

SCHOOL BOARD FOR ESCAMBIA COUNTY, FLORIDA

MALCOLM THOMAS,

Superintendent of the School District
for Escambia County, Florida,

Student Discipline Nos:

v.

16-48-1251

16-49-1251

[REDACTED],

Respondent Students.

/

**STUDENTS' MOTION IN OPPOSITION TO
DISCIPLINARY REASSIGNMENT**

*In these days, it is doubtful that any child may reasonably be expected
to succeed in life if he is denied the opportunity of an education.*

*Brown v. Bd. of Ed. of Topeka, Shawnee County, Kan.,
347 U.S. 483, 493 (1954).*

[REDACTED] ("Student 48") and [REDACTED]

("Student 49") (collectively "Students") request that the School Board for
Escambia County, Florida ("School Board") deny Superintendent Malcolm
Thomas's ("Superintendent") requested disciplinary reassignments¹ of them
pursuant to School Board Policy No. 3.02(5)(C) and state as follows:

¹ A disciplinary reassignment is "the removal of the student from the current school to an
alternative setting" for disciplinary reasons. R&R Handbook, Ch. 8(C), p. 41. This is a type of
"involuntary transfer." *Id.*, Ch. 5(D), p. 29.

Florida law permits involuntary disciplinary reassignment to a "dropout prevention and
academic intervention program[]," § 1003.53(1)(a), Fla. Stat., when a "student has a history of

INTRODUCTION

Escambia students can be removed from their school and sent to an alternative school by either “expulsion” or “disciplinary reassignment.” When students face expulsion, they are afforded a formal hearing at which they have tools to contest the charges of misconduct. When they face “disciplinary reassignment,” they are stripped of these due process protections, although they face the same practical consequences.

The Superintendent’s disciplinary reassignment procedure offered to the Students was legally and constitutionally inadequate. Furthermore, the Superintendent’s proposed punishment is excessive and out of step with the School Board’s Matrix and discipline in other Florida school districts. The School Board

disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct,” § 1003.53(1)(c)(3), Fla. Stat. *See also* § 1003.32(5), Fla. Stat. (school “principal may place the student [who interferes with class instruction]... in a dropout prevention and academic intervention program as provided by s. 1003.53”); 1006.09(1)(a), Fla. Stat. (directing school principals to place disruptive students in an “alternative educational setting” “when appropriate and available”).

Florida’s Department of Education codes these reassignments as “Placement in Alternative Educational Setting.” Fla. Dep’t of Ed., *Discipline/Resultant Action Code* (No. 114425), available at <http://fldoe.org/core/fileparse.php/12026/urlt/1516-114425.pdf>. At times, a reassignment is also called a “change of placement” when the transfer involves a disabled student. § 1003.57(1)(h), Fla. Stat. The DOE employs a different code for change of placement. Fla. Dep’t of Ed., *Discipline/Resultant Action Code* (No. 114425).

Students, who do not claim to be disabled, will refer to this sanction as “disciplinary reassignment” as the Superintendent does.

should not approve it or the Superintendent's use of the flawed disciplinary reassignment procedure to remove the Students.

FACTUAL STATEMENT

On Thursday, October 1, 2015, the West Florida High School's junior varsity football team was excited after they won their away game. On the bus to return home, the rowdy team joked and engaged in horseplay, as was not uncommon. Several players attempted to pull down one another's pants ("pantsing"). A handful of students were pantsed with varying success.

Charges

As a result of the October 1 pantsing, on October 9, 2015, the Superintendent formally charged the two Students with misconduct. Student 48 was charged with (1) "abusive behavior" and (2) videoing a naked, pantsed peer, publishing the video on SnapChat, and sharing it at school. *See* Notice of Charges, attached and incorporated as Exhibit 1. Student 49 was charged with (1) battery on a peer and (2) pantsing a peer naked waist-down. *Id.* School officials claim that all of this misconduct was directed at a single member of the football team, "John Doe" or "John."

The Students denied all of the charges.

Superintendent's Disciplinary Committee Hearing

On October 21, 2015, a disciplinary committee acting under the Superintendent's authority was convened. As usual, the committee was comprised of three assistant principals who administer discipline in their middle or high school in the District. The District's Court Liaison, Jeremy Tompkins, directed the hearing. They conducted two hearings, one for each Student, to determine whether expulsion or disciplinary reassignment would be appropriate. *See* Notice of Charges.

The Superintendent's standard procedure was used at each hearing. West Florida High School officials presented the results of their investigation both orally and in writing. School officials made an oral presentation and shared written, selected witness statements with both the committee and Students. In addition, the principal gave the committee her written investigation report, the school resource officer's written report, and a 5- to 7-second video of the incident. The committee denied the Students access to these written reports and to the video, but permitted Students to ask questions about the video. Furthermore, the committee denied the Students' requests to question the school officials about their investigation, although the School Resource Officer did respond to some questions from Student 49. The Students were permitted to present their side of the story and plead for a less harsh consequence. They were allowed to argue to the committee in

opposition to the investigation findings after the school officials left. The Students were permitted to call character witnesses, who had no personal knowledge of what happened, to speak in support of the Students. However, the committee denied the Students' request to call and examine their own witnesses who had personal knowledge of what happened. Indeed, other than the accused Students, no one with personal knowledge of what took place spoke at the hearing.

In the afternoon after the hearing, the Superintendent's disciplinary committee found reasonable cause existed for a disciplinary reassignment of the Students. The Students contacted the Superintendent's office to learn of the committee's findings.

School officials offered the Students three educational options during the pendency of their disciplinary reassignment. (1) Camelot Academy and (2) Escambia Charter are disciplinary programs for students removed for disciplinary violations. Both students elected to start (3) Escambia Virtual Academy.

On October 28, 2015, at the suggestion of the School Board's counsel, Benjamin Stevenson called Deputy Superintendent Norm Ross and inquired whether the Students were entitled to any further administrative hearing. *See, e.g.*, § 1006.08(1), Fla. Stat. (directing a superintendent who has recommended

expulsion for a student to advise him of a right to due process as provided in Ch. 120, Fla. Stat.); R&R Handbook, Ch. 8(A), p. 41 (“In the event that a student is recommended for expulsion, the student or his/her parent/guardian may request a formal administrative hearing.”); Notice of Charges (advising that if the Superintendent recommends expulsion, the student “will have at least fifteen (15) days to request a hearing before the School Board to contest the action.”). Ross explained that Escambia County School’s policies and procedures did not provide Students facing disciplinary reassignment with the any further administrative hearing. *See* Stevenson’s Email (Oct. 28, 2015), attached and incorporated as Exhibit 2; *see also* Notice of Charges (advising that if the committee recommends disciplinary reassignment, the student “will be placed in an appropriate alternative program based on qualification and space availability” with no mention of a possibility of a hearing).

