" type="checkbox"/> Juvenile <input type="checkbox"/> Adult	<input type="checkbox"/> 1 - Original <input type="checkbox"/> 2 - Suppl.	<input checked="" type="checkbox"/> 1 - Offense <input type="checkbox"/> 2 - Arrest	Case Number 04-3069
	Original Date Reported 09 24 04	Offense Assault School Board Employee				

On 9-24-04 I was contacted by Asst. Principal Anthony Anderson that I was needed in the front office. Upon arrival I made contact with Mr. Anderson and student [REDACTED]. I escorted [REDACTED] to my office and was joined by Mr. Anderson. Mr. Anderson advised that [REDACTED] was allegedly smoking in the gym lobby. Mr. Ken Tardivo, physical education teacher stated he was advised by a anonymous source that a student was smoking in the gym lobby. Mr. Tardivo entered the lobby and did smell smoke. Mr. Tardivo stated he did confront [REDACTED], who fit the description of the student allegedly smoking, and questioned him about smoking and asked [REDACTED] to empty his pockets. [REDACTED] refused and stated "nobody is touching me". At this point [REDACTED] became angry and started to approach Mr. Tardivo and said "I'll beat your fuck ass up". Mr. Nichols, Odyssey computer technician, was present and he stepped in front of [REDACTED] to prevent him from reaching Mr. Tardivo. Mr. Nichols then escorted [REDACTED] to the office. Mr. Anderson spoke to [REDACTED] and I was present during this conversation. [REDACTED] stated numerous times he wanted to punch Mr. Tardivo and would have done so. Mr. Anderson advised [REDACTED] the school administration had a right to search him due to the evidence presented to Mr. Anderson. [REDACTED] refused to empty his pockets or allow his property to be searched. Principal Bonnie Fox also advised [REDACTED] that he was subject to search and again [REDACTED] refused. I spoke with [REDACTED] alone for a few minuets and advised him it was not worth getting in trouble for a minor infraction of smoking and he should reconsider. [REDACTED] stated he did not want anyone touching him and did not want to be searched. [REDACTED] and I spoke for a few minuets more and [REDACTED] agreed to relinquish a partially smoked black and mild cigar. [REDACTED] stated he was not smoking but has had the cigar in his possession all day. [REDACTED] voluntarily turned out his pockets to show that he did not have other contraband. I advised Mr. Anderson of my findings. I did speak with Mr. Tardivo concerning pressing criminal charges. Mr. Tardivo stated he did not want to pursue charges and did not feel as though he would be hurt by [REDACTED]. The incident will be handled by school administration and no charges will be filed. I did destroy what was left of the cigar. School Administration requested this incident be documented with a police report.

ADMINISTRATIVE	Officer Reporting KJ Mccoy <i>[Signature]</i>	I.D. Number 853	Date 10-14-04	Lieutenant Reviewing <i>[Signature]</i>	I.D. Number 215	Date 10/19/04
	Captain Reviewing	I.D. Number	Date	Forward to		Date
	Case Status Cleared	Clearance Type 1-Arrest 2-Exceptional 3-Unfounded 4	A-Adult J-Juvenile J	Date Cleared 10-14-04	Recommended Youth Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number Arrested 0
Exception Type 1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution	3-Death of Offender 4-V/W Refused to Cooperate	5-Prosecution Declined 6-Juvenile/No Custody	OBTS/Arrest Number	Page	of	

THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
SCHOOL POLICE DEPARTMENT

**Sworn/Affirmed Statement**

WITNESS     VICTIM     SUSPECT     OTHER

Case No: 04-3069  
Date: 10/7/04  
Time: 0

I, (print full name) [REDACTED] [REDACTED] BIRTH DATE  
[REDACTED] HOME STREET ADDRESS [REDACTED] HOME TELEPHONE NO.  
[REDACTED] CITY [REDACTED] ZIP CODE [REDACTED] WORK TELEPHONE NO.

voluntarily furnish this sworn/affirmed statement to: McCoy OFFICER ID NO.

