

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-057


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.

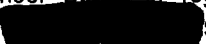
FINDINGS OF FACT

1. Respondent's parent was notified by the Principal of Santaluces High School that the Respondent was being recommended for expulsion on January 12, 2005. 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:

Committed battery on a School Board Employee while on the campus of Santaluces High School on December 23, 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 January 10, 2005. 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



SANTALUCES COMMUNITY HIGH SCHOOL

6880 Lawrence Road, Lantana, Florida 33462-3599

561-642-6200

Glenn J. Heyward, Principal

Regular and Certified Mail

Return Receipt Requested 7003-3110-0002-3901-4567

Date 01/12/2005



Custodial Parent/Guardian of:



Dear Custodial Parent/Guardian:

On 12/23/2004 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.

A staff member was restraining a student on the ground who was involved in an altercation. While the staff member was on the ground, the student kicked the staff member numerous time.

Battery on a school board employee.
School police case number 04-4182.

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 01/10/2005, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Glenn J. Heyward, Principal
6880 Lawrence Road
Lantana, FL 33462

EXHIBIT

A

cc: Area Superintendent
Chief Academic Officer
Director of Alternative Education

... HOME OF THE CHIEFS





SANTALUCES COMMUNITY HIGH SCHOOL

6880 Lawrence Road, Lantana, Florida 33462-3599

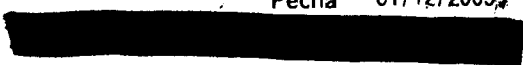
561-642-6200

Glenn J. Heyward, Principal

Por correo ordinario y correo certificado

Recibo certificado a vuelta de correo 7003-3110-0002-3901-4587

Fecha 01/12/2005*



Estimado padre o madre de custodia/tutor legal de



Estimados padres de familia o tutor legal:

El 12/23/2004 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.

Un funcionario de la escuela estaba restringiendo un estudiante involucrado en un altercado. Mientras el funcionario de la escuela estaba en el suelo, el estudiante le dio patadas al funcionario numerosas veces.

Agresión física a un funcionario de la escuela.
Caso Número – Policía de la Escuela 04-4182

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 01/10/2005 su hijo(a) o pupilo(a) legal es asignado(a) al Departamento de Educación Alternativa.

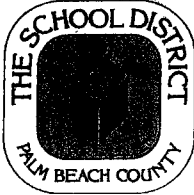
Atentamente,

Glenn J. Heyward, Principal
6880 Lawrence Road
Lantana, FL 33462

cc: Superintendente del Área
Funcionario Académico Superior
Director de Educación Alternativa

... HOME OF THE CHIEFS





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 2162

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear [REDACTED]

Based upon the recommendation of Glenn Hayward, Principal of Santaluces 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:

Committed battery on a School Board Employee while on the campus of Santaluces High School on December 23, 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,

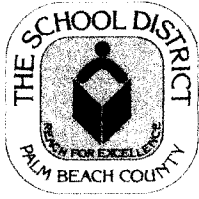
Arthur C. Johnson, Ph.D.
Superintendent

ACJ:AK:JRA:LEP:mp

cc: Principal, Santaluces High School
Central 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

www.PalmBeachSchool.org

El 21 de enero de 2005

**CORREO CERTIFICADO Y REGULAR
El RECIBO del REGRESO SOLICITO**

La NOTA DE la RECOMENDACION PARA la EXPULSION

Estimada [REDACTED]

Basado sobre la recomendación de Glenn Hayward, el Director de la Preparatoria de Santaluces, y de acuerdo con el Estatuto de la Florida 1006,07, y la Política de la Tabla de la 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 hija, [REDACTED] del Distrito de la Escuela de Condado de Playa de Palma. Esta decisión se basa sobre la acción siguiente:

La batería cometida en un Empleado de la Tabla de la Escuela mientras en el campus de la Preparatoria de Santaluces en el 23 de diciembre 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 hija 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

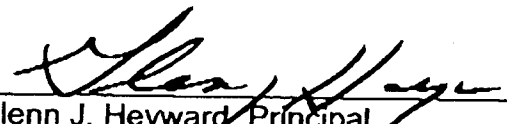
ACJ:AK:JRA:LEP:mp

cc: Principal, Santaluces High School
Central Area Superintendent
Chief Academic Officer
Director of Alternative Education

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Incident code 57 & 80
School	Santaluces High School
Principal	Glenn J. Heyward
Area Superintendent	Mr. Rod Montgomery
Grade	09
Sex	F
Age	16 years
Language	Spanish
ESE?	No
504?	No
Police Report Charge, if known	School police case number 04-4182
Persons Involved and Witnesses to Testify	Steve Ahern, Teacher; Marie DiFonte, Assistant Principal
Additional Information	A staff member was restraining a student on the ground who was involved in an altercation. While the staff member was on the ground, the student kicked the staff member numerous time. Battery on a school board employee. School police case number 04-4182.

