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PALM BEACH COUNTY, FLORIDA

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MEMORANDUM

TO: Honorable Chair and Members of the School Board
Michael J. Burke, Superintendent
Chair and Members of the Audit Committee

FROM: Teresa Michael, Inspector General *TM*

DATE: January 4, 2023

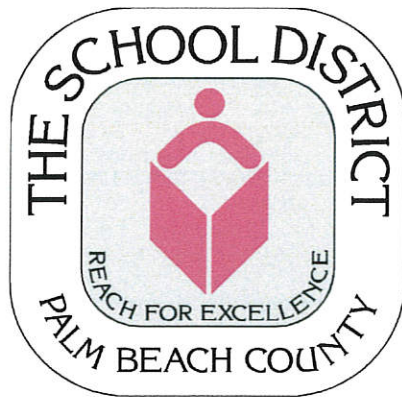
SUBJECT: Transmittal of Final Investigative Report:
22-0017-I Lake Worth Middle School

Attached please find a copy of the Palm Beach County School District Office of Inspector General (OIG) Final Report of OIG Case 22-0017-I related to a safety and security concern.

On May 9, 2022, the OIG received a complaint regarding alleged misconduct on the part of the Lake Worth Middle School (LWMS) Principal. It was alleged the Principal did not grant a request, in a timely manner, for a school employee to move from their assigned classroom to another classroom subsequent to a safety threat received by the employee. The employee's assigned classroom door did not have a lock and the employee did not feel safe. Additionally, the OIG investigated whether District Management committed misfeasance through its design modifications to improve security at select District schools.

The OIG investigation concluded both allegations were unsubstantiated.

The report is finalized and will be posted on the Inspector General's website; https://www.palmbeachschools.org/about_us/reports_and_publications/inspector_general_reports.



OIG CASE NUMBER 22-0017-I

Lake Worth Middle School

TYPE OF REPORT: FINAL

DATE OF REPORT: October 14, 2022



Teresa Michael

**Teresa Michael, Inspector General
Office of Inspector General
School District of Palm Beach County**

Redacted information contained within this report is confidential and exempt from section 119.07(1), Fla. Stat. per sections 281.301, 119.071(3)(a), 1002.22(2), 1002.221, & 1006.12(8), Fla. Stat. See also *Johnson v. Deluz*, 875 So. 2d 1 (Fla. 4th DCA 2004) & Op. Att'y Gen. Fla. 2006-21 (2006)

THIS REPORT MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. DO NOT RELEASE WITHOUT PRIOR COORDINATION WITH THE OFFICE OF INSPECTOR GENERAL.

Office of Inspector General

Report of Investigation 22-0017-I

EXECUTIVE SUMMARY

From May 12, 2022, through June 22, 2022, the Office of Inspector General (OIG) conducted a preliminary review as it relates to an allegation regarding a safety and security concern at Lake Worth Middle School (LWMS). In accordance with School Board Policy 3.28, the OIG reviewed and determined the allegation met the requirements for a Whistle-blower complaint. On June 23, 2022, the complainant was designated a Whistle-blower (WB).

The OIG conducted a preliminary review by completing a site visit of LWMS, a review of the Marjory Stoneman Douglas High School Public Safety Act and any applicable School Board policies, and communicated with the then District's Deputy Chief of Facilities Management David Dolan¹, Building Code Services Director Thomas Hogarth, and the Florida Department of Education (FDOE) Office of Safe Schools.

As a result of the preliminary review, from June 23, 2022, through September 20, 2022, the OIG conducted interviews and reviewed pertinent documentation regarding alleged violations of School Board Policy 5.1815 by LWMS Principal Michael Williams and investigated whether District Management committed misfeasance through its design modifications to improve security at select District schools.

The investigation concluded the allegations that Principal Michael Williams violated School Board Policy 5.1815 and that District Management committed misfeasance through its design modifications to improve security at select District schools were **Unsubstantiated**.

RECOMMENDATIONS

During the course of the investigation, the following management issues were observed and are referred to Superintendent Michael Burke for consideration.

- Threat Assessments Forms should require signature approval from the school Principal and Regional Office prior to finalization.
- Update the Threat Assessment Guide with more concise information regarding what schools need to do in order to comply with all requirements and complete the assessment.
- Adopt and implement School Board Policy requiring classroom doors to be locked during class.

¹ In July 2022, Dolan was promoted to Chief of Facilities Management.

INVESTIGATIVE PREDICATE

On May 9, 2022, the School District of Palm Beach County, Office of Inspector General (OIG) received a complaint regarding alleged misconduct on the part of LWMS Principal Michael Williams. It was alleged Williams did not grant a request, in a timely manner, for a school employee to move from their assigned classroom to another classroom subsequent to a safety threat received by the employee. The employee's assigned classroom door did not have a lock and the employee did not feel safe.

On June 13, 2022, the OIG received a referral complaint from The Florida Department of Education Inspector General. The complaint that was referred is related to the same incident the OIG received on May 9, 2022.

The OIG completed a preliminary review that included the following:

1. Conducted a site visit of LWMS to view the classroom in question. The OIG noted the classroom is part of a pod with eight classrooms that are accessible through a set of double doors from a hallway. Principal Williams explained to the OIG [REDACTED]

[REDACTED] The School District mitigated the situation by [REDACTED]

[REDACTED] The remaining [REDACTED] due to building code so the [REDACTED] Williams added that [REDACTED]

2. Contacted Deputy Chief of Facilities Management David Dolan who reported that the District was well aware of the setup of the classrooms at LWMS and there was no current issue with the setup.

3. Contacted Building Code Services Director Thomas Hogarth who reported that LWMS [REDACTED]

[REDACTED] Following the 2018 Parkland tragedy, [REDACTED]

3. Contacted Morgan Nykiel with the Florida Department of Education Office of Safe Schools to inquire if there is a law, directive, protocol, or rule that requires the District to have classroom doors locked or automatically locked during class time. Nykiel stated that, "Although locking classroom doors during class time is a best practice, there is no state mandate to do so currently." **(Exhibit 1)**

4. Reviewed the Marjory Stoneman Douglas High School Public Safety Act and FDOE State Requirements for Educational Facilities (SREF), (**Exhibit 2**)² and determined the School District did not violate any federal, state, or local law, rule, or regulation.

5. Reviewed District Bulletin #DE 22-085 COS dated October 25, 2021, issued by former Police Chief Daniel Alexander. (**Exhibit 3**) Page 2 section titled Entrances, Gates & Doors that states in #4 “All classroom doors must remain closed and locked during class. Do not leave doors propped open or standing open.” Based on the nature of the District bulletin as non-enacted authority not subject to Florida’s rulemaking process, the bulletin alone, in conflict with existing fire safety code, was insufficient to mandate that all classrooms, including those that serve as fire exits, must remain locked during class.

The OIG did not find a violation of law, rule or regulation regarding the room not having a lock. However, the OIG opened an investigation to ensure required protocols were followed with the employee’s request to move to another classroom and to determine if District Management committed misfeasance when it implemented design modifications to schools that have the pod concept.

On June 23, 2022, OIG Investigator Veronica Vallecillo was assigned this complaint for investigation.

BACKGROUND

Lake Worth Middle School

Lake Worth Middle School is a public school located at 1300 Barnett Dr., Lake Worth, Florida. The student enrollment at Lake Worth Middle School is 1,334, serving grades 6-8.

School Board Policy 5.1815, Threat Assessment

*A threat is ...a communication of intent to harm someone that may be spoken, written, gestured or expressed in some other form, such as via text messaging, email or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) or whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning or preparing to commit a violent act. Not all types of misbehavior that may warrant discipline or even criminal consequences are threats. It is limited to instances where there is a threat to harm someone else. **If there is doubt, the communication or behavior should be treated as a threat and a threat assessment should be conducted.*** School Board Policy 5.1815.3.a. (emphasis added.)

² Section 5(8)(c)1. at 64 (incorporated by reference into Fla. Admin. Code R. 6A-2.0010).

School Board Policy 7.21 Building Code

1. All new construction including relocatables, additions, remodeling of existing facilities or renovation of existing facilities shall conform to and comply with the Florida Building Code (FBC) including but not limited to Chapter 453, and the Florida Fire Prevention Code (FFPC) pursuant to Fla. Stat. § 1013.37 and shall be consistent with applicable provisions of the State Requirements for Educational Facilities (SREF).

Florida Administrative Code**69A-58-0081 Means of Egress**

(14)(a) states, corridors shall be arranged so that each end leads to an exit and shall be without pockets or dead ends more than 20' feet in length.

69A-60.0002 Scope; Description of Florida Fire Prevention Code

(3)(a) The Florida Fire Prevention Code consist of:

- 1. National Fire Protection Association (NFPA) 1, the Fire Code, Florida 2018 edition, as adopted in Rule 69A-60.003, F.A.C.;*
- 2. NFPA 101, the Life Safety Code®, Florida 2018 edition, as adopted and incorporated in Rule 69A-60.004, F.A.C., and their additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2018 editions, as provided therein; and,*
- 3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C.*

ALLEGATION 1

It is alleged that Principal Michael Williams violated School Board Policy 5.1815 by not granting an employee's request, in a timely manner, to be moved from their assigned classroom to another classroom subsequent to a threat received by the employee.

School Board Policy 5.1815.5.h.v., Threat Assessment, states,

“The threat assessment team must plan for the implementation and monitoring of appropriate interventions in order to manage or mitigate the student’s risk for engaging in violence and increasing the likelihood of positive outcomes. Monitoring plans are available for all threat levels, but are required for all Serious (Medium) and Very Serious Substantive (High) threats.”

COMPLAINANT INTERVIEW

On May 9, 2022, a sworn recorded interview of the WB was conducted in the Office of Inspector General in West Palm Beach, FL. The following represents actual and paraphrased statements made by WB as it relates to Allegation 1:

The WB stated that on March 31, 2022, that a student left an image of an assault rifle on the computer screen. A screen shot of the image was sent to administration.

The WB stated that Single School Culture Coordinator Elsa Lubin took care of the issue and as a result the student received a two-day suspension. Subsequently, On April 1, 2022, the student sent a threatening email via the students District email. The email stated, "look [WB] thank u for getting me suspended omg I love that and look sometimes u gotta watch who u talk about and u snitch on cause there people that can end up popping yoo shii one day so gotta be careful" [sic]

School Police and the front office were notified. The students that were in the classroom at the time were moved to a classroom across the hall that had a door that locked. It should be noted that the classroom in question has an egress door and therefore the main classroom door does not have a lock. School Police Officer [REDACTED] and Assistant Principal Peter Drolet went to discuss the matter with the WB. [REDACTED] asked the WB to forward the student's email to him. The WB noted concerns because there were no directives provided by [REDACTED] or Drolet regarding how things would be handled.

Investigator Note: A Student Risk Intake Form, part of the Behavioral Threat Assessment, was commenced by the school's Threat Assessment team on Monday, April 4, 2022.

On April 1, 2022, there was a video posted on the student's Instagram account. The video included the email the student previously sent and pictures of an employee and their child. The video was reported via FortifyFL, a reporting tool that allows information to be sent to appropriate law enforcement and school officials.

On April 4, 2022, the WB spoke to Williams regarding safety concerns and requested to be moved to a classroom that had a door that locked. According to the WB, Williams denied the request and said it was not protocol.

The WB reached out to School Board Chair Frank Barbieri regarding the incident. Barbieri instructed the WB to send the information via email to the School Board and Administration. Subsequently, on April 12, 2022, the WB was granted the move to a classroom with a door that locked.

WITNESS INTERVIEWS

On August 5, 2022, a sworn recorded interview of Safe Schools Manager Ruthe Francis was conducted at Westgate Elementary School in West Palm Beach, FL. The following represents actual and paraphrased statements made by "Francis" as it relates to Allegation 1:

Safe Schools Manager Ruthe Francis has been working in the Safe Schools Department since 2019.

Francis provided the following summary regarding what the responsibilities are for school staff when there is a threat at the school or involving staff/students. The Threat Assessment (TA) Team will [REDACTED] if applicable.

Francis explained that [REDACTED] ensuring the safety of all. [REDACTED] when applicable. Francis said that threats can be considered: unfounded, transient, serious, or very serious.

Investigator Note: The School District of Palm Beach County Threat Assessment Guide defines levels of threats as: transient (i.e., expression of anger or frustration that can be quickly or easily resolved) or substantive (i.e., serious intent to harm others that involves a detailed plan and means). Upon assessing, threats fall into one of three levels, either low, medium, or high. Transient threats are considered to be low, substantive threats are considered to be either medium or high.

Francis explained that when a threat is deemed "transient", the TA team must complete the [REDACTED]. The team can also determine if there should be [REDACTED].

Francis further explained that [REDACTED]. Francis noted schools use the code of conduct as reference. The OIG asked Francis if there are steps or specifics regarding [REDACTED] in the District guidelines. Francis stated there is not specific information because every case is different. Francis added there is nothing in the guidelines that provides steps, specifics, or a chart of what to do.

Francis stated that monitoring plans are services put in place to ensure safety. Francis added that [REDACTED]. Francis explained that because every threat is different, it is up to the team to determine what [REDACTED].

The OIG asked Francis if a teacher/staff receives a threat from a student, is there a requirement for the school to move that person to a different classroom in order for them to feel safe. Francis responded, "The requirement is to ensure that there are protective measures in place, um, to ensure the safety of the target."

