

**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-062

  
Respondent.

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**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 Director of Alternative Education's Designee that the Respondent was being recommended for expulsion on January 14, 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 February 7, 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 February 7, 2005, to wit:

Committed high-level threat of violence while on the campus of North Intensive  
on January 11, 2005.

**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 27, 2005. Due to this incident occurring at an alternative education site, Respondent

is no longer eligible to receive educational services during his expulsion period and 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 16<sup>th</sup> day of March, 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 16<sup>th</sup> day of March, 2005.

\_\_\_\_\_  
Alicia Palmer, Clerk



THE SCHOOL DISTRICT  
OF PALM BEACH COUNTY, FLORIDA  
ALTERNATIVE EDUCATION  
1800 Osceola Drive  
West Palm Beach, Florida 33409  
(561) 242-4130 FAX (561) 242-4135

JACK L. THOMPSON  
DIRECTOR

ARTHUR C. JOHNSON, Ph.D.  
SUPERINTENDENT

Regular and Certified Mail

Return Receipt Requested

Date 01/14/2005

Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 01/11/2005 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.

**Threat of Violence - High Level**

Stated to Mr. Gervin "I'll go get my brothers. Better watch out for your truck. I'm gonna shoot you." He left the building with an escort and then left the escort and walked around the corner of the building and came back around. He, then, pointed both hands in the shape of a gun at Mr. Gervin and made shooting sounds.

Boynton Beach Police were called because was making the threats and punching the window. The police Baker Acted [REDACTED] and transported him to Columbia Hospital.

Mr. Gervin spoke to mother during and after incident. She indicated that [REDACTED] does have older brothers and they keep several handguns in the attic. Boynton Beach Police were notified of this also.

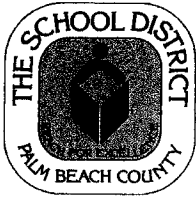
Pursuant to Florida Statute § 230.33(8), the Superintendent may extend the ten (10) day suspension until the date the School Board Meeting at which time the School Board will act on the Expulsion.

As of 01/27/05 , your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Jack L. Thompson  
1800 Osceola Dr.  
West Palm Beach, FL 334090  
(561)242-4131

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



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**

February 7, 2005

CERTIFIED AND REGULAR MAIL  
RETURN RECEIPT REQUESTED

[REDACTED]

7003 2260 0001 9364 0946

**NOTICE OF RECOMMENDATION FOR EXPULSION**

[REDACTED]

Dear Ms. [REDACTED]

Based upon the recommendation of Jack L. Thompson, Director of Alternative Education, 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:

Committed high-level threat of violence while on the campus of North Intensive on January 11, 2005.

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. However, due to the seriousness of this incident, if the Board votes to expel him, your son will not be eligible to continue attending the ACS Transition Program during the remaining expulsion period. 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: Chief Academic Officer  
Director of Alternative Education



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
**Student Expulsion Recommendation**

STUDENT NAME (last, first, middle initial) [REDACTED]	STUDENT NUMBER [REDACTED]	GRADE 08	SEX M	DATE OF BIRTH [REDACTED]	DATE OF INCIDENT 1/11/05
SCHOOL South Intensive	PRINCIPAL Jack L. Thompson, Director		AREA SUPERINTENDENT		
VIOLATION * Threat of Violence, High Level	CODE * 89	POLICE REPORT CHARGE (if known) Baker Acted		CASE NUMBER 05-[REDACTED]	

\* Violation and code information can be obtained from the Student Discipline Referral (PBSD 0279)

Student language is English Parent language is English

Student is enrolled in:  Exceptional Student Education (ESE)  504

Persons involved and witnesses to testify:

Eric Gervin  
 [REDACTED]

**Additional information:**

You **MUST** summarize the facts/circumstances surrounding the recommendation, or the recommendation may not be properly processed. Use additional page(s) if necessary.

**Pattern of behavior:**

8/27/04 - While at Lake Worth Middle, [REDACTED] received a referral fro pointing his hand in the shape of a gun at a PE teacher and making a shooting sound. Principal considered expulsion, but opted for placement in alternative education.

1/11/05 - Stated to Mr. Gervin "I'll go get my brothers. Better watch out for your truck. I'm gonna shoot you."  
 Left the building with an escort and walked around the corner of the building and came back around. He, then, pointed both hands in the shape of a gun at Mr. Gervin and made shooting sounds.

Boynton Beach Police were called because was making the threats and punching the window. Police Baker Acted [REDACTED] and transported him to Columbia Hospital. While there he was charged with assault and battery.