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


Glenn J. Heyward, Principal

1-12-05
Date

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Incident code 57 & 80
School	Santaluces High School
Principal	Glenn J. Heyward
Area Superintendent	Mr. Rod Montgomery
Grade	09
Sex	F
Age	16 years
Language	Spanish
ESE?	No
504?	No
Police Report Charge, if known	Caso Número - Policía de la Escuela 04-4182
Persons Involved and Witnesses to Testify	Steve Ahern, Teacher; Marie DiFonte, Assistant Principal
Additional Information	Un funcionario de la escuela estaba restringiendo un estudiante involucrado en un altercado. Mientras el funcionario de la escuela estaba en el suelo, el estudiante le dio patadas al funcionario numerosas veces. Agresión física a un funcionario de la escuela. Caso Número - Policía de la Escuela 04-4182

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


 Glenn J. Heyward, Principal

1-12-05
 Date

Your child has been recommended for expulsion and will need to attend a Secondary Intensive Transition School.

Please contact the below listed school, as soon as possible, to schedule an orientation. Both the parent and student will need to attend orientation.

South Area Intensive Transition
3633 South Federal Highway
Boynton Beach, FL 33435
561-735-3193

Thank you for your cooperation.

Su hijo (a) ha sido recomendado para expulsión y necesita asistir a una Escuela Secundaria de Transición Intensiva.

Por favor llame a la escuela que aparece abajo, a la mayor brevedad para hacer una cita de orientación. El padre (s) y el estudiante necesitan asistir a la orientación.

**South Area Intensive Transition
3633 South Federal Highway
Boynton Beach, FL 33435
(561) 735-3193**

Gracias por su cooperación.

Agency ORI Number FLO 504200	THE SCHOOL DISTRICT PALM BEACH COUNTY SCHOOL POLICE Offense Incident Report	<input checked="" type="checkbox"/> 1 - Original <input type="checkbox"/> Adult <input type="checkbox"/> 2 - Supplement	Case Number #04-4182
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Reported Day Thurs.	Date 12 23 04	Time (mil) 1040	Time Dispatched (mil) 1040	Time Arrived (mil) 1040	Time Completed (mil)
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Incident Day FROM Thurs.	Date 12 23 04	Time (mil) 1015	Incident Day TO	Date	Time (mil)
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EVENT DATA	CODES	Offense Type	Description and Florida State Statute	A/C	NCIC/UCR Code
	Type:	#1 1	Battery on a School Board Employee (784.081 F. S.)	C	308
	1- Felony	#2			
	3-Misdemeanor	#3			
		#4			

Incident Location (Street, Apt. Number) 6880 Lawrence Rd.	City Lantana	State Fl.	Zip Code 33462	Geographic Indicator 1611
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Business Name/Area Identifier Santaluces High School	Forced Entry O-N/A 2-No 1-Yes 0	Occupancy O- N/A 2- Unoccupied 1- Occupied 3- Abandoned 0
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Location Type	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	18

# Offenses 2	# Victims 1	# Offenders 2	# Prem. Ent. 0	# Veh. Stolen 0	Type Weapon 00- N/A 01- Handgun	02- Rifle 03- Shotgun	05- Knife/Cutting Instrument 06- Blunt Object	07- Hands/Fist/Feet 08- Poison 09- Explosives	10- Fire/Incendiary 11- Threat/Intimidation 12- Simulated Weapon	13- Drugs 88- Unknown 99- Other	07 09
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V/W Code	V/W Type	Race	Sex	Residential Type	Residential Status	Extent of Injury	Injury Type
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- Stabbed
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
		U- Unknown					05- Poss. Broken Bones
							06- Poss. Internal Injury
							07- Loss of Teeth
							08- Burns
							09- Abrasions/Bruses
							99- Other

