

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-047

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 High School that the Respondent was being recommended for expulsion on December 1, 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:

Committed physical battery to a student/person while on the campus of John I. Leonard High School on November 24, 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 14, 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



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

Assistant Principals:
Por correo ordinario y certificado
RECIBO CERTIFICADO
PATRICIA KONTTINEN
OSCAR OTERO
Fecha 12/01/2004
Número del(de la) Estudiante LEWIS SCHOLZE 21110130



Estimado padre o madre de custodia/tutor legal de



Estimados padres de familia o tutor legal:

El 11/24/2004 su hijo(a) o pupilo(a) legal recibió notificación de diez (10) días de suspensión como consta por mi carta, que le envié, y de la cual le adjunto una copia.

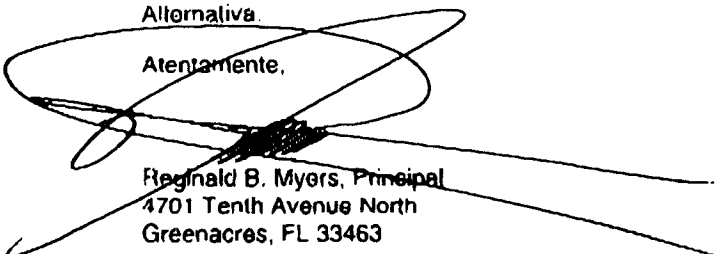
De acuerdo con el Estatuto de la Florida § 230.23(6)(c), el cual autoriza a la Junta Escolar a tomar determinación en los casos de expulsión, en esta fecha he recomendado al equipo de Estudio de Expulsión, que la Junta Escolar expulse a su hijo(a) o pupilo(a) legal de las escuelas públicas del Condado de Palm Beach. Mi recomendación está basada en pruebas establecidas, a mi alcance que corroboran los siguientes actos de mala conducta.

On November 24, 2004, [redacted] was with a group of his boys who met across the street to fight someone. [redacted] said he was there to back up his cousin. Someone from [redacted] group said they're just little kids to which [redacted] responded "fuck it, I feel like hitting a nigga today". He and his group ran across the street and attacked two of our students as they were leaving campus. Case Number 04-3804

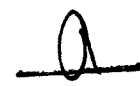
Conforme al Estatuto de la Florida § 230.33(8), el Superintendente puede extender los diez (días) de suspensión hasta la fecha de la reunión de la Junta Escolar durante la cual ésta tomará una decisión sobre la expulsión.

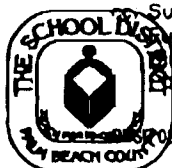
A partir de esta fecha 12/14/2004 su hijo(a) o pupilo(a) legal es asignado(a) al Departamento de Educación Alternativa.

Atentamente,

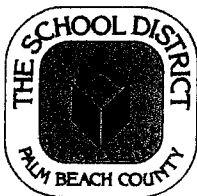

Reginald B. Myers, Principal
4701 Tenth Avenue North
Greenacres, FL 33463

EXHIBIT





Superintendente del Area
Funcionario Académico Superior
Director de Educación Alternativa
Oficia Escolar



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


7002 2410 0004 3477 3284



NOTICE OF RECOMMENDATION FOR EXPULSION



Dear Mr. and Mrs. 

Based upon the recommendation of Reginald 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 son,  from the Palm Beach County School District. This decision is based upon the following action:

Committed physical battery to a student/person while on the campus of John I. Leonard High School on November 24, 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.

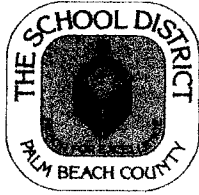
Sincerely,

Arthur C. Johnson, Ph.D.
Superintendent

cc: Principal, John I. Leonard High 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
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~~December 20, 2004~~

Jan. 12, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED



La NOTA DE la RECOMENDACION PARA la EXPULSION



Estimado Sr. y la Sra.

Basado sobre la recomendación de Reginald Myers, el Director de la Preparatoria de John I. Leonard, y de acuerdo con 1006.07, de Estatuto de Florida y Política de Tabla de Escuela de Condado de Playa de Palma 5,1813, solicitaré que la Tabla de la Escuela de Condado de Playa de Palma, la Florida, expulsa a su hijo del Distrito de la Escuela de Condado de Playa de Palma. Esta decisión se basa sobre la acción siguiente:

La batería física cometida a una estudiante/persona mientras en el campus de la Preparatoria de John I. Leonard en el 24 de noviembre de 2004.