Mr. Gervin spoke to mother during and after incident. She indicated that [REDACTED] does have older brothers and they keep several handguns in the attic. Police were notified of this.

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

  
 SIGNATURE OF PRINCIPAL DATE

[REDACTED]

8/27/04 – referral at Lake Worth Middle for pointing his hand in the shape of a gun at his PE teacher and made a shooting sound. Received 3 days OSS\

10/5/04 – Registered at Delray Full Service Center

10/28/04 – Referral at DFSC for hitting a student on the bus. Received 10 days OSS

11/9/04 – Staffing held at DFSC

1/24/04 – Registered at South Intensive

1/11/05 – Referral at South Intensive for stating to Mr. Gervin “I’ll go get my brothers. Better watch out for your truck. I’m gonna shoot you.”

Left the building with an escort and walked around the corner of the building and came back around. He, then, pointed both hands in the shape of a gun at Mr. Gervin and made shooting sounds.

Boynton Beach Police were called because was making the threats and punching the window. Police Baker Acted [REDACTED] and transported him to Columbia Hospital. While there he was charged with assault and battery. He, apparently, injured another adolescent unconscious.

Mr. Gervin spoke to mother during and after incident. She indicated that [REDACTED] does have older brothers and they keep several handguns in the attic.

01/18/2005 18:05 FAX 15612424135  
JAN. 11. 2005 10:46PM

ALTERNATIVE EDUC  
EXCEL / ERNATTIVES BOYNTON B.

NO. 245 P. 2/8

\$31

# PERFORMANCE EVALUATION/SERVICE REFERRAL

ACS

Youth Services AE

Associate Name: [Redacted]

Date: 1/11/05

Staff Name: Mr. GERVIN

Time: 11:00

(am/pm)

Associate's Level Prior to write up: 0

Associate's Level as of Today: 1

As an associate of ACS Youth Services-AE, you have been provided with an orientation concerning the program's expectations, regulations, and procedures. This notice serves as a warning that you have demonstrated the following behavior that needs redirection:

- |                               |   |                            |                                      |
|-------------------------------|---|----------------------------|--------------------------------------|
| 1. <u>Disruptive behavior</u> | 2. <u>Unauthorized absence(s)</u>       | 13. Fighting               | 19. Unauthorized object              |
| 2. <u>Excessive Absence</u>   | 3. <u>Leaving area w/out permission</u> | 14. Gang activity          | 20. Computer tampering               |
| 3. <u>Unprofessional Bch.</u> | 4. <u>Open Defiance</u>                 | 15. Inappropriate touching | 21. Destruction of property          |
| 4. <u>Disrespect</u>          | 10. Sleeping in work area               | 16. <u>Verbal threats</u>  | 22. <u>Profane language/material</u> |
| 5. Drug Violation             | 11. Driving Policy violation            | 17. Sexual misconduct      | 23. <u>Confrontation</u>             |
| 6. Cheating                   | 12. Tobacco Product/smoking             | 18. Other: _____           |                                      |

Comments/Observations: Associate was blatantly disrespectful & show no regards for staff or police. Baker act was processed on him. He was transported to Columbia Hospital.

Customer Service Manager's Decision: Baker act to Columbia, monitor progress at Discharge w/ mom; 5 days out of school to include Baker Act, BIP meeting upon return.

Performance Evaluation \$31 check       Service Referral \$15 check

APDT (to be assigned for levels 1-3)

Number of Days	Dates	Time (am/pm)
Business Partner Contact Time: <u>11:00</u>		<u>(am/pm)</u>
Business Partner Arrival Time (if applicable): <u>N/A</u>		<u>(am/pm)</u>
Business Partner Comment(s): <u>"I can't pick him up now or later"</u>		

Continuation of unacceptable behavior could result in recommendation for removal from ACS Youth Services-AE. at any time.

Not Available due to Above  
Associate Signature

Refused to come p/u associate  
Business Partner Signature

[Signature]  
Signature of Referring Staff

[Signature]  
Customer Service Manager Signature

Provide Copies to: Associate File (White)      Business Partner (Yellow)      CSM Binder (Pink)

01/18/2005 16:04 FAX 15612424135  
JAN. 11. 2005 10:47PM

ALTERNATIVE EDUC  
RNATIVES BOYNTON B.

