



Before the Education Practices Commission of the State of Florida

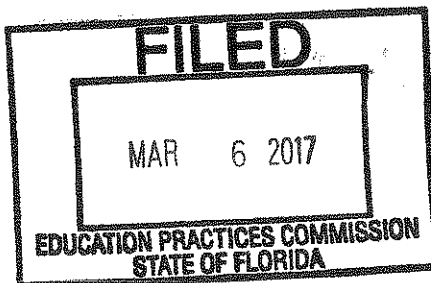
PAM STEWART, as the
Commissioner of Education,

Petitioner,

vs.

HEATHER NICOLE MORSE,

Respondent.



EPC CASE N^o: 16-0620-RT

Index N^o: 17-095-AS

PPS N^o 156-3196

Final Order

Respondent, HEATHER NICOLE MORSE, holds Florida educator's certificate no. 825481. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Hearing Panel of the Education Practices Commission met on March 2, 2017, in West Palm Beach, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Respondent shall comply with its terms and conditions.

This Order becomes effective upon filing.

DONE AND ORDERED, this 2nd day of March, 2017.



NICHOLAS PIETKIEWICZ, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Lee County Schools
2055 Central Ave.
Ft. Myers, FL 33901-3916

Director, Personnel Services
Lee County Schools
2055 Central Ave.
Ft. Myers, FL 33901-3916

Lee Ann Gustafson
Senior Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

NOTICE OF RIGHT TO JUDICIAL REVIEW
UNLESS WAIVED, A PARTY WHO IS
ADVERSELY AFFECTED BY THIS FINAL
ORDER IS ENTITLED TO JUDICIAL
REVIEW PURSUANT TO SECTION 120.68,
FLORIDA STATUTES. REVIEW
PROCEEDINGS ARE GOVERNED BY THE
FLORIDA RULES OF APPELLATE
PROCEDURE. SUCH PROCEEDINGS
ARE COMMENCED BY FILING ONE COPY
OF A NOTICE OF APPEAL WITH THE
EDUCATION PRACTICES COMMISSION
AND A SECOND COPY, ACCOMPANIED
BY FILING FEES PRESCRIBED BY LAW,
WITH THE DISTRICT COURT OF APPEAL,
FIRST DISTRICT, OR WITH THE
DISTRICT COURT OF APPEAL IN THE
APPELLATE DISTRICT WHERE THE
PARTY RESIDES. THE NOTICE OF
APPEAL MUST BE FILED WITHIN THIRTY
(30) DAYS OF RENDITION OF THIS
ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Heather Nicole Morse, [REDACTED] Bonita Springs, FL 34134 and Noel J. Davies, 2320 First Street, Suite 1000, Fort Myers, FL 33901, by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 4 day of March, 2017.



Lisa Forbess, Clerk
Education Practices Commission

RECEIVED

NOV 28 2016

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

PAM STEWART, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 156-3196

HEATHER NICOLE MORSE,

Respondent.

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. Certification. Respondent holds Florida Educator's Certificate Number 825481 issued by the Department of Education covering the areas of Elementary Education, English and English for Speakers of Other Languages (ESOL), which is valid through June 30, 2021.
2. Employment. At all times pertinent hereto, Respondent was employed as a Language Arts Teacher at Lexington Middle School in the Lee County School District.
3. Allegations. Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. Letter of Reprimand. Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in her certification file with the Department of Education and a copy of which shall be placed in her personnel file with the employing school district.
5. Fine. Respondent agrees to pay a fine in the amount of \$750.00 to the Education Practices Commission (EPC) within one (1) year of the date of the Final Order accepting this Settlement Agreement.
6. Limitation of Scope of Practice. Respondent agrees that she shall have the scope of her employment restricted to not transporting students in or on any motor vehicle for a period of two (2) years, commencing upon the date of the Final Order accepting this Settlement Agreement.

7. Violation. In the event Respondent fails to comply with each condition set forth herein, she agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against her Florida educator's certificate up to and including permanent revocation of her Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

8. Costs and Fees. Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be her sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Respondent is not employed as an educator pursuant to the terms of the Probation.

9. Force and Effect. This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the EPC. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. Notice of "Three Strikes" Provision. Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes, provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

11. Waiver of Rights. Respondent understands provisions of this Settlement Agreement, their legal effect, and her rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Respondent specifically waives her right to both a formal and an informal hearing, except she may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that she is under no duress, coercion or undue influence to execute this Settlement Agreement and that she has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

12. Approval. When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

13. Notice. Respondent waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Respondent is given reasonable advanced notice of time, place and date of said meeting.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 21st day of NOV., 2016.

Heather Nicole Morse
HEATHER NICOLE MORSE

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21st day of Nov., 2016, by HEATHER NICOLE MORSE, who is personally known or produced as identification [type of identification produced].



ALESHA CLEMONT
MY COMMISSION # FF 935369
EXPIRES: November 11, 2019
Bonded Thru Budget Notary Services

Alesha Clemont
NOTARY PUBLIC
My commission expires:

Darby G. Shaw
DARBY G. SHAW
Assistant General Counsel
Suite 1244, Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Telephone (850) 245-0443
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

Noel J. Davies
NOEL J. DAVIES, ESQUIRE
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Fort Myers, Florida 33901
Telephone (239) 337-3850
Facsimile (239) 337-0970

ATTORNEY FOR RESPONDENT

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

PAM STEWART, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 156-3196

HEATHER NICOLE MORSE,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against HEATHER NICOLE MORSE. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to sections 1012.315, 1012.795, and 1012.796, Florida Statutes, and pursuant to Rule 6A-10.081, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 825481, covering the areas of Elementary Education, English and English for Speakers of Other Languages (ESOL), which is valid through June 30, 2021.

2. At all times pertinent hereto, the Respondent was employed as a Language Arts Teacher at Lexington Middle School in the Lee County School District.

MATERIAL ALLEGATIONS

3. On or about June 24, 2008, Respondent pled nolo contendere to and was adjudicated guilty of Driving Under the Influence.

4. On or about November 30, 2011, Respondent pled nolo contendere to and was adjudicated guilty of Driving Under the Influence with Property Damage.

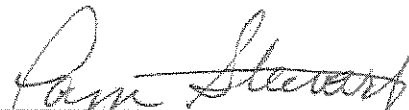
The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of section 1012.795(1)(f), Florida Statutes, in that Respondent has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

WHEREFORE, based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; determining the Respondent to be ineligible for certification; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 12th day of October, 2016.



PAM STEWART, as
Commissioner of Education
State of Florida



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY
Executive Director
LEE ANN GUSTAFSON
Legal Counsel
LISA FORBESS
Clerk of Court

CHRISTIE GOLD
Chairperson
NICHOLAS PIETKIEWICZ
Co-Chairperson

March 2, 2017

Heather Morse
[REDACTED]

Bonita Springs, Florida 34134

Re: Pam Stewart vs. Heather Morse
EPC No.: 16-0620-RT; DOE No.: 825481

Dear Ms. Morse:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Administrative Complaint which is incorporated herein.

This panel, composed of your peers, believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action being taken against you.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Lee County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Pietkiewicz".

Nicholas Pietkiewicz
Presiding Officer