**VICTIM ONLY:** I am requesting criminal charges be pressed in this case. Victim's Initials: \_\_\_\_\_

I WALKED OUTSIDE ~~DE~~ FROM THE GYM LOBBY. MR. TARDIVO ASKED ME TO HELP HIM. MR. TARDIVO TOLD ME HE SMELLED FRESH CIGARETTE SMOKE IN THE GYM LOBBY AND SAW A STUDENT LEAVING THE LOBBY. WHILE MR. TARDIVO WAS SPEAKING WITH THE STUDENT HE COULD SMELL CIGARETTE SMOKE ON THE STUDENT AS DID I. MR. TARDIVO ASKED THE STUDENT TO EMPTY HIS POCKETS. THE STUDENT BECAME DEFENSIVE AND SAID "NOBODY TOUCHING ME". MR. TARDIVO SAID NO ONE WOULD OR WANTED TO TOUCH HIM. THE STUDENT PUT HIS BINDER DOWN AND STARTED TO WALK TOWARD MR. TARDIVO AND SAID "I'LL BEAT YOUR FUCK ASS UP". I STEPPED IN FRONT OF THE STUDENT AND STOPPED HIM FROM ADVANCING ON MR. TARDIVO. I ESCORTED THE STUDENT TO OFFICER MCCOY.

SIGNATURE [REDACTED] DATE 10/15/04

WITNESS SIGNATURE (sign every page) \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS SIGNATURE (sign every page) \_\_\_\_\_ DATE \_\_\_\_\_

Sworn to and subscribed this 15 day of October, 2004  
[Signature] 853  
Notary Public, State of Florida Law Enforcement Officer ID No.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
SCHOOL POLICE DEPARTMENT

### Sworn/Affirmed Statement

Case No.	04-3069
Date	10/15/04
Time	0900

WITNESS     VICTIM     SUSPECT     OTHER

NAME OF PERSON MAKING STATEMENT (full name)	BIRTH DATE	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ADDRESS (street address, city, state, zip code)			
[REDACTED]			

I voluntarily furnish this sworn/affirmed statement to: Officer \_\_\_\_\_ ID \_\_\_\_\_

#### VICTIM ONLY (Parent of Juvenile) :

I am requesting criminal charges.  Yes  No I further understand that I will be required to appear in court if subpoenaed.

\_\_\_\_\_  
SIGNATURE OF VICTIM (PARENT OF JUVENILE)      DATE

#### STATEMENT

I stopped [REDACTED] after another gave a description of a student smoking in the lobby of the gymnasium. [REDACTED] fit that description, so I stopped him to ask him a few questions. [REDACTED] became a little disturbed when I had asked him to please empty his pockets for myself and another faculty person. [REDACTED] refused so I sent him with the faculty person and that's when [REDACTED] starting saying "I'm going to hit his fuck'n punk ass, you watch." The second faculty person asked him who he was going to hit and [REDACTED] replied, "That punk ass teacher." [REDACTED] then, put down his binder and started toward me and said "Fuck'n punk ass." I turned and walked away and [REDACTED] replied with, "you better walk away you fuck'n punk."

\_\_\_\_\_  
SIGNATURE, PERSON MAKING STATEMENT (sign every page)      DATE 10/15/04

\_\_\_\_\_  
WITNESS SIGNATURE (sign every page)      DATE

\_\_\_\_\_  
WITNESS SIGNATURE (sign every page)      DATE

Sworn to and subscribed this 15 day of October, 2004.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
LAW ENFORCEMENT OFFICER      ID NO. \_\_\_\_\_





THE SCHOOL DISTRICT  
OF PALM BEACH COUNTY, FLORIDA  
SCHOOL POLICE DEPARTMENT  
3330 FOREST HILL BOULEVARD, B-121  
WEST PALM BEACH, FL 33406-5869  
(561) 434-8300 FAX (561) 434-8186

JAMES P. KELLY, J.D.  
CHIEF OF POLICE

DR. H. BENJAMIN MARLIN  
SUPERINTENDENT  
OF SCHOOLS

PBCSD CASE NO. 04-3069

## VICTIM WAIVER

DATE: 10/14/04 TIME: 0850

I, [REDACTED] being a reported victim of a crime under Florida State Statutes, do hereby instruct the School District Police that I choose not to prosecute in this case. I understand this releases the School District Police of any responsibility as to my case.