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

Offense Indicator (circle)	V/W Code	#	V/W Type	Name (Last, First, Middle or Business)	Residence Phone
1 2 3 4	V	1	3	Kouf, Dwayne	() -
Address (Street/Apt. Number)				City	State Zip
6880 Lawrence Rd.				Lantana	Fl. 33462
Business Phone				(561) 642 - 6200	
Other Contact Info. (Time Available, Interpreter, etc.)				Synopsis of Involvement	
Santaluces High School				Victim	
Race	Sex	Date of Birth	Res. Type	Res. Status	Extent of Injury
W	M	07-17-63	2	1	0
Injury Type(s)	Relationship	Ethnicity			
00	14				

Offense Indicator (circle)	Suspect Code #	Juvenile	Name (last, First, Middle)
1 2 3 4	S 1	Yes	Elizee, Bert S.
Maiden Name		Nickname/Street Name	
Place of Birth			Residence Phone
New Jersey			(561) 642 - 6442
Last Known Address (Street, Apt. Number)			Business Phone
3100 Congress Park Dr., Apt. #1028, Lake Worth, Fl. 33461			() -
Occupation	Employer/School	Address	Social Security No.
Student	Santaluces High School	6880 Lawrence Rd., Lantana, Fl. 33462	151-86-1308
Driver's License State/Number	Immigration and Naturalization Number	Other ID Number	FCIC/NCIC
Clothing (described)		Scars/Marks/Tatoos (Location/Describe)	
		Scar under side of right calf.	
Race	Sex	Date of Birth	Height
B	M	07-14-88	5'-9"
Weight	Eye Color	Hair Color	Hair Length
180 lbs.	Bro.	Blk.	
Hair Style	Special Identifiers		
Dreads	JUVENILE		
Complexion	Build	Facial Hair	Teeth
Drk.	Med.	Clean	Norm.
Speech/Voice	Special Identifiers		
Norm.	CONFIDENTIAL		

Officer Reporting	I.D. Number	Date	Related Case No./Agency
John Bell	780	12-23-04	
Lieutenant Reviewing	I.D. Number	Date	Captain Reviewing
Case Status	Clearance Type	A-Adult	Date Cleared
Active	1-Arrest 3-Unfounded 2-Exceptional	J-Juvenile	J
Recommended Youth Court	Number Arrested		
<input type="checkbox"/> Yes <input type="checkbox"/> No	0		
Exception Type	OBTS/Arrest Number		Page
1-Extradition Declined 2-Arrest on Primary Offense Without Prosecution			1 of 4
3-Death of Offender 4-V/W Refused to Cooperate	5-Prosecution Declined 6-Juvenile/No Custody		

Original Date Reported **12 23 04** Offense **Battery on a School Board Employee**

V/W Code V- Victim W- Witness C- Reporting Person P- Proprietor Z- Other	V/W Type 0- N/A 1- Juvenile 2- L.E. Officer 3- Adult 4- Business	Race N- N/A W- White B- Black I- American Indian O- Oriental/Asian U- Unknown	Sex N- N/A M- Male F- Female U- Unknown	Residential Type 0- N/A 1- City 2- County 3- Florida 4- Out-of-State	Residential Status 0- N/A 1- Full Year 2- Part Year 3- Non-Resident	Extent of Injury 0- None 1- Minor 2- Serious 3- Fatal	Injury Type 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/Bruses 99- Other
Victim Relationship to Offender 00- N/A 01- Undetermined	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	

Offense Indicator (circle) **1 2 3 4** Person Code **S 2** E- Escapée Z- Other # **2** Juvenile **Yes** Name (last, First, Middle) **Pinelo, Laura**
 S- Suspect M- Missing A- Arrestee R- Recovered Missing

Maiden Name _____ Nickname/Street Name _____ Place of Birth _____ Residence Phone _____
 Last Known Address (street, Apt. Number) _____ City _____ State _____ Zip _____ Business Phone _____
 Occupation **Student** Employer/School **Santaluces High School** Address **6880 Lawrence Rd., Lantana, FL 33462** Social Security No. **None**
 Driver's License State/Number _____ Immigration and Naturalization Number _____ Other I.D. Number _____ FCIC/NCIC _____
 Clothing (described) _____ Scars/Marks/Tatoos (Location/Describe) **None Visible**
 Race **H** Sex **F** Date of Birth _____ Height **5'-4"** Weight **151 lbs.** Eye Color **Bro.** Hair Color **Bro.** Hair Length **Shoulder** Hair Style **Straight**
 Complexion **Med.** Build **Med.** Facial Hair **Clean** Teeth **Norm.** Speech/Voice **Norm.** Special Identifiers _____