On July 20, 2022, a sworn recorded interview of Regional Instructional Superintendent Howard Hepburn was conducted at the Office of Inspector General in West Palm Beach, FL. The following represents actual and paraphrased statements made by "Hepburn" as it relates to Allegation 1:

Regional Instructional Superintendent Howard Hepburn has been with the South Region since July 2018.

The OIG asked Hepburn if he has received any reports or concerns regarding safety concerns with the classrooms that do not have locks. Hepburn stated the only issue has been at LWMS. Hepburn explained an employee at LWMS received a threat from a student via social media. Hepburn did not recall the date the incident took place. Hepburn was unable to provide the specifics of the threat. However, Hepburn recalled the student got in trouble at school and as a result, the student posted on social media "bad things or something will happen to you" because you (*referring to the employee*) got me in trouble.

Hepburn stated the TA team at LWMS completed a threat assessment for the incident. The assessment determined the threat to be a "low-level threat." Hepburn was not involved in the completion of the threat assessment, but did review the assessment. Hepburn added that based on his review of the TA, the Principal addressed the matter according to the District guidelines.

Hepburn stated that the student involved in the incident was suspended and subsequently moved to another school. Hepburn noted the decision to move the student to another school was based on the specifics of the matter and in the best interest of the student and employee. Hepburn added that the student did not return to LWMS after being suspended.

Hepburn explained the employee requested to be moved to a classroom with a door that locked. However, the employee did not make the request to move right after the incident.

Investigator Note: According to the employee the request was verbal and done on April 4, 2022. Hepburn does not know when exactly the request was made or to whom the request was made. The OIG asked Hepburn why the employee's request was granted if there was no requirement to grant the request. Hepburn stated, "we were directed" to move ████████ to another classroom. Hepburn did not recall who provided the directive.

On August 23, 2022, a sworn recorded interview of Regional Superintendent Peter Licata was conducted at the Office of Inspector General in West Palm Beach, FL. The following represents actual and paraphrased statements made by “Licata” as it relates to Allegation 1:

Regional Superintendent Peter Licata has been the South Regional Superintendent since July 2019.

Regarding the incident at LWMS, Licata said that the weekend of the incident, Instructional Superintendent Howard Hepburn provided Licata with some information regarding the incident and that School Police Captain [REDACTED] performed a safety check for weapons at the student’s home. Licata added that it is his understanding that it was determined there was “no real threat, it was an angry child.” Licata stated the employee’s safety concerns were addressed by having the student that made the threat, disciplined (suspensions) and transferred to a different school.

Licata explained that he does not complete or approve threat assessments. Licata said his only involvement with threat assessments is to ensure the schools complete them and to receive an update of the final outcome. Licata noted LWMS completed a threat assessment regarding the incident. Licata stated that to the best of his knowledge the assessment determined, “it was not a serious threat in any way.”

On August 12, 2022, a sworn recorded interview of LWMS Assistant Principal Peter Drolet was conducted at LWMS in Lake Worth, FL. The following represents actual and paraphrased statements made by “Drolet” as it relates to Allegation 1:

Assistant Principal Peter Drolet has been at Lake Worth Middle School since September 2011.

Drolet stated he is part of the TA team for LWMS. Drolet stated the team does not meet often. Drolet noted he believes they have only met twice. Drolet stated he has been part of two threat assessments, one being the incident referenced in this report. Drolet added the other incident he was not really involved with.

Drolet stated the following regarding his recollection of the incident. On March 31, 2022, the employee buzzed the office. According to Drolet, Single School Culture Coordinator Elsa Lubin was the administrator that responded to the call. Drolet explained that either Lubin or Officer [REDACTED] may have told him an employee reported seeing an image of a gun on a student’s google document. Drolet noted that as a result the student was suspended. Drolet explained that at that time he did not have any involvement with the investigation into the image of the gun because Officer [REDACTED] was “running point.” Drolet noted that the employee approached him the same day the incident took place and he assured the employee that Officer [REDACTED] was handling the situation. Drolet noted ensuring safety is very important and stated to the OIG, “If you feel threatened by any student, I’m gonna make sure that student is not in your class, ever again no matter what”

Drolet said that on April 1, 2022, the employee forwarded him and other administrators a “harassing” email the employee received from the same student. Drolet stated that he contacted the parent and student by telephone. Drolet explained the student’s mother did not know what was going on with her child. Drolet asked the parent if he could speak to the student. Drolet stated he asked the student about the actions taken. Drolet noted the student responded in a very immature and child-like manner by saying that [REDACTED] was just mad at the employee. Additionally, Drolet asked the student if [REDACTED] wanted to hurt the employee. The student told Drolet that [REDACTED] did not want to hurt the employee. Subsequently, Drolet notified Williams of his conversation with the student. Drolet stated the telephone conversation was the only time he spoke to the student regarding the incident.

Drolet said that on April 4, 2022, the employee sent further information related to the student. The email included lyrics from a threatening video that was posted by the student. Drolet explained that he and the other TA team members convened and [REDACTED]. Drolet did not recall the exact date of when they convened. Drolet explained that since the student had been suspended, the student was off campus and was not interviewed.

The OIG asked Drolet to [REDACTED] related to threat assessments. [REDACTED] created by Drolet on April 4, 2022. Drolet added he and the team input the information [REDACTED].

The OIG showed Drolet [REDACTED] the threat was categorized as “Transient (Low).” The OIG asked Drolet if he agreed with the categorization. Drolet stated that in his opinion based on the mentality and demeanor of the student, he agreed. Drolet noted there was consensus amongst the TA team. Drolet added the team took the necessary steps to ensure everyone’s safety by removing the student from campus.

SUBJECT INTERVIEW

On June 30, 2022, a sworn recorded interview of LWMS Principal Michael Williams was conducted at LWMS in Lake Worth, FL. The following represents actual and paraphrased statements made by “Williams” as it relates to Allegation 1:

Principal Michael Williams has been the Principal at Lake Worth Middle School since February 2015.

Williams recalled the incident took place on a Friday³ when he was not on campus. However, Williams was made aware of the situation by Assistant Principal Drolet. Williams said that the Assistant Principal and Officer [REDACTED] went to the employee’s classroom to discuss the incident and notified the employee that the student who made

³ The student sent the threatening email to the employee on Friday, April 1, 2022.

the threat was no longer on campus. **Investigators Note: The complainant stated they were not made aware that the student was no longer on campus.**

Williams said that over the weekend, he received a notification from Fortify regarding the same incident. Williams stated that as a result, he was in communication with Regional Administrators Licata and Hepburn, Officer [REDACTED] and Major [REDACTED]. Williams added that Major [REDACTED] informed him that officers would be visiting the student's home. Williams said the student told officers that [REDACTED] sent an email to the employee because [REDACTED] was angry for getting [REDACTED] suspended.

Williams stated that a TA was scheduled to be completed on Monday, April 4, 2022, at 9:30 AM. Williams said the TA determined it was not a major threat and instead it was considered a "low-level threat." Williams noted the student is "special needs." Williams agreed to provide the OIG with the [REDACTED]⁴

Williams said the employee requested to be moved to another classroom. Williams did not recall when the employee made the request. Williams stated it may have taken a couple of weeks for the employee to be moved to another classroom. Williams reported that Board Chair Frank Barbieri visited the school and went to the classroom assigned to the employee. Subsequently, Williams received a call from Hepburn stating that Barbieri did not want the classroom used by anyone. Williams stated that starting sometime in April 2022, the employee was moved to another room and a security guard was placed in the classroom.

Williams stated that typically he would not have moved the employee since the employee was not in any imminent danger and the TA results did not require a move to another room.

Williams stated that he feels he did his job. Williams reiterated that the level of threat did not require the employee to be moved to another room. Williams noted that had TA deemed the threat an upper level threat then a move would have been required. Williams added he does not take threats lightly.

RECORDS ANALYSIS

- Exhibit 1:** Email from M. Nykiel dated June 15, 2022
- Exhibit 2:** FDOE SREF Section 5(8) at Page 64
- Exhibit 3:** District Bulletin #DE 22-085 COS dated October 25, 2021
- Exhibit 4:** Suspension Letter
- Exhibit 5:** Email from student to employee dated April 1, 2022
- Exhibit 6:** Suspension Letter
- Exhibit 7:** Email from Asst. Principal to employee about move dated April 11, 2022
- Exhibit 8:** Student Withdrawal Form

⁴ As of September 8, 2022, Williams had not provided [REDACTED]. The OIG obtained the [REDACTED] through Safe Schools and Assistant Principal Drolet.

Exhibit 9: 2019-2020 School District of Palm Beach County Threat Assessment Guide

Based on the statements obtained and documents reviewed, the OIG established the following timeline:

Date	Incident
Thursday, March 31, 2022	Employee reported to administration via email a student that had an image of a rifle on a computer during school
Friday, April 01, - Monday, April 04, 2022	Student suspended for "Severe Inappropriate Activity" (Exhibit 4)
Friday, April 01, 2022	Student emailed the employee (Exhibit 5)
Friday, April 01, 2022	Student posted a video on social media that included photos of the employee and the employee's child
Monday, April 04, - Monday, April 18, 2022	Student was suspended a second time for "Threat/Intimidation" (Exhibit 6)
Monday, April 04, 2022	The school's Threat Assessment Team convened to conduct a threat assessment
Monday, April 11, 2022	Employee provided email confirmation regarding move to another classroom (Exhibit 7)
Monday, April 18, 2022	Student withdrawn from LWMS and transferred to another school (Exhibit 8)

The OIG obtained and reviewed the [REDACTED] for the incident. Records indicate [REDACTED] was deemed, "Transient (Low)."

The OIG obtained the 2019-2020 School District of Palm Beach County Threat Assessment Guide (Guide) from the Department of Safe Schools. **(Exhibit 9)** The Guide states the goals of a threat assessment are to:

- Maintain a safe school environment by preventing an act of violence from taking place.
- Resolve student conflicts or problems that underlie threatening behavior.
- Identify students of concern.
- Determine the level of threat and the response required.
- Determine what's appropriate as a follow-up to the threat:
 - Counseling
 - Intervention
 - FBA/BIP
 - Mental Health Services Referral
 - Psychological Evaluation
 - Arrest
 - Expulsion

The Guide provides a Threat Assessment Decision Tree, as follows:

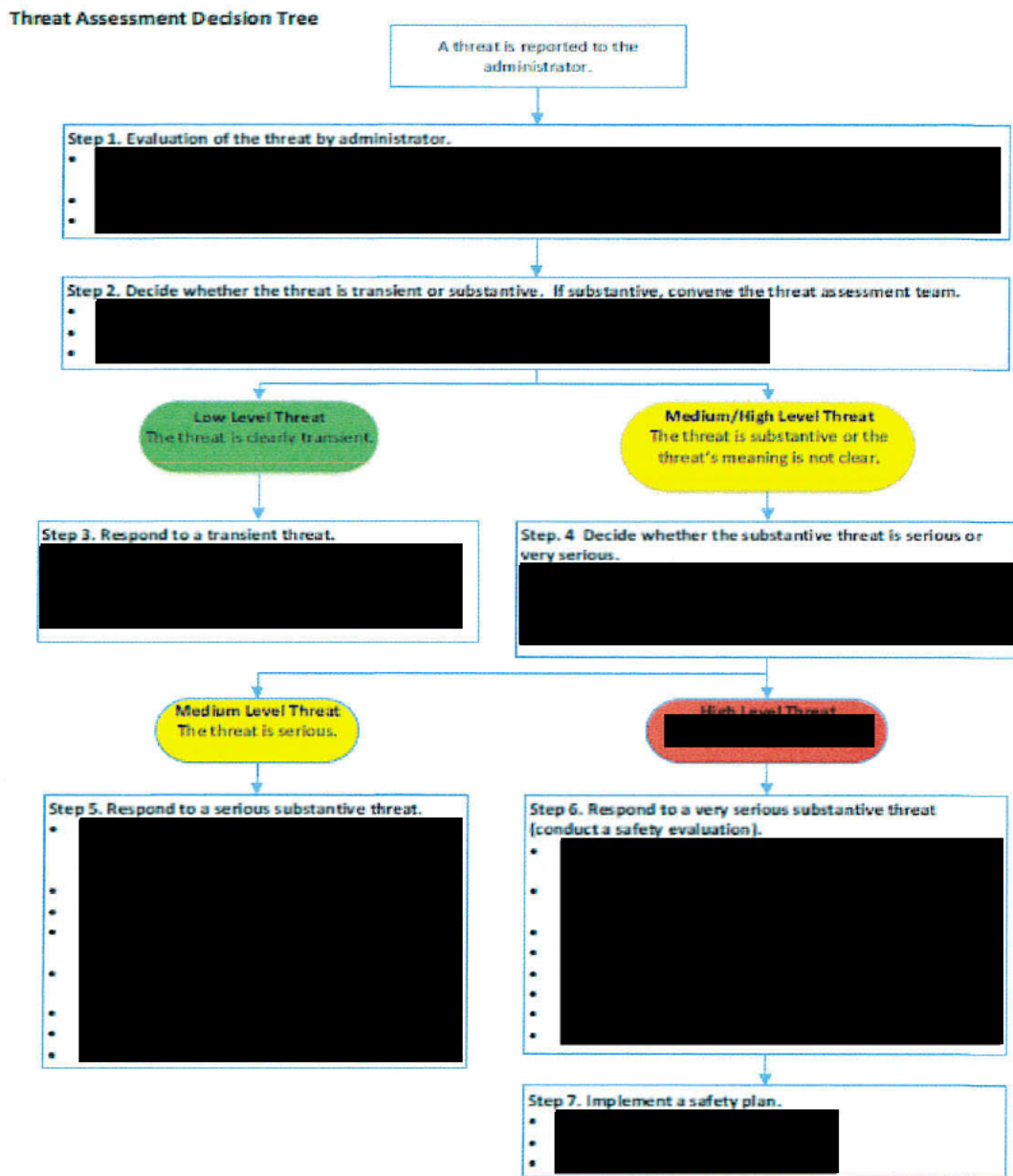


Figure 1. Threat Assessment Decision Tree. Adapted from "Guidelines For Responding To Student Threats of Violence," by D. Cornell & P. Sheras, 2006, p. 16. Copyright 2006 by Sopris West

The Guide defines a transient threat as low level and as "statements that do not express a lasting intent to harm someone. Transient threats are either intended as figures of speech, or reflect feelings that dissipate in a short period when the student thinks about the meaning of what he or she has said."