Superintendent’s Recommendation of Disciplinary Reassignment

The Superintendent has recommended disciplinary reassignment for the two Students for the charged misconduct and has requested the School Board approve the disciplinary reassignment at its regular board meeting on November 17, 2015. *See* Regular Meeting Agenda (Nov. 17, 2015). *See* Regular Meeting Agenda (Nov. 17, 2015), attached and incorporated as Exhibit 3.

The School Board must affirmatively approve the Superintendent's request for the students to be disciplinarily reassigned. § 1001.41(6), Fla. Stat. (granting school boards the power to "[a]ssign students to schools"); *see also* § 1003.53(1)(a), Fla. Stat. ("District school boards may, however, assign [non-consenting] students to a program for disruptive students."). As required by law, the School Board provides in its *Student Rights & Responsibilities Handbook* (2015-2016)² ("R&R Handbook") the "[p]olicies to be followed for the assignment of violent or disruptive students to an alternative educational program."

§ 1006.07(2)(k), Fla. Stat. In the R&R Handbook at Chapter 5(D) (entitled "Involuntary Transfer, Disciplinary Reassignment or Expulsion"), the School Board grants the Superintendent the authority to "involuntarily transfer or assign a student to another zoned school of attendance when such placement is determined to further the interest of the Board in maintaining a safe and orderly environment." *See id.*, Ch. 5(D), p. 29. This echoes School Board Policy No. 3.02(5)(B), which repeats the *same language*. However, while the School Board grants the Superintendent this provisional, disciplinary-reassignment authority, "[f]inal action on a student transfer request shall be made by the Board." Policy No. 3.02(5)(C).

² Available at <http://ecsd-fl.schoolloop.com/file/1377670194342/1289140583901/314518105536932723.pdf>. The R&R Handbook is School Board policy. *See* Policy No. 7.02.

This reservation of final authority to the School Board comports with Florida education law. § 1003.53(1)(a), Fla. Stat.

If the School Board does not approve the Superintendent's disciplinary reassignment at the November 17, 2015, meeting, the Students should be immediately re-admitted to their regular school, as a suspension pending final disposition cannot be extended. *See* § 1003.01(5), Fla. Stat. (defining "suspension" to be limited to 10 days); R&R Handbook, Ch. 8(C), p. 41 (same); *see also* § 1006.08(1), Fla. Stat. (providing for enlargement of suspension during pendency expulsion recommendation only "if such suspension period expires before the next regular or special meeting of the district school board"). As of Nov. 17, 2015, the Students will have been removed from their school for nearly six weeks.

ARGUMENT

A. Superintendent Denied Students' Procedural Due Process

The Fourteenth Amendment to the United States Constitution prohibits the Superintendent from "depriv[ing] any person of life, liberty, or property, without due process of law." *Id.*, § 1. The Superintendent violates this constitutional safeguard when (1) he deprives a student of a property interest and does so (2) without sufficient process. *Ross v. Clayton County, Ga.*, 173 F.3d 1305, 1307

(11th Cir.1999) (“There are two questions in the analysis of a procedural due process claim. Did the plaintiff have a property interest of which he was deprived by state action? If so, did the plaintiff receive sufficient process regarding that deprivation?”); *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003) (“In this circuit, a § 1983 claim alleging a denial of procedural due process requires proof of three elements: (1) a deprivation of a constitutionally-protected liberty or property interest; (2) state action; and (3) constitutionally-inadequate process.”).

1. Students were deprived of property interest in “high quality” and “uniform” education.

“The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders.” Art. 9 § 1(a), Fla. Const. Florida students have a property interest in a “high quality” and “uniform” public education. *Id.*; *see also Goss v. Lopez*, 419 U.S. 565 (1975). This property interest animates the due process afforded to students facing expulsion with or without services. *See* § 1006.07(1)(a), Fla. Stat.

The education the Superintendent offers students removed from the regular, traditional educational setting is inferior. The Students—like other students removed from their regular school either by expulsion or disciplinary reassignment—were offered education at one of three placements. Camelot and

Escambia Charter are disciplinary programs focused on rehabilitation, not education. Indeed, a school that offers “[d]ropout prevention and academic intervention programs” need not use the same “curriculum” and may use “alternative teaching methodologies, curricula, [and] learning activities.”

§ 1003.53(1)(a), Fla. Stat.³

Escambia Virtual Academy (EVA), where the Students are enrolled, is fundamentally different than a traditional classroom setting. EVA students principally learn for themselves from computers, not teachers. Live instruction from a teacher, learning through group activities, and peers’ questions, science labs, and physical education are unavailable at EVA. EVA may *supplement* an advanced students’ education. However, obtaining *all* education solely through EVA is categorically different from and inferior to using it as a supplement.

³ See also Pedro A. Noguera, *Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices*, 42 *Theory into Practice* 314, 345 (2003) (“alternative schools for students with behavior problems” “often operate more like prisons than schools” because “the fixation on control tends to override all other educational objectives and concerns”), available at <http://futurescholars.rutgers.edu/FutureScholars/Images/Schools%20Prisons%20&%20Social%20Implications%20of%20Punishment.pdf>; Johanna Wald and Daniel Losen, *Defining and Redirecting A School-To-Prison Pipeline* (Framing Paper) (2003), at 10 (“[D]ata about the quality of services offered at some ‘disciplinary alternative’ schools is troubling, suggesting that many do not provide the curriculum that students need to graduate and gain acceptance into higher education, nor do they offer the supports that vulnerable students may need to get back on track academically.”), available at <http://youthjusticenc.org/download/education-justice/suspension-and-expulsion/Defining%20and%20Re-Directing%20the%20School-to-Prison%20Pipeline.pdf>.