Offense Indicator (circle) **1 2 3 4** Person Code **S 2** E- Escapée Z- Other # _____ Juvenile _____ Name (last, First, Middle) _____
 S- Suspect M- Missing A- Arrestee R- Recovered Missing
 Maiden Name _____ Nickname/Street Name _____ Place of Birth _____ Residence Phone _____
 Last Known Address (street, Apt. Number) _____ City _____ State _____ Zip _____ Business Phone _____
 Occupation _____ Employer/School _____ Address _____ Social Security No. _____
 Driver's License State/Number _____ Immigration and Naturalization Number _____ Other I.D. Number _____ FCIC/NCIC _____
 Clothing (described) _____ Scars/Marks/Tatoos (Location/Describe) _____
 Race _____ Sex _____ Date of Birth _____ Height _____ Weight _____ Eye Color _____ Hair Color _____ Hair Length _____ Hair Style _____
 Complexion _____ Build _____ Facial Hair _____ Teeth _____ Speech/Voice _____ Special Identifiers _____

Incident Type
 1- Runaway 4- Disabled 7- Voluntary Adult
 2- Parental 5- Endangered 8- Unknown
 3- Involuntary 6- Disaster Victim

Foul Play Suspected? 1- Yes 2- No
Missing Before? 1- Yes 2- No 8- Unknown
Fingerprints Available? 1- Yes 2- No 8- Unknown
Photo Available? 1- Yes 2- No 8- Unknown
Dental Record Available? 1- Yes 2- No 8- Unknown
MCID Form Provided? 1- Yes 2- No 8- Unknown

Date Last Seen _____ Time Last Seen _____ Location Last Seen (Address, City, St.) _____ Accompanied By _____
 Mental/Physical Condition _____ Medication Required/Type _____ Doctor/Dentist (Name, Phone Number) _____
 Property Carried _____ ID Type/Number _____ ID Type/Number _____
 Probable Destination _____ Name/Address _____ Transportation Mode _____

Recover Information 0- N/A 1- Voluntary 2- Located not returned 3- Hospitalized 4- HRS Custody 5- Law Enforcement Custody 6- Returned to Parent 7- Deceased 9- Other

ADMINISTRATIVE
 Officer Reporting **John Bell** I.D. Number **780** Date **12-23-04** Lieutenant Reviewing _____
 Captain Reviewing _____ I.D. Number _____ Date _____ Forward to _____ Date _____
 Case Status **Active** Clearance Type **3-Unfounded** A-Adult J-Juvenile **J** Date Cleared _____ Recommended Youth Court Yes No Number Arrested **0**
 Exception Type **1-Extradition Declined** 3-Death of Offender 5-Prosecution Declined
2-Arrest on Primary Offense Without Prosecution 4-V/W Refused to Cooperate 6-Juvenile/No Custody
 OBTS/Arrest Number _____ Page **2 of 4**

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"/> Original <input type="checkbox"/> 2 - Suppl.	<input checked="" type="checkbox"/> 1 - Offense <input type="checkbox"/> 2 - Arrest	Case Number #04-4182
	Original Date Reported 12 23 04	Offense Battery on a School Board Employee				

On December 23, 2004, at about 1015 hrs., I was at Santaluces High School when school administrators began requesting assistance with students fighting in the vicinity of the school's cafeteria. I responded to the cafeteria where I encountered a crowd of approximately 200 students and some school officials escorting several students to the Student Services Offices. The Principal, Mr. Glenn Heyward and I took student Bert Elizee, one of the suspected combatants, to the Student Services Office in a golf cart. After the students were cleared from the hallways and the campus was secured, teacher Dwayne Kouf informed me he wanted to pursue criminal charges of Battery on a School Board Employee against students Bert Elizee and [REDACTED]. Mr. Kouf told me he was supervising students in the vicinity of the cafeteria when he observed Bert Elizee and another male student engaged in an aggressive verbal confrontation. He said he stepped between the verbal combatants in an effort to prevent them from making physical contact with each other. He told me when he placed his open hand against Bert Elizee's chest to keep him separated from the other male student, Bert pushed his hand away and lunged toward him in a threatening manner. Mr. Kouf said he proceeded to physically restrain Bert on the ground at that time.. He said while he was struggling to restrain and gain control of Bert on the ground, someone began kicking him.