Conforme a al Estatuto de la Florida 120,569, usted tiene el derecho a una vista administrativa. Su pedido debe ser recibido por la Oficina del Oficial Académico Principal dentro de diez (10) días de la fecha de esta carta. Si usted solicita una vista, un oficial de vista será designado conforme a al Estatuto 120.81(1)(e) de la Florida). Si usted no solicita una vista, esta recomendación llegará a ser final.

Su hijo puede recibir los servicios educativos en el Programa de la Transición de C.A. durante esta expulsión el proceso debido. Si usted tiene cualquiera pregunta con respecto a la expulsión el proceso debido o los servicios educativos disponibles en las C.A. el Sitio Intensivo, contacta por favor la Oficina del Oficial Académico Principal en 561-649-6888.

Sinceramente,

Arthur C. Johnson, Ph.D.
Superintendent

cc: Principal, John I. Leonard High School
West Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

b

INCIDENT SUMMARY

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Physical Battery-53
School	John I. Leonard High School
Principal	Reginald B. Myers
Area Superintendent	Rodney Montgomery
Grade	09
Sex	Male
Age	15 yrs and 10 mths
Language	Spanish
ESE?	No
S04?	N/A
Police Report Charge, if known	04-3804
Persons Involved And Witnesses to Testify	Officer Richard Morris
Additional Information (Use additional page, if necessary)	On November 24, 2004, [REDACTED] was with a group of his boys who met across the street to fight someone. [REDACTED] said he was there to back up his cousin. Someone from [REDACTED] group said they're just little kids to which [REDACTED] responded "fuck it. I feel like hitting a nigga today" He and his group ran across the street and attacked two of our students as they were leaving campus. The Victims and witness are unwilling to provide a written statement.

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

Principal's signature

Case Summary**Palm Beach County School Police Case # 04-3804 Ofc. Richard Morris #935****Date 11/24/2004 Time- 3:05 p.m.**

ON 11-24-04 AT 1505 HRS. SCHOOL POLICE WERE NOTIFIED BY RADIO THAT ASSISTANT PRINCIPAL GAMEZ WAS REQUESTING ASSISTANCE WITH A LARGE CROWD INVOLVED IN A FIGHT. UPON POLICE ARRIVAL A GROUP OF ABOUT 10 UNIDENTIFIED MALE SUBJECT(S) WERE OBSERVED RUNNING IN A SOUTHWARD DIRECTION ACROSS 10TH AVE.. ONE OF THE SUBJECTS [REDACTED] WAS IDENTIFIED BY THIS OFFICER. THIS OFFICER HAD RECEIVED INFORMATION EARLIER IN THE DAY THAT [REDACTED] HAD CUT SCHOOL AND WAS POSSIBLY REPORTED BY HIS PARENTS AS A MISSING PERSON. OFFICER ESTRELLA WHILE ON SCENE OUTSIDE THE GATES OF JOHN LEONARD HIGH SCHOOL MADE CONTACT WITH VICTIM #1 [REDACTED] WHO IN SUMMARY RELATED THE FOLLOWING. HE STATED THAT HE OBSERVED A CROWD APPROACH HIM FROM ACROSS 10TH AVE., THE CROWD ASKED HIM IF HE WAS A MEMBER OF A GANG KNOWN AS SUR 13. VICTIM [REDACTED] STATED THAT THEY DISCLAIMED MEMBERSHIP TO ANY GANG, HE SAID THEY WERE ATTACKED BY A CROWD, BEING STRUCK TO THE FACE AND BODY WITH HANDS AND FISTS [REDACTED] SAID HE WAS UNABLE TO MAKE IDENTIFICATION AS HE COVERED HIMSELF UP TO PREVENT INJURY. [REDACTED] AT THE TIME OF THIS CONTACT WAS UNSURE IF HE WANTED FURTHER POLICE ACTION OR REPORTING, HIS INJURIES WERE MINOR AND DID NOT NEED MEDICAL ATTENTION.

