

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-025

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 Woodlands Middle School that the Respondent was being recommended for expulsion on October 26, 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 marijuana with the intent to sell and/or distribute while on the campus of Woodlands Middle School on October 21, 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 October 22, 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 10/26/2004

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 10/21/2004 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 October 21, 2004, [REDACTED] came to school with a sellable quantity of marijuana. I had a suspicion about him having drugs from my guidance counselor. She reported that several students were talking about it in passing. I immediately got [REDACTED] out of class and escorted him to Officer Rosenthal's office. I then searched his backpack and in the front pocket was a bag of marijuana weighing 18 grams. Officer Rosenthal also confiscated \$15.00 in cash which he had in his possession. Inside the bag of marijuana there was six individual bags full and some loose in the there too.

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.

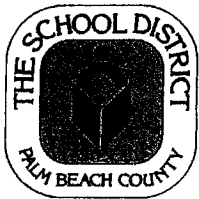
As of 10/22/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Mrs. May D. Gamble, Principal
Woodlands Middle School
5200 Lyons Road
Lake Worth, FL 33467
(561) 357-0300

EXHIBIT

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

FILE COPY

~~December 20, 2004~~

Jan. 12, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 93640830

[REDACTED]

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

Dear [REDACTED]

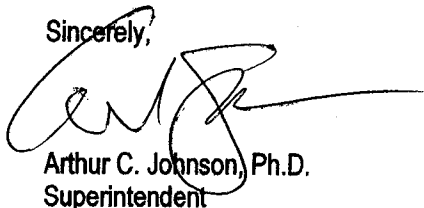
Based upon the recommendation of May D. Gamble, Principal of Woodlands Middle School, and in accordance with Florida Statute § 1006.07, and Palm Beach County School Board Policy 5.1813, I will request that the School Board of Palm Beach County, Florida, expel your son, [REDACTED], from the Palm Beach County School District. This decision is based upon the following action:

Possession of marijuana with the intent to sell and/or distribute while on the campus of Woodlands Middle School on October 21, 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,

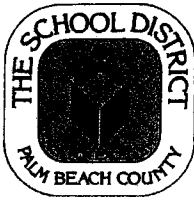

Arthur C. Johnson, Ph.D.
Superintendent

ACJ:AK:JRA:LEP:ci

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

EXHIBIT

B



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

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FILE COPY

~~December 20, 2004~~

Jan. 12, 2005

ÈT REGILYE AK LÈT REKÒMANDE
RESI POU SÈTIFYE LÈT LA RIVE
Ekri nan lang kreyòl ak anglè

[REDACTED]

REKÒMANDASYON POU METE

[REDACTED]

Chè Mesye Jule ak Madmwazèl Aristil:

Daprè rekòmandasyon May D. Gamble, direktè Woodlands Middle School la, epi daprè Atik ' 230.23 (6)(d) nan lwa Florid, ak règleman 5.1813 Komite Edikasyon Rejyon Palm Beach nan eta Florid, mwen pral mande komite edikasyon nan distri lekòl la pou mete pitit gason ou an, [REDACTED] deyò nan Distri Lekòl Rejyon Palm Beach la. Desizyon sa a chita sou zak sa a:

La possession de marijuana avec l'intention pour vendre et/ou distribue pendant que sur le campus d'Ecole de Milieu de Bois le 21 octobre, 2004.

Selon sa lwa eta Florid la deklare nan atik ' 120.569, ou gen dwa mande yon chitatande ak administrasyon an. Demann ou a dwe rive nan biwo Ofisye Anchèf Akademik la pa pi ta pase senk (5) jou apre dat ki sou lèt sa a. Si ou mande yon chitatande, n ap mande yon Abit Legal pou vini tandè koze a daprè sa lwa eta Florid atik ' 120.81(1)(e) mande. Si ou pa mande yon chitatande, rekòmandasyon sa ap dènye desizyon nou.

Pitit gason ou an kapab resevwa sèvis edikasyon nan anèks sid lokal Pwogram Tranzisyon Entansif Excel la pandan tout tan li deyò lekòl la. Si ou gen kesyon sou ekspilsyon an oubyen sou sèvis Pwogram Entansif anèks sid Excel la, tanpri rele biwo Ofisye Anchèf Akademik la nan 561-649-6888.

