

**BEFORE THE SCHOOL BOARD
CHARLOTTE COUNTY, FLORIDA**

CHARLOTTE COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No: 17-1541TTS

LORI LORENZ,

Respondent.

**FINAL ORDER APPROVING JOINT STIPULATION FOR EXCEPTIONS TO THE
RECOMMENDED ORDER AND ADOPTING RECOMMENDED ORDER SUBJECT
TO THOSE EXCEPTIONS**

THIS CAUSE came before The School Board of Charlotte County, Florida, (“School Board”) on _____ 2019, for final action on the July 14, 2017 Recommended Order (“RO”) of the Administrative Law Judge (“ALJ”) Linzie F. Bogan, the Petitioner’s exceptions to the Recommended Order, and the parties’ stipulation for exceptions to the RO. The School Board, having heard the positions of the parties, and considered the entire record, hereby approves the parties’ stipulations for exceptions to the RO as set forth herein and adopts the ALJ’s RO subject to those exceptions as the School Board’s Final Order.

CONSIDERATION OF THE ALJ’S FINDINGS OF FACTS

The School Board hereby adopts the findings of fact made by the ALJ in his RO.

CONSIDERATION OF THE ALJ’S CONCLUSIONS OF LAW

The School Board hereby adopts the conclusions of law made by the ALJ in his RO, subject to the following exceptions:

1. In Conclusions of Law numbers 40, 41, 42, 43, 44, 45, 46, 47, 48, and 50, the ALJ made conclusions of law regarding the interpretation of the School Board’s Administrative

Procedure 3162.01 – Drug Testing, (Pet’r Ex. 12), Policy 3124 – Drug-Free Workplace, (Pet’r Ex. 14), and Policy 3162.01 – Drug Testing, (Pet’r Ex. 15). The School Board adopts the Petitioner’s exceptions to these conclusions of law regarding the interpretation of these procedures and policies, as stipulated by the parties. The interpretation of these procedures and policies, as stipulated by the parties, shall have no binding effect on the School Board’s interpretation of the same in any other matter.

2. As a matter of law, “an agency’s interpretation of its own regulations has traditionally been accorded considerable respect” and courts should defer to that interpretation unless the agency’s “construction amounts to an unreasonable interpretation, or is clearly erroneous.” *Purvis v. Marion Cty. Sch. Bd.*, 766 So. 2d 492, 498-99 (Fla. 5th DCA 2000) (citations omitted).

CONSIDERATION OF THE ALJ’S RECOMMENDED PENALTY

3. The School Board hereby adopts the recommended penalty made by the ALJ in the RO.

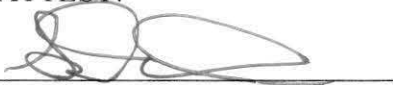
4. The parties have stipulated that the Petitioner has paid the Respondent the full amount of back pay from the date of her termination through the end of her 2016-2017 annual contract. The Petitioner’s Superintendent did not recommend the Respondent for an annual contract for the 2017-2018 school year. The parties have stipulated that the Respondent has no right to an annual contract for the 2017-2018 school year or any subsequent school year(s). § 1012.335, Fla. Stat. (2017).

5. The parties have stipulated that the Respondent has been paid all of the back pay and/or benefits that she is entitled to receive by virtue of the RO.

According, the School Board hereby approves the parties' stipulations for exceptions to the RO as set forth herein and adopts the ALJ's RO subject to those exceptions.

DONE and ENTERED this 12th day of Feb 2019, in Charlotte County, Florida.


School Board Chairman

ATTEST:

Superintendent of Schools

Copies furnished:
Thomas M. Gonzalez
Mark Herdman

NOTICE

All parties have the right of judicial review of this Order in accordance with § 120.68, Florida Statutes. In order to appeal, a party must file a notice of appeal with the Superintendent of the School Board of Charlotte County, Florida, at 1445 Education Way, Port Charlotte, FL 33948, within thirty (30) days of the rendition of this order and must also file a copy of the notice, accompanied by filing fees, with the Clerk of the Second District Court of Appeal, 811 E. Main St., Lakeland, FL 33801, telephone number (863) 940-6060. Review procedures shall be conducted in accordance with the Florida Appellate Rules, and specifically, Rule 9.110 of such rules.