

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-081

  
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 Principal of John I. Leonard High School that the Respondent was being recommended for expulsion on January 31, 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 11, 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 11, 2005, to wit:

Sale and/or distribution of marijuana to an undercover officer while on the campus of John I. Leonard High School on October 4, 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 February 15, 2005. Respondent may choose to continue educational services during his

expulsion period at the ACS site. However, if Respondent 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 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 \_\_\_\_ day of \_\_\_\_\_, 2005.

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



# JOHN I. LEONARD COMMUNITY HIGH SCHOOL

4701 Tenth Avenue North, Greenacres, Florida 33463  
(561) 641-1200  
FAX: (561) 357-1100

REGINALD B. MYERS  
Principal  
RIGOBERTO GAMEZ  
Vice Principal

Return Receipt Requested

Assistant Principals:  
Regular and Certified Mail  
THEOMANE DURLEANS  
PATRICIA KONTTINEN  
Date OSCAR POZIERO  
Student Number LEMUS SCHOLZE  
1/31/05

Custodial Parent/Guardian of

Dear Custodial Parent/Guardian:

On 01/31/2005 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.

The Palm Beach County Sheriffs Office in conjunction with the Palm Beach County School Police initiated an undercover police operation to identify and prepare prosecution of suspected narcotics dealers enrolled as students at John I. Leonard High School. On 10-25-04 [redacted] sold narcotics to the undercover officer.  
Case # 05-[redacted]

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 02/15/2005, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

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

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



SPS 202.1 (REV 11/02/01)

Palm Beach County Schools #3 in the Nation!



# JOHN I. LEONARD COMMUNITY HIGH SCHOOL

4701 Tenth Avenue North, Greenacres, Florida 33463  
(561) 641-1200  
FAX: (561) 357-1100

REGINALD B. MYERS  
Principal  
RIGOBERTO GAMEZ  
Vice Principal

Por correo ordinario y correo certificado  
Recibo certificado a vuelta de correo  
Assistant Principals:  
REGINA B. DOORLEANS  
PATRICIA KONTTINEN  
Fecha 02/27/2005  
Número del(de la) Estudiante [REDACTED]

[REDACTED]

Estimado padre o madre de custodia/tutor legal de

[REDACTED]

Estimados padres de familia o tutor legal:

El 01/31/2005 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.

The Palm Beach County Sheriffs Office in conjunction with the Palm Beach County School Police initiated an undercover police operation to identify and prepare prosecution of suspected narcotics dealers enrolled as students at John I. Leonard High School. On 10-25-04 [REDACTED] sold narcotics to the undercover officer.  
Case # 05 [REDACTED]

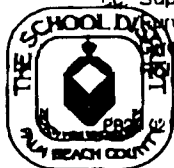
Conforme al Estatuto de la Florida § 230.33(8), el Superintendente puede extender los diez (días) de suspensión hasta la fecha de la reunión de la Junta Escolar durante la cual ésta tomará una decisión sobre la expulsión.

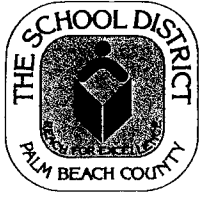
A partir de esta fecha 02/15/2005 su hijo(a) o pupilo(a) legal es asignado(a) al Departamento de Educación Alternativa.

Atentamente,

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

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





THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

ANN KILLETS  
CHIEF ACADEMIC OFFICER

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

CHIEF ACADEMIC OFFICE  
3300 FOREST HILL BLVD., C-316  
WEST PALM BEACH, FL 33406-5813

Ph: 561-649-6888 Fx: 561-649-6837

www.PalmBeachSchool.org

FILE COPY

February 11, 2005

CERTIFIED AND REGULAR MAIL  
RETURN RECEIPT REQUESTED

[REDACTED]

7003 2260 0001 9364 1202

NOTICE OF RECOMMENDATION FOR EXPULSION

[REDACTED]

[REDACTED]

Based upon the recommendation of Reginald B. Myers, Principal of John I. Leonard High School, and in accordance with Florida Statute § 1006.07, and Palm Beach County School Board Policy 5.1813, I will request that the School Board of Palm Beach County, Florida, expel your son, [REDACTED] from the Palm Beach County School District. This decision is based upon the following action:

Sale and/or distribution of marijuana to an undercover officer while on the campus of John I. Leonard High School on October 4, 2004.

Pursuant to Florida Statute § 120.569, you have the right to an administrative hearing. Your request must be received by the Office of the Chief Academic Officer within ten (10) days of the date of this letter. If you request a hearing, a hearing officer will be appointed pursuant to Florida Statute § 120.81(1)(e). If you do not request a hearing, this recommendation will become final.

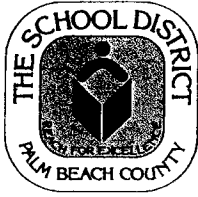
Your son may receive educational services at the ACS Transition Program during this expulsion due process. If you have any questions regarding the expulsion due process or the educational services available at the ACS Intensive Site, please contact the Office of the Chief Academic Officer at 561-649-6888.

