

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

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

Petitioner,

vs.

Case No. 05/06-X-016


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 Forest Hill High School that the Respondent was being recommended for expulsion on September 16, 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 September 30, 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 September 30, 2005, to wit:

Disruption of school/disorderly conduct while on the campus of Forest Hill High School on September 15, 2005.

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 September 30, 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 ____ day of _____, 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

FOREST HILL HIGH SCHOOL

6901 Parker Avenue
WEST PALM BEACH, FLORIDA 33405
(561) 540-2400
Fax: (561) 540-2440

DAVID REILLY
TAMEKA ROBINSON
FRANK RODRIGUEZ
LISA STIMMLER
Assistant Principals

LEONARD COLEMAN
JOHN HARVILL
PATRICIA JOZAYT
ANTHONY MORALES
Administrative Assistants



MAYRA STAFFORD
Principal

Return Receipt Requested

Regular and Certified Mail

Date 09/16/2005
Student Number [REDACTED]

[REDACTED]

Custodial Parent/Guardian of:

[REDACTED]

Dear Custodial Parent/Guardian:

On 09/15/2005 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.

SEE ATTACHED

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.

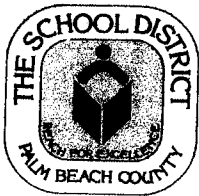
As of 09/30/2005, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Mayra Stafford
Principal
6901 Parker Ave.
West Palm Beach, FL 33405
(561) 540-2400

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

PBSD 0215 (REV 11/8/2001)



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

September 30, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED

7003 2260 0001 9364 6054

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear Mr. [REDACTED]

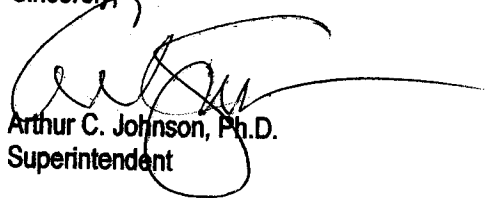
Based upon the recommendation of Mayra Stafford, Principal of Forest Hill Community High School, and in accordance with Florida Statute § 1006.07, and Palm Beach County School Board Policy 5.1813, I will request that the School Board of Palm Beach County, Florida, expel your son, [REDACTED] from the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

Disruption of school/disorderly conduct while on the campus of Forest Hill Community High School on September 15, 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. 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:ITM:mjp


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

SUMMARY OF INCIDENT

| | |
|---|---|
| Student Name | [REDACTED] |
| Student ID # | [REDACTED] |
| School | Forest Hill Community High School |
| Principal | Mayra Stafford |
| Area Supt. | Rodney Montgomery |
| Grade | [REDACTED] |
| Sex | [REDACTED] |
| Date of birth & age | [REDACTED] |
| Language | English |
| ESE/504 | ESE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 504: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Date of Incident | 9/15/05 |
| Violation & Code | Disruption of school function-80 |
| If weapons infraction or other assault, did student allege weapon was brought for protection? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Please check one box only) |
| If so, has School Board Policy 5.001 been followed? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Please check one box only) N/A |
| Police report charge & number | Disruption of school function Resisting officer without violence Case # 2614 |
| Persons involved & witnesses to testify | Pamela Manning-School Police Officer Eulise Munoz-School Police Officer Isreal Jerena-School Police Aide Linda Hunter-School-based Team Coordinator Lonnie Moody-Math Teacher Tameka Robinson-Assistant Principal Russ Milliken-Dean of students John Harvill-Dean of students |
| Student's Explanation of Incident (Use additional page if necessary) | N/A |
| Additional Information (Use additional page if necessary) | N/A |

