

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-051


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 Lake Shore Middle School that the Respondent was being recommended for expulsion on December 9, 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 26, 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 26, 2005, to wit:

Committed weapon-related verbal assault to student/person while on the campus
of Lake Shore Middle School on December 9, 2004.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed.  hereby expelled from the School District for one calendar year from January 11, 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



LAKE SHORE MIDDLE SCHOOL

425 West Canal Street North

Belle Glade, FL 33430

Phone: 561.829.1100

Fax: 561.829.1130

Floyd C. Henry, Jr.
Principal

"EXCELLENCE IS OUR STANDARD"

Regular and Certified Mail

Return Receipt Requested

Date 12/09/2004

Student Number



Custodial Parent/Guardian of:



Dear Custodial Parent/Guardian:

On 12/09/2004 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.

Your child was with her cousin who was in possession of an 8 1/2 inch knife on Lake Shore Middle School's campus. Both girls were aggressively pursuing the student with the intent to harm her. Even after being reprimanded by the principal, assistant principal, and school police officer, and being informed of her suspension she continued to aggressively pursue the other girl. She even tried to force her way into the assistant principal's office to harm the student. Upon being escorted off campus she stated that she would be in South Bay to get the other student once the two were home.

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 01/11/2005, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Floyd Henry, Principal
425 West canal Street North
Belle Glade, Florida 33430
561-829-1183

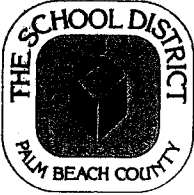
cc: Area Superintendent
Chief Academic Officer
Director of Alternative Education
School Police

EXHIBIT

A



A Title I Schoolwide Project



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

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

ANN KILLETS
CHIEF ACADEMIC OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT OF SCHOOLS

FILE COPY

January 26, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 9364 2230

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear [REDACTED]

Based upon the recommendation of Floyd Henry, Principal of Lake Shore 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 daughter, [REDACTED] in the Palm Beach County School District. This decision is based upon the following action:

Committed weapon-related verbal assault to student/person while on the campus of Lake Shore Middle School on December 9, 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

AK:JRA:LEP:mjp

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

EXHIBIT

B

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	student was with another student possession of a knife # 86
School	Lake Shore Middle School
Principal	Floyd Henry
Area Superintendent	Dr. Janis Andrews
Grade	8 th
Sex	Female
Age	
Language	English
ESE?	NO
504?	N/A
Police Report Charge, if known	
Persons Involved And Witnesses to Testify	Floyd Henry - Principal Anne Williams - Dorsey - Asst. Princ.
Additional Information (use additional page, if necessary)	The above student was with her cousin that was in possession of a 8 1/2 " knife. The above student was very aggressive and she refused to calm down even after several warnings.

that was in

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

Principal's Signature J. John F / Floyd C. Henry

996-2144

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 checked="" type="checkbox"/> No	DATE 12/9/04	TIME 11:45
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 TR - Off Campus - To School	REPORTED BY A. Henry	SCHOOL Lake Shore Middle School	INTERVENTIONS BY TEACHER BEFORE REFERRAL <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"/> Telephone call to parent <input type="checkbox"/> Conference with counselor <input type="checkbox"/> Other	BUS CODE	
STAFF ID NUMBER	REPORTED BY (CODE) (Use number below for those persons without a staff ID.) 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	NATURE OF PROBLEM (Be Specific) Student was running around campus with another student attempted to locate a student whom she said had threatened her the previous day along with the student she was with. She stated "She's talking about she is to cut my sister, we're going to get her before she gets us. If she stabs me she better kill me because when I get a hold of her it's going to be on." She then told me she thought they were looking for her a knife. A search was done of both her and the other student she was with. The other student had a 5" x 2" knife in her pocket. Both students admitted they were aware of the knife that she had possession of. Student is currently suspended.			
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)	INVOLEMENT TYPE (circle one) S - STUDENT N - Non-student B - Both student and non-student U - Unknown	RELATED ISSUES (circle one) 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.	INCIDENT CODES (see code sheets) 89 80	ADMINISTRATOR'S NAME A. Henry	ADMINISTRATION ID	EVENT NUMBER	DATE 12/9/04
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) 86 RL	COMMENTS Student will be suspended for 10 days and recommended for suspension. - Attempted phone contact w/ parent on 3 occasions but no answer @ number listed. - In for uniform will be mailed to parent.			
DURATION How many days Begin Date 12/10/04 Return Date 12/11/05	CRT / TEAM INTERVENTION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SIGNATURE OF PARENT 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.			
CASE NUMBER/AGENCY	SIGNATURE OF STUDENT	DATE			

PANEL: _____

A03. DEMOGRAPHICS

YEAR: 05

Thursday December 16, 2004 8:25 am

STDT: [REDACTED]

LAST _____ APP FIRST _____ MIDDLE _____ AKA _____ FORMER _____

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

SEX RACE DOB BIRTH CITY ST VER PHONE PUB SUMMER ORIG SAC SCHL2
F B [REDACTED] FL 1 [REDACTED] Y [REDACTED] 022096 437A

ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD
E02 112204 1232 08 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
EN CR US 022096 ZZ 3 N N N N N N N N N Z

PF1=HELP 3=EXIT 7=BKWD 8=FWD 12=ESCAPE

RECORD IS DISPLAYED...NEXT?

TERML: Z32C

Colleen Irvin

From: Laura Pincus
Sent: Wednesday, December 15, 2004 9:19 PM
To: Colleen Irvin
Subject: FW: Student [REDACTED]

Please include this explanation in the student's file and the Board packet.

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

From: Floyd Henry
Sent: Wed 12/15/2004 2:35 PM
To: Laura Pincus
Cc: Janis Andrews
Subject: RE: Student [REDACTED]

The student [REDACTED], along with an accomplice were skipping class looking for a student they stated they had a conflict with from the community the day before (at home). She and her accomplice refused to listen to my staff and report to them when they attempted to have them report to their assigned area. This occurred over a period of no less than thirty minutes. It was not until I personally got involved did she and the accomplice comply. By that time, it had been reported to me by some other girls on their way to lunch that they were with [REDACTED] and the student that accompanied her earlier in a restroom and they believed they had a knife on them. So I personally attempted to locate the girls. Once I located them, they complied with me and I took them into a vacant classroom, summoned for my female A.P. and an officer, had them searched, and found the weapon on [REDACTED]. The student that [REDACTED] accomplice identified (not [REDACTED]) as wanting to fight [REDACTED] was located and searched also, but no weapon was found. [REDACTED] accomplice had been recommended for expulsion for the same type incident last school year (bringing a knife to school to fight a student who she had a problem with at home). She has only been enrolled in school approximately two to three weeks before she and [REDACTED] were involved with this incident.

Although [REDACTED] may have stated that she needed protection, we would not have know about her claims had we not caught her with the weapon and after refusing to comply with the directions of staff whom she and her accomplice ran and hid from for roughly a thirty minute period. Let me know if I can provide any further information. You should be receiving an expulsion packet on her accomplice as well([REDACTED]s).

Thanks,

F. Henry
Principal LSMS

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

From: Laura Pincus
Sent: Tuesday, December 14, 2004 3:33 PM
To: Floyd Henry
Cc: Janis Andrews
Subject: [REDACTED]

You recommended this student for expulsion for possession of a knife. Student reported she brought it for protection. Was there an investigation completed regarding this claim? Did she identify kids she needed to protect herself from?

Laura E. Pincus

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

1/28/2005

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.