Although the threat was deemed low level, the team still put a safety plan in place. The school removed the threat by transferring the student to another school. It should be noted that the School Board Threat Assessment Policy or Guide do not provide for a specific requirement to have moved the employee to another room.

CONCLUSION

It is alleged that Principal Michael Williams violated School Board Policy 5.1815 by not granting an employee's request, in a timely manner, to move from their assigned classroom to another classroom subsequent to a threat received by the employee.

School Board Policy 5.1815.5.h.v., Threat Assessment, states, "the threat assessment team must plan for the implementation and monitoring of appropriate interventions in order to manage or mitigate the student's risk for engaging in violence and increasing the likelihood of positive outcomes. Monitoring plans are available for all threat levels, but are required for all Serious (Medium) and Very Serious Substantive (High) threats."

The Policy did not require the Principal to relocate the employee to another classroom, as requested. While it is understandable that the employee had safety concerns, according to the records reviewed the student was suspended more than once for the incidents. Consequently, in the best interest of the student and employee, the student was transferred to another school prior to the end of the suspension and was unable to return to LWMS.

Although it was not required, the employee did receive approval to move to another classroom with a door that locked. The move did not happen immediately as requested by the employee, but it did take place 6 school days later.⁵

Based on the testimony obtained and the records reviewed, the OIG determined that the allegation that Principal Michael Williams violated School Board Policy 5.1815 by not granting an employee's request, in a timely manner, to move from their assigned classroom to another classroom subsequent to a safety threat received by the employee, was **Unsubstantiated**.

ALLEGATION 2

It is alleged that District Management violated Florida Statute section 112.3187 and School Board Policy 3.28 by committing misfeasance through its design modifications to improve security at select District schools.

Florida Statute section 112.3187(5)(b) and School Board Policy 3.28.2.d.ii. (Whistle-blower Protection Policy) provide, in part, that disclosure of any act or suspected act of

⁵ From April 4 – 12, 2022.

misfeasance committed by an employee or agent of an agency or independent contractor is a protected activity.

When interpreting §112.3187(5)(b), Fla. Stat., Florida's courts have adopted the Black's Law definition and construed misfeasance to mean "the improper doing of an act which a person might lawfully do" including negligence an agency employee.⁶

INTERVIEWS

The OIG took sworn statements from the following District employees regarding Allegation 2.

School Police [REDACTED]
Chief Operating Officer Joseph Sanches
Chief of Facilities Management David Dolan
Director of Building Code Services Thomas Hogarth
School Police [REDACTED]
Regional Instructional Superintendent Howard Hepburn
Regional Superintendent Peter Licata
Lake Worth Middle School Principal Michael Williams

The OIG interviewed the above employees regarding their knowledge of the pod designs that some of our District schools have and any modifications that were completed or are in the process of being completed.

Officer [REDACTED] stated he became aware of the pod design and any modifications that were completed in June 2022. The remaining employees had knowledge of the pod designs and modifications that were completed prior to June 2022. [REDACTED]

[REDACTED]

In 2018, modifications to the pods were completed as a result of safety and security concerns stemming from the Marjory Stoneman Douglas High School tragedy. Hogarth noted he came up with the idea for the modifications. Hogarth added that the new design was reviewed and approved by School Police Major [REDACTED]

[REDACTED]

⁶ See *Rosa v. Dep't of Children & Families*, 915 So.2d 210, 212 (Fla. 1st DCA 2005) (citing *Irven v. Dep't of Health & Rehab. Servs.*, 790 So. 2d 403, 407 n.3 (Fla. 2001); see also *Kimmons v. Crawford*, 92 Fla. 652, 109 So. 585, 587 (1926) (defining misfeasance as "the performance of an act in a unlawful, injurious, or negligent manner")

[REDACTED]

Regarding the modifications, the following statements were made:

The OIG asked Sanches if in his opinion the modifications completed in 2018 were the safest option. Sanches said that it was hard to answer the question since there are both components of fire safety and security to consider. Sanches stated, “no it may not have been the safest in terms of if there is an armed intruder in the facility but yes, it is the safest if there is a fire in the facility.” Sanches added that in his opinion, it was the right decision to make at the time. Sanches added that the District has made informed decisions without violating fire codes.

In Hepburn’s opinion the District did everything they could have done, at the time, to address the classroom doors that do not have locks.

[REDACTED] stated that after reviewing the pod concept in June 2022, he saw the pod set up as a “major security issue.” [REDACTED]

[REDACTED]

In 2022, additional enhancements and modifications were discussed and are currently in progress. [REDACTED] worked with Hogarth to modify the plans to satisfy fire and building code requirements [REDACTED]

Regarding the latest modifications, the following statements were made:

Hogarth stated the [REDACTED] satisfies both the fire code and safety aspect. The OIG asked Hogarth if the new modifications are considered safer than what was previously done in 2018/19. Hogarth stated that while the [REDACTED] employees/students in those [REDACTED]

Dolan explained that sometime in April 2022, it was brought to his attention that there was a complaint regarding safety concerns at LWMS with a classroom in the pods. Dolan said [REDACTED]

that as a result, Hogarth and School Police revisited the pod design/concept. The OIG asked Dolan if in his opinion, the new modifications that are in progress, are better than the ones previously completed. Dolan said that [REDACTED] [REDACTED]” Dolan added, assuming that the [REDACTED] then maybe “it is a better solution.”

[REDACTED] said that the new modification is [REDACTED]
[REDACTED]
[REDACTED]

None of the employees interviewed were aware of any State law that required classroom doors to be locked or to notify FDOE of the modifications completed or in progress.

RECORDS ANALYSIS

Exhibit 10: Email dated June 9, 2022, from [REDACTED] to Sanches

District records indicate there were [REDACTED] elementary and middle schools that were built in the mid to late 1980’s that included pods:

[REDACTED]

[REDACTED]

After the Marjory Stoneman Douglas High School tragedy on February 14, 2018, the District revisited the design of the pods and made modifications that based on the Building

⁸ No longer relevant since it was demolished and reconstructed.

Official, were the “best compromise between [REDACTED]

⁹

District email records reflect that on June 9, 2022, School District Police Major [REDACTED] advised Chief of Operations Joe Sanches that [REDACTED] contacted FDOE area representative Morgan Nykiel. According to [REDACTED], Nykiel said she was familiar with the POD design and the issues surrounding compliance with fire codes. Nykiel advised that FDOE does not have a rule that doors need to be locked and that the District was currently using the DOE best practices. **(Exhibit 10)**

Although the design of the pods were/are compliant, subsequent to the security concerns at LWMS in April 2022, the District explored additional enhancements. [REDACTED]

CONCLUSION

It is alleged that District Management violated Florida Statute section 112.3187 and School Board Policy 3.28 by committing misfeasance through its design modifications to improve security at select District schools.

Florida Statute section 112.3187(5)(b) and School Board Policy 3.28.2.d.ii. (Whistle-blower Protection Policy) provide, in part, that disclosure of any act or suspected act of misfeasance committed by an employee or agent of an agency or independent contractor is a protected activity.

When interpreting §112.3187(5)(b), Fla. Stat., Florida’s courts have adopted the Black’s Law definition and construed misfeasance to mean “the improper doing of an act which a person might lawfully do” including negligence an agency employee.

The safety of the District’s students and staff should always be a priority. The District did in fact, have a number of schools with the pod design concept as discussed in Allegation 2. While the pods did have a classroom with a door that had to remain unlocked in order not to violate fire code requirements¹⁰, the schools have other security measures in place.

⁹ Email dated April 11, 2022, to Sanches from Hogarth.

¹⁰ See Background Section

In 2018, after the Marjory Stoneman Douglas High School tragedy, the District reviewed the security of our District schools, including the schools with the pods. At the time, the District made modifications that according to District and FDOE officials found a balance between satisfying building and fire code requirements and security.

In 2022, safety concerns with the pods were brought up at LWMS. As a result, the District reviewed the pod design and found further modifications and enhancements that could be implemented. These modifications are currently in progress.

As of the writing of this report, the District does not have a policy that requires classroom doors to be locked. Based on the OIG's research and communications with FDOE, locking classroom doors during class time is not a requirement. However, it is a best practice. As stated by [REDACTED] a best practice is a "suggestion."

Based on the testimony obtained and the records reviewed, the OIG determined that the allegation that District Management violated Florida Statute section 112.3187 and School Board Policy 3.28 by committing misfeasance through its design modifications to improve security at select District schools was **Unsubstantiated**.

The evidentiary standard used by the School District of Palm Beach County OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with "beyond a reasonable doubt," which is the more severe test required to convict a criminal and "clear and convincing evidence," a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as "substantiated" means there was sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as "unfounded" means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as "unsubstantiated" means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegation could not be proven or disproven.

ATTESTATION

I, the undersigned, do hereby swear, under penalty of perjury, to the best of my personal knowledge, information, and belief, the contents of this report are true and accurate; and I have not knowingly or willfully deprived or allowed another to deprive, the subject of the investigation of any rights contained in Sections 112.532 and 112.533, Florida Statutes. This investigation was conducted pursuant to School District Policy 1.092, Inspector General, and in accordance with applicable Principles and Standards for Offices of Inspectors General as published by the Association of Inspectors General.



Veronica Vallecillo, Senior Investigator

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

Sworn to (or affirmed) and subscribed before me this 14 day of October, 2022, by Veronica Vallecillo, Senior Investigator for the School District of Palm Beach County, Office of Inspector General, who is personally known by me.



Signature of Notary Public
 Notary Public or Law Enforcement Officer



This investigation was conducted by Veronica Vallecillo, supervised and approved by Director of Investigations Oscar Restrepo. The investigation was conducted in accordance with guidance from the Association of Inspectors General handbook and within standards as prescribed by Commission for Florida Law Enforcement Accreditation.

Approved by:  Date: 10/13/22
Oscar Restrepo, Director of Investigations

Approved by:  Date: 10/12/22
Teresa Michael, Inspector General

EXHIBIT LIST

Email from M. Nykiel dated June 15, 2022.....Exhibit 1
 FDOE SREF Section 5(8) at Page 64 Section 5(8)(c)..... Exhibit 2
 District Bulletin #DE 22-085 COS dated October 25, 2021 Exhibit 3
 Suspension Letter Exhibit 4
 Email from student to employee dated April 1, 2022..... Exhibit 5
 Suspension Letter Exhibit 6
 Email from Principal to employee regarding move dated April 11, 2022 Exhibit 7
 Student Withdrawal Form..... Exhibit 8
 2019/20 School District of Palm Beach County Threat Assessment Guide. Exhibit 9
 Email dated June 9, 2022, from Waites to Sanches.....Exhibit 10

DISTRIBUTION LIST

Action Official Distribution:

Michael Burke, Superintendent

Information Distribution:

- Palm Beach County School Board Members
- Audit Committee Members
- Shawntoya Bernard, General Counsel
- Randy Law, Director, Office of Inspector General
- Robert Bliss, Compliance & Quality Assurance Officer, Office of Inspector General
- OIG File



Veronica Vallecillo <veronica.vallecillo@palmbeachschools.org>

RE: Palm Beach County Schools - Locked Doors

1 message

Nykiel, Morgan <Morgan.Nykiel@fldoe.org>

Wed, Jun 15, 2022 at 8:06 AM

To: Veronica Vallecillo <veronica.vallecillo@palmbeachschools.org>

Cc: Teresa Michael <teresa.michael@palmbeachschools.org>, Oscar Restrepo <oscar.restrepo@palmbeachschools.org>, Cary High <cary.high@palmbeachschools.org>, "Hay, Timothy" <Timothy.Hay@fldoe.org>, "Rumenik, Brooks" <Brooks.Rumenik@fldoe.org>, "Ifft, Sylvia" <Sylvia.Ifft@fldoe.org>, "Cooper, Ben" <Ben.Cooper@fldoe.org>

Good morning,

Please see the Office's responses to your questions below.