Teacher Stephen Ahern informed me he was in the vicinity of the cafeteria when he saw Mr. Kouf trying to restrain student Bert Elizee on the ground. He said he was trying to help Mr. Kouf when he saw student [REDACTED] kick Mr. Kouf's leg and yell, "You are hurting him".

I obtained a sworn statement from Mr. Kouf, wherein, he attested to his observations of the students verbal confrontation, his interventions and his desire to pursue criminal charges against Bert Elizee and [REDACTED]. I also obtained a sworn statement from Mr. Stephen Ahern, wherein, he attested to his observations of Mr. Kouf's efforts to restrain Bert Elizee and his observations of [REDACTED] kicking Mr. Kouf.

This case is currently classified active and my investigation into Mr. Kouf's complaint is ongoing. End of report.

**JUVENILE
CONFIDENTIAL**

ADMINISTRATIVE	Officer Reporting John Bell	I.D. Number 780	Date 12-23-04	Lieutenant Reviewing	I.D. Number	Date
	Captain Reviewing	I.D. Number	Date	Forward to	Date	
	Case Status Active	Clearance Type 1-Arrest 2-Exceptional 3-Unfounded	A-Adult J-Juvenile J	Date Cleared	Recommended Youth Court <input type="checkbox"/> Yes <input 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 4	of 4



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No.	04-4182
Date	12/23/04
Time	10:20

WITNESS VICTIM SUSPECT OTHER

NAME OF PERSON MAKING STATEMENT (full name) <u>Dwayne Kouf</u>	BIRTH DATE <u>7/17/63</u>	HOME TELEPHONE NUMBER <u>(561) 968-1736</u>	WORK TELEPHONE NUMBER <u>(561) 6426200</u>
ADDRESS (street address, city, state, zip code) <u>277 N Country Club Dr Atlantis, FL 33462</u>			

I voluntarily furnish this sworn/affirmed statement to: Officer Bell ID 780

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.

Dwayne Kouf 12/24/04
SIGNATURE OF VICTIM (PARENT OF JUVENILE) DATE

STATEMENT

Two students were in a heated verbal confrontation outside the school cafeteria. I stepped in between both students who were now approximately within 2 feet from each other. I placed my left hand on the chest of AH + my right hand on the chest of BE in an attempt to separate both students. BE then proceeded to violently shove my right arm off him thus causing my arm to go up above my right shoulder. He then lunged forward towards me in a threatening manner. Fearing for my personal safety, BE was taken to the ground in a 1 person TEAM technique + held there. While on the ground, I felt several kicks to my body by people.

Dwayne Kouf 12/23/04
SIGNATURE, PERSON MAKING STATEMENT (sign every page) DATE

WITNESS SIGNATURE (sign every page) _____ DATE _____

WITNESS SIGNATURE (sign every page) _____ DATE _____

Sworn to and subscribed this 23rd day of

DECEMBER 2004

NOTARY PUBLIC, STATE OF FLORIDA

LAW ENFORCEMENT OFFICER ID NO.

J. Bell #780



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Victim Rights Information Sheet
(561) 434-8300

DATE/TIME December 23, 2004 (1100 hrs.)	CASE NO #04-4182
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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 Information355-2418
 South County274-1500
 West County 996-4871

SEXUAL ASSAULT PROGRAM

Central & North County355-2073
 South County 274-1500
 West County996-4871
24-Hour Hotline833-RAPE
 South County Hotline274-1211
 West County Hotline996-1211

DOMESTIC ASSAULT PROGRAM

Central & North County355-2383
 South County274-1500
 West County996-4871

STATE ATTORNEY

Felony Victim Witness355-7100
 Juvenile355-7200
 Misdemeanor/Traffic355-7400
 North County624-6630
 South County274-1490
 West County996-4820

24-HOUR SHELTER HOTLINES

Central County 655-6106
 South County265-2900

VICTIM SUPPORT GROUPS

Crime Stoppers1-800 458-8477
 Teen Hotline930-TEEN
 MADD (Mothers Against Drunk Driving)833-5666
Crisis Line547-1000
 Crisis Line South243-1000
 Crisis Line West996-1121
 Adam Walsh Child Resource Center820-9000
 Runaways833-2400

JUVENILE RESTITUTION355-2532

I, Dwayne Kouf, received the above information and the Victim Rights Pamphlet
NAME OF VICTIM
 from Officer J. Bell, ID# 780 and understand my rights.

**JUVENILE
CONFIDENTIAL**

Dwayne Kouf
SIGNATURE OF VICTIM

12/23/04
DATE

