

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-035


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 October 29, 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 21, 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 21, 2005, to wit:

Possession of a knife while on the campus of John I. Leonard High School on October 27, 2004.

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 November 11, 2004. Your daughter may choose to continue educational services during her

expulsion period at the ACS site. However, if your daughter 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



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

[Redacted]
Lake Worth, FL 33460

Return Receipt Requested

Assistant Principals:
Regular and Certified Mail
PATRICIA KONTTINEN
Date 10/29/2004
Student Number [Redacted]
GSCAR OTERO
LEWIS SCHOLZE

Custodial Parent/Guardian of:

Dear Custodial Parent/Guardian:

On 10/27/2004 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 10/27/04 at approximately 10:30 a.m. a student informed Mr. Scholze that [Redacted] was in possession of a knife at school. He asked Mrs. Silverman to find the student and search her belongings. Mrs. Silverman and Officer Esirella found the student in the gymnasium. She was then asked by Mrs. Silverman if she had anything in her book bag that she should not have at school. [Redacted] replied she did. [Redacted] voluntarily took the knife out of her book bag and handed it to Mrs. Silverman. [Redacted] then stated that she came from a school in Miami where students are allowed to carry knives on them. [Redacted] also stated that she felt she needed to have the knife here at school for protection. She admitted to having no problems with any students here at school.

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

Sincerely,

[Handwritten Signature]
Reginald B. Myers, Principal
4701 Tenth Avenue North
Greenacres, FL 33463

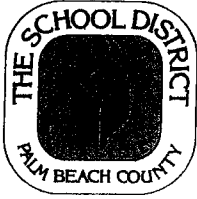
EXHIBIT

[Handwritten Signature]



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

5 (REV 11/6/2001)



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

January 21, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 9364 2117

[REDACTED]
Lake Worth, FL 33461

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear Ms. Pertee:

Based upon the recommendation of Reginald B. 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 daughter, [REDACTED] from the Palm Beach County School District. This decision is based upon the following action:

Possession of a knife while on the campus of John I. Leonard High School on October 27, 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 daughter 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**
General Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

B

INCIDENT SUMMARY

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Possession of a knife on school grounds
School	John I. Leonard High School
Principal	Reginald B. Myers
Area Superintendent	Rodney Montgomery
Grade	11
Sex	Female
Age	16 yrs 3 mo.
Language	English
ESE?	N/A
504?	N/A
Police Report Charge, if known	04-3300 Possession of a weapon on school grounds
Persons Involved And Witnesses to Testify	Officer A. Estrella Valeria Silverman Frank L. Scholze
Additional Information (Use additional page, if necessary)	On 10/27/04 at approximately 10:30 a.m. a student informed Mr. Scholze that [REDACTED] was in possession of a knife at school. He asked Mrs. Silverman to find the student and search her belongings. Mrs. Silverman and Officer Estrella found the student in the gymnasium. She was then asked by Mrs. Silverman if she had anything in her book bag that she should not have at school. [REDACTED] replied she did. [REDACTED] voluntarily took the knife out of her book bag and handed it to Mrs. Silverman. [REDACTED] then stated that she came from a school in Miami where students are allowed to carry knives on them. [REDACTED] also stated that she felt she needed to have the knife here at school for protection. She admitted to having no problems with any students here at school.

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

Principal's signature

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

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

Student Discipline Referral

STUDENT NUMBER [REDACTED]	GRADE 11	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 10/27/04	TIME
REPORTED BY V. Silverman	STUDENT NAME John I. Leonard H.S.	SCHOOL John I. Leonard H.S.	BUS CODE	
STAFF ID NUMBER 0006	INTERVENTIONS BY TEACHER (Before Referral)			
REPORTED BY (CODE) (Use number below for those persons without a staff ID.)	<input type="checkbox"/> Conference with student <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Referral to CORE team <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"/> Mediation <input type="checkbox"/> Teacher detention <input type="checkbox"/> Other			
575 - Paraprofessional 576 - Bus Driver 577 - Clerical 578 - Crossing Guard 579 - Custodian 580 - Food Service Staff 581 - Law Enforcement Officer 582 - Parent/Guardian 583 - Student 584 - Substitute Teacher 585 - School Volunteer 999 - Other	NATURE OF PROBLEM (Be Specific)			
Possession of knife in bookbag. Student stored she keeps it for protection. (3 1/2 inch blade)				

ADMINISTRATIVE USE ONLY BELOW THIS LINE

DISTRICT NUMBER DISTRICT 50 If not District 50, provide District number	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
SCHOOL NO. HOME SCHOOL If not Home School, provide School Number.	ADMINISTRATOR'S NAME V. Silverman	ADMINISTRATION ID 006	EVENT NUMBER 1027104	DATE 10/27/04
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	ADMINISTRATOR'S COMMENTS 10 days OSS 10/28 - 11/10/04 856-5140 Spoke to mom She will pick up	SIGNATURE OF PARENT [REDACTED]	
DURATION How many days 10 Begin Date 10/28/04 Return Date 11/10/04	CASE NUMBER 043300	AGENCY 11/10/04	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 date of my suspension.	
COPY - Parent	COPY - Originator	COPY - Guidance Counselor / ESE Contact	DATE 10/27/04	

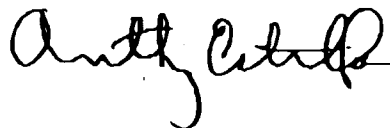
Case Summary**Palm Beach County School Police Case # 04-3300 . Ofc. Anthony Estrella # 903**

Date 10/27/2004 Time- 11:00 a.m.

On Wednesday, October 27, 2004, I was employed as a Palm Beach County School Police Officer at John I. Leonard High School, which is located at 4701 10th Avenue North, Greenacres, FL 33463. At around 10:45 AM. Assistant Principal Lewis Scholze informed me that he had received information from a student, that [REDACTED] (B/F/16, [REDACTED]), another student at the High School, was carrying a knife in her book bag. Mr. Scholze informed me that Assistant Principal Valerie Silverman would be searching [REDACTED] and I accompanied Mrs. Silverman out to the gym area, where [REDACTED] was attending class. Mrs. Silverman entered the female locker room area with [REDACTED] and when she came out she informed me that she had recovered a knife from [REDACTED] book bag. Mrs. Silverman took [REDACTED] back to her office and I met her there. When Mrs. Silverman asked [REDACTED] what she was doing with the knife, she initially responded that she used it for doing her nails, when Mrs. Silverman questioned that, she admitted that she carried it for protection. [REDACTED] stated that she had just came up to Palm Beach County from Miami, and that in Miami everyone carried a knife for protection. The knife is 6" in length with a 2 1/2 " blade.

[REDACTED] did unlawfully, willfully, and knowingly possess a knife on school grounds, and I am submitting this case to the State Attorney's office for review. End.

Anthony Estrella # 903
Palm Beach County School District Police



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) Valerie Silverman _____ / ____ / ____
BIRTH DATE

John I Leonard High School, 4701 10th Avenue North _____ (_____) _____
HOME STREET ADDRESS HOME TELEPHONE NO.

Greenacres, Florida _____ 33463 _____ (561) 641 - 1215
CITY ZIP CODE WORK TELEPHONE NO.

voluntarily furnish this sworn/affirmed statement to: Officer Estrella _____ OFFICER ID NO. _____

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

On October 27, 2004, Mr. Scholze, the Assistant Principal at John I. Leonard H.S., informed me that a female student, [redacted] was reported to have a knife in her backpack. [redacted] was in the Gym during the 4th period class. Officer Estrella accompanied me to the gym. [redacted] backpack and clothes were in the girl's locker room. I escorted [redacted] into the locker room. I asked her if she had anything in her book bag that she should not have at school. She replied she did. [redacted] voluntarily took the knife out of her book bag and handed it to me. [redacted] then stated that she came from a school in Miami where students are "allowed to carry knives on them.. [redacted] stated she felt she need to have the knife here at school for protection. [redacted] admitted having no problems with any student here at school.