Moreover, the students are denied the essential social aspects of attending high school.⁴

In any alternative location, the removed Students are excluded from all extra-curricular activities throughout the district. R&R Handbook, Ch. 5(D), p. 42. The Students may neither be on the football team nor even attend the games. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 312 (2000) (observing the importance of extracurricular activities to student life and stating “High school home football games are traditional gatherings of a school community; they bring together students and faculty as well as friends and family from years present and past to root for a common cause.”).

The Superintendent has deprived the Students of a property interest in a “high quality” education by removing them from the regular, traditional high school.

2. The Superintendent has failed to provide adequate process required by law.

The disciplinary reassignment procedure is inadequate for two reasons. First, because the practical consequences of disciplinary reassignment are the same

⁴ *Sch. Bd. of Orange County v. Blackford*, 369 So. 2d 689, 691 (Fla. 1st DCA 1979), is inapposite. *Blackford* concerned students reassigned after a school closure from one traditional junior high to second junior high. *Blackford* does not extend to the current situation of reassignment from a traditional high school to a computer portal at home or an alternative program focused on rehabilitation.

as expulsion, the same procedural safeguards provided by law for expulsions should be followed here. The Superintendent should not be able to avoid the law's required due process for expulsion by calling it disciplinary reassignment. Second, the disciplinary committee is structurally biased.

(a) *“Disciplinary reassignment” is expulsion without the due process required by law.*

Escambia school officials may remove a student from a regular, traditional school setting in two ways. It may expel the student or disciplinarily reassign him. As Escambia provides identical educational services for expelled children, the practical consequences are the same for both avenues. Expelled and disciplinarily reassigned students are removed from school and extracurricular activities and offered the same educational opportunities at Camelot, Escambia Charter, or EVA. Disciplinarily reassigned students sit next to expelled students once removed.

Although the practical consequences are the same, the process Escambia school officials use to remove the students differs depending on what it is called. A student facing expulsion is afforded an opportunity for a formal administrative hearing. § 1006.07(1)(a), Fla. Stat.; R&R Handbook, Ch. 8(C), p. 41. When the student denies the charges and claims factual innocence, the hearing would “involve[] a disputed issue of material fact,” and the student would be afforded an evidentiary hearing. § 120.569(1), Fla. Stat.; *see also* Fla. Att'y Gen. Op. 2001-05

(2001). At the hearing, all the evidence would be shared with the student, § 120.57(1)(b), Fla. Stat., the student may cross examine witnesses, *id.*, and present his own witnesses, *id.*, who may be subpoenaed, § 120.569(2)(f), Fla. Stat. The hearing officer cannot rely principally on the reports from school investigators who had no personal knowledge of what happened. § 120.57(1)(c), Fla. Stat.

In contrast, when Escambia school officials seek to disciplinarily reassign a student, students are not afforded any of these procedural safeguards. Instead, they can only deny the charges and hope against the odds that the disciplinary committee believes the students' version of the events over that of the school administrators, who are the committee members' colleagues.

Had the Students had an administrative hearing provided in cases of expulsion, they would have used many of those procedures. Student 48 could have examined witnesses to show the following:

- He did not pants John Doe, and he had no interest in hurting him, as they were close friends.
- He never showed a video of John to classmates at school.
- There were several videos of John Doe, and school officials mistakenly attributed one to Student 48.

Student 49 could have examined witnesses to show the following:

- He did not pants John Doe.
- John participated in the pantsing.

The legal due process protections provided for expelled students must be provided for disciplinarily reassigned students. Because the practical effect on a student's education (property interest) is the same, the same procedure should be afforded. Renaming the student's removal a "disciplinary reassignment," instead of an "expulsion," to avoid the due process protections subverts the protections the law designs. However, that appears to be what Escambia school officials have done.

Escambia has switched its removals from expulsions to disciplinary reassignments. In the 2007-2008 and 2008-2009 school years, it expelled significantly more students than it disciplinarily reassigned.⁵ *See* Table 1. However, by the 2013-2014 and 2014-2015 school years, Escambia disciplinarily reassigned significantly more students than it expelled. *Id.* Although it used to expel in excess of one hundred students per year, it now expels around a dozen. The number of overall removals has remained well over one hundred—Escambia now just calls most of them "disciplinary reassignment."

⁵ Although the state records a disciplinary reassignment as a placement in alternative education settings, we used the phrase "disciplinary reassignments" in discussing the state's data on "placements in alternative education settings." *See* note 1, *supra*.

Table 1
Escambia Students Expelled or Placed in Alternative Education Setting

	<u>Expelled</u>	<u>Disc.</u> <u>Reassign.</u>	<u>Total</u>
2007-2008	109	48	157
2008-2009	118	50	168
2013-2014	10	161	171
2014-2015	13	121	134

(b) The disciplinary committee is structurally biased in favor of affirming recommendations to remove students.

“It is axiomatic that, in general, the Constitution requires that the state provide fair procedures and an impartial decisionmaker before infringing on a person's interest in life, liberty, or property.” *McKinney v. Pate*, 20 F.3d 1550, 1561 (11th Cir. 1994); *see also Charlotte County v. IMC-Phosphates Co.*, 824 So. 2d 298, 300-01 (Fla. 1st DCA 2002) (“[A]n impartial decision-maker is a basic component of minimum due process in an administrative proceeding.”).

School principals may recommend a disruptive student be removed from their school and placed “in an alternative educational setting.” § 1006.09(1)(a), Fla. Stat. If the Superintendent believes removal is “appropriate,” § 1006.08(1), Fla. Stat., he convenes a disciplinary committee to determine whether expulsion or disciplinary reassignment would be appropriate, *see* Notice of Charges. This disciplinary committee is comprised of principals and administrators, who enforce

discipline at their own schools. Accordingly, the disciplinary committee members are colleagues of the complaining principal. This creates three possible biases.

Naturally, in a dispute of fact, committee members would be more inclined to believe a fellow administrator than a student. Second, they have an incentive to agree with their colleague's recommendation for removal to preserve workplace harmony. Third, because committee members are school administrators who themselves may later request a committee to approve a removal, they may approve their colleague's recommendation in the hopes that when it's their turn before a committee, they will receive similar deferential treatment.