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|--|--|

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



Principal's Signature

9-16-05

Date

On September 15, 2005 at 7:59 [REDACTED] and another student were walking through the courtyard refusing to go to class. He was approached by a school police officer for his ID and pass. [REDACTED] informed the officer he did not have an ID and that he had not been to class. The officer gave him a detention and told him to go to class. A few minutes later, Dean Harvill reported on the radio that [REDACTED] and the other student was sitting in the back stairwell refusing to go to class. Both students were escorted to student services. While waiting in student services for Mrs. Robinson (AP), both students ran out of student services and ran into building 6 and was causing a disruption on campus by opening classroom doors and yelling profanity into the classrooms. Seconds later, Officer Munoz called on the radio that Morancy and two other students were in room 6204 trying to fight a student in that classroom. Administration and school police responded. One student refused to leave the classroom and cooperate with school police and follow instructions. Mrs. Robinson and school police aide, Isreal Gerena tried to restrain [REDACTED] from getting involved. [REDACTED] was out of control and was difficult for anyone to restrain him. Dean Milliken and Mr. Moody (teacher) could not contain him. While struggling to contain him, he and Dean Milliken fell to the floor. While on the floor, Officer Manning handcuffed him. He was escorted to student services where he was given a 10-day out of school suspension, arrested and charged with disruption of school function and resisting arrest without violence. He was transported to the Juvenile Assessment Center.

YEAR: 05

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:13 am

STDT: [REDACTED], [REDACTED]
SPEC: [REDACTED]

SCHL: 0581 GR: 09 ST: A
YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|----------|----------|------|------|-----|------------------------|---|---|----------|-----|
| 05 | 10848920 | 04262005 | 0000 | 0541 | GR | E 019 COOPER, M | | | | |
| | | | | | | I 53 PHY BATTERY | * | | | |
| | | | | | | A 86 O/S 6-10 DAYS | * | | 04262005 | 010 |
| | | | | | | A 65 I/S ALT TO SUSP | * | | 04262005 | 013 |
| | | | | | | A 60 IN-SCHOOL INTER | * | | 04262005 | 002 |
| | | | | | | A RF COURT/JUVENILE | * | | 04262005 | |
| | | | | | | A FA FUTURE ACTION | * | | 04262005 | |
| 05 | 10834956 | 04012005 | 0000 | 0541 | GR | E 019 COOPER, M | | | | |
| | | | | | | I 50 FIGHTING | * | | | |
| | | | | | | A 86 O/S 6-10 DAYS | * | | 04012005 | 010 |
| 05 | 10833023 | 03292005 | 0000 | 0541 | CS | E 002 HERNANDEZ, GLORI | | | | |
| | | | | | | I 31 REP DISOBED/INS | | | | |
| | | | | | | A 43 SAT DETENTION | | | 03292005 | |
| 05 | 10830979 | 03172005 | 0000 | 0541 | CS | E 035 HASKELL, DANNY | | | | |

PF1=HELP 3=EXIT 5=REFRESH 7=BKWD 8=FWD 9=NXT PAGE 12=ESCAPE
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TERML: Z668

YEAR: 05

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:13 am

STDT: [REDACTED], [REDACTED], [REDACTED]
SPEC: [REDACTED]

SCHL: 0581 GR: 09 ST: A
YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|----------|----------|------|------|-----|---|---|---|----------|-----|
| 05 | 10830979 | 03172005 | 0000 | 0541 | CS | I 10 CLASS/SCHL RULE A 42 DETENTION (EXTE | | | 03172005 | 002 |
| 05 | 10827267 | 03142005 | 0000 | 0541 | HA | E 019 COOPER, M I 29 PHY AGGRESSION A 43 SAT DETENTION | | | 03142005 | |
| 05 | 10820085 | 03012005 | 0000 | 0541 | CS | E 035 HASKELL, DANNY I 15 DISRUPT BEHAVIO I 10 CLASS/SCHL RULE A 41 DETENTION (REG) | | | 03012005 | 001 |
| 05 | 10817617 | 01242005 | 0000 | 0541 | OF | E 019 COOPER, M I 26 DISOBED/INSUBOR I 15 DISRUPT BEHAVIO I 03 OUT/ASSGN AREA A 83 O/S 3-5 DAYS | * | | 01242005 | 003 |

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TERML: 2668

YEAR: 05

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:13 am

STDT: [REDACTED], [REDACTED]
SPEC: [REDACTED]