NO. 245

P. 5/8

### BOYNTON BEACH POLICE DEPARTMENT SWORN STATEMENT SHEET

SUSPECT       VICTIM       WITNESS  
(Check correct classification)

Boynton Beach PD Case # 05- [REDACTED]

Officer receiving statement Brooks ID# 774  
(please print)

My name is ERIC T. GERVIN and I live at [REDACTED]

I am 38 years old. I give this voluntary statement on 1/11/05  
(date/time)

This statement regards an incident 1/11/05 11am at ACS South Intensive ms/its  
(date/time) (location)

on 1/11/05 [REDACTED] was being ride & disrespectful to me.  
Ms. Weldon called Mr. Green & Mr. Gerwin to Ms. Green's  
office. [REDACTED] was being ride & declared "I will not respect  
any of you!" Several minutes passed in an attempt to help him  
through verbal interventions. After all attempts were used, [REDACTED]  
was asked to sit in a designated area. He was told to remain  
there until further notice. [REDACTED] left the area on 4 different  
occasions per my knowledge. While in one instance he returned to  
my office without permission. [REDACTED] became totally non compliant  
with CSN (the unit). "I ain't going to do nothing!" [REDACTED] was  
so disrespectful to the point of having to be removed from my office.

Signed and dated by statement giver: Eric T. Gerwin 1/11/05

The Officer will have the statement giver swear to the above facts by raising their right hand and ask them to affirm the following:

"Do you swear or affirm that the preceding information that you provided is the truth, the whole truth and nothing but the truth, so help you God."

[Signature]  
If so, the Officer's Signature  
DEPARTMENT TEMPLATE WITNESS STATEMENT

01/11/05/1225  
Date/Time



01/18/2005 16:03 FAX 15612424135  
JAN. 11. 2005 10:47PM

ALTERNATIVE EDUC  
EXCEL A RNATIVES BOYNTON B.

NO. 245 P. 4/8

010

ALTERNATIVE EDUCATION DEPARTMENT  
INTENSIVE TRANSITION PROGRAM  
Request for Suspension/Dismissal

CHECK ONE OF THE FOLLOWING:  
 Request for Suspension  
 Request for Dismissal

Suspension due to behavioral incidents MUST BE APPROVED BY ALTERNATIVE EDUCATION DIRECTOR / DESIGNEE.  
aim Beach School District Student Referral Form (FBSD 0279) MUST BE FORWARDED TO THE ALTERNATIVE EDUCATION OFFICE WITHIN 24 HOURS OF THIS REQUEST.

Student Name: [Redacted] Student #: [Redacted] Grade Level: 8 Circle one: ESE / 504 / LEP

Site: ACS Boynton Beach Date: 1/11/05 Duration of Incident: 11:00A - 12:10P

Site director/designee making report: [Signature] Signature/Title

Description of incident(s):  
[Redacted] was blatantly disrespectful to CSM staff (Mrs. Wisdom, Mr. Secum)  
[Redacted] was using profanity & disruptive in way to area. [Redacted] was  
verbally & physically aggressive towards staff.

Site interventions prior to Request for Suspension/Dismissal:

- Conference w/student
- Telephone conference with parent/guardian
- On-site ISS
- Parent/guardian conference/visit to site
- On-site counseling
- Behavioral contract
- Other

DO NOT WRITE BELOW THIS LINE.

ALTERNATIVE EDUCATION USE ONLY

- Suspension approved for \_\_\_\_\_ days, from \_\_\_\_\_ through \_\_\_\_\_
- Suspension denied.
- Dismissal approved, effective \_\_\_\_\_
- Dismissal denied.

Director/Designee's Signature

Date

Request for Suspension/Dismissal

01/18/2005 16:03 FAX 15612424135  
JAN. 11. 2005 10:48PM

ALTERNATIVE EDUC  
EXCEL / ALTERNATIVES BOYNTON B.

NO. 245 P. 8/8



# CRITICAL INCIDENT REPORT FORM

A C S

## INITIAL INFORMATION:

DATE (S) 1/11/05

INCIDENT TIME: (FROM-TO) 11<sup>am</sup> - 12<sup>pm</sup>

### \*\*INCIDENT:

- INJURY/ILLNESS (MUST ATTACH INJURY REPORT)
- BOMB THREAT
- WEAPON
- FIRE (ALARM)
- MAJOR DISRUPTION
- OTHER: Threats to staff

MANAGER(S) NAME: Robert Bagg, Eric Gerwin

LIST STAFF PRESENT: Mr. Gerwin, Ms. Wisdom, Mr. Gray

ASSOCIATE (S) INVOLVED: [REDACTED]