Disciplinary committee members may also feel pressure from the Superintendent to approve recommendations for removal. The Escambia Superintendent has demonstrated a preference to remove students from regular, traditional school settings. At his request, Escambia removes students at a rate 50% above other school districts in Florida. *See* Table 3, *infra*. As committee members depend on the Superintendent to renew annual contracts and promote them, they may approve recommendations for removal to please their boss.

3. Escambia school officials failed to provide constitutionally adequate process.

“The hearing required by the Due Process Clause must be meaningful, and appropriate to the nature of the case.” *Bell v. Burson*, 402 U.S. 535, 541-42 (1971)

(internal quotations and citations removed) (holding inadequate a procedure that excludes from consideration an essential element to the ultimate decision).

However, the Superintendent's disciplinary committee procedure is not a meaningful hearing because it is not designed to determine first and foremost whether the students committed any misconduct. Only two versions of the events are presented—the school administrator's version and the student's version—and the student is prohibited from knowing all the administrator's evidence, examining the administrator about her investigation, and presenting witnesses to bolster his version. Furthermore, the Superintendent's composition of the committee creates structural biases supporting removal. These features together render a procedure that is not meaningfully designed to figure out what happened. Disciplinary reassignment then is determined based on whether the student has sufficiently repented. This deprivation of due process in the Superintendent's disciplinary reassignment procedure is neither "random [nor] unauthorized." *Zinerman v. Burch*, 494 U.S. 113, 138 (1990). It is constitutionally inadequate.

B. Superintendent's Proposed Removal of the Students is Excess Punishment

The Students' punishment is excessive by the School Board's own standards and when compared to other Florida school districts.

In 2014, the School Board created a Discipline Intervention Matrix. *See* R&R Handbook, p. 24. The Matrix determines the “punishment” for student misconduct. *Id.*, Ch. 8(A), p. 40. It serves as a guide to principals. *Id.*, p. 24. Consistent with federal guidelines, it “[e]mpasiz[es] positive interventions over student removal.” U.S. Dep’t of Justice, *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline*,⁶ p. 6 of App.

Following the School Board’s Matrix, the Students should not have been removed from the traditional school setting. The Students’ “Abusive Behavior” warrants removal from the school only after the fifth occurrence. Matrix, p. 24. Student 48’s “Technology Violation” for allegedly recording, posting, and sharing the video *never* warrants removal. *Id.*, p. 27. Only Student 49’s “battery on a peer” charge could result in a removal. However, it doubtful it should result in removal, as John Doe was not injured. *See* Juvenile Misdemeanor Civil Citation. This incident was Student 49’s first disciplinary referral. Nothing suggests he “poses a threat to the health, safety, or welfare of others.” R&R Handbook, Ch. 5(D), p. 29. Therefore, removal for the battery, if he committed it, would be excessive.

⁶ Available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

Furthermore, Escambia’s removal rate far exceeds the state average. This suggests Escambia’s response to student discipline is excessive. Escambia educates roughly 1.5% of the public school students in Florida. *See* Table 2.

Table 2
Students Enrolled (2013-2014)⁷

	White	Non-White	Total
Escambia	20,213	20,285	40,498
Florida	1,106,228	1,607,253	2,713,481

However, it expels and disciplinarily reassigns students at a significantly higher rate than other Florida counties. In the 2013-2014 school year, Escambia expelled or disciplinarily reassigned 181 students or 45 students for every 10,000 students enrolled in the district. *See* Table 3; *see also* Fla. Dep’t of Ed., *Student Discipline Data by Race and Gender*, attached and incorporated as Exhibit 4. However, Florida as a state expelled or disciplinarily reassigned students at a much lower rate—only 30 students for every 10,000 students. Therefore, Escambia removes students from the traditional educational setting at a rate 50% higher than other districts in Florida.

⁷ Source: Fla. Dep’t Education, *Discipline Data Statewide and by School District*, available at, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/discipline-incident-data/statewide-report-on-school-safety-disc.stml>. Data for the 2013-2014 school year is the most recent complete data published by the Florida Department of Education.

Table 3
Students Expelled or Disciplinarily Reassigned (2013-2014)

		Escambia per 10,000		Florida per 10,000	Rate - Escambia / Florida
	Escambia	Students	Florida	Students	
Expelled	20	4.9	845	3.1	159%
Disc. Reassign.	161	39.8	7,182	26.5	150%
Total	181	45	8,027	30	151%

Equally alarming is the disproportional impact of Escambia's practice on students of color. Escambia expelled or disciplinarily reassigned students of color at a rate (66.1 students per 10,000) roughly three-times that of white students (23.3 students per 10,000). *See* Table 4. Although students of color in Florida are generally removed from school at a higher rate than white students, the state average is 29.8 students per 10,000. Inexplicably, a student of color in Escambia is twice as likely to be removed from traditional education by expulsion or disciplinary reassignment than students of color elsewhere in the state.

Table 4
Students Expelled or Disciplinarily Reassigned by Race
Escambia v. Florida (2013-2014)

	Escambia		Florida	
	White per 10,000 Students	Non-White per 10,000 Students	White per 10,000 Students	Non-White per 10,000 Students
Expelled	2.5	7.4	2.8	3.3
Disc. Reassign.	20.8	58.7	21.6	29.8
Total	23.3	66.1	24.4	33.1

The Students' removal is excessive when measured by the School Board's own Matrix or when compared to practices elsewhere in the state. The School Board should not approve this excessive punishment.

CONCLUSION

The Students have now been removed from a regular school setting for nearly six weeks. The School Board should not approve the Superintendent's recommendation to continue to remove the Students from a traditional educational setting. The Superintendent's procedure was legally and constitutionally inadequate to deprive the Students of such an important property interest. Removal is an excessive punishment, even if the charges were true.

WHEREFORE the School Board should (a) not approve the Superintendent's recommendation for disciplinary reassignment, (b) direct the Superintendent to permit the Students to return to West Florida High School or another traditional high school in the district, and (c) correct the Students' academic and disciplinary records according.