Sensèman,

Arthur C. Johnson, Ph. D.
Sipèentandan

kk: Direktè lekòl primè mwayen Woodlands Middle School
Sipèentandan Zòn West
Ofisye Anchèf Akademik
Direktris Edikasyon Altènatif

SUMMARY OF INCIDENT

Student Name [REDACTED]
Student Number [REDACTED]
Date of Incident October 26, 2004
Violation and Code Possession of Marijuana
 Florida State Statue 893.13 (6) (b)
 Florida State Statue 893.13 (1) (c)
School Woodlands Middle School
Principal May D. Gamble
Area Supt. Janice Andrews
Grade 8
Date of birth & age [REDACTED]
Language English
ESE? No
504? No
Police Report Charge
If known Case Number 04-3178
 Possession of Marijuana on School Grounds
 Possession of Marijuana with Intent to Sell
Persons involved &
Witnesses to Testify [REDACTED] and Officer Rosenthal

Additional Information

On October 21, 2004, [REDACTED] came to school with a sellable quantity of marijuana. I had reasonable suspicion to search his backpack and found in the front pocket, a bag of marijuana weighing 16 grams. In the bag were six individual bags and some loose. He also had \$15.00 in his possession. The marijuana tested positive.

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

Principal's Signature

May D. Gamble

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 8	ESE / 504 <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE 10 / 21 / 04	TIME 1200	
LOCATION BK - Bookstore BS - Bus Stop BU - School Bus/Transportation CA - Cafeteria CL - Clinic CS - Regular Classroom GR - 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 PA - Playground/Track PK - Parking Lot RE - Restroom RT - Returning Home TO - Field Trip/Activity TB - To School	REPORTED BY Rosenthal / DeRegio	SCHOOL WMS	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	Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation Parent Conference <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher detention Other <input type="checkbox"/>	NATURE OF PROBLEM (Be Specific) Based on student statements DeRegio searched Backpack of this student looking for marijuana (sellable quantities) found same turned to Ofc Rosenthal - Arrest - 13 grams packaged w/ confession	
STAFF ID NUMBER	REPORTED BY (CODE) (Use number below for those persons without a staff ID.) 981	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 988 - Other				

ADMINISTRATIVE USE ONLY BELOW THIS LINE	
WHERE EVENT OCCURRED (circle one) 1 - SCHOOL GROUNDS / ON CAMPUS 2 - Outside school hours, 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 - Unruffled event or unknown
INVOLEMENT TYPE (circle one) A - 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
ADMINISTRATION ID 078	EVENT NUMBER
ADMINISTRATOR'S NAME A. Schuyler	
COMMENTS	
INCIDENT CODES (see code sheets) 75 93	ACTION CODE (see code sheets) 08 90 EPP R12
DURATION How many days 10 Begin Date 10/21/04 Return Date 11/1/04	CASE NUMBER/AGENCY 043178 Police
CRIT / TEAM INTERVENTION <input type="checkbox"/> Yes <input type="checkbox"/> No	ORIGINAL - Administration COPY - Parent COPY - Originator COPY - Guidance Counselor / ESE Contact
SIGNATURE OF PARENT	DATE 10/21/04
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: [REDACTED] A03. DEMOGRAPHICS YEAR: 05

STDT: [REDACTED] Thursday October 28, 2004 3:38 pm

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

RES NBR DR STREET [REDACTED] TYPE PD APT/BLDG [REDACTED] CITY [REDACTED] ST ZIP+4 [REDACTED]

MLG NBR DR STREET [REDACTED] TYPE PD APT/BLDG [REDACTED] CITY [REDACTED] ST ZIP+4 [REDACTED]

SEX RACE DOB BIRTH CITY ST VER PHONE PUB SUMMER ORIG SAC SCHL2
M B [REDACTED] [REDACTED] 1 [REDACTED] N 092095 218

ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD
E01 081104 1921 08 01 Y [REDACTED] 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
HC HC CC 091995 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: Z32A