BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

as Superintendent of Schools,	
Petitioner,	
VS.	Case No.
Respondent.	J

ARTHUR C. JOHNSON, Ph.D.

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 Northmore Elementary School that the Respondent was being recommended for expulsion on September 13, 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 19, 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.
- The School Board finds that the Respondent is guilty of the acts alleged by the Superintendent in the letter dated September 19, 2005, to wit:

Respondent committed battery on a School Board Employee while on the campus of Northmore Elementary School on September 8, 2005.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed. Superintendent be accepted and confirmed. 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.



NORTH DRE ELEMENTARY SCHOOL School for Life Sciences, Mathematics, and Technology

Jo Anne Rogers, Principal Nancy Robinson, Ass't Principal Michael Washill, SAC Director Connie Smith, K-2 Literacy Coach Darlene Starling, 3-5 Literacy Coach Susie Vondeck, Mathematics/Science Coach

Regular and Certified Mail

Return Receipt Requested

Date 09/13/05

Student Number



Custodial Parent/Guardian of:



Dear Custodial Parent/Guardian:

On 09/08/2005 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.

Student had left campus and was successfully conviniced to return by Mrs. Robinson, Assistant Principal, who also encouraged the student in a calm manner to follow directions and to also listen to his parents. Unexpected and in a rage, student suddenly forced Mrs. Robinson against a wall, with balled up fists, and by using his body, held her in place on the wall screaming and making further physical threats.

The student was removed off of Mrs. Robinson by the Principal, Jo Anne Rogers, while Mrs. Robinson took the opportunity to leave the area.

Police Case Report Number: 05-2512

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 09/22/2005, your son/daughter/ward is assigned to the Department of Alternative Education.

Sincerely,

Jo Anne Yogers, Principal Northmore Elementary School 4111 North Terrace Drive West Palm Beach, FL 33407

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

PBSD 0215 (REV 11/6/2001)

Phone: (561) 881-4759

"A Community of High Achievers"

4111 North Terrace Drive, West Palm Beach, FL 33407

Fax: (561) 840-3200



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 19, 2005

CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED



7003 2260 0001 9364 5392

NOTICE OF RECOMMENDATION FOR EXPULSION

Dear ::

Based upon the recommendation of Jo Anne Rogers, Principal of Northmore Elementary 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, Florida, expel your son, District. This decision is based upon the following action:

Battery on a School Board Employee while on the campus of Northmore Elementary School on September 8, 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, Northmore Elementary School

North Area Superintendent Chief Academic Officer

Director of Alternative Education

Student Name Student ID # School Principal Area Supt. Grade Sex Date of birth & age Language ESE/504	Northmore Elementary School Jo Anne Rogers Marisol Ferrer English ESE: Yes No 504: Yes No
School Principal Area Supt. Grade Sex Date of birth & age Language	Jo Anne Rogers Marisol Ferrer English ESE: Yes D No D 504: Yes D No D
Principal Area Supt. Grade Sex Date of birth & age Language	Jo Anne Rogers Marisol Ferrer English ESE: Yes D No D 504: Yes D No D
Area Supt. Grade Sex Date of birth & age Language	Marisol Ferrer English ESE: Yes No 504: Yes No
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Language	ESE: Yes No 504: Yes No
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ESE/504 E	
Date of Incident	September 8, 2005
Violation & Code	Battery - School District Employee; Code 96
If weapons infraction or other assault, did student allege weapon was brought for protection?	Yes □ No □ (Flease check one box only)
If so, has School Board Policy 5.001 been followed?	Yes Do o (Please check one box only)
Police report charge & number	Battery - School District Employee - Case # 05-2512
Persons involved & witnesses to testify	Nancy Robinson, Assistant Principal JO Anne Rogers, Belinda Colebrook, Jeff Van Syckle
Student's Explanation of Incident (Use additional page if necessary)	Was too angry to talk. Only stated, "He doesn't need to listen to anyone and that his mother didn't control him."
Additional Information (Use additional page if necessary)	

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

Principal's Signature

9-12-05

Date

THE SCHOOL DISTRICT OF PALM BEACH COUNTY DIRECTIONS: Write in the corresponding boxes.