Respectfully Submitted on November 16, 2015,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document has been furnished to the following by email:

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Counsel for the Superintendent

Respectfully Submitted,

s/Benjamin James Stevenson

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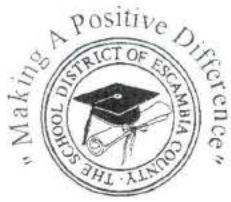
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THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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MALCOLM THOMAS, SUPERINTENDENT

October 9, 2015

[REDACTED]
[REDACTED]
[REDACTED]
Student Discipline Number: 16-48-1251

Dear [REDACTED]

This letter is to notify you that you have been charged with the following misconduct:

1. Abusive behavior
2. Technology violation: videoing a student who had been stripped naked and posting it to social media (SnapChat) and sharing the footage on school grounds


Past school records including grades, attendance, and discipline will be reviewed, and the witnesses who may be called include the following: Rachel Simmons, Shenna Payne.

I have appointed professional staff members to conduct a hearing for the purpose of determining whether an **EXPULSION** should be recommended to the School Board or whether **DISCIPLINARY RE-ASSIGNMENT** is appropriate. This **EXPULSION or DISCIPLINARY RE-ASSIGNMENT** may be for a period not to exceed the 2015-2016 school year. The hearing is set for Wednesday, October 21, 2015 at 10:30 a.m. at West Florida High School. This committee shall consider the evidence against you, as well as any evidence you wish to present in your own behalf. You have the right not to testify at the hearing. You also have the right to be accompanied by your parent(s).

If the committee finds that reasonable cause exists to sustain the charges, I will recommend to the School Board that you be **EXPELLED** from all public schools in Escambia County, Florida. After being notified of my decision, you will have at least fifteen (15) days to request a hearing before the School Board to contest the action.

If the committee finds that reasonable cause exists for a **DISCIPLINARY RE-ASSIGNMENT**, you will be placed in an appropriate alternative program based on qualification and space availability.

Exhibit 1


Page 2

Any further requests should be directed to Jeremy Tompkins, 439-2665, during the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday.

Sincerely,

Malcolm Thomas
Superintendent of Schools

MT/JT/mn

C: Shenna Payne, Principal, West Florida High School
Jeremy Tompkins, Court Liaison
Joseph Hammons, Attorney to the Superintendent



THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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MALCOLM THOMAS, SUPERINTENDENT

October 9, 2015

[REDACTED]
[REDACTED]
Student Discipline Number: 16-49-1251

Dear [REDACTED]

This letter is to notify you that you have been charged with the following misconduct:

1. Battery on a peer
2. Abusive behavior (student helped pull victim out of his seat and stripped the victim's clothes off of him waste down)

Past school records including grades, attendance, and discipline will be reviewed, and the witnesses who may be called include the following: Rachel Simmons, Shenna Payne.

I have appointed professional staff members to conduct a hearing for the purpose of determining whether an **EXPULSION** should be recommended to the School Board or whether **DISCIPLINARY RE-ASSIGNMENT** is appropriate. This **EXPULSION** or **DISCIPLINARY RE-ASSIGNMENT** may be for a period not to exceed the 2015-2016 school year. The hearing is set for Wednesday, October 21, 2015 at 11:00 a.m. at West Florida High School. This committee shall consider the evidence against you, as well as any evidence you wish to present in your own behalf. You have the right not to testify at the hearing. You also have the right to be accompanied by your parent(s).

If the committee finds that reasonable cause exists to sustain the charges, I will recommend to the School Board that you be **EXPELLED** from all public schools in Escambia County, Florida. After being notified of my decision, you will have at least fifteen (15) days to request a hearing before the School Board to contest the action.

If the committee finds that reasonable cause exists for a **DISCIPLINARY RE-ASSIGNMENT**, you will be placed in an appropriate alternative program based on qualification and space availability.

Any further requests should be directed to Jeremy Tompkins, 439-2665, during the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday.

Sincerely,

A handwritten signature in dark ink, appearing to read "Malcolm Thomas", with a long, sweeping flourish extending from the end of the name.

Malcolm Thomas
Superintendent of Schools

MT/JT/mn

C: Shenna Payne, Principal, West Florida High School
Jeremy Tompkins, Court Liaison
Joseph Hammons, Attorney to the Superintendent

From: Benjamin Stevenson
Sent: Wednesday, October 28, 2015 8:43 PM
To: Donna Waters
Cc: Keyontay Humphries; Goshorn, Sharon; Ross, Norm; Thomas, Malcolm; Tompkins, Jeremy
Subject: Re: Appealing Disciplinary Reassignment
Attachments: mime-attachment.jpg

Ms. Waters,

I spoke with Norm Ross this afternoon. He confirmed that the Escambia county school's policies and procedures do not provide students for whom the Superintendent has involuntarily changed placement -- or involuntarily transferred to a second-chance school -- for disciplinary reasons with an opportunity for any further administrative hearing.

Benjamin Stevenson

On 27 oct 2015, at 9:54 a.m., Donna Waters <DWaters@escambia.k12.fl.us> wrote:

Hi Keyontay:

Good to see you last night -- and a very interesting discussion. One point that was touched on obliquely, but which I feel is important, is that by allowing free transfer of juveniles to adult court, the Legislature can disregard the need for more juvenile rehabilitation programming. I the so-called "Spectrum of Services" for juveniles was my pet project years ago when I was with the Legislature's Commission on Juvenile Justice. and it is an issue very dear to my heart. I'd love to talk with you more about it.

Unfortunately, as you know, I can't give legal advice to anyone other than the School Board and its personnel. Therefore, I can't give you any guidance regarding legal procedure and the "how to" of appealing a case. I understand that you called my office while I was in Miami, and Ms. Goshorn directed you to the Superintendent's Office for help with this matter. Also, at least one of the West Florida Bus parents contacted Jeremy Tompkins of our Court Liaison Office to discuss the matter last week. Those are the resources I have to refer you to. Sorry I can't be of more help.

Tell Sarah that the three of us need to have lunch again soon --

Donna

Donna Sessions Waters
General Counsel
Escambia County School Board
75 North Pace Boulevard
Pensacola, Florida 32505
850-469-6362
<mime-attachment.jpg>

Note that Florida has a very broad Public Records Law. Virtually all written communications to or from School District Personnel are public records available to the public and media upon request. E-mail sent or received on the School District system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State or Federal Law.]

>>> Keyontay Humphries <KHumphries@aclufl.org> 10/26/2015 3:25 PM >>>
Atty Waters,

I understand you have been out of the office for a few days so I thought it best to email you. I am hoping you can lend some insight on the District's procedure for appealing the Superintendent's Disciplinary Committee decision to disciplinary reassign students. How does a student go about appealing the Committee's decision to the School Board prior to their vote to affirm or not the Superintendent's involuntary transfer of disciplinary reassignment?