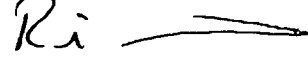
ON 11-29-04 AT 0700 HRS. SCHOOL POLICE AND ADMINISTRATORS INTERVIEWED JOHN LEONARD STUDENTS KNOWN TO BE ASSOCIATES OF A LOCAL GANG SSL (SOUTH SIDE LOCOS). SSL IS RECOGNIZED BY LAW ENFORCEMENT AS A LOCAL HISPANIC STREET GANG INVOLVED IN CRIMINAL ACTIVITY, WITH LITTLE KNOWN ORGANIZATION AND A MEMBERSHIP OF FROM 20-30 MEMBERS. DURING THE INTERVIEWS [REDACTED] AND [REDACTED] WERE IDENTIFIED AS MEMBERS OF SSL. THEIR IDENTIFICATION WAS MADE BY LAW ENFORCEMENT INTELLIGENCE, STUDENT INTERVIEWS AND VOLUNTARY SELF ADMISSION.

DURING THESE INTERVIEWS IT WAS LEARNED THAT [REDACTED] AND [REDACTED] WERE IN THE CROWD DURING THE ATTACK. THE VICTIMS WERE UNABLE TO POSITIVELY IDENTIFY THESE THREE SUBJECTS AS THEIR ATTACKERS. THE LACK OF IDENTIFICATION BY THE VICTIMS MAY BE ASSOCIATED WITH FEAR OF GANG RETALIATION. DURING AN INTERVIEW WITH [REDACTED]

[REDACTED] WAS FOUND IN POSSESSION OF A WEAPON (BRASS KNUCKLES) SEE ARREST REPORT 04-3783.

AT TIME OF REPORTING THE INVESTIGATION WILL CONTINUE, PROSECUTION IS UNABLE TO BE INITIATED AT THIS TIME DUE TO LACK OF VICTIM/WITNESS COOPERATION, AND AVAILABLE EVIDENCE.

Ofc. Richard Morris #935



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

Student Discipline Referral

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 9	ESE / 504 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	DATE 11/24/04	TIME 1455
REPORTED BY Schulze	STAFF ID NUMBER 097	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 <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 detention <input type="checkbox"/> Other			
LOCATION GR	REPORTED BY (CODE) 097	NATURE OF PROBLEM (Be Specific!) [REDACTED] is a known member of a gang called SSL (Sixth side) [REDACTED] was with a group of his boys who met across the street to fight someone. [REDACTED] said he was there to back up his cousin. Someone from [REDACTED] group said they're just little kids to which [REDACTED] responded "fuck it, I feel like hitting a nigger today." He and his group ran across the street and the head two of our students as they were passing.			
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	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	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	
DISTRICT NUMBER DISTRICT 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	ADMINISTRATOR'S NAME D. Schulze	ADMINISTRATION ID 097	EVENT NUMBER 113004	DATE 11/30/04
SCHOOL NO. HOME SCHOOL	INCIDENT CODES (see code sheets) 53	COMMENTS 10 days OSS 11/30-12/13 Conference w/ mother + Mr. Gungy on 11/30	SIGNATURE OF PARENT [REDACTED]		
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) 01 09 10 90 RL FA	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.			
DURATION How many days 10 Begin Date 11/30/04 Return Date 12/10/04	CRT / TEAM INTERVENTION Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	ORIGINAL - Administration COPY - Parent COPY - Originator COPY - Guidance Counselor / ESE Contact			
CASE NUMBER/AGENCY 04-3804	DATE	DATE			

PANEL: _____

A03. DEMOGRAPHICS

YEAR: 05

Thursday December 9, 2004 2:42 pm

STDT: [REDACTED]

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

RES NBR	DR	STREET	TYPE	PD	APT/BLDG	CITY	ST	ZIP+4
[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	H	[REDACTED]	[REDACTED]	FL	1	[REDACTED]	N		082294	181	

ENT	DATE	SCHL	GR	OD	CL	AT	W/D	DATE	PR	PF	SSN	EXTRNL NBR	PC	PS	PD
E01	081104	1361	09		01	Y					[REDACTED]	[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
SP	SP	US	081994	E	B	LZ	3			NNNN	Y	N	N	NN		Z

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

TERML: Z32A