I am taking this position of my own free will knowing that the case can only be further investigated and prosecuted with my cooperation.

[REDACTED]  
Signature

Witnessed by:

\_\_\_\_\_  
\_\_\_\_\_



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
 SCHOOL POLICE DEPARTMENT  
**Victim Rights Information Sheet**  
 (561) 434-8300

DATE/TIME: 10-14/04	CASE NO: 04-3069
------------------------	---------------------

As a victim of a crime you have the following rights:

1. To be informed, present, and heard at all crucial stages of the criminal proceedings (juvenile or adult), to be told how to participate in those proceedings.
2. To be informed about the availability of crimes compensation and other victim services and to assert the rights of the crime victim.
3. To be protected from intimidation.
4. To submit a victim impact statement.
5. To seek restitution from the offender.
6. To review upon request a copy of any pre-sentence investigative report completed prior to the sentencing hearing.

Some local victim assistance telephone numbers that you may wish to use for more information are below:

VICTIM ASSISTANCE PROGRAM

General Information .....355-2418  
 South County .....274-1500  
 West County .....996-4871

SEXUAL ASSAULT PROGRAM

Central & North County .....355-2073  
 South County .....274-1500  
 West County .....996-4871  
**24-Hour Hotline .....833-RAPE**  
 South County Hotline .....274-1211  
 West County Hotline .....996-1211

DOMESTIC ASSAULT PROGRAM

Central & North County .....355-2383  
 South County .....274-1500  
 West County .....996-4871

STATE ATTORNEY

Felony Victim Witness .....355-7100  
 Juvenile .....355-7200  
 Misdemeanor/Traffic .....355-7400  
 North County .....624-6630  
 South County .....274-1490  
 West County .....996-4820

24-HOUR SHELTER HOTLINES

Central County .....655-6106  
 South County .....265-2900

VICTIM SUPPORT GROUPS

Crime Stoppers .....1-800 458-8477  
 Teen Hotline .....930-TEEN  
 MADD (Mothers Against Drunk Driving) .....833-5666  
 Crisis Line .....547-1000  
 Crisis Line South .....243-1000  
 Crisis Line West .....996-1121  
 Adam Walsh Child Resource Center .....820-9000  
 Runaways .....833-2400

JUVENILE RESTITUTION .....355-2532

I, \_\_\_\_\_, received the above information and the Victim Rights Pamphlet

from Officer McCoy and understand my rights.

\_\_\_\_\_  
 ID# 853  
 \_\_\_\_\_  
 SIGNATURE OF VICTIM DATE 10/15/04

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

03. DEMOGRAPHICS

YEAR: 05

Friday October 15, 2004 7:15 am

04-3069

STDT: [REDACTED]

LAST                      APP FIRST                      MIDDLE                      AKA                      FORMER

[REDACTED]                      [REDACTED]                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_

RES NBR    DR STREET                      TYPE PD APT/BLDG                      CITY                      ST ZIP+4  
[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    B    [REDACTED]                      [REDACTED]                      1                      [REDACTED]                      Y                      082395 267A                      \_\_\_\_\_

ENT    DATE    SCHL GR    OD CL AT    W/D    DATE    PR PF                      SSN                      EXTRNL NBR    PC    PS    PD  
R02 081904 2601 07    01 Y                      \_\_\_\_\_                      [REDACTED]                      [REDACTED]                      X 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 082295 A    C LY 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: F223