1. *Is there a law, directive, protocol, or rule that requires the District to have classroom doors locked or automatically locked during class time? Please see <http://dreamersacademy.org/wp-content/uploads/2019/04/Florida-Educational-Facilities-Guide.pdf> (State Requirements for Educational Facilities) and refer to page 64 of the document section (8) Doors and Windows (c) Hardware.*

Although locking classroom doors during class time is a best practice, there is no state mandate to do so currently.

2. *As you know, we have some schools that have classrooms that do not have doors that lock due to fire code violations. As a result, the District mitigated the matter by having*

[Redacted]

Is this solution a best practice? Is there any issue with it?

[Redacted] in collaboration with the school safety team, fire, and security representatives.

Thank you,

Morgan

Morgan Nykiel

Office of Safe Schools

FL Department of Education

Case # 22-0077-E Date Rcv'd: 6-15-22
Received From: M. Nykiel (FDOE)
Description: Email response regarding doors.
Exhibit #: 1
Redactions: Yes No

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 281.301 & 119.071(3)(a), Fla. Stat.

Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.

From: Veronica Vallecillo <veronica.vallecillo@palmbeachschools.org>
Sent: Tuesday, June 14, 2022 12:59 PM
To: Nykiel, Morgan <Morgan.Nykiel@fldoe.org>
Cc: Teresa Michael <teresa.michael@palmbeachschools.org>; Oscar Restrepo <oscar.restrepo@palmbeachschools.org>; Cary High <cary.high@palmbeachschools.org>
Subject: Palm Beach County Schools - Locked Doors

Good afternoon Ms. Nykiel,

I am writing you on behalf of Director of Investigations Oscar Restrepo, whom you spoke with last week regarding Palm Beach County District Schools.

As discussed with Mr. Restrepo, below are two questions we would appreciate clarity on.

1. Is there a law, directive, protocol, or rule that requires the District to have classroom doors locked or automatically locked during class time? Please see <http://dreamersacademy.org/wp-content/uploads/2019/04/Florida-Educational-Facilities-Guide.pdf> (State Requirements for Educational Facilities) and refer to page 64 of the document section (8) Doors and Windows (c) Hardware.

2. As you know, we have some schools that have classrooms that do not have doors that lock due to fire code violations. As a result, the District mitigated the matter by [REDACTED] Is this solution a best practice? Is there any issue with it?

Our School Board members are meeting on this topic tomorrow afternoon. We would greatly appreciate your response so that we may provide an update to the Board.

If you have any questions please let me know.

Kind regards,

--

Veronica Vallecillo, CIGI, CFE

Senior Investigator

Office of Inspector General

10/7/22, 9:35 AM

School District of Palm Beach County Mail - RE: Palm Beach County Schools - Locked Doors

The School District of Palm Beach County

3318 Forest Hill Blvd., Suite C-306

West Palm Beach, Florida 33406

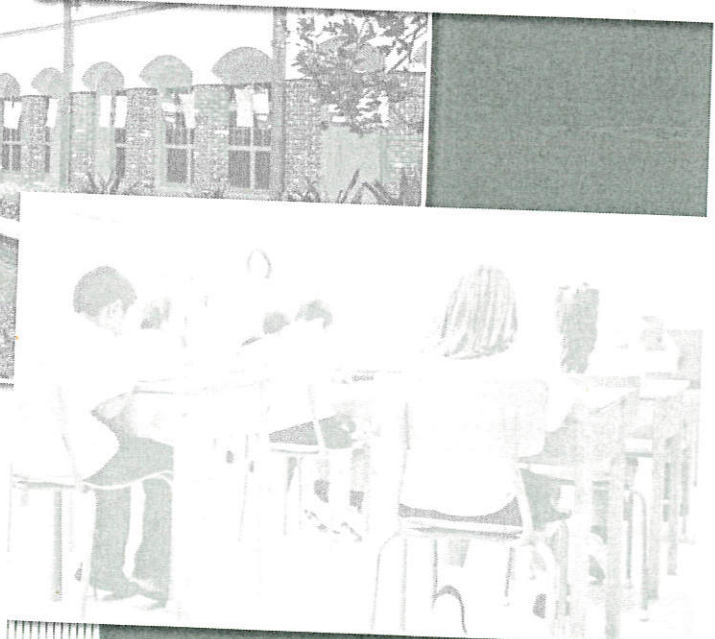
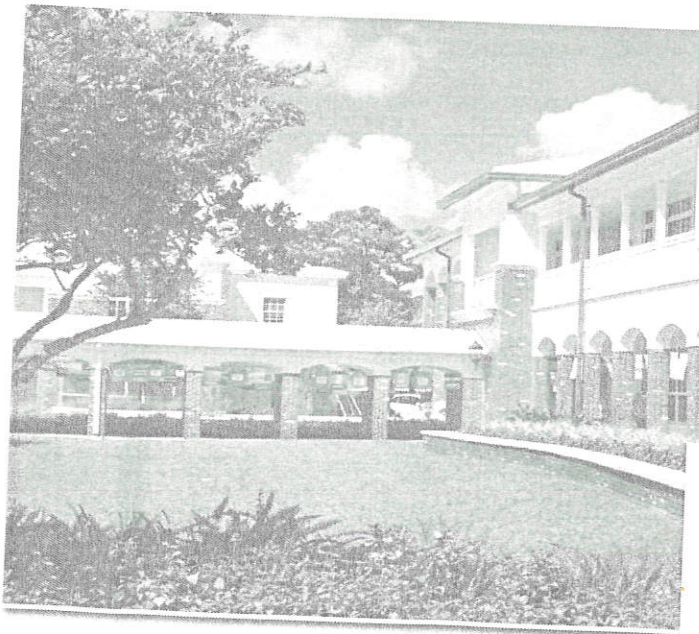
561 432 6359

Disclaimer: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

State Requirements for Educational Facilities

2014

Activity #: 22-0141-C/22-0017-J
OIG Staff: Restrepo
Date Rec'd: 6/9/22 Pages: 2
Rec'd: Online
Redacted: Yes No N/A Req'd TBD
Exhibit/Reference #: 2



Florida Department of Education
Office of Educational Facilities

- (f) **Wood Floors.** Wood floors, where provided, shall be free of loose or broken boards, holes, uneven projections, protruding nails, splinters and other tripping hazards.
- (7) **Insulation and Moisture Protection.** Insulation and moisture protection (including relocatables) shall meet the following minimum casualty safety and sanitation requirements for roofing, fireproofing, firestopping, etc., as applicable:
- (a) **Thermal Insulation.** Thermal insulation, where provided, shall be visible for inspection in such spaces as attics, crawl spaces, duct work, mechanical rooms, etc.; protected from the weather and held securely in place.
 - (b) **Vapor Barriers.** Vapor barriers, where provided, shall be visible for inspection in such spaces as attics, crawl spaces, mechanical spaces, insulated ducts, chilled water lines, etc.; located on the exterior side of thermal insulation; protected from the weather and held securely in place.
 - (c) **Roofing.** Roofing systems, including flashing, gutters, downspouts, roof drains, membrane, roof penetrations, etc., where provided, shall be watertight, held securely in place, free of debris and maintained in good condition.
 - 1. Positive drainage shall be provided for all portions of the finished roof surface to the edge of the roof or to roof drains.
 - 2. Roofs shall be maintained so that water does not pond.
 - 3. Accessories such as flashing, gravel stops, drip edging, expansion joints, gutters, downspouts, scuppers and roof drains, where provided, shall be maintained in a good condition.
 - 4. Structural members, including decks, beams, fascia, etc., shall be in good repair and structurally sound.
- (8) **Doors and Windows.** Doors and windows (including those for relocatables) shall meet the following minimum casualty safety and sanitation requirements, etc., as applicable:
- (a) **Doors and Windows.** Doors and windows shall be maintained in an operable, safe and secure condition at all times and be free of splinters, sharp projections, broken glass, broken hardware, etc. Glass in doors and windows shall meet applicable glazing requirements found in section 5(8)(d).
 - (b) **Doors.** Doors shall be positioned so that there is clear floor space on the pull side of the door adjacent to the latch and so that the floor on both the interior and exterior sides of a door is substantially level.
 - 1. Doors opening into interior corridors shall be either:
 - a. Recessed and hinged to swing 90 degrees; or
 - b. Not recessed and hinged to swing 180 degrees.
 - 2. Storefront Doors. Glazing in storefront doors shall contain a built-in horizontal safety guard located between 24 and 36 inches above finished floor.
 - (c) **Hardware.**
 - 1. Locksets. All doors shall be equipped with locksets that are not lockable from inside the space.

Exception: Individual toilet rooms may be locked from the inside, and may be equipped with privacy locks that are readily opened from the inside and that may be opened from the outside without a special tool.

Exception: The classroom security function, which allows the outside lever to be locked with a key from either the inside or outside while keeping the inside lever unlocked for unrestricted egress, may be used.



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

SCHOOL POLICE DEPARTMENT
3300 FOREST HILL BOULEVARD, B-127
WEST PALM BEACH, FL 33406-5869

PHONE: 561-434-8435/FAX: 561-434-8186
WWW.PALMBEACHSCHOOLS.ORG

DANIEL C. ALEXANDER
CHIEF OF POLICE/SCHOOL SAFETY SPECIALIST

JAY BOGGESS
CHIEF OF STAFF

Case #: 22-0017-I Date Rcv'd: June 20 22
Received From: District Bulletins
Description: School Safety Protocol
Bulletin
Exhibit #: 3
Redactions: Yes _____ No X

October 15, 2021
Bulletin #DE 22-085 COS

Contacts:

Chief Daniel C. Alexander, 561-434-8760
daniel.c.alexander@palmbeachschools.org
Jeffrey Simons, 561-602-8803
jeffrey.simons@palmbeachschools.org

Action By:
Immediately

TO: District Employees
FROM: Daniel C. Alexander, Chief of Police/School Safety Specialist *[Signature]*
SUBJECT: SCHOOL SAFETY PROTOCOLS

Recent state legislation and Department of Education rulemaking have introduced significant changes to school safety protocols. This bulletin is intended to explain some of these revisions and offer clarification of certain school safety roles and responsibilities. This bulletin does not contain all directives relevant to school safety.

Beginning with the 2021-22 School Year, school districts are required to implement a mobile panic alert system in all schools. The District selected SaferWatch as our solution. This application will allow users to instantly report emergencies while on School District property. Through the SaferWatch smartphone app or web portal, users will be able to instantly report crimes in progress, medical emergencies, fires, or active assailant situations, directly to law enforcement and medical first responders.

Currently, regional superintendents, principals, assistant principals and School Police officers are mandatory users on the platform. In the coming weeks, other District employees will be incrementally added.

FortifyFL

The School Police Department shall maintain a current listing (names, addresses, and MSID numbers) of schools. Regional superintendents shall update information in FortifyFL, to include the following:

1. Updating when a school is opened, closed, or when any other change occurs impacting the accuracy of the information required
2. Verifying and maintaining current contact information for all schools

District employees are required to promote FortifyFL in the following manner:

1. Advertise FortifyFL on the District website, on school campuses through posters, in newsletters, and in school publications.
2. Install the FortifyFL app on all mobile devices issued by the District.
3. Bookmark the FortifyFL website on all computer devices issued by the District.

Threat Assessment

All schools must have threat assessment teams composed of counselors, instructional staff, administrators, and School Police officers. All threat assessment team members must be trained on the Comprehensive School Threat Assessment Guidelines (CSTAG) model and use the model for all threat assessment cases.

Each team must meet as often as needed, but no less than once a month. These meetings shall be documented using the CSTAG Google Form. By October 1, of each year, the School Safety Specialist shall report to the Office of Safe Schools on the activity of all team activities during the previous school year.

School Environmental Safety Incident Reporting (SESIR)

Beginning FY22, all Districts must report SESIR data monthly. Each school is required to designate an administrator as the SIS Monthly SESIR reviewer. This individual will review all monthly discipline reports to ensure the upload is free of errors. Reporting will happen on the first Friday of the first full week of the month and will include data from the previous month.

Emergency Drills

The FY22 School Safety Drill Procedures Manual was distributed on Monday, August 9. Drill completion must be documented in PeopleSoft. Senate Bill 590 allows the District to provide accommodations for drills conducted by exceptional student education centers.

General School Safety Protocols

Entrances, Gates & Doors

The following protocols apply to entrances, gates, and doors at District facilities:

1. The single point of ingress/egress for facilities shall be established and monitored at all times.
2. At arrivals, dismissals, and during deliveries, all open gates and doors must be staffed at all times.
3. All exterior doors and gates must be locked at all other times.
4. All classroom doors must remain closed and locked during class. Do not leave doors propped or standing open.

Visitors

The following protocols apply to visitors:

1. All visitors must report to the school office unless the visitors are public safety personnel responding to an emergency.

2. Raptor must be used to screen visitors and malfunctioning systems must be immediately reported to the school ITSA or District IT. Law enforcement, juvenile justice, probation/parole, health inspectors, and DCF personnel presenting their government identification are exempt from Raptor screening. These individuals still must sign into the main office upon arrival, unless they are public safety personnel responding to an emergency.
3. Visitors must visibly wear their printed passes at all times.

Other Areas at Facilities

The following protocols apply to general areas, to include hallways, parking lots and open spaces:

1. Teachers, including substitutes, should monitor hallway activity and greet arriving students. Once everyone is inside the room, the door must be closed and locked.
2. Principals shall establish posts to monitor activity on the perimeter, in open campus areas, and in parking lots throughout the day.

