

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

ARTHUR C. JOHNSON, Ph.D.,
as Superintendent of Schools,

Petitioner,

vs.

Case No. 03/04-X-121



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 Dreyfoos School of the Arts that the Respondent was being recommended for expulsion on March 16, 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 April 29, 2004, 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. Respondent's parent requested an expulsion hearing, but after obtaining counsel the attorney withdrew that request.

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 April 29, 2004, to wit:

Possession of alcohol (2nd possession) while on the campus of
Dreyfoos School of the Arts on March 16, 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 April 7, 2004.

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 16th day of February, 2005.

Alicia Palmer, Clerk

Alexander W. Dreyfoos Jr.

School of the Arts

501 South Sapodilla Ave.
West Palm Beach, Florida 33401
(561) 802-6000

Assistant Principals

Leo Barrett
Tanya Daniel
George Miller



Principal

Ellen Van Arsdale

Regular and Certified Mail

Return Receipt Requested

70011140000169031169

Date 03/16/2004

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 03/16/2004 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.

While [REDACTED] was waiting to receive a late pass from Mrs. Berryman in the Student Services Office, she unsuccessfully attempted to pass a water bottle to another unsuspecting student. Once the bottle was confiscated it was determined to be alcohol. Its smell was consistent with gin, and this was confirmed by school police. This was the second case of possession of alcohol by this student during the 2003 - 2004 school year.

In addition, [REDACTED] received a ten day suspension this school year for possession of drug paraphernalia on school grounds.

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 04/07/2004, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Ellen Van Arsdale

Leo J. Barrett

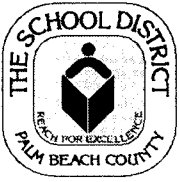
Ellen Van Arsdale, Principal / Leo J. Barrett, Asst. Principal
Dreyfoos School of the Arts
501 S. Sapodilla Avenue
West Palm Beach FL 33401
561 - 802 - 6000

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



EXHIBIT

A



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

CHIEF ACADEMIC OFFICE
3340 FOREST HILL BOULEVARD, C-316
WEST PALM BEACH, FL 33406-5869

(561) 649-6888 FAX: (561) 649-6837

ANN KILLETS
CHIEF ACADEMIC OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

April 29, 2004

[REDACTED]

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

Dear Ms [REDACTED]

Based upon the recommendation of Ellen Van Arsdale, Principal of Dreyfoos School of the Arts, 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 alcohol (2nd possession) while on the campus of Dreyfoos School of the Arts on March 16, 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 Alternative Education Site during this expulsion due process. If you have any questions regarding the expulsion due process or the educational services available at the Alternative Education Site, please contact the Office of the Chief Academic Officer at 561-649-6888.

Sincerely,

Arthur C. Johnson, Ph.D.
Superintendent

EXHIBIT

B

cc: Principal, Dreyfoos School of the Arts
Central Area Superintendent
Chief Academic Officer
Director of Alternative Education

7003 2260 0001 9364 0823

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	Code 73 - Possession of alcohol 2nd offense 2003-2004 school year
School	A.W.Dreyfoos, Jr. School of the Arts
Principal	Ellen VanArsdale
Area Superintendent	Rod Montgomery
Grade	09
Sex	Female
Age	15
Language	English
ESE?	No
504?	No
Police Report Charge, if known	None
Persons Involved And Witnesses to Testify	Lynn Berryman Leo Barrett Officer Neimah Spence -
Additional Information (use additional page, if necessary)	<p>While [REDACTED] was waiting to receive a late pass from Mrs. Berryman in Student Services, she unsuccessfully attempted to pass a water bottle to another unsuspecting student. Once the bottle was confiscated, it was determined to be alcohol. Its smell was consistent with gin, and this was confirmed by school police. This was the second case of possession of alcohol by this student during the 2003-2004 school year.</p> <p>In addition, [REDACTED] received a ten day suspension this school year for possession of drug paraphernalia on school grounds.</p>

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

Principal's Signature Ellen VanArsdale

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 10	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 03/16/2004	TIME 0855		
LOCATION O F 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 Lynn Berryman	STAFF ID NUMBER 119	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	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	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
NATURE OF PROBLEM (Be Specific) While [REDACTED] was waiting to receive a late pass from Mrs. Berryman, she was observed trying to pass a water bottle to another student. Once the bottle was confiscated it was determined to be alcohol. Its smell was consisted with gin.							