Thank you for your help in gaining clarity in this matter,

Keyontay Humphries | Regional Organizer
American Civil Liberties Union of NW Florida
P.O. Box 12723 Pensacola, FL 32591-2723
Direct 786.363.2739 | Office 850.429.9128
Mobile 313.570.8034 | khumphries@aclufl.org
Because Freedom Can't Protect Itself | www.aclufl.org



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THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA
J.E. HALL EDUCATIONAL SERVICES CENTER
30 EAST TEXAR DRIVE
ROOM 160
PENSACOLA, FLORIDA

REGULAR MEETING AGENDA
NOVEMBER 17, 2015
5:35 P.M.

Meeting was advertised in the *Pensacola News Journal* on November 2, 2015 - Legal No. [1649130](#)

NOTE: *Request to Speak Forms are available at the entrance table. All speakers wishing to address the Board are asked to fill out a form and turn it in at the front of the room. All speakers are limited to three minutes.*

- I. CALL TO ORDER
 - a. Invocation and Pledge of Allegiance
 - b. Adoption of Agenda
 - c. Committee/Departmental Reports
 - 1. PTA Presentation
 - 2. Stellar Employee of the Month
 - 3. Recognition of Outstanding Principal of the Year
 - 4. Recognition of Outstanding Assistant Principal of the Year
 - 5. 2014-2015 Energy Incentive Awards Presentation
- II. PUBLIC FORUM
- III. MINUTES
 - a. [08-13-15 Special Workshop](#)
 - b. [09-10-15 Special Workshop](#)
 - c. [09-11-15 Regular Workshop](#)
 - d. [10-09-15 Special Meeting](#)
 - e. [10-20-15 Regular Meeting](#)
- V. UNFINISHED BUSINESS
- VI. NEW BUSINESS
 - a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES
 - 1. Rule(s) Adoption
 - No items submitted
 - 2. Permission to Advertise
 - No items submitted

THE FOLLOWING ITEM WILL BE MOVED FORWARD: *Administrative Appointments* [Item V.d.1]

- b. CONSENT AGENDA
 - 1. Curriculum
 - A. Alternative Education
 - No items submitted
 - B. Continuous Improvement
 - 1. [School Choice Student Transfers](#)
 - 2. [2015-2016 School Advisory Council \(SAC\) Memberships](#)
 - C. Elementary Education
 - No items submitted

- D. Evaluation Services
 - No items submitted
 - E. Exceptional Student Education
 - 1. [Addendum to the Cooperative Agreement Between the District Board of Trustees of Pensacola State College, Florida and the School Board of Escambia County, Florida](#)
 - F. High School Education
 - No items submitted
 - G. Middle School Education
 - No items submitted
 - H. Professional Learning
 - No items submitted
 - I. Student Services
 - 1. [Cooperative Agreement Between the School Board of Escambia County, Florida and Children's Home Society of Florida – Western Division](#)
 - J. Title I
 - 1. [Agreement Between the School Board of Seminole County, Florida, \(East Coast Technical Assistance Center\), and the School Board of Escambia County, Florida](#)
 - 2. [Memorandum of Understanding Between the School Board of Escambia County, Florida, Children's Home Society of Florida, Escambia Community Clinics, Inc., and the University of West Florida](#)
 - K. Workforce Education
 - No items submitted
 - L. Other
 - 1. [School District of Escambia County 2016-17 and 2017-18 School Calendar Proposals](#)
2. Finance and Business Services
- A. Finance
 - 1. [Legal Services – General Fund](#)
 - a. The Hammons Law Firm \$ 485.00
 - b. The Hammons Law Firm \$ 175.00
 - c. The Hammons Law Firm \$ 2,504.70
 - d. The Hammons Law Firm \$ 122.50
 - e. Shell, Fleming, Davis & Menge, P.A. \$ 2,637.11
 - 2. [Legal Services - Risk Management Fund](#)
 - The Hammons Law Firm \$ 3,783.20
 - 3. [Superintendent's Annual Financial Report \(Form ESE 145\) and the Report of Financial Data to the Commissioner of Education \(Form 348\) for the fiscal year ended June 30, 2015](#)
 - B. Accounting Operations
 - 1. [Check Register for October 2015](#)
 - C. Budgeting
 - 1. [Recap of General Fund Reserves \(Non-Categorical\) as of October 31, 2015](#)
 - 2. [Resolutions to amend 2015-2016 District School Budget:](#)
 - a. [Resolution 2– General Operating Fund](#)
 - b. [Resolution 2 – Special Revenue – Federal Programs](#)
 - c. [Resolution 2 – Capital Projects Fund](#)
 - d. No item submitted – Special Revenue – Food Service Fund
 - e. No item submitted – Debt Service Fund
 - f. No item submitted – Race to the Top Fund
 - 3. [Scrap List I for November 2015](#)
 - 4. [Auction List I for November 2015](#)
 - 5. [Financial Statements by Fund](#)
 - 6. [Disposal and demolition of portable #272 C400027200 at Brown Barge Middle School](#)
 - D. Payroll and Benefits Accounting
 - 1. [Financial Status Report: Employee Benefit Trust Fund](#)

CORRECTED

E. Purchasing

ITEMS PREPARED BY PURCHASING:

1. [Bid Award: Sousaphones – Escambia High School, Bid #160805](#)
2. [Bid Award: Communications Cabling, RFP #160704](#)
3. [Bid Renewal: Dispensing System for Toilet Tissue and Hand Towels, RFP #151602](#)
4. [Bid Renewal: Water Treatment Services, RFP #151102](#)
5. [Bid Renewal: As Needed Real Estate Services, RFP #131401](#)
6. [Annual Agreement Renewal: Consultant Services for the School Board](#)
7. [School Buses](#)
8. [Bleachers for Bellview Middle School](#)
9. [Chromebooks for Tate High School](#)

ITEMS PREPARED BY FACILITIES PLANNING:

10. [Architectural/Engineering Services for N.B. Cook Elementary School Re-Roofing](#)
11. [Architectural/Engineering Services for Northwest Elementary School](#)
12. [Architectural/Engineering Services for Outdoor Covered Play Area and Multi-Purpose Room at O.J. Semmes Elementary School](#)
13. [Architectural/Engineering Services for Outdoor Covered Play Area and Multi-Purpose Room at Sherwood Elementary School](#)
14. [Bid Award: Portable Moving Services Throughout the District Under Annual Purchasing Agreement](#)
15. [Change Notice #1 to Purchase Order #5421500290 – Brownsville Middle School Demolition](#)
16. [Change Notice #1 to Purchase Order #5421500292 – Northview High School Gym Renovations](#)
17. [Change Notice #2 to Purchase Order #5421600024 – Bellview Middle School New Gymnasium](#)
18. [Change Notice #2 to Purchase Order #5421500264 – Scenic Heights Elementary School Drainage Correction](#)
19. [Change Notice #3 to Purchase Order #5421500319 – Safety Repairs at Various Schools](#)
20. [Change Notice #9 to Purchase Order #5421300169 – Architectural/Engineering Services for A.K. Suter Elementary School](#)

3. Human Resource Services

A. Instructional/Professional

1. [Appointments](#)
2. Reappointments
-No items submitted
3. [Transfers](#)
4. [Out-of-Field](#)
5. [Resignations/Retirements/Other](#)
6. [Leaves of Absence](#)
7. Special Requests
 - a. [For Board Information: Reporting the death of Robert M. Smith, Teacher, James C. Bailey Middle School, on October 26, 2015.](#)
 - b. [For Board Information: Reporting the death of Amy Elizabeth Spoon, Teacher, Escambia High School, on October 7, 2015.](#)

B. Educational Support Personnel

1. [Appointments](#)
2. [Temporary Promotions](#)
3. [Resignations/Retirements/Other](#)
4. [Terminations](#)
5. [Leaves of Absence](#)
6. Special Requests
 - a. [Correct the appointment date for Paula A. Moorehouse, Teacher Assistant Special at Beulah Elementary School, from 08/17/2015 as reported on the September 15, 2015 Board agenda to read 08/24/2015.](#)

- b. [For Board Information: Reporting the death of Tonda Swanson, School Bus Operator, Transportation Services, on October 21, 2015.](#)
 - c. [For Board Information: Reporting the death of Mark A. Seaman, Construction Mechanic II, Facilities Planning, on September 22, 2015.](#)
 - d. [For Board Information: Reporting the death of Cynthia L. Grissett, School Bus Assistant, Transportation Services, on August 17, 2015](#)
 - C. Risk Management
 - 1. [FEMA Reimbursement - Hurricane Ivan](#)
 - 2. [Auto Liability Claim Settlement](#)
 - D. Employee Services
 - No items submitted
 - E. Affirmative Action
 - No items submitted
- 4. Operations
 - A. Facilities Planning
 - 1. Final Payments
 - a. [Global Learning Academy Drainage Correction](#)
 - b. [West Pensacola Elementary School Drainage Improvements](#)
 - 2. Miscellaneous
 - a. [Northwest Elementary School – Construction Manager Rankings](#)
 - b. [Pre-Qualification of Contractor](#)
 - c. [Memorandum of Understanding between the School Board of Escambia County, Florida and the Escambia County, Florida, Board of County Commissioners for the Construction of the Walnut Hill Community Center Walking Path](#)
 - d. [Purchase Agreement between McGee Masonry, Inc., and Roy H. McGee of McGee Masonry, Inc. and the School Board of Escambia County, Florida](#)
 - B. School Food Services
 - No items submitted
 - C. Maintenance and Custodial Services
 - No items submitted
 - D. Transportation
 - No items submitted
 - E. Central Warehouse
 - No items submitted
 - F. Information Technology
 - No items submitted
 - G. Protection Services
 - 1. [Florida District Safe Schools Assessment](#)
 - H. Energy Management
 - No items submitted
- c. ITEMS FROM THE BOARD
 - ~~No items submitted~~
 - 1. [School Board Appointee to Community Action Committee Board](#)
 - 2. [School Board Appointee to the Escambia County Value Adjustment Board](#)
 - 3. [Reappointment of Gerald Adcox as the School Board's Appointee to the Escambia County Value Adjust Board](#)
- d. ITEMS FROM THE SUPERINTENDENT
 - 1. [Administrative Appointments](#)
 - 2. Student Discipline
 - A. [Disciplinary Reassignment](#)

ADD
ADD
ADD

B. Expulsions

1. Recommend that consistent with the decision of the due process committee, student discipline number 16-43-601 be expelled from all public schools of Escambia County for the remainder of the 2015-2016 school year and all of the 2016-2017 school year with the option to enroll, if qualified and if space is available, in an alternative educational program exclusive of regular school placement. Placement to be at the discretion of the Superintendent and to be available as an alternative during the full expulsion time frame.
2. Recommend that consistent with the decision of the due process committee, student discipline number 16-51-411 be expelled from all public schools of Escambia County for the remainder of the 2015-2016 school year and all of the 2016-2017 school year with the option to enroll, if qualified and if space is available, in an alternative educational program exclusive of regular school placement. Placement to be at the discretion of the Superintendent and to be available as an alternative during the full expulsion time frame.

3. Employee Discipline

~~No items submitted~~

A. Recommend that employee #0000051482 is suspended without pay for one (1) working day beginning Wednesday, November 18, 2015, based on misconduct as more specifically identified in the notice letter to the employee.

B. Recommend that employee #0000031177 is terminated effective Wednesday, November 18, 2015, based on misconduct as more specifically identified in the notice letter to the employee.