Badges and Keys

The following protocols apply to badges and keys:

1. District-issued identification badges shall be displayed by employees at all times.
2. Principals shall ensure badge access changes are submitted in a timely fashion to identification@palmbeachschools.org using the appropriate form (Identification and Security Access Request Form 1015.pdf). See attached.
3. Principals shall be responsible for their facility keys and ensure an annual inventory is completed.

Emergency Lockdowns and Color Codes

The following protocols apply to certain emergency situations and color codes:

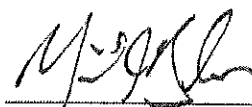
1. All employees shall immediately report emergency situations. Employees should call 911, utilize school radios and/or communicate in person to their School Police officers, and school administrators.
2. All District employees are authorized to initiate emergency lockdowns when they reasonably believe a lockdown is necessary to protect human life.
3. The protocols for each color code are included below:
 - a. Code Yellow - This code establishes the limited movement of police, fire, and school crisis intervention team members **ONLY**. All other personnel shall shelter-in-place. Employees shall close window shades, ensure doors are locked, continue teaching or other activities, and await further instructions. Class changes and/or dismissals are not permitted.
 - b. Code Red - This code establishes a full lockdown, during which only police and fire personnel shall move about the facility. Employees will ensure:
 - i. All windows are covered
 - ii. All doors are locked
 - iii. Everyone is in safe spaces
 - iv. Silence is maintained

- c. Code White - This code is used for suspicious items and bomb threats. Employees shall follow the bomb checklist (refer to the Principal's Resource Center) and await further instructions.
- d. Code Blue - This code prompts an evacuation in accordance with the crisis response plan or fire evacuation map.
- e. Code Green - This code denotes a return to normal operations.

These directives are not all-encompassing and employees should refer to District policies for other safety-related protocols. We thank you for assisting us in keeping every person in our schools safe every day.

MJB/JB/DCA:ar
Attachment

Approved:

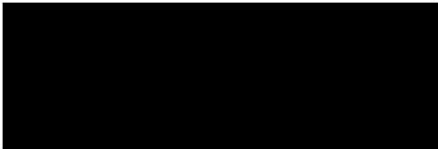


Michael J. Burke, Superintendent



Apr 4, 2022

Padre(s)/Tutor(es) de:



Case # 22-0017-J Date Rcv'd: 4.8.22
Received From: SIS
Description: Suspension letter to student
Exhibit #: 4
Redactions: Yes No

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 1002.22(2) & 1002.221, Fla. Stat. See Johnson v. Deluz, 875 So. 2d 1 (Fla. 4th DCA 2004)

NOTIFICACIÓN SOBRE LA SUSPENSIÓN

Lamento informarle que el **Mar 31, 2022**, se le notificó a  que se estaba considerando suspenderlo debido al (los) siguiente(s) incidente(s):

Mar 31, 2022 - 10675191 - 48-Severe Inappropriate Activity ,

La § 1003.01 (5) de los Estatutos de la Florida estipula que el director escolar puede suspender a un estudiante de la escuela. En conformidad con este estatuto, se realizó una reunión en mi oficina donde su hijo/hija/pupilo tuvo la oportunidad de explicar por qué no se le debería imponer la suspensión.

Con base en la evidencia disponible, por la presente, estoy suspendiendo a su hijo/hija/pupilo de asistir a la escuela. El registro a continuación da el número y las fechas de la suspensión.

Resultant Action	Date Decided	Date Begins	Date Ends	Length of Action	Attendance Code	Administered by	Action Record Notes	Zero-Tolerance: Expl
Conference W/ Student/Warning	Mar 31, 2022							
Parent/Guardian Contact	Mar 31, 2022							
O - Out of School Suspension 1 to 2 days	Mar 31, 2022	Apr 1, 2022	Apr 4, 2022	2	Out-of School Suspension	Mr. Drolet		

ESE: V - Other Health Impaired

504: Z - Not Applicable

ELL: LY - Active ELL Student

En conformidad con el Estatuto de la Florida mencionado anteriormente, a su hijo/hija/pupilo ha sido designado a su custodia con tareas específicas para completar durante la suspensión. Por favor, comuníquense con mi oficina para obtener dichas tareas.

Sírvanse tener en cuenta que la § 984.13(1)(b) de los Estatutos de la Florida autoriza a un agente del orden público para llevarse a su hijo/hija/pupilo, cuando el estudiante es suspendido y ninguno de los padres/tutores legales están presentes.

Su hijo/hija/pupilo estaría violando su suspensión si está en las instalaciones de cualquier escuela pública y en cualquier actividad patrocinada por la escuela sin un previo permiso del director/persona designada en su lugar.

Es muy importante que ustedes se comuniquen con el director/persona designada en su lugar antes de que su

hijo/hija/pupilo bajo su tutela regrese a la escuela.

Mike Williams
Director, Lake Worth Community Middle - 2131 - M
561-540-5500

Distrito Escolar del Condado de Palm Beach, Florida

Un Distrito Escolar Evaluado como Excelente por el Departamento de Educación de Florida desde el 2005Un Proveedor
Equitativo de Educación y Empleo

From: [REDACTED]
Sent: Friday, April 1, 2022 3:03 PM
To: [REDACTED]
Subject: Re: Where are you?

look [REDACTED] thank u for getting me suspended omg i love that and look sometimes u gotta watch who u talk about and u snitch on cause there people that can end up popping yoo shii one day so gotta be careful

On Thu, Mar 31, 2022 at 1:59 PM [REDACTED] wrote:

[REDACTED]

Case #: 22-0017-J Date Rcv'd: 4.8.22
Received From: District Emails
Description: Email student sent to employee.
Exhibit #: 5
Redactions: Yes No

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 112.3188(1), 1002.22(2) & 1002.221, Fla. Stat. See *Johnson v. Deluz*, 875 So. 2d 1 (Fla. 4th DCA 2004)



Apr 4, 2022

Padre(s)/Tutor(es) de:

Case #: 22-0011-J Date Rcv'd: 9.8.22
Received From: SIS
Description: Suspension letter to student
Exhibit #: 60
Redactions: Yes No

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 1002.22(2) & 1002.221, Fla. Stat. See *Johnson v. Deluz*, 875 So. 2d 1 (Fla. 4th DCA 2004)

NOTIFICACIÓN SOBRE LA SUSPENSIÓN

Lamento informarle que el **Apr 1, 2022**, se le notificó a [redacted] que se estaba considerando suspenderlo debido al (los) siguiente(s) incidente(s):

Apr 1, 2022 - 10675078 - 53-Threat/Intimidation ,

La § 1003.01 (5) de los Estatutos de la Florida estipula que el director escolar puede suspender a un estudiante de la escuela. En conformidad con este estatuto, se realizó una reunión en mi oficina donde su hijo/hija/pupilo tuvo la oportunidad de explicar por qué no se le debería imponer la suspensión.

Con base en la evidencia disponible, por la presente, estoy suspendiendo a su hijo/hija/pupilo de asistir a la escuela. El registro a continuación da el número y las fechas de la suspensión.

Resultant Action	Date Decided	Date Begins	Date Ends	Length of Action	Attendance Code	Administered by	Action Record Notes	Zero-Tolerance: Expl
	Apr 1, 2022	Apr 4, 2022	Apr 18, 2022	10	Out-of School Suspension	Mr. Drolet		

ESE: V - Other Health Impaired

504: Z - Not Applicable

ELL: LY - Active ELL Student

En conformidad con el Estatuto de la Florida mencionado anteriormente, a su hijo/hija/pupilo ha sido designado a su custodia con tareas específicas para completar durante la suspensión. Por favor, comuníquense con mi oficina para obtener dichas tareas.

Sírvanse tener en cuenta que la § 984.13(1)(b) de los Estatutos de la Florida autoriza a un agente del orden público para llevarse a su hijo/hija/pupilo, cuando el estudiante es suspendido y ninguno de los padres/tutores legales están presentes.

Su hijo/hija/pupilo estaría violando su suspensión si está en las instalaciones de cualquier escuela pública y en cualquier actividad patrocinada por la escuela sin un previo permiso del director/persona designada en su lugar.

Es muy importante que ustedes se comuniquen con el director/persona designada en su lugar antes de que su hijo/hija/pupilo bajo su tutela regrese a la escuela.

Mike Williams
Director, Lake Worth Community Middle - 2131 - M

561-540-5500

Distrito Escolar del Condado de Palm Beach, Florida

Un Distrito Escolar Evaluado como Excelente por el Departamento de Educación de Florida desde el 2005 Un Proveedor
Equitativo de Educación y Empleo

From: on behalf of Peter Drolet
Sent: Monday, April 11, 2022 10:43 AM
To: [REDACTED] mike.williams@palmbeachschools.org; howard.hepburn@palmbeachschools.org
Subject: Room Assignment Confirmation

[REDACTED]
This email serves as a confirmation that you received this information on the phone through a conversation with myself at 10:38 A.M. April 11, 2022.

"Your room assignment for you and all of your students will be changed tomorrow April 12, 2022. Please see Ms. Nunez for the key to that classroom."

Thank you,

--
Peter Drolet
Assistant Principal
Lake Worth Middle School
PH 540-5508 / PX 2-5508
FX 540-5570 / PX 2-5570

Case # 22-0017-J Date Rcv'd: 9.8.22
Received From: District email
Description: email from AP to employee regarding room change
Exhibit #: 78
Redactions: Yes No

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 1002.22(2) & 1002.221, Fla. Stat. See *Johnson v. Deluz*, 875 So. 2d 1 (Fla. 4th DCA 2004)



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

Mike Williams
Principal

MICHAEL J. BURKE
Superintendent of Schools

Lake
Worth

Community Middle - 2131 - M
1300 Barnett Drive
Lake Worth, FL 33461

Phone: 561-540-5500

Case # 22-0017-J Date Rcv'd: 9.8.22
Received From: SIS
Description: Student withdrawal
transfer to another school
Exhibit #: 8
Redactions: Yes No

STUDENT WITHDRAWAL FORM

This is NOT an official transcript. Please send request to school center for an official transcript.

Redacted information
exempt from section
119.07(1), Fla. Stat.
per sections
1002.22(2) &
1002.221, Fla. Stat.
See Johnson v. Deluz,
875 So. 2d 1 (Fla. 4th
DCA 2004)

Today's Date: Apr 19, 2022

[Redacted]

Race: [Redacted] Grade: [Redacted] Gender: [Redacted]

DOB: [Redacted] Withdrawal Date: Apr 18, 2022 Withdrawal Code/Reason: (W02) In District Transfer

Special Programs: V - Other Health Impaired

The table below represents grades to present date and number of excused and unexcused absences. Collect book(s) and note return. Do all work in ink.

[Redacted]

Media Specialist: List all books not returned by student.

Title of books not returned	Book #	Condition	Price
1.			
2.			
3.			
4.			

Data Processors: Print the students Fees and Fines Tab and attach

[Redacted]

Other outstanding obligations (if any) listed on next page.

Media Specialist: _____ Assistant Principal: _____
Occupational Specialist: _____ Counselor/Student Services: _____
Data Processor: _____ Parent: _____

The School District of Palm Beach County, Florida
A Top-Rated District by the Florida Department of Education Since 2005
An Equal Education Opportunity Provider and Employer



Threat Assessment Guide



The School Board of Palm Beach County is committed to excellence in education and preparation of all our students with the knowledge, skills, and ethics required for responsible citizenship and productive employment.

Case #: 22-0017J Date Rcv'd: 7.19.22
Received From: Kathie Francis
Description: Threat Assessment Guide
Exhibit #: 9
Redactions: Yes X No X

Redacted information exempt from section 119.07(1), Fla. Stat. per sections 281.301 & 119.071(3)(a), Fla. Stat.

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The Marjory Stoneman Douglas High School Public Safety Act (SB 7026)

SB 7026 is comprehensive legislation that focuses on public safety and schools safety. SB 7026 requires each school to establish a Threat Assessment Team comprised of persons with expertise in counseling, academic instruction, school administration and law enforcement. Their duties include coordination of resources, assessments and intervention for students whose behavior poses a threat to the safety of school and /or staff.

Mandatory Members:

- ✓ Administration
 - ✓ School Counselor
 - ✓ School Police
 - ✓ Educator
- (Optional: any Pertinent Staff with the skill set needed for individual situations)

Threat Assessment in Schools is Predicated on Six Principles:

- Prevention is Possible
- Consider the Context
- Adopt an investigative mindset
- Rely on facts, not profiles
- Gather information from multiple sources
- Does the student pose a threat?

Goals of Threat Assessment:

- Maintain a safe school environment by preventing an act of violence from taking place.
- Resolve student conflicts or problems that underlie threatening behavior.
- Identify students of concern.
- Determine the level of threat and the response required.
- Determine what's appropriate as a follow-up to the threat:
 - Counseling
 - Intervention
 - FBA/BIP
 - Mental Health Services Referral
 - Psychological Evaluation
 - Arrest
 - Expulsion

Types & Levels of Threats

A threat is an **expression of intent to physically or sexually harm someone**. This expression may be spoken, written, or gestured. Threats can be expressed directly or indirectly to the victim or to others, and threats may be explicit or implied. Threats sometimes, but rarely, actually involve guns or explosive devices.