OTHER ASSOCIATE (S) PRESENT: N/A

PARENT CONTACT:  YES  NO

CONTACT TIME: 11:05 AM

NAME: [REDACTED]

TELEPHONE #: (561) [REDACTED]

(561) [REDACTED]

TRANSPORTATION OF STUDENT FROM ACS:  YES  NO OR  N/A

- DISTRICT BUS
- PARENT/GUARDIAN
- PUBLIC TRANSPORTATION, IF SO, PUBLIC BUS FARE PROVIDED:  YES AMOUNT \_\_\_\_\_  NO
- Police

REQUIRED PARENT/GUARDIAN PERMISSION:  YES  NO

NAME/RELATIONSHIP: [REDACTED]

**\*\*DETAILED EXPLANATION OF EVENTS SURROUNDING THE CRITICAL INCIDENT MUST BE SUBMITTED WITH THE CIR FORM.**

MANAGER SIGNATURE: [Signature]

**ALL CRITICAL INCIDENTS REQUIRING OUTSIDE INTERVENTION MUST BE COMMUNICATED TO THE MOO IMMEDIATELY!!**

01/18/2005 16:02 FAX 15612424135  
JAN. 11. 2005 10:47PM

ALTERNATIVE EDUC  
EXCEL A ALTERNATIVES BOYNTON B.

NO. 245

P. 7/8



**DETAILING CRITICAL EVENT**

Youth Services AE

**A C S**

**DATE (S):** 1/11/05 **INCIDENT TIME:** (FROM-TO) 11:00P-12:30P

**SITE:** ACS-SOUTH INTENSIVE - BOYNTON BEACH, FLA

ON 1/11/05 [REDACTED] WAS BEING ADDRESSED ON HIS BEHAVIOR WITH Ms. WISDOM.

[REDACTED] WAS VERBALLY DISRESPECTFUL TO HER. "LADY DON'T TALK TO ME" IN A RUDE TONE.

Ms. WISDOM THEN CALLED THE WRITER. I APPROACHED THE OFFICE TO FIND HIS DISRESPECT TO

VERY ABUSIVE, "I AIN'T GONING TO DO SHIT" [REDACTED] WAS ASKED THREE TIMES TO RESPOND TO

QUESTIONS PRESENTED TO HIM. ONCE AGAIN HE TOLD HER "LADY DON'T DAME TALK TO ME" "YOU

OR HIM BETTER NOT TALK TO ME" REFERRING TO THE WRITER AND Ms. WISDOM. IN ORDER TO

AVOID A POWER PLAY [REDACTED] WAS ASKED TO MOVE TO A DESIGNATED AREA. HE WAS TOLD TO

REMAIN THERE UNTIL FURTHER NOTICE. [REDACTED] LEFT THE AREA ON THREE OR FOUR OCCASIONS.

[REDACTED] CONTINUED TO DO THIS FOR A PERIOD OF TIME. HE WAS ASKED TO NOT GO INTO WRITERS

OFFICE. HE PROCEEDED TO GO ANYWAY. ONCE INSIDE THE WRITER CONFRONTED [REDACTED] WITH

HIS NON-COMPLIANT BEHAVIORS LISTED ABOVE [REDACTED] BECAME SO DISRESPECTFUL AND LOUD

UNTIL HE WAS ASKED TO STEP OUTSIDE WHICH HE REFUSED AFTER 6 PROMPTS TO DO SO. HE WAS

THEN TOLD HE WOULD BE ESCORTED IF HE DIDN'T MOVE. HE REFUSED AGAIN. [REDACTED] WAS THEN

ESCORTED BY BOTH ARMS TO THE OUTSIDE. AMOMENT BEFORE THE ESCORT HE STATED "I WILL GO

GET MY BROTHER" "I WILL SHOOT YOU R BITCH ASS" ONCE OUTSIDE HE RIPPED HIS SHIRT OFF AND

SAID "ME AND YOU ONE ON ONE, RIGHT NOW" HE HAD HIS FIST CLINCHED BUT DIDN'T ADVANCE

TOWARDS ME. HE STATED "YOU BETTER WATCH YOUR TRUCK" HE THEN THREW HIS NOTE BOOK AND

SHIRT ON THE SIDEWALK. HE WALKED DOWN TO A WINDOW AND PUNCHED IT. POLICE WAS CALLED

[REDACTED] LEFT THE MALL AREA BUT TO BE RETURNED BY POLICE MOMENTS LATER. AFTER BRIEF

INTERREGATION BY THE POLICE, HE WAS TAKEN TO COLUMBIA HOSPITAL ON A BAKER ACT. OFFICER

BROOKS FROM BOYNTON BEACH POLICE OFFICE DID THE PROCESSING FOR BAKER ACT. ASSOCIATE

WAS NOT AGGRESSVIE WHEN HE WAS MADE AWARE OF THE SITUATION. FOLLOW UP WTH B/P WAS

MADE.