SCHL: 0581 GR: 09 ST: A
YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|----------|----------|------|------|-----|--|---|---|------------------------------|-----|
| 05 | | | | | | | | | | |
| 05 | 10782118 | 12062004 | 0000 | 0541 | GR | E 132 IANNITTE, COLLEE I 47 SEV/REP IN ACTV I 26 DISOBED/INSUBOR I 07 DRESS CODE VIOL I 03 OUT/ASSGN AREA A 83 O/S 3-5 DAYS * A 01 CONF W/STDT/WRN | | | 12032004 005 12032004 000 | |
| 05 | 10755179 | 10202004 | 0000 | 0541 | GR | E 981 LAW ENFORCE OFFI I 47 SEV/REP IN ACTV | | | | |
| 05 | 10755178 | 10202004 | 0000 | 0541 | CS | E 024 PROVENZANO, JOHN I 53 PHY BATTERY * I 07 DRESS CODE VIOL I 03 OUT/ASSGN AREA A 86 O/S 6-10 DAYS * A 86 O/S 6-10 DAYS * | | | 12202004 010 | |

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TERML: Z668

YEAR: 05

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:13 am

STDT: [REDACTED], [REDACTED]

SCHL: 0581 GR: 09 ST: A

SPEC: _____ YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|----------|----------|------|------|-----|--|---|---|----------|-----|
| 05 | 10747045 | 10042004 | 0000 | 0541 | GR | E 024 PROVENZANO, JOHN I 56 ROBBERY I 53 PHY BATTERY A 86 O/S 6-10 DAYS | * | * | 09242004 | 005 |
| 05 | 10745402 | 09212004 | 1505 | 0541 | GY | E 106 HARRIS, ELISHA I 47 SEV/REP IN ACTV I 15 DISRUPT BEHAVIO A 45 LOSS OF E-C PRV | | | 09212004 | |
| 05 | 10743620 | 09152004 | 0000 | 0541 | HA | E 043 INSCOE, D I 26 DISOBED/INSUBOR A 41 DETENTION (REG) | | | 09012004 | 001 |

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TERML: Z668

YEAR: 06

PANEL: _____ A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:51 am

STDT: [REDACTED], [REDACTED] SCHL: 0581 GR: 09 ST: A
SPEC: [REDACTED] YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|----------|----------|------|------|-----|------------------------|---|---|----------|-----|
| 06 | | | | | | | | | | |
| 06 | 10829140 | 09152005 | 1033 | 0581 | HA | E 981 LAW ENFORCE OFFI | | | | |
| | | | | | | I 31 REP DISOBED/INS | | | | |
| | | | | | | I 30 REP DISRUPT BEH | | | | |
| | | | | | | A 09 PAR/GRD CONTCT | | | 09152005 | |
| | | | | | | A 01 CONF W/STDT/WRN | | | 09152005 | |
| | | | | | | A FA FUTURE ACTION | * | | 09152005 | |
| 06 | 10829044 | 09152005 | 0918 | 0581 | GR | E 066 MOORE, TAMEKA | | | | |
| | | | | | | I 80 DISRPUT OF SCHL | * | | | |
| | | | | | | A 90 O/S MAND 10 DAY | * | | 09152005 | 010 |
| | | | | | | A 09 PAR/GRD CONTCT | | | 09152005 | |
| | | | | | | A 01 CONF W/STDT/WRN | | | 09152005 | |
| 06 | 10822943 | 08252005 | 0000 | 0581 | OF | E 043 HARVILL, JOHN | | | | |
| | | | | | | I 80 DISRPUT OF SCHL | * | | | |
| | | | | | | I 50 FIGHTING | * | | | |

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TERML: 2656

YEAR: 06

PANEL: _____

A24. STUDENT DISCIPLINE SUMMARY

Thursday September 29, 2005 9:51 am

STDT: [REDACTED]

SCHL: 0581 GR: 09 ST: A

SPEC:

YTD-ISS: 000 OSS: 020

| SY | EVENT | DATE | TIME | SCHL | LOC | CODE | X | C | TAKEN | DUR |
|----|-------|------|------|------|-----|------|---|---|-------|-----|
| 06 | | | | | | | | | | |

| | | | | | | | | | | | | |
|----|----------|----------|------|------|----|------|---------|------------|------|---|----------|-----|
| 06 | 10822943 | 08252005 | 0000 | 0581 | OF | A 86 | O/S | 6-10 | DAYS | * | 08292005 | 010 |
| | | | | | | A 09 | PAR/GRD | CONTCT | | | 08292005 | |
| | | | | | | A 01 | CONF | W/STDT/WRN | | | 08292005 | |

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