Student Discipline Referral

TRESPASSING NOTICE: I, the student, am aware that I may not be ☐ Teacher detention on school grounds and may not affertil any school functions or school activities on or off school grounds of any Palm Beach County School RELATED ISSUES (circle all that apply) . B. 05 BUS CODE DATE 8:20 Mediation As a result of student being redirected to return to campus, student approached me from behind with physical W - Weapon related
A - Alcohol related
H - Hate related
D - Drug related aggression and making threats. Student made physical contact to my personal self to the point Mrs. Rogers G - Gang related Drug related 9 E TIME District facility during the dates of my suspension Problem solving techniques De-escalation techniques 09/08/2005 **EVENT NUMBER** INVOLVEMENT TYPE (circle one) S - STUDENT
N - Non-student
B - Both student and COPY - Guidance Counselor / ESE Contact SIGNATURE OF STUDEN ADIMISTRATION ID SYGNATURE OF PAREW non-sludent ž Unknown \boxtimes Parent Conference ☐ Yes ESE / 504 Letter to parent ے GRADE School sponsored transportation WHERE EVENT OCCURRED (circle one) - ADMINISTRATIVE USE ONLY BELOW THIS LINE Conference with counselor - School spansored activity Northmore Elementary (1) - SCHOOL GROUNDS / (includes bus slops) INTERVENTIONS BY TEACHER BEFORE REFERRAL STUDENT NUMBER ON CAMPUS off campus COPY - Orlginator needed to separate him from me. SCHOOL NATURE OF PROBLEM (Be Specific) Telephone call to parent Outside school hours, non-school COPY - Parent WHEN EVENT OCCURRED (circle one) ADMINISTRATOR'S NAME - Outside school hours, school Unrelated event or unknown - DURING SCHOOL HOURS sponsored activity sponsored activity COMMENTS (Use number below for those ORIGINAL - Administration persons without a staff ID.) - Food Service Staff Substitute Teacher Law Enforcement School Volunteer - Paraprofessional - Parent/Guardian Crossing Guard CRT / TEAM YES INTERVENTION NO ⋖ REPORTED BY (CODE) Nancy Robinson 4 က STAFF ID NUMBER - Bus Driver - Custodian (see code shee(s) ACTION CODE (see code sheets) - Sludent - Clerical REPORTED BY - Other 0 If not Home School, provide School Number, 9 9 If not District 50, provide District number S 977 978 979 980 982 983 985 999 00 0 BU - School Bus/Transportation CA - Cafeteria GL - Clinic CS - Regular Classroom GR - School Grounds GY - Gymnasium HA - Haflway IS - Alternativa to Suspension 09/08/2005 Return Date 01/09/1900 F - Firearm/Explosive device Rifle/Shofgun WHAT KIND OF WEAPON USED PBSD 0279 (REV. 7/26/2001) 0 2 OF - Office
OG - Off School Grounds
OT - Other
PG - Playground/Track
PK - Parking Lot
RE - Restroom
RT - Returning Home
TO - Field Trip/Activity - Library/Media Center CASE NUMBE RIAGENCY - Other Weapon Hov/ many days DISTRICT NUMBER Off Campus HOME SCHOOL BK - Bookstore BS - Bus Stop Laboratory · To Sichool H - Handgun U - Unknown STUDENT NAME DISTRICT 50 **Begin Date** (if appropriate) SCHOOL NO. Room DURATION X · Knife OCATION **5** =:



THE SCHOOL DISTRICT OF PALM BEACH COUNSTITUTE STATEMENT STATEMENT

A STATE OF THE STA	İ						
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	PRINCIPAL				AREA SUPERINTEND	ENT	
SCHOOL STILL CONTROL COLOOL	Jo Anne	Rogers			Marisol Ferrer		CASE NUMBER
Northmore Elementary School	CODE.	POLICE R	EPORT CHA	RGE IN Inc	(mrt)		05-2512
Battery on School District Employee	96				ct Employee		V3 23 12
Violation and code information can be obtained from the	Student Disci	pline Refe	rmi (PBSI	0279)			
		Paret	nt langua	ge is E	nglish		
Student language is <u>English</u> Student is enrolled in: Exceptional Student E	ducation (ES		504				
Persons involved and witnesses to testify:							
lo Ame Rogers, Principal							
Nancy Robinsion, Assistant Principal							
Belinda Colchrook - Treasurer							
Jeff Van Syckie - Guidance Counselor							
Additional information: You MUST summerize the facts/circumstances suprocessed. Use additional page(s) if necessary. Student had left campus and was successfully concurraged the student in a calm manner to follow student studently forced Mrs. Robinson against a wall screaming and making further physical threat I removed the student off of Mrs. Robinson while	winced to ret w directions I wall, with ba its.	um by M and to als lled up fi	rs. Robin o listen to sts, and l the oppor	nson, As o his par by using tunity to	sistant Principal, rents. Unexpecte his body, held h	who ed and er in p	also in a rage, olace on the
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PBSD 1668 (REV. 4/30/2004)

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ADMINISTRATIVE	Case Stat		1-Arre		ded	A-Adı 2 J-Juv	ult enile		Cleared 9/8/05		Recommend	ed Youth Court Yes No	Number Ar	rested 0
ADM	Exception 1-Extradit					th of Offende			9/6/03	ed	OBTS/Arrest		Page	of 2

7	•	ORI Nu		THE SCHOOL DIS	CT OF PALM	BEACH COUNTY	SCHOOL POLICE	pe 🛛 1 - Origin	al 1 - Offen		
E		Date Re		Offense	Narrat	ive Conti	nuation	Adult 2 - Suppl	. 2 - Arres	05-25	12
	09	08	2005	Battery on Sch	ool Board	Employee					
1	On (9/08/	05 at 090	0 hours, I receive	ed a call fr	om Princina	1 Io Anne Ro	rers of Northmo	re Eleme	ntary Sc	hool in
۱			to a batte		a a can n	om i imcipa	I JO AIIIC RO	gors of Northine	TC Eleme	mary Sc.	
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	Upon my arrival I met with Assistant Principal Nancy Robinson who told me that a student had pushed her in the										
	cafeteria of the school. Robinson stated that student was angry after she corrected his behavior										
ı	and redirected him to another part of the cafe'. then came up behind Robinson and struck her in the back										
	with his shoulder. When Robinson turned around, began pushing and shoving her with his shoulder										
	yelling profanities at her. Robinson was not injured nor did she seek medical attention.										
1		1	41. D.:	D	1	2	· · · · · · · · · · · · · · · · · · ·		 1		
		ected		pal Jo Anne Roge for a minor rules							
ı	Tedin			obinson and verb							
ı	was			the cafe' and esce							
				able to speak wit					-	<u>-</u>	
Z											
Z Z	I aga			Robinson about t						arges ag	ainst
Z		fc	or the bat	tery charge. She	feels that	the school's	sanction woul	d suffice in this	matter.		
20	Viotinala sichta maglat igmad and the maglatic m										
Š	Victim's rights packet issued and the packet's receipt was signed. Robinson also completed a witness statement and signed a victim waiver form.										
NAR	and signed a victim waiver form.										
	This	case	is except	ionally cleared, v	ictim refu	sed to prose	cute.				
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		Reportin	· / X		I.D.Number 865	Date 9/8/05	Lieutenant Review	ing	I.	D.Number	Date 091507
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STR	Case S	Status		Clearance Type	A-Ad	ult Date	Cleared	Recommended Y		Number An	ested
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⋖	1-Extra	tion Typ adition Do st on Prin	eclined	3-De Without Prosecution 4-V	eath of Offender W Refused to C		osecution Declined	5 OBTS/Arrest Nur	IIIJUI	Page 46	3

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THE SCHOOL DISTRICT OF PALM BEACH COUNTY