STAFF SIGNATURE: Eric T. [Signature]

DATE: 1/11/05

PROJECT LEADER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

### BOYNTON BEACH POLICE DEPARTMENT SWORN STATEMENT SHEET

SUSPECT       VICTIM       WITNESS  
(Check correct classification)

Boynton Beach PD Case # 05-8 [REDACTED]

Officer receiving statement BROOKS ID# 774  
(please print)

My name is Latel Lorie and I live at @ 3633 South Federal Highway

I am \_\_\_\_\_ years old. I give this voluntary statement on [REDACTED]  
(date/time)

This statement regards an incident 1/16/05 11:00 AM at ALS Alternative Education  
(date/time) (location)

[REDACTED] was rude and disrespectful towards staff  
was asked to sit down on many times by myself and other  
staff members. While in Mr. Dorman's office [REDACTED] got  
very disrespectful. [REDACTED] was asked to leave out of  
the office by Mr. Dorman 5 or 6 times. [REDACTED] didn't  
move so myself and Mr. Dorman escorted him out of  
the building. When outside of the building he ripped  
his shirt off and threw his papers all over the parking  
lot. When told Mr. Dorman he was going to fight him  
one on one [REDACTED] also said he was going to do damage to  
Mr. Dorman's truck that was parked in the parking lot

Signed and dated by statement giver: [Signature]

The Officer will have the statement giver swear to the above facts by raising their right hand and ask them to affirm the following:

"Do you swear or affirm that the preceding information that you provided is the truth, the whole truth and nothing but the truth, so help you God."

If so, the Officer's Signature  
S:\DEPARTMENT TEMPLATES\WITNESS STATEMENT

Date/Time

ALTERNATIVE EDUCATION DEPARTMENT  
INTENSIVE TRANSITION PROGRAM  
Request for Suspension/Dismissal

suspension due to behavioral incidents MUST BE APPROVED BY ALTERNATIVE EDUCATION DIRECTOR / DESIGNEE.  
Alm Beach School District Student Referral Form (PBSD 0279) MUST BE FORWARDED TO THE ALTERNATIVE EDUCATION OFFICE WITHIN 24 HOURS OF THIS REQUEST.

CHECK ONE OF THE FOLLOWING:  
 Request for Suspension  
 Request for Dismissal

Student Name: [Redacted] Grade Level: 8 Circle one: ESE / 504 / LEP  
Date: 1/11/05 Duration of Incident: 11:00a - 12:10p  
Site: ACS Boynton Beach  
Site director/designee making report: [Signature] Signature/Title: [Redacted]

Description of incident(s):  
[Redacted] was blatantly disrespectful to GSM staff (Mrs. Wisdom, Mr. Beaman) verbally & physically aggressive towards staff.

Site Interventions prior to Request for Suspension/Dismissal:  
 Conference w/stu/teah  
 Telephone conference with parent/guardian  
 On-site ISS  
 Parent/guardian conference/visit to site  
 On-site counseling  
 Behavioral contract  
 Other

DO NOT WRITE BELOW THIS LINE.  
ALTERNATIVE EDUCATION USE ONLY  
 Suspension approved for \_\_\_\_\_ days, from \_\_\_\_\_ through \_\_\_\_\_  
 Suspension denied.  
 Dismissal approved, effective \_\_\_\_\_  
 Dismissal denied.

Director/Designee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Request for Suspension/Dismissal Form 2/19/01



BOYNTON BEACH POLICE DEPT  
BOYNTON BEACH, FL

## Incident Report #05001808

### Basic Information

Agency	Incident #	Report #	Date	Report Status
BOY-PD	5001808	0	01/11/2005 11:02:00	APPROVED
Case Title/Victim		Incident Type/Offense		
		BAKER ACT (SPBA)		

Incident Date	
Date/Time Incident Reported	Occurred between
01/11/2005 11:02:00	01/11/2005 11:00:00 and 01/11/2005 11:30:00

Location Information			
Address	Street Name	Unit #	Cross Street
3633	S FEDERAL HWY		
City	State	Zip	Reporting Area
BOYNTON BEACH	FL	33435	514
Business Name		Business Phone	
EXCEL ALTERNATIVE SCHOOL			

Authorization		
Reporting Officer	Signature	Date/Time Entered
BROOKSV(774)		01/11/2005 15:26:03
Reviewed By	Signature	Date/Time Reviewed
( )		
Approved By	Signature	Date/Time Approved
ANTHONYC(603)		01/11/2005 15:54:58

Other Signatures	
Patrol Supervisor	Shift Commander

Last Modified By
SMITHJU (92742) on 01/12/2005 10:01:20

### Narrative

<p>On this date at about 1105 hrs, I met with b/m Grier, Lateef, the complainant, in reference to an unruly student who ran away from the Excel Alternative School. I also met with b/m Gervin, Eric</p>
--

T, the principal in reference to this. Both the complainant and principal expressed concern that a b/m student, identified as [REDACTED] DOB [REDACTED] had been very violently angry over a minor incident, had threatened the employees with bodily harm, torn off his own shirt and fled on foot. A short time after this, Off Montoya and myself found the student hiding behind an abandoned building at 3860 S Old Dixie Hwy. The student's emotion ran the spectrum from calm and cooperative to tearful angry and obscene. I transported the student back to Excel school where it was determined that due to the rapid and unpredictable mood swings, threats and violent threats, the student was a danger to himself and others. For these reasons, the 15 yoa student was transported to Columbia Hospital for evaluation under the Baker Act. Nothing further.

### Units

Unit ID	Dispatched	On-Location	Cleared	Officer(s)
A35	01/11/2005 11:06:09	01/11/2005 11:12:50	01/11/2005 13:33:47	( )
A33	01/11/2005 11:06:54	01/11/2005 11:15:21	01/11/2005 12:55:29	( )

### Offenses

Offense #1: BAKER ACT (SPBA)			
UCR Offense		UCR Group	UCR Category
Other Jurisdiction	Bias #1	Bias #2	
	NONE		
Location Code		Offender Using	

### Persons

Person #1: INVOLVED PARTY					
MNI #	Last Name	First Name	Middle Name	Suffix	SSN
5148	[REDACTED]	[REDACTED]			[REDACTED]
Home Address					
Address		Street Name		Apt. #	
[REDACTED]		[REDACTED]			
City		State	Zip Code	Home Phone	
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	
Cell Phone					

561 [REDACTED]

**Work Address**

<b>Employer</b>	<b>Address</b>	<b>Street Name</b>	
EXCEL ALTERNATIVE SCHOOL	3633	S FEDERAL HWY	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	<b>Work Phone</b>
BOYNTON BEACH	FL	33426	561-735-3193

**Person Details**

<b>DOB</b>	<b>Age Range</b>	<b>Is Juvenile?</b>	<b>Sex</b>	<b>Race</b>	<b>Ethnicity</b>
[REDACTED]	[REDACTED]	Y	M	BLACK	NOT OF HISPANIC ORIGIN
<b>Hair Color</b>	<b>Height</b>	<b>Weight</b>	<b>Complexion</b>	<b>Build</b>	<b>Eye Color</b>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Scars, Marks, Tattoos**

<b>Residency</b>	<b>Victim Type (If Applicable)</b>
	INDIVIDUAL

**Person #2: WITNESS**

<b>MNI #</b>	<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>	<b>Suffix</b>	<b>SSN</b>
5151	GERVIN	ERIC	T		

**Home Address**

<b>Address</b>	<b>Street Name</b>	<b>Apt. #</b>	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	<b>Home Phone</b>

**Cell Phone**

**Work Address**

<b>Employer</b>	<b>Address</b>	<b>Street Name</b>	
EXCEL ALTERNATIVE SCHOOL	3633	S FEDERAL HWY	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	<b>Work Phone</b>
BOYNTON BEACH	FL	33426	561-735-3193

**Person Details**

<b>DOB</b>	<b>Age Range</b>	<b>Is Juvenile?</b>	<b>Sex</b>	<b>Race</b>	<b>Ethnicity</b>
09/01/1966	38 38	N	M	BLACK	NOT OF HISPANIC ORIGIN
<b>Hair Color</b>	<b>Height</b>	<b>Weight</b>	<b>Complexion</b>	<b>Build</b>	<b>Eye Color</b>
BALD	605	250	DARK	MUSCULAR	BROWN

**Scars, Marks, Tattoos**

<b>Residency</b>	<b>Victim Type (If Applicable)</b>
	INDIVIDUAL

**Person #3: REPORTING PERSON**

<b>MNI #</b>	<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>	<b>Suffix</b>	<b>SSN</b>



5152	GRIER	LATEEF			
<b>Home Address</b>					
Address		Street Name		Apt. #	
City		State	Zip Code	Home Phone	
Cell Phone					
<b>Work Address</b>					
Employer			Address	Street Name	
EXCEL ALTERNATIVE SCHOOL			3633	S FEDERAL HWY	
City			State	Zip Code	Work Phone
BOYNTON BEACH			FL	33426	561-735-3193
<b>Person Details</b>					
DOB	Age Range	Is Juvenile?	Sex	Race	Ethnicity
		N	M	BLACK	NOT OF HISPANIC ORIGIN
Hair Color	Height	Weight	Complexion	Build	Eye Color
BLACK	600	195	DARK	MEDIUM	BROWN
Scars, Marks, Tattoos					
Residency			Victim Type (If Applicable)		
			INDIVIDUAL		

# BOYNTON BEACH POLICE DEPARTMENT SWORN STATEMENT SHEET

SUSPECT

VICTIM

WITNESS

(Check correct classification)

Boynton Beach PD Case # 05- [REDACTED]

Officer receiving statement BROOKS ID# 774  
(please print)

My name is Loretta Grace and I live at 3633 South Federal Highway

I am \_\_\_\_\_ years old. I give this voluntary statement on [REDACTED]  
(date/time)

This statement regards an incident 1/10/05 11:00 AM at ACS Alternative Education  
(date/time) (location)

[REDACTED] was rude and disrespectful towards staff  
was asked to sit down on many times by myself and other  
staff members. While in Mr. Darven's office [REDACTED] got  
very disrespectful. [REDACTED] was asked to leave out of  
the office by Mr. Darven 5 or 6 times. [REDACTED] didn't  
move so myself and Mr. Darven escorted him out of  
the building. When outside of the building he ripped  
his shirt off and threw his papers all over the parking  
lot. Then told Mr. Darven he was going to fight him  
one on one. And also said he was going to do damage to  
Mr. Darven's truck that was parked in the parking lot.

Signed and dated by statement giver: X [Signature]

The Officer will have the statement giver swear to the above facts by raising their right hand and ask them to affirm the following:

"Do you swear or affirm that the preceding information that you provided is the truth, the whole truth and nothing but the truth, so help you God."

[Signature]  
If so, the Officer's Signature  
S:\DEPARTMENT TEMPLATES\WITNESS STATEMENT

01/10/05 / 1225  
Date/Time

NAME:

DATE OF BIRTH:

ADDRESS:

CITY:

STATE:

ZIP CODE:

PHONE NUMBER: HOME

WORK

PLACE OF EMPLOYMENT:

ADDRESS:

CITY:

STATE:

ZIP CODE

WHAT DO YOU DO THERE?

?

HEIGHT:

WEIGHT:

HAIR:

EYES:

TATOOS OR SCARS?:

D/L #:

SSN:

*[REDACTED] then walked down to the end of the Plaza and started to punch the glass windows. And walk away from the building*

# BOYNTON BEACH POLICE DEPARTMENT SWORN STATEMENT SHEET

SUSPECT

VICTIM

WITNESS

(Check correct classification)

Boynton Beach PD Case # 05- [REDACTED]

Officer receiving statement Brooks (please print) ID# 774

My name is ERIC T. GERIN and I live at 3883 South Federal Hwy Boyton Beach Fla.

I am 38 years old. I give this voluntary statement on 1/11/05 (date/time)

This statement regards an incident 1/11/05 11am at ACS South Entrance MS/HIS (date/time) (location)

on 1/11/05, [REDACTED] was being rude & disrespectful to Ms. Wisdom. Ms. Wisdom called Mr. Green & Mr. Garcia to Ms. Green's office. [REDACTED] was being rude & declared "I will not respect any of you!" several minutes passed in an attempt to help him through verbal interuptions. After all attempts were used, [REDACTED] was asked to sit in a designated area. He was told to remain there until further notice. [REDACTED] left the area on 4 different occasions per my knowledge. While in one instance he returned to my office without permission. [REDACTED] became totally non compliant w/ CSM (the writer). "I ain't going to do nothing!" [REDACTED] was so disrespectful to the point of having to be removed from my office.

Signed and dated by statement giver: Eric T. Gerin 1/11/05

The Officer will have the statement giver swear to the above facts by raising their right hand and ask them to affirm the following:

"Do you swear or affirm that the preceding information that you provided is the truth, the whole truth and nothing but the truth, so help you God."

[Signature]  
If so, the Officer's Signature  
S:\DEPARTMENT TEMPLATES\VICTIM WITNESS STATEMENT

01 11 05 / 1225  
Date/Time

NAME:

DATE OF BIRTH: 09/1/66

ADDRESS:

CITY:

STATE:

ZIP CODE:

PHONE NUMBER: HOME (561) 389-8654

WORK (561) 735-3193

PLACE OF EMPLOYMENT:

ADDRESS:

CITY:

STATE:

ZIP CODE

WHAT DO YOU DO THERE?

HEIGHT:

WEIGHT:

HAIR:

EYES:

TATOOS OR SCARS?:

D/L #:

SSN:

He was asked SIX times to walk outside. He refused & cont. to use profanity. "Forget yall, I will go get my brother" "I will shoot you ass." He was then transported using PBCSD Team techniques. Once outside, he ripped his shirt off & physically approached the writer "Come on one on one right now" w/ clinched fist. He walked down the corridor & throw his folder & shirt to the ground. He hit the window two times. "you better watch your truck." He then walked to the end of the strip mall where he put up both thumbs & index fingers to portray a gun & said "boom, boom, booz" it then left the sight of the writer

# Report of Law Enforcement Officer Initiating Involuntary Examination State of Florida, County of Palm Beach, Florida

1. Vincent Brooks, am a law enforcement officer certified by the State of Florida.

In my opinion [REDACTED] appears to meet the following criteria for involuntary examination:

1. I have reason to believe said person has a mental illness pursuant to Section 394.455 (18) F.S., and because of the mental illness (check a or b):

a. Said person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; OR

b. Said person is unable to determine for himself/herself whether examination is necessary, AND

2. Either (Check a or b)

a. Without care or treatment said person is likely to suffer from neglect or refuse to care for himself/herself, and such neglect or refusal poses a real and present threat of substantial harm to his/her well-being and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; OR

b. There is substantial likelihood that without care or treatment the person will cause serious bodily harm to himself/herself or another person in the near future, as evidenced by recent behavior.

Circumstances which support this opinion: BECAME VERY VIOLENT WITH VERY LITTLE PROVOCATION, THREATENED TO DAMAGE A TEACHER'S VEHICLE AND THREATENED A TEACHER WITH PHYSICAL HARM. ADMITTED DRUG USE TO PARENTS.

Check here if it appears that the person has drug or alcohol involvement in addition to mental illness (does not disqualify for Baker Act admission).

[Signature]  
Signature of Law Enforcement Officer

01/11/2005  
Date (mm/dd/yyyy)

12:10 am pm  
Time

Vincent K. Brooks  
Printed Name of Law Enforcement Officer

Boynton Beach Police Department  
Full Name of Law Enforcement Agency

774  
ID Number

05- [REDACTED]  
Law Enforcement Case Number

### Transportation to Receiving Facility Part 1: General Information

The circumstances, under which (name of person) [REDACTED] into custody are as follows:  
 BECAME VIOLENT AT ERIC/ ALTERNATIVE SCHOOL. LANGUAGE BECAME ABUSIVE & OBSCENE. [REDACTED] TORE OFF HIS SHIRT THREATENED DAMAGE TO TEACHER'S VEHICLE AND PERSON AND RAN AWAY ON FOOT.

Time 12:10 am (pm) Date (mm/dd/yyyy) 01/11/2005

Place or Facility Name: ERIC/ ALTERNATIVE SCHOOL

Pick Up Address: 3633 S. FEDERAL HWY

Family members or others present when patient was taken into custody:

Name	Address	Relationship	Phone Number
<u>Officer Juan Montoya</u>	<u>Boynton Beach P.D.</u>		

Next of Kin (if known)

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Indicate personal knowledge by family members and others about the patient's condition:

Personal Knowledge By TEACHERS AND PRINCIPALS AS ABOUT LOCATION

Delivered to (nearest Receiving Facility): \_\_\_\_\_

Basis for Custody: (check one)  Ex Parte Order  Certificate of Professional  Report of Law Enforcement Officer

[Signature]  
Signature of Law Enforcement Officer

01/11/2005  
Date (mm/dd/yyyy)

12:10 am (pm)  
Time

Vicente Beards  
Printed Name of Law Enforcement Officer

Boynton Beach Police Department  
Full Name of Law Enforcement Agency

774  
ID Number

05-[REDACTED]  
Law Enforcement Case Number