Sincerely,

Arthur C. Johnson, Ph.D.  
Superintendent

AK:JRA:LEP:mjp

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



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

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

JULIEANN RICO ALLISON  
CHIEF COUNSEL TO THE SCHOOL BOARD

OFFICE OF CHIEF COUNSEL TO THE SCHOOL BOARD  
3318 FOREST HILL BLVD., C-302  
WEST PALM BEACH, FL 33406-5813

Ph: 561-434-8500 Fx: 561-434-8105

**FILE COPY**

El 11 de febrero de 2005

CORREO CERTIFICADO Y REGULAR  
EI RECIBO del REGRESO SOLICITO

[REDACTED]

**La NOTA DE la RECOMENDACION PARA la EXPULSION**

[REDACTED]

Estimada Sra. [REDACTED]

Basado sobre la recomendación de Reginald B. Myers, el Director de la Preparatoria de John I. Leonard, 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 hijo [REDACTED] del Distrito de la Escuela de Condado de Playa de Palma. Esta decisión se basa sobre la acción siguiente:

La venta y/o la distribución de marijuana a un oficial clandestino mientras en el campus de la Preparatoria de John I. Leonard en el 4 de octubre de 2004.

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

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

Sinceramente,

Arthur C. Johnson, Ph.D.  
el Supervisor

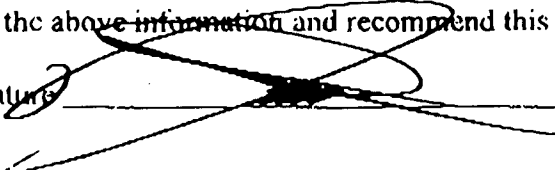
AK:JRA:LEP:mjp

cc: El director, John y Preparatoria de Leonard  
El Supervisor central del Area  
Oficial Académico Principal  
el Director de la Educación Alternativa

## INCIDENT SUMMARY

<b>Student Name</b>	[REDACTED]
<b>Student #</b>	[REDACTED]
<b>Violation and Code</b>	Drugs (Sale/Distribution) -93
<b>School</b>	John I. Leonard High School
<b>Principal</b>	Reginald B. Myers
<b>Area Superintendent</b>	Rodney Montgomery
<b>Grade</b>	10
<b>Sex</b>	Male
<b>Age</b>	17 yrs 7 months.
<b>Language</b>	Spanish
<b>ESE?</b>	No
<b>504?</b>	N/A
<b>Police Report Charge, if known</b>	05-[REDACTED] Sale of Marijuana in school grounds
<b>Persons Involved And Witnesses to Testify</b>	Undercover officer from the Palm Beach County Sheriff office.
<b>Additional Information (Use additional page, if necessary)</b>	The Palm Beach County Sheriffs Office in conjunction with the Palm Beach County School Police initiated an undercover police operation to identify and prepare prosecution of suspected narcotics dealers enrolled as students at John I. Leonard High School. On 10-04-04 [REDACTED] sold narcotics to the undercover officer.

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

Principal's signature 

Date 2/2/05

# RECEIVED

FEB - 3 2005

BY LEGAL SERVICES

# Student Discipline Referral

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

STUDENT NAME [REDACTED]	STUDENT GRADE 10	ESE/504 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE 1/27/05	TIME 0757
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 Off Campus TR - To School	REPORTED BY Schulze	STAFF ID NUMBER 097	INTERVENTIONS BY TEACHER BEFORE REFERRAL <input type="checkbox"/> Letter to parent <input type="checkbox"/> Referral to CORE team <input type="checkbox"/> Parent Conference <input type="checkbox"/> Conference with-counselor <input type="checkbox"/> Other	BUS CODE
NATURE OF PROBLEM (Be Specific) Sale of marijuana on school grounds.				

### ADMINISTRATIVE USE ONLY BELOW THIS LINE

DISTRICT NUMBER 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)	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) 93	ADMINISTRATOR'S NAME D. Schulze	ADMINISTRATION ID 097	DATE 1/27/05
DURATION How many days Begin Date 1/27/05 Return Date 2/17/05	ACTION CODE (see code sheets) 01 09 90 RL FA	COMMENTS 10 days OSS 1/28-2/10 Officer will contact parent.		
CASE NUMBER/AGENCY 05-0262	CRIT/TEAM INTERVENTION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SIGNATURE OF PARENT [REDACTED]		
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.				

ORIGINAL - Administration COPY - Parent COPY - Originator COPY - Guidance Counselor / ESE Contact



Page: 1 Document Name: titled

PANEL: \_\_\_\_\_

A24. STUDENT DISCIPLINE SUMMARY

YEAR: 05

Wednesday February 2, 2005 11:54 am

STDT: [REDACTED]  
SPEC: [REDACTED]

SCHL: 1361 GR: 10 ST: A

YTD-ISS: 002 OSS: 010

SY	EVENT	DATE	TIME	SCHL	LOC	CODE	X	C	TAKEN	DUR
05	10803052	01312005	0757	1361	GR	E 097 SCHOLZE, LEWIS				
						I 93 SALE/INTENT DRU	*			
						A 90 O/S MAND 10 DAY	*		01312005	010
						A 09 PAR/GRD CONTCT			01312005	
						A 01 CONF W/STDT/WRN			01312005	
						A FA FUTURE ACTION	*		01312005	
05	10776109	11232004	0000	1361	OF	E 301 OTERO				
						I 41 UNSERV SAT DETE				
						I 02 TRUANCY/UNEXPL				
						A 65 I/S ALT TO SUSP	*		11232004	002
						A 09 PAR/GRD CONTCT			11232004	
						A 06 WRN COM TO PAR			11232004	
						A 01 CONF W/STDT/WRN			11232004	

PF1=HELP 3=EXIT 5=REFRESH 7=BKWD 8=FWD 9=NXT PAGE 12=ESCAPE  
NO ADDITIONAL PAGES...NEXT?

TERML: BQ39