

B. Commissioner of Education

1001.10 Commissioner of Education; general powers and duties.

1001.11 Commissioner of Education; other duties.

1001.10 Commissioner of Education; general powers and duties. --The Commissioner of Education is the chief educational officer of the state, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the seamless K-20 education system. To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year. Additionally, the commissioner has the following general powers and duties:

- (1) To appoint staff necessary to carry out his or her powers and duties.
- (2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.
- (3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.
- (4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.

(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute

and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.

(b) The district school board is responsible for school and student performance.

(c) The individual school is the unit for education accountability.

(d) The community college board of trustees is responsible for community college performance and student performance.

(e) The university board of trustees is responsible for university performance and student performance.

(12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget

development, general administration, and assessment and accountability.

History.--s. 23, ch. 2002-387.

1001.11 Commissioner of Education; other duties.--

(1) The Commissioner of Education must independently perform the following duties:

(a) Cooperate with and coordinate responses to requests from the members of the Legislature.

(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education and the K-20 education system.

(c) Develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.

(d) Integrally work with the boards of trustees of the state universities and community colleges.

(e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the community colleges and state universities.

(f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner's office, and the Department of Education.

(2)(a) The Commissioner of Education shall recommend to the State Board of Education performance goals addressing the educational needs of the state for the K-20 education system. The Council for Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information

shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By January 1 of each year, the Council for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.

(b) Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.

(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:

(a) Growth at the institutions.

(b) Need for specific skills statewide.

(c) Need for maintaining and repairing existing facilities.

(4) The commissioner shall develop and implement an integrated K-20 information system for educational management in accordance with the requirements of chapter 1008.

(5) The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, in accordance with the requirements of chapter 1008.

(6) The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, in accordance with the requirements of chapter 1008.

History.--s. 24, ch. 2002-387.

C. Department of Education

1001.20 Department under direction of state board.

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1001.23 Specific powers and duties of the Department of Education.

1001.24 Direct-support organization; use of property; board of directors; audit.

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1001.20 Department under direction of state board.--

(1) The Department of Education shall be organized consistently with the requirements of s. 20.15, and shall act as an administrative and supervisory agency under the implementation direction of the State Board of Education.

(2) The department is to be located in the offices of the Commissioner of Education and shall assist in providing professional leadership and guidance and in carrying out the policies, procedures, and duties authorized by law or by the State Board of Education or found necessary by it to attain the purposes and objectives of this code.

(3) The Department of Education shall maintain an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the State Board of Education.

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.--*Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other

state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual School shall be administratively housed within the office.

(b) *Office of Workforce and Economic Development.*--Responsible for evaluating the role of each sector of education in Florida's workforce and economic development, assessing the specific work skills and variety of careers provided, and reporting to the State Board of Education the effectiveness of each sector.

(c) *Office of Educational Facilities and SMART Schools Clearinghouse.*--Responsible for validating all educational plant surveys and verifying Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested.

(d) *Office of Student Financial Assistance.*--Responsible for providing access to and administering state and federal grants, scholarships, and loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(e) *Office of Inspector General.*--Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, community colleges, and state universities in Florida. If the Commissioner of Education determines that a district school board or public postsecondary educational institution board is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office shall conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within school districts, community colleges, and state universities in Florida. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

History.--s. 26, ch. 2002-387.

1001.21 Office of Private Schools and Home Education

Programs.--The state recognizes the contributions of private schools and home education programs in providing alternatives to public school education. These nongovernmental educational systems serve

the public, but are not considered to be a part of the public system of education.

(1) The Office of Private Schools and Home Education Programs is established within the Department of Education. The Department of Education and the Commissioner of Education have no authority over the institutions or students served by the office. The office shall:

(a) Serve the interests of students and the parents of students in private schools and home education programs.

(b) Serve the interests of private institutions.

(c) Provide general information to the public about private and home education delivery systems.

(2) The Commissioner of Education shall appoint an executive director for the office who shall:

(a) Serve as a source of communication between private schools, home education programs, the Commissioner of Education, and the State Board of Education.

(b) Evaluate pending policy to ensure that the policy does not subject private schools and home education programs to additional regulation or mandates.

(c) Establish a clearinghouse of information for the public.

(d) Foster a collaborative spirit and working relationship among private schools, home education programs, and the public sector.

(e) Identify and convey the best practices of private schools and home education programs for the benefit of the public and private education delivery sectors.

(f) Represent issues and concerns relating to home education programs and private schools on all applicable ad hoc advisory bodies.

History.--s. 27, ch. 2002-387.

1001.22 Commission for Independent Education.--The Commission for Independent Education shall authorize granting of

certificates, