

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-042


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 Odyssey Middle School that the Respondent was being recommended for expulsion on November 23, 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 24, 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 25, 2005, to wit:

Possession of a knife while on the campus of Odyssey Middle School on
November 19, 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 December 8, 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

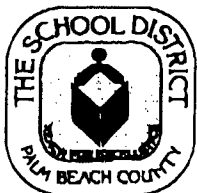
BY: _____
Thomas Lynch, Chairman

Attest: _____
Arthur C. Johnson, Ph.D., Secretary

(SEAL)

Filed with the Clerk of the School Board this ____ day of _____, 2005.

Alicia Palmer, Clerk



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 0891

Date 11/23/2004

Student Number [REDACTED]

Custodial Parent/Guardian of:

Dear Custodial Parent/Guardian:

On 11/19/2004 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.

After being notified by a student that [REDACTED] had a knife, I asked [REDACTED] to give me what he was carrying in his pocket. He then pulled out and handed me a butterfly knife. The knife had approximately a five inch blade. Student stated that he had no intent to use the knife.

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 12/08/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

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

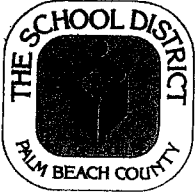
561-752-1300

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

PRSD 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

FILE COPY

January 24, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 9364 2179

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear [REDACTED]

Based upon the recommendation of Bonnie C. 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:

Possession of a knife while on the campus of Odyssey Middle School on November 19, 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:mp

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

EXHIBIT

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	#86 - Possession of a knife
School	Odyssey Middle School
Principal	Bonnie C. Fox
Area Superintendent	Rodney Montgomery
Grade	06
Sex	Male
Age	12
Language	English
ESE?	No
504?	No
Police Report Charge, if known	#04-3703
Persons Involved And Witnesses to Testify	Terri Buckler & Anthony Anderson
Additional Information (use additional page, if necessary)	Youth Court

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

Principal's Signature

Bonnie C. Fox

Colleen Irvin

From: Laura Pincus
Sent: Thursday, December 23, 2004 12:57 PM
To: Colleen Irvin
Cc: Merrie Parks
Subject: FW: [REDACTED]

Please put on next ESC agenda.

-----Original Message-----

From: Bonnie Fox
Sent: Thursday, December 23, 2004 12:56 PM
To: Laura Pincus
Subject: RE: [REDACTED]

Lets do it then. He is not 504 and in case he "returns" it needs to be on record. Thanks. Happy Holidays!

-----Original Message-----

From: Laura Pincus
Sent: Monday, December 20, 2004 4:53 PM
To: Colleen Irvin; Kimberly Manuel
Cc: Bonnie Fox
Subject: RE: [REDACTED]

We have time restraints that prohibit us from putting the case on hold. I usually recommend proceeding with expulsion when a parent moves the student out of District because there would otherwise be nothing to prevent the parent from returning and enrolling back at the same school (or another PBC school). If student is NOT 504, I recommend we proceed with our process. If student IS 504, a manifestation hearing needs to be held.

-----Original Message-----

From: Colleen Irvin
Sent: Monday, December 20, 2004 4:41 PM
To: Kimberly Manuel
Cc: Laura Pincus
Subject: RE: [REDACTED]

I have never heard of a recommendation being placed on "hold." I will check with Laura Pincus and get back with you. Thank you.

Colleen Irvin

Paralegal - Academics

Legal Services

Palm Beach County School District

(561)434-8746 (px-48746)

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. DO NOT DISSEMINATE, DISTRIBUTE OR DUPLICATE WITHOUT AUTHORITY FROM THE LEGAL DEPARTMENT. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AT 561-969-5846 AND EITHER DESTROY THE COMMUNICATION OR RETURN IT TO US VIA U.S. MAIL.

-----Original Message-----

From: Kimberly Manuel
Sent: Monday, December 20, 2004 4:35 PM
To: Colleen Irvin
Subject: [REDACTED]

No! we can place it on hold in case he returns? We are checking on the 504 plan for him?

-----Original Message-----

From: Colleen Irvin
Sent: Monday, December 20, 2004 4:27 PM
To: Kimberly Manuel
Subject: RE: [REDACTED]

Is Ms. Fox withdrawing the recommendation for expulsion? Thank you.

Colleen Irvin
Paralegal - Academics
Legal Services
Palm Beach County School District
(561)434-8746 (px-48746)

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-----Original Message-----

From: Kimberly Manuel
Sent: Monday, December 20, 2004 4:25 PM
To: Colleen Irvin
Subject: [REDACTED]

Ms. Irvin

Ms. Fox had me to email you to inform you that [REDACTED] withdrew from Palm Bch Co. Schools and moved out of state.

Ms. Fox,

Is this student 504? The terms screen does not reflect that, however, the Summary of Incident Form for the above-referenced student's expulsion packet states that this student was 504. If this student is 504, please forward the documentation for manifestation determination.

Also, the Summary of Incident Form that was forwarded to us does not have your signature on it. Please sign the form and fax it to us @ px-48746. Thank you.

Colleen Irvin

Paralegal - Academics

Legal Services

Palm Beach County School District

(561)434-8746 (px-48746)

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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 06	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 11/19/04	TIME 1315
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 PG - Playground/Track PK - Parking Lot RE - Restroom RT - Returning Home TO - Field Trip/Activity Off Campus TR - To School		REPORTED BY Anderson		STAFF ID NUMBER		INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Conference with student <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Letter to parent <input type="checkbox"/> De-escalation techniques <input type="checkbox"/> Mediation <input type="checkbox"/> Telephone call to parent <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Other <input type="checkbox"/> Parent Conference <input type="checkbox"/> Problem solving techniques <input type="checkbox"/> Teacher detention	
REPORTED BY (CODE) (Use number below for those persons without a staff ID.)		NATURE OF PROBLEM (Be Specific)		<p>After being notified by a student that [REDACTED] had a knife I asked [REDACTED] to give me what he was carrying in his pocket. He then pulled out and handed me a butterfly knife. This knife had approx. a five inch blade. <i>Student stated that he had no intent to use the knife.</i></p>			

ADMINISTRATIVE USE ONLY BELOW THIS LINE

DISTRICT NUMBER DISTRICT 50 If not District 50, provide 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
SCHOOL NO. HOMESCHOOL If not Home School, provide School Number.	2 6 0 1	ADMINISTRATOR'S NAME Anderson			
WHAT KIND OF WEAPON USED (if appropriate) K - Knife H - Handgun F - Firearm/Explosive device R - Rifle/Shotgun O - Other Weapon U - Unknown	8 6	ADMINISTRATION ID 003			
DURATION How many days Begin Date 11/19/04 Return Date 11/19/04	0 9 0 c x	EVENT NUMBER 10775973			
CASE NUMBER/AGENCY		DATE 11/19/04			
SIGNATURE OF STUDENT [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			

On 11-19-04 Teacher Teri Buckler
was advised by unknown student
that [REDACTED] was in
possession of a knife.

Ms Buckler reported this to Asst
Principal Anthony Anderson. Mr Anderson
approached [REDACTED] and asked him
if he had anything in his possession
he should not have [REDACTED] did

retrieve a four inch ^{blade} butterfly
knife from his ^{pant.} pocket and gave it
to Mr. Anderson. Investigation by school
police determined that [REDACTED] did
~~steal~~ bring the knife from home,
realizing it was in his pocket as he
was driven to school by his mother.

[REDACTED] admitted to showing the
knife to several friends. [REDACTED]

stated he did not threaten anyone nor
was he having problems with any
individual(s). This is not a
common pocket knife and would be
illegal to possess off campus as well.