Types of Threats

- **Direct:** identifies a specific act against a specific target delivered in a clear and explicit manner
- **Indirect:** threat tends to be vague, unclear and ambiguous. Violence is implied.
- **Veiled:** threat is one that strongly implies but does not explicitly threaten violence
- **Conditional:** threat is often used in extortion cases. It warns that a violent act will happen if certain demands are not met.

Levels of Threats

A threat to harm others can be **transient** (i.e., expression of anger or frustration that can be quickly or easily resolved) or **substantive** (i.e., serious intent to harm others that involves a detailed plan and means). Upon assessing, threats fall into one of three levels, either **LOW**, **MEDIUM**, or **HIGH**. While transient threats are considered to be **LOW**, substantive are considered to be either **MEDIUM** or **HIGH** level.

TRANSIENT THREATS

Low Level

Transient threats are defined as statements that do not express a lasting intent to harm someone. Transient threats are either intended as figures of speech, or reflect feelings that dissipate in a short period when the student thinks about the meaning of what he or she has said. It is important to realize that most threatening statements are not serious threats because the student has no substantive intention of carrying out the threat. A threat is transient if it can be quickly and easily resolved (Cornell & Sheras, 2006).

INDICATORS OF A TRANSIENT THREAT

- Threat is vague and indirect.
- Information contained within the threat is inconsistent, implausible or lacks detail.
- Threat lacks realism.
- Content of threat suggests that person is unlikely to carry it out.
- Context of threat suggests person is unlikely to have access to resources, lacks intent and motivation, and does not present with a history of conflict or related violent behaviors.

EXAMPLES OF TRANSIENT THREATS



SUBSTANTIVE THREATS

Medium Level

Substantive serious threats are defined as statements that express a continuing intent to harm someone. Substantive threats may express emotion and have substance. In other words, the threat contains specific, plausible details. Usually involve a fight or a threat to hit someone or to do harm without the use of a weapon (Cornell & Sheras, 2006).

INDICATORS OF A SERIOUS SUBSTANTIVE THREAT

- A threat to assault someone.
- Threat is more direct, detailed and concrete than low level threat.
- Wording in the threat suggests that the at-risk student has given some thought to how the act will be carried out.
- There may be indication of possible place and time (though these signs still fall well short of detailed plan).
- There is no clear indication that the at-risk student has taken preparatory steps, although there may be some veiled reference, or ambiguous or inconclusive evidence, pointing to that possibility — a reference to a book or movie that shows the planning of a violent act, or a vague, general statement about the availability of weapons.
- There may be a specific statement seeking to convey that the threat is not empty:
[REDACTED]
- Context of the threat suggests student has secured resources, has definite intent and motivation, and/or there is a strong history of conflict and previous high-risk behaviors.

EXAMPLES OF SERIOUS SUBSTANTIVE THREATS





SUBSTANTIVE THREATS

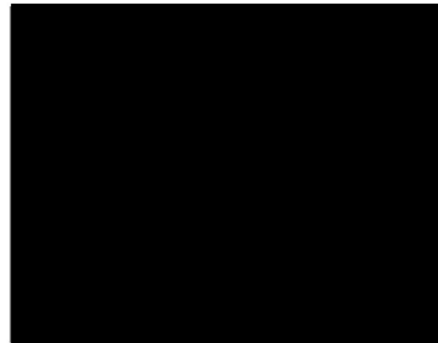
High Level

Substantive very serious threats are defined as statements that express a continuing intent to harm someone. Substantive threats may express emotion and have substance. In other words, the threat contains specific, plausible details of carrying out the threat. Very serious threats involve the use of a weapon or a threat to kill, rape or inflict severe injury on someone (Cornell & Sheras, 2006).

INDICATORS OF A VERY SERIOUS SUBSTANTIVE THREAT

- The threat contains specific, plausible details. 
- The threat has been repeated over time or the student has told multiple parties of the threat.
- The threat has been posted to social media, 
- There is physical evidence of intent to carry out the threat. Such evidence could include written plans, lists of victims, drawings, weapons, bomb material, or literature encouraging or describing how to carry out acts of violence.

EXAMPLES OF VERY SERIOUS SUBSTANTIVE THREATS



Threat Assessment Decision Tree

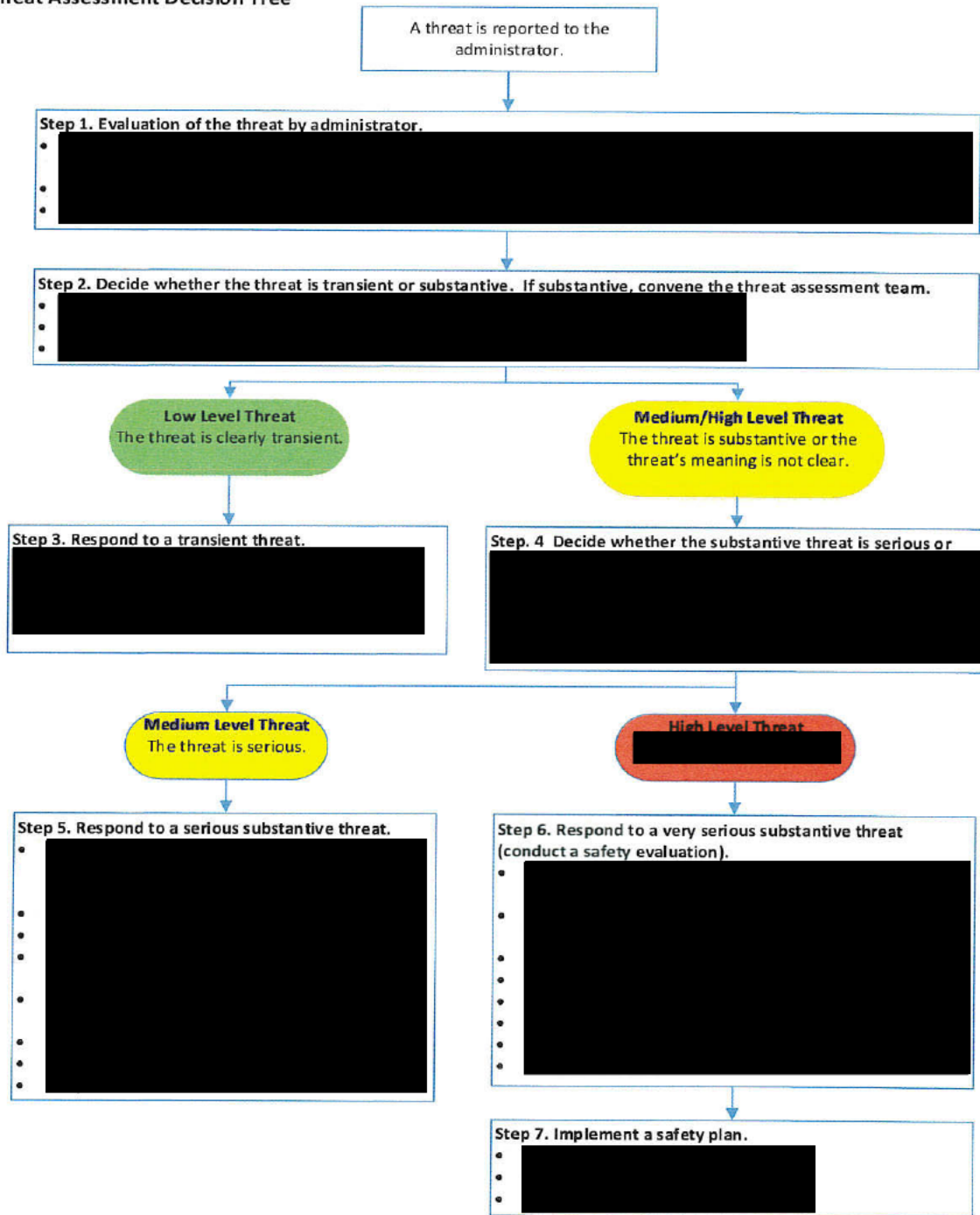


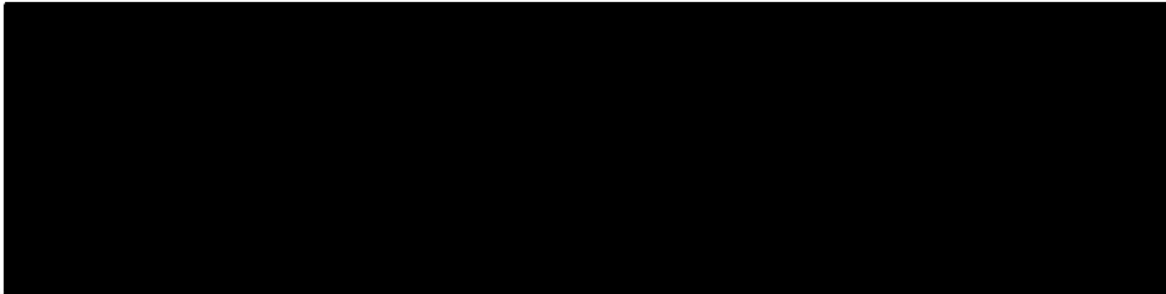
Figure 1. Threat Assessment Decision Tree. Adapted from "Guidelines For Responding To Student Threats of Violence," by D. Cornell & P. Sheras, 2006, p. 16. Copyright 2006 by Sopris West

The School District of Palm Beach County Schools has adopted threat assessment procedures developed by the U.S. Department of Education and the U.S. Secret Service in a collaborative effort to help schools reduce violence and create safe climates. This threat assessment process is an appraisal of the student's behavior in a given situation, rather than solely on stated threats or individual traits. The assessment focuses on actions, communications, and specific circumstances that might suggest that a student poses a threat of **targeted violence**. Targeted violence is differentiated from other violent acts by the distinct presence of a target or targets. The student who poses a threat intends to mount an attack and is engaged in planning or preparing for that attack.

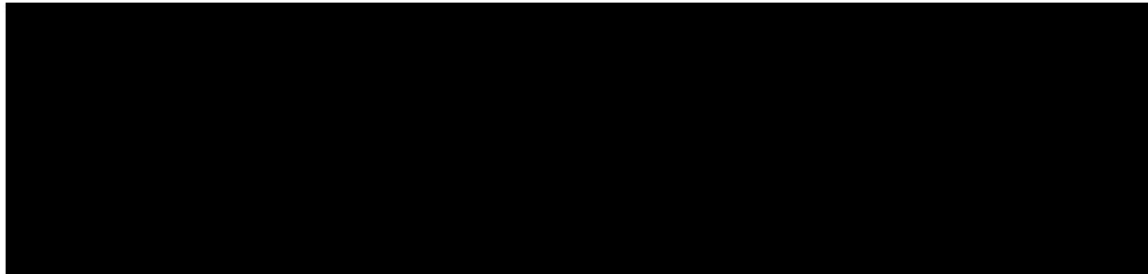
Beginning the Threat Assessment

The process of conducting a threat assessment is as follows:

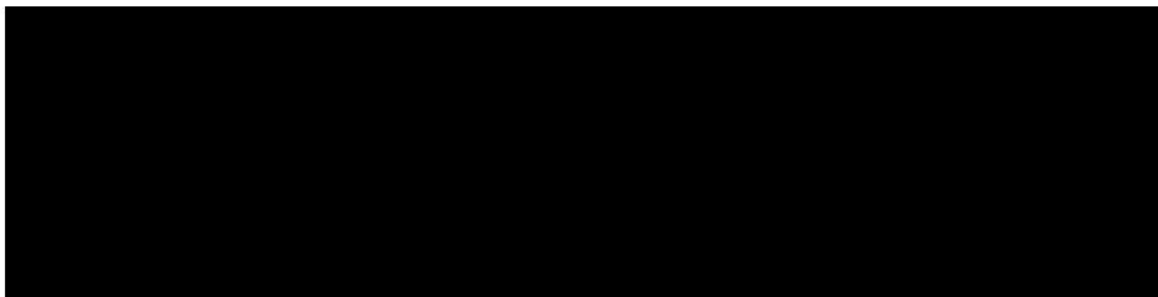
1. Student of Concern Identified



2. School Administrator is Notified

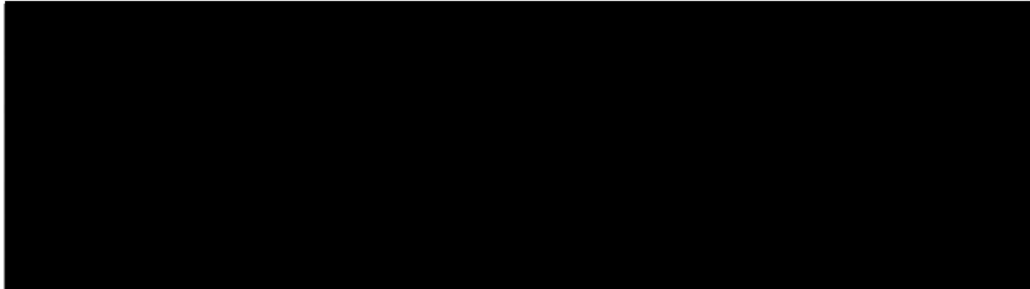


3. Administrator determines if Threat Assessment is Needed or Not Needed



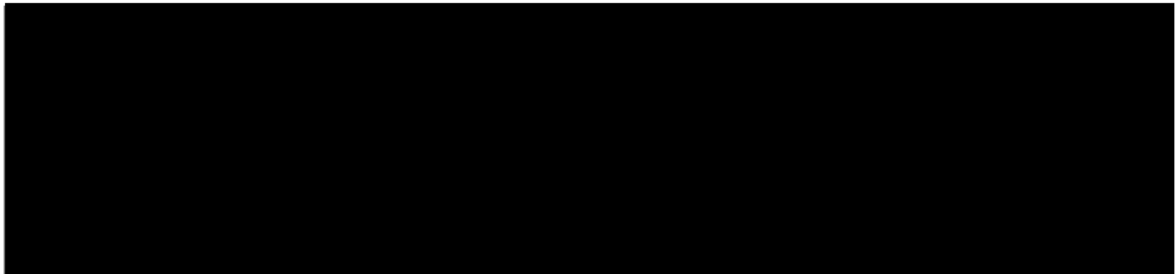
Examples of instances when an administrator would determine that a concern is not credible include:

-
-
-
-



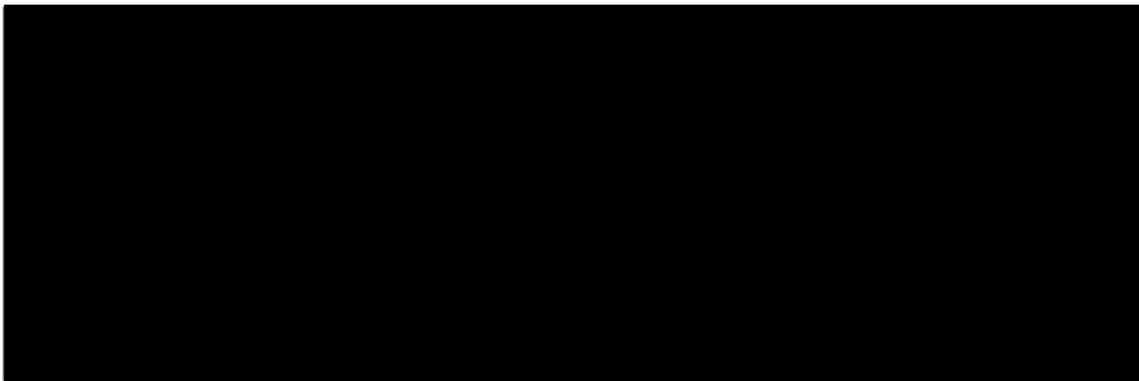
NOT CREDIBLE/LOW LEVEL

4. Low Level Threat/Refer to Student Services as Needed



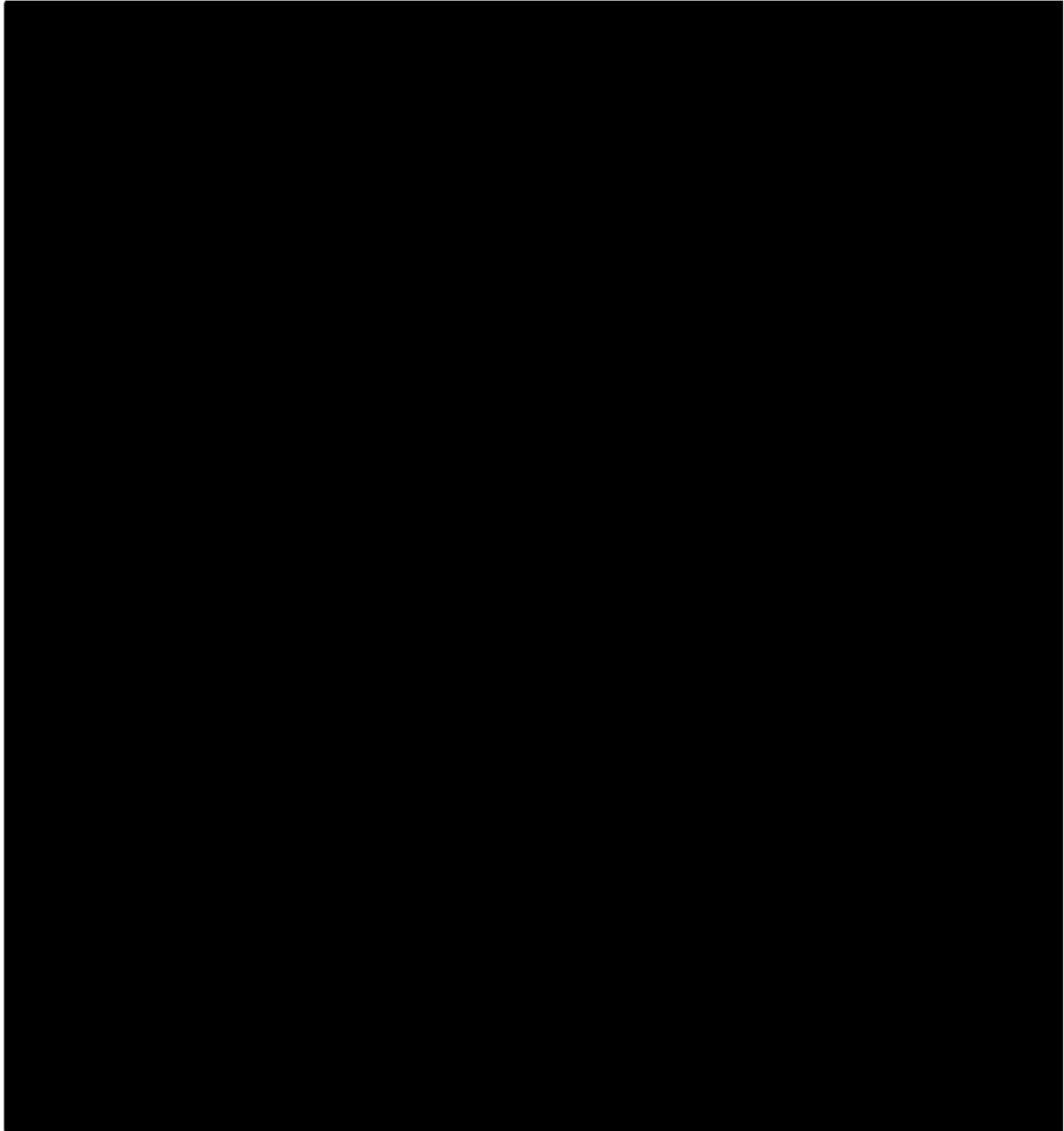
IF NEEDED

5. INQUIRY PHASE BEGINS: Notify School-Based Threat Assessment Team and parent

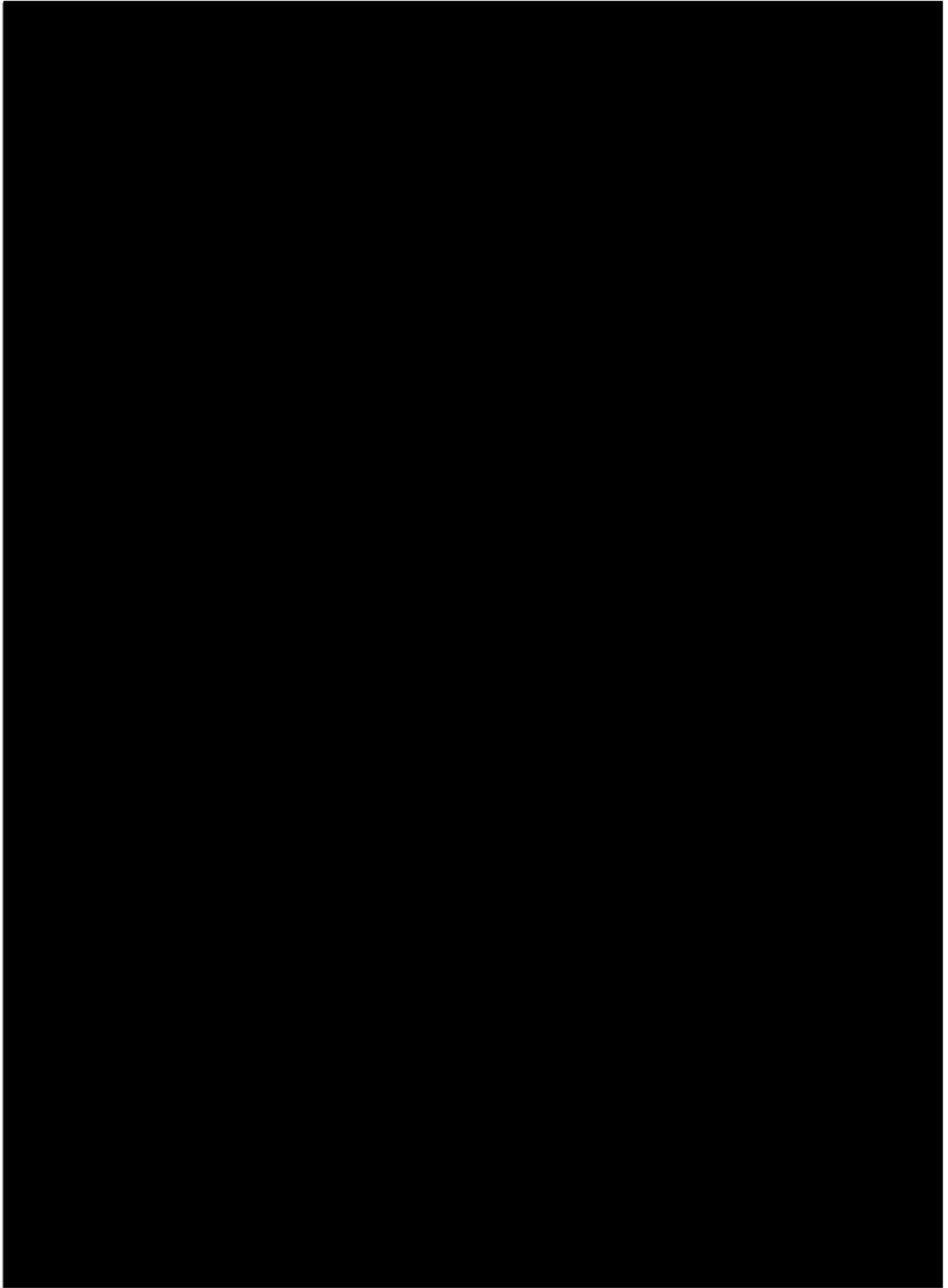


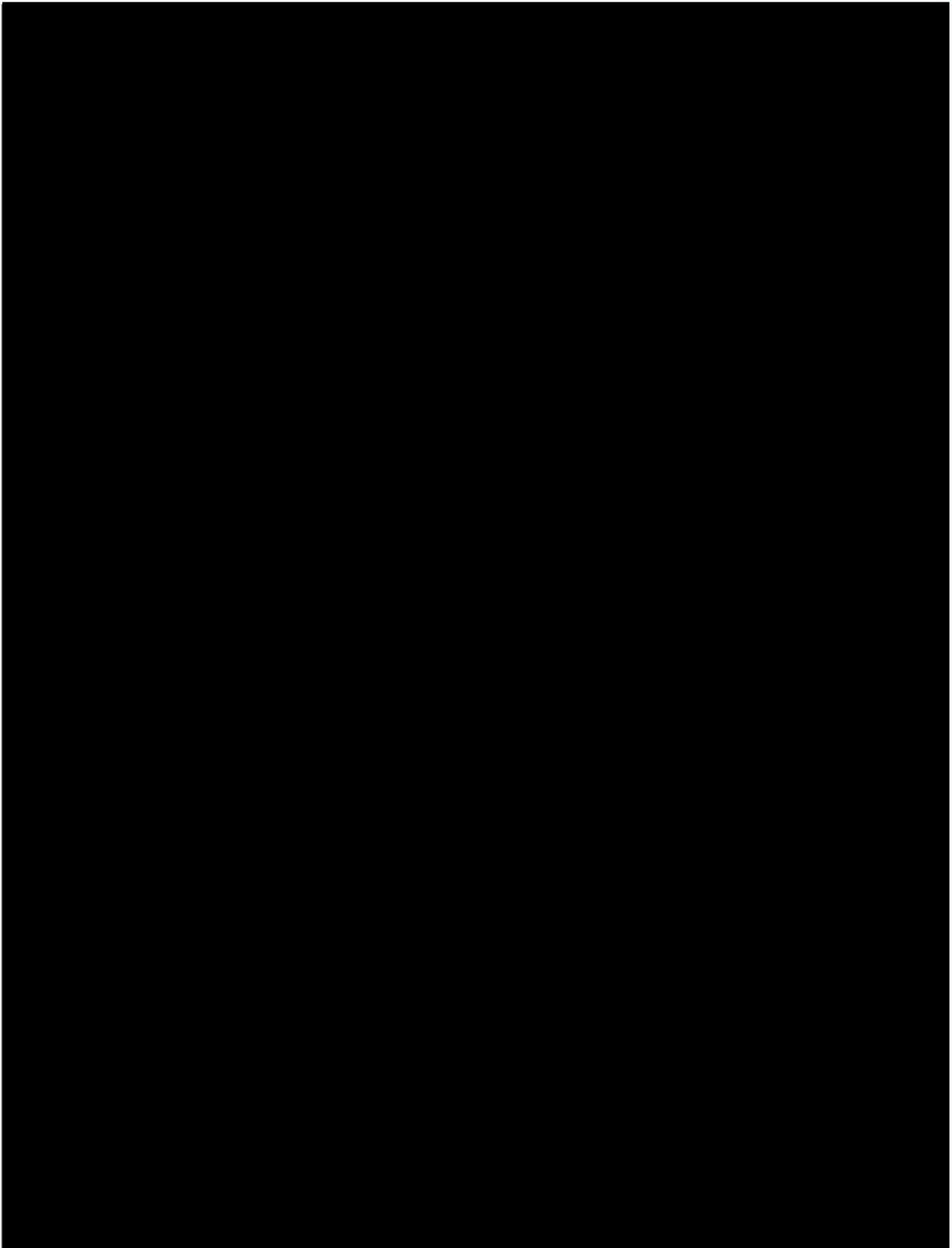
SRO. Proactive planning is a critical element in the implementation of a School-Based Threat Assessment Team, and schools should not wait until a crisis occurs to establish their team.

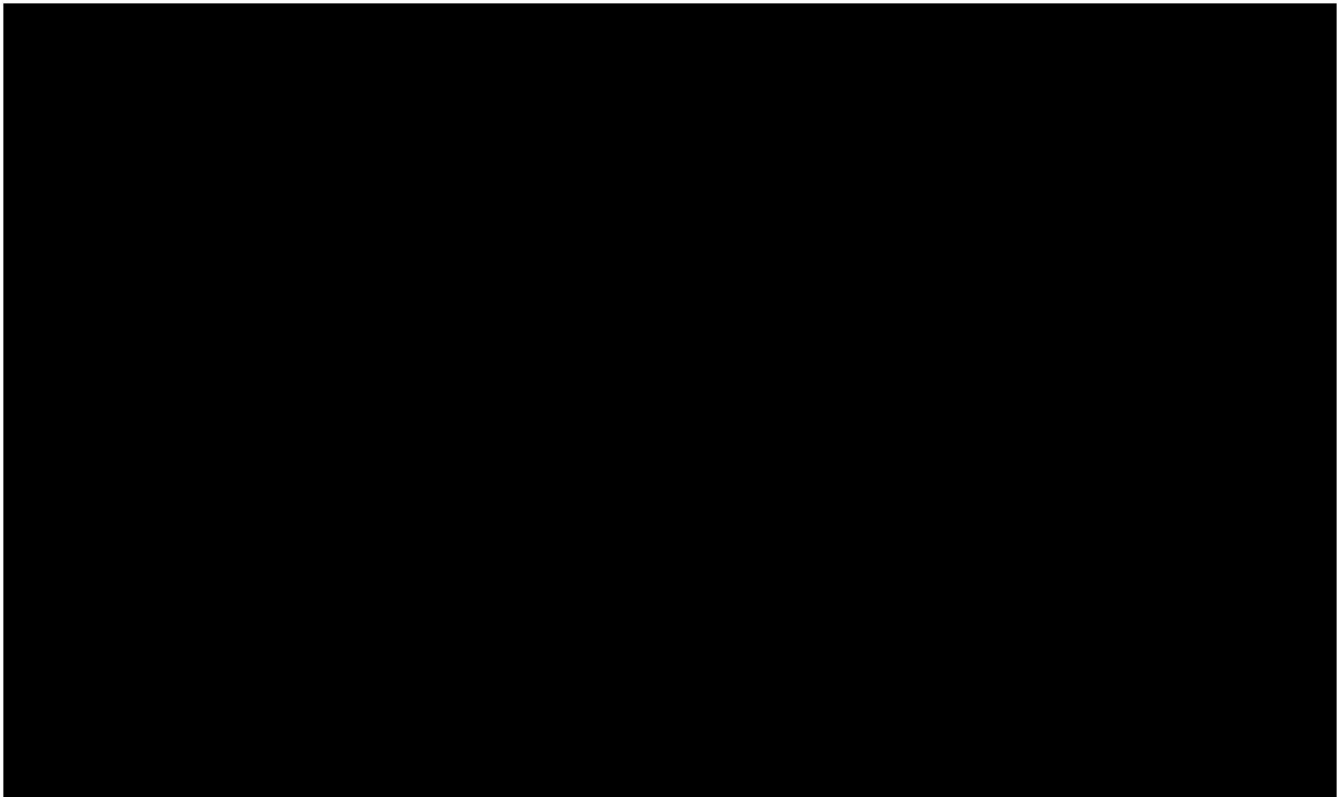
6. Threat Assessment Team Proceeds with Interviews



7. School-Based Threat Assessment Team Meets to Review the Case

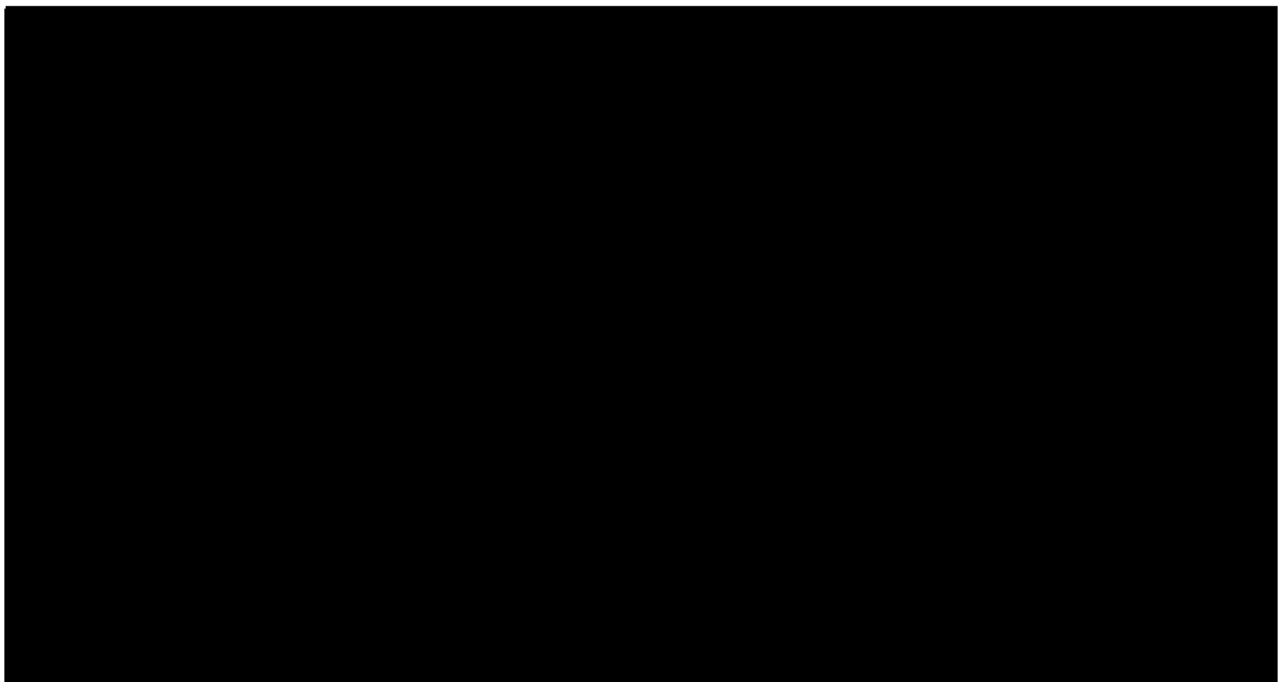






IF STUDENT DOES NOT POSE A THREAT:

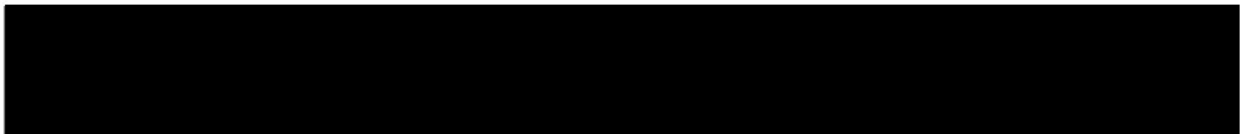
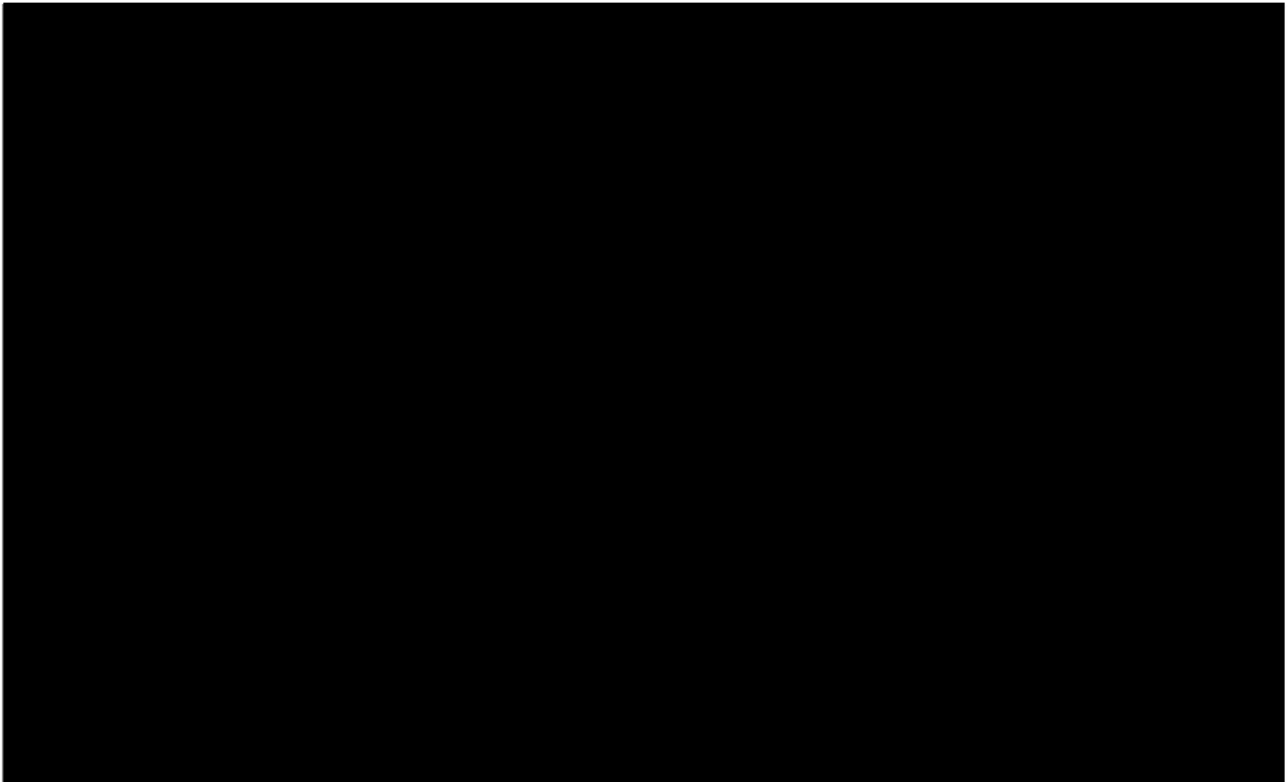
8. Close as Unfounded/Develop Support Plan





OR IF STUDENT DOES POSE A THREAT:

INVESTIGATION PHASE



<i>Point of Contact</i>		<i>Phone Number</i>
School Police	Emergency Communications Center	434-8700 PX 48700
Regional Office	North Regional	494-1500 PX 81500
	Central Region	804-3254 PX 83254
	South Region	982-0918 PX 50918
	Glades Region	996-4900 PX 44900
Safe Schools	Main Office	494-1569 PX 81569
Mobile Crisis		383-5777
DCF - Report Abuse, Neglect or Exploitation		1-800-962-2873
South County Mental Health		495-0522
Safe Schools CAPE Team		494-1569 PX 81569

RESOURCES

Florida Department of Education, Office of Safe Schools
US Secret Service: Enhancing Schools Safety – Threat Assessment Model

Florida Department of Education, Office of Safe Schools
Best Practices

U.S. Department of Justice
Federal Bureau of Investigation
Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks

REFERENCES

Cornell, D. & Sheras, P. (2006). *Guidelines for Responding To Student Threats of Violence*. Longmont, Colorado: Sopris West.

SPECIAL THANKS

The Department of Homeland Security, *United States Secret Service*

Federal Bureau of Investigation (FBI)

From: on behalf of [REDACTED]
Sent: Thursday, June 9, 2022 3:32 PM
To: joseph.sanches@palmbeachschools.org
Subject: DOE contact

Reference LWMS and the POD, Morgan Nykiel is the DOE contact I spoke with. In speaking with her she stated she is familiar with the POD design and the issues with doors and fire code. She advised that DOE does not have a rule that the doors need to be locked and that the District was currently using the DOE best practices.

[REDACTED]
*Palm Beach County School District Police
Field Services Bureau*
[REDACTED]

Case # 22-007-I Date Rcv'd: 9-8-22
Received From: District Emails
Description: email from [REDACTED] to Sanches re: DOE communication
Exhibit #: 10
Redactions: Yes X No X

Redacted information exempt from
section 119.07(1), Fla. Stat. per
section 1006.12(8), Fla. Stat.