ADMINISTRATIVE USE ONLY BELOW THIS LINE

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	WHERE EVENT OCCURRED (circle one) (1) - SCHOOL GROUNDS / ON CAMPUS 2 - School sponsored activity / off campus 3 - School sponsored transportation (includes bus stops)	ADMINISTRATOR'S NAME Leo Barrett, Assistant Principal <i>Leo Barrett</i>	ADMINISTRATION ID 075	EVENT NUMBER 03/16/2004	DATE 03/16/2004
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) 7 3	WHERE EVENT OCCURRED (circle one) (S) - STUDENT N - Non-student B - Both student and non-student U - Unknown	COMMENTS <i>Recommended for Expulsion</i>	ADMINISTRATION ID 075	EVENT NUMBER 03/16/2004	DATE 3-16-04
DURATION How many days 10	ACTION CODE (see code sheets) 9 0 9 9	ADMINISTRATOR'S NAME Leo Barrett, Assistant Principal <i>Leo Barrett</i>	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.	ADMINISTRATION ID 075	EVENT NUMBER 03/16/2004	DATE 3-16-04
CASE NUMBER/AGENCY PBSD 0279 (REV. 7/26/2001)	ORT / TEAM INTERVENTION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ADMINISTRATOR'S NAME Leo Barrett, Assistant Principal <i>Leo Barrett</i>	ADMINISTRATION ID 075	ADMINISTRATION ID 075	EVENT NUMBER 03/16/2004	DATE 03/16/2004

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
Student Discipline Referral

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

STUDENT NAME [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 09	ESE / 504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 11/04/2003	TIME 1213
LOCATION G R 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 Leo Barrett, Assistant Principal	SCHOOL Alexander W. Dreyfoos, Jr. School of the Arts	NATURE OF PROBLEM (Be Specific) Student was observed with a Zephyrhills water bottle containing a reddish liquid. She was seen sipping from the bottle in a discreet manner. When questioned by this assistant principal she admitted drinking wine. The wine was confiscated by this teacher.		
STAFF ID NUMBER 075	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	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	WHERE 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		

ADMINISTRATIVE USE ONLY BELOW THIS LINE

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	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
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) 7 3	ADMINISTRATOR'S NAME Leo Barrett, Assistant Principal <i>Leo Barrett</i>	ADMINISTRATION ID 075	EVENT NUMBER 10681985
DURATION How many days 10	ACTION CODE (see code sheets) 9 0 4 8 1 0 4 7	COMMENTS Discussed with mother on phone. Student released to the aunt from emergency card.	SIGNATURE OF PARENT [REDACTED]	DATE 11/4/03
Begin Date 11/05/2003	CRT / TEAM INTERVENTION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.	SIGNATURE OF PARENT [REDACTED]	DATE 11/04/03
Return Date 11/20/2003	CASE NUMBER/AGENCY			

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
DIRECTIONS: Write in the appropriate code number or letter in the corresponding boxes.

STUDENT NAME: Nancy Flores
 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 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

DISTRICT NUMBER: DISTRICT 50
 If not District 50, provide District number
 SCHOOL NO.:
 HOME SCHOOL: If not Home School, provide School Number.
 WHAT KIND OF WEAPON USED (if appropriate):
 K - Knife
 H - Handgun
 F - Firearm/Explosive device
 R - Rifle/Shotgun
 O - Other Weapon
 U - Unknown
 DURATION: How many days 10
 Begin Date 11/05/2003
 Return Date 11/20/2003
 CASE NUMBER/AGENCY:

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
DIRECTIONS: Write in the appropriate code number or letter in the corresponding boxes.

STUDENT NAME: [REDACTED]
 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 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

DISTRICT NUMBER: DISTRICT 50
 If not District 50, provide District number
 SCHOOL NO.:
 HOME SCHOOL: If not Home School, provide School Number.
 WHAT KIND OF WEAPON USED (if appropriate):
 K - Knife
 H - Handgun
 F - Firearm/Explosive device
 R - Rifle/Shotgun
 O - Other Weapon
 U - Unknown
 DURATION: How many days 10
 Begin Date 01/29/2004
 Return Date 02/12/2004
 CASE NUMBER/AGENCY:

Student Discipline Referral

REPORTED BY: Leo J. Barrett
 STAFF ID NUMBER: 075
 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
 SCHOOL: Alexander W. Dreyfoos, Jr. School of the Arts
 STUDENT NUMBER: [REDACTED]
 GRADE: 09
 ESE / 504: Yes No
 DATE: 01/29/2004
 TIME: 0950
 BUS CODE:
 INTERVENTIONS BY TEACHER BEFORE REFERRAL:
 Conference with student Referral to CORE team Letter to parent De-escalation techniques Mediation
 Telephone call to parent Conference with counselor Problem solving techniques Parent Conference Problem solving techniques Teacher detention
 Other _____
 NATURE OF PROBLEM (Be Specific):
 Chimestoppers contacted the school's police officer with information concerning this student. This information stated that [REDACTED] had been in possession of pot while on school grounds on recent days. With this information, Mr. Barrett, Assistant Principal, conducted a search with the student's consent of her backpack and locker. During the search he found a pipe for smoking marijuana in a plastic bag. The pipe had a strong odor of smoked pot and residue in the bowl.

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
 ADMINISTRATOR'S NAME: Leo J. Barrett, Assistant Principal
 COMMENTS: OSS = mandatory ten days without days held in abeyance due to second offense.
 Removal from magnet program for any further disciplinary infractions.
 SIGNATURE OF PARENT: [REDACTED] DATE: 1/30/04
 SIGNATURE OF STUDENT: [REDACTED] DATE: 1/30/04
 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 dates of my suspension.