Valerie Silverman, Dean Student Services
SIGNATURE, PERSON MAKING STATEMENT (sign every page)

10/28/04
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. _____



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No.	<u>04-3300</u>
Date	_____
Time	_____

WITNESS VICTIM SUSPECT OTHER

NAME OF PERSON MAKING STATEMENT (full name) <u>Frank Lewis Scholze</u>	BIRTH DATE [REDACTED]	HOME TELEPHONE NUMBER [REDACTED]	WORK TELEPHONE NUMBER [REDACTED]
ADDRESS (street address, city, state, zip code) [REDACTED]			

I voluntarily furnish this sworn/affirmed statement to: Officer Estrella 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

On 10/27/04 at approximately 10:30 a.m. a student informed me that [REDACTED] was in possession of a knife at school. I asked Mrs. Silverman to find the student and search her belongings. After Mrs. Silverman had searched [REDACTED] backpack, I went to her office and Officer Estrella, who was already in the office, showed me the knife that was found. Mrs. Silverman asked [REDACTED] why she brought the knife to school and [REDACTED] stated that it was for protection. I left the office and returned to my normal duty.

[Signature] 10/27/04
WITNESS SIGNATURE (sign every page) DATE

SIGNATURE, PERSON MAKING STATEMENT (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.

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

YEAR: 05

Friday October 29, 2004 1:43 pm

STDT: [REDACTED]
SPEC: [REDACTED]

SCHL: 1361 GR: 11 ST: A

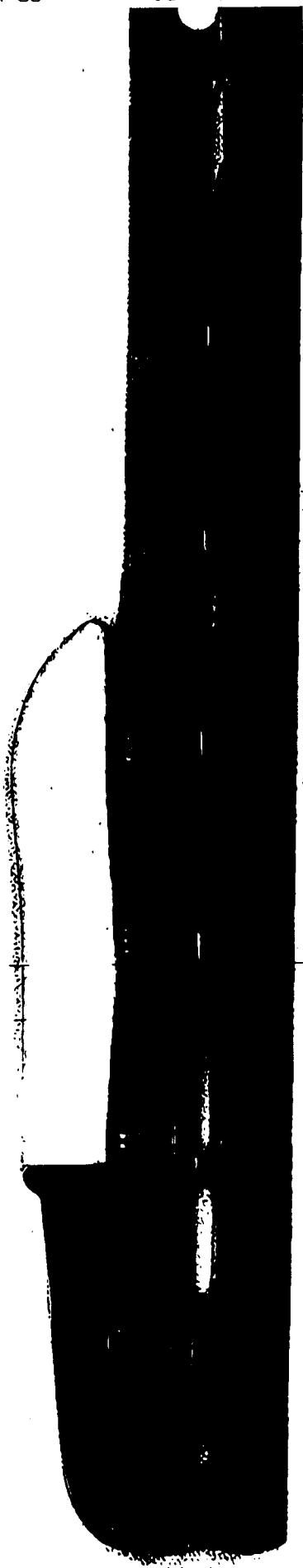
YTD-ISS: 000 OSS: 010

SY	EVENT	DATE	TIME	SCHL	LOC	CODE	X	C	TAKEN	DUR
05										

05	10759395	10282004	0000	1361	OF	E 006 SILVERMAN				
						I 86 POSS OF KNIFE	*			
						A 90 O/S MAND 10 DAY	*		10282004	010
						A 09 PAR/GRD CONTCT			10282004	
						A 01 CONF W/STDT/WRN			10282004	

F1=HELP 3=EXIT 5=REFRESH 7=BKWD 8=FWD 9=NXT PAGE 12=ESCAPE
NO ADDITIONAL PAGES...NEXT?

TERML: BQ38



PANEL: _____

A03. DEMOGRAPHICS

YEAR: 05

Thursday November 18, 2004 2:47 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]	[REDACTED]	[REDACTED]

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

RACE	DOB	BIRTH CITY	ST	VER	PHONE	PUB	SUMMER	ORIG	SAC	SCHL2
F	B	[REDACTED]	WEST PALM BEACH	FL	1 561 [REDACTED]	Y		082393	200A	

ENT	DATE	SCHL	GR	OD	CL	AT	W/D	DATE	PR	PF	SSN	EXTRNL	NBR	PC	PS	PD
E02	081104	1361	11		01	Y					[REDACTED]	[REDACTED]	[REDACTED]	US	FL	13

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	082393			ZZ	3			NNNN	Y	N	N		NN	Z

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

TERML: Z32B