E SCHOOL POLICE DEPARTMENT	03-2512	
Sworn/Affirmed Statement	Date 9/8/05	
■ WITNESS VICTIM SUSPECT	OTHER 0900	
NAME OF PERSON MAKING STATEMENT (full name)	BIRTH DATE HOME TELEPHONE NUMB	ER WORK TELEPHONE NUMBER
Nancy Robinson		ER WORK TELEPHONE NUMBER 1315 (36/) 881 - 47.59
ADDRESS (Mireal address, city, state, Elip optio) 536 Multiple Dr. A.	tlantis FL	
I voluntarily furnish this sworn/affirmed statement to:	Officer Frank V. Fanelli	ID 865
VICTIM ONLY (Parent of Juvenile):	- A	003
I am requesting criminal charges. A Yes A No. I fur	ther understand that I will be required to an-	near in court if subsected
odesenik enimier endikos. 🗀 165 M. (40 1100	and anadiomis rier i ani na tadrited to abl	. / /
	SIGNATURE OF VICTA (PARENT OF JUI	VENILE) 9/8/0
STATEMENT	V	
As a result of st	sudent being redir	ected
to return to campus	,	
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and threats, Studen	nt made physica	/
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	in hour to oppose	
him from me.		
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	Y Jeary Kolly	100 9/8/05
	SIGNATURE, PERSON MILKING STATEMENT	(sign every page) DATE
WITNESS SIGNATURE (eign every page) DATE	WITNESS SIGNATURE (eign every page)	DATE
Sworn to and subscribed this 92	day of Septem Le	n,20 <u>05</u> .
	, STATI	3
NOTARY PUBLIC, S	STATE OF FLORIDA	ENT OFFICER ID NO.
PBSD 1658 (REV. 4/30/2004)		Page of/

PANEL:

A03. DEMOGRAPHICS

Tues Jy September 13, 2005 11:57 am

STDT: 24583643

MIDDLE FORMER APP FIRST AKA LAST RES NBR DR STREET TYPE PD APT/BLDG CITY ST ZIP+4 MLG NBR DR STREET TYPE PD APT/BLDG CITY ST ZIP+4 PUB MIL SUMMER ORIG SAC SCHL2 S R DOB BIRTH CITY ST VER PHONE 1 081402 115A ____ M B ENT DATE SCHL GR OD CL AT W/D DATE PR PF SSN EXTRNL NBR PC PS PD E01 081005 0271 M 01 Y _____ LNG PLG COB SURVEY STAT CAT LEP RES EN:DS SCHL C1:B-H-M-N CH2 EHA D/B ST:C M EX EN EN US 081402 _ _ ZZ 3 _ _ NNNNNNNNN N N N Z

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

RECORD IS DISPLAYED ... NEXT?

05-2512

YEAR: 06

TERML: DR16



THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA

SCHOOL POLICE DEPARTMENT 3330 FOREST HILL BOULEVARD, B-121 WEST PALM BEACH, FL 33406-5869

(561) 434-8300 FAX (561) 434-8186

JAMES P. KELLY, J.D. CHIEF OF POLICE

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

PBCSD CASE NO. 05-25/2

VICTIM WAIVER

DATE:	9/8/05	TIN	ИЕ: _	0900	
I, Nancy under Florida S not to prosecu responsibility a	Robin son State Statutes, do hereby te in this case. I understa as to my case.	y instruct the S and this release	being a chool I es the S	a reported vi District Police School Distric	ctim of a crime e that I choose ct Police of any
	s position of my own free nd prosecuted with my co		nat the	case can on	ly be further
		Signature Signature	ey!	Guun	J
Withessed by		·			



The School District of Palm Beach County School Police Department

Victim Rights Packet Receipt (561) 434-8300

Date / Time 9 8 05 0900	Case No. 05-2512
As the victim of a crime, you have certain rights. resources available to you are outlined in the Sch Victims Rights Packet.	•
	, received a copy of the
Victims Rights Packet from Officer F. Fanell 1	, I.D. #
and randolotalia my righto.	
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Davy Rounsin Signat	ure of Victim 9/8/05 Date