4. Other Items

-No items submitted

e. INTERNAL AUDITING

-No items submitted

f. ITEMS FROM GENERAL COUNSEL

-No items submitted

VII. ADJOURNMENT

ADD

ADD

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY SUPERINTENDENT'S OFFICE		SCHOOL BOARD AGENDA EXECUTIVE SUMMARY	
TITLE Student Recommendations		SUBMITTED BY: Malcolm Thomas, Superintendent	
PERIOD OF GRANT/CONTRACT/REQUEST Various Dates	FUNDING SOURCE N/A	PROJECT COORDINATOR AND DEPARTMENT Mr. Jeremy Tompkins, Court Liaison	
AMOUNT OF FUNDING REQUEST N/A		TOTAL PROJECT N/A	
PURPOSE To recommend disciplinary re-assignment for students who have not met behavioral expectations.			
IMPLEMENTATION PLAN As outlined in Board Agenda backup.			
PARTICIPATING SCHOOLS/AGENCIES As outlined in Board Agenda backup.			
ACTION REQUIRED Recommend approval.			
STRATEGIC ALIGNMENT Pillar: Quality Goal Q:2			
DIRECTOR N/A		DATE	
SUPERINTENDENT <i>Malcolm Thomas</i>		DATE November 17, 2015	DATE OF BOARD APPROVAL November 17, 2015

SUPERINTENDENT'S RECOMMENDATIONS
DISCIPLINARY RE-ASSIGNMENTS
November 2, 2015

V.d.2.A

STUDENT DISCIPLINE NUMBER	CHARGE(S)	TIME FRAME
16-32-1251	Repeated incidence of misconduct; Multiple incidences of physical abuse	15/16-16/17
16-33-862	Trespassing; Theft	15/16
16-34-862	Trespassing; Theft	15/16
16-36-061	Repeated incidents of disruptive behavior: Multiple violations of ILR behavior contract	15/16
16-37-521	Battery on a student	15/16
16-38-521	Battery (2 counts); Prior discipline; Affray	15/16-16/17
16-39-521	Sexual harassment	15/16
16-40-061	Repeated incidents of disruptive behavior: Multiple violations of ILR behavior contract	15/16-16/17
16-41-281	Drug possession	15/16-16/17
16-44-411	Battery; Use of weapon; Major disruption of school	15/16
16-45-862	Battery	15/16
16-46-301	Weapon possession	15/16
16-47-1251	Battery on a peer; Abusive behavior (student helped pull victim out of his seat and held him down while the victim was being stripped naked)	15/16
16-48-1251	Abusive behavior: Technology violation: videoing a student who had been stripped naked and posting it to social media (SnapChat) and sharing the footage on school grounds)	15/16
16-49-1251	Battery on a peer; Abusive behavior (student helped pull victim out of his seat and held him down while the victim was being stripped naked)	15/16
16-50-1251	Possession/use of marijuana	15/16
16-52-061	Excessive referrals; Repeated abusive behavior; Multiple violation of ILR contract	15/16-16/17
16-53-061	Excessive referrals, repeated incidences of defiant behavior	15/16-16/17
16-54-561	Fighting; Abusive behavior; Battery	15/16-16/17
16-56-862	Drug use/possession-excluding alcohol	15/16
16-57-1251	Possession and use of marijuana on school bus	15/16
16-58-1251	Use of marijuana on school bus	15/16
16-59-1251	Possession of marijuana on campus	15/16
16-60-411	Weapon possession	15/16
16-61-862	Lying to school personnel; Stealing minor-less than \$300; Student in unauthorized area	15/16

16-62-411	Defiance and disrespect	15/16-16/17
16-63-411	Defiance, disrespect/ Excessive referrals	15/16-16/17
16-64-411	Defiance, disrespect/ Excessive referrals	15/16-16/17
16-65-411	Weapon possession	15/16 -16/17
16-66-061	Excessive referrals; Repeated incidences of defiant behavior; Violation of behavior contract	15/16-16/17
16-67-061	Repeated incidents of disruptive behavior	15/16-16/17
16-73-411	Stealing: Larceny/theft	15/16-16/17

**Student Discipline Data by Race and Gender
School Year 2013-14, Survey 5 Data, Final
Escambia School District & State Totals**

**To provide meaningful results and to protect the privacy of individual students, data are displayed only when the total number of students in a group is at least 10 and when the performance of individuals would not be disclosed. Data for groups less than 10 are displayed with an asterisk (*). A blank cell indicates no students in the cohort.*

Note: Students are counted only once for each type of action.

District Number	District Name	Disciplinary Action	White	Black or African American	Hispanic/Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaska Native	Two or More Races	Female Total	Male Total	Total
00	FLORIDA	CORPORAL PUNISHMENT	1,399	507	175	3	1	3	82	347	1,823	2,170
00	FLORIDA	SUSPENSION, IN-SCHOOL	65,696	75,144	49,307	1,387	181	633	6,534	68,768	130,114	198,882
00	FLORIDA	SUSPENSION, OUT-OF-SCHOOL	51,594	75,914	37,732	861	140	548	5,756	52,333	120,212	172,545
00	FLORIDA	EXPELLED WITHOUT SERVICES	168	205	85	2	1	1	14	123	353	476
00	FLORIDA	PLACEMENT IN ALT ED SET	2,393	3,015	1,433	60	4	23	254	2,023	5,159	7,182
00	FLORIDA	CHANGE IN PLACEMENT	56	112	49				5	23	199	222
00	FLORIDA	OTHER SESIR DEFINED	9,123	25,409	11,727	470	41	132	1,169	15,842	32,229	48,071
00	FLORIDA	EXPELLED WITH SERVICES	139	168	48	1	1	3	9	102	267	369
00	FLORIDA	SUSPENDED PENDING HEARING	148	170	95	4		2	18	110	327	437
00	FLORIDA	MECHANICAL RESTRAINT	32	59	2				4	24	73	97
00	FLORIDA	PHYSICAL RESTRAINT	324	222	108	4	1	5	47	133	578	711
00	FLORIDA	SECLUSION	148	111	55	4			18	67	269	336
17	ESCAMBIA	SUSPENSION, IN-SCHOOL	1,274	2,412	147	33	5	36	200	1,498	2,609	4,107
17	ESCAMBIA	SUSPENSION, OUT-OF-SCHOOL	877	2,264	107	22	7	23	177	1,121	2,356	3,477
17	ESCAMBIA	PLACEMENT IN ALT ED SET	42	102	6	1		2	8	58	103	161
17	ESCAMBIA	OTHER SESIR DEFINED	5	14	1					10	10	20
17	ESCAMBIA	EXPELLED WITH SERVICES	1	8		1				7	3	10
17	ESCAMBIA	SUSPENDED PENDING HEARING	*	*	*	*	*	*	*	*	*	*
17	ESCAMBIA	PHYSICAL RESTRAINT	4	9	1	1			2	3	14	17
17	ESCAMBIA	SECLUSION	5	6	1	1			1	3	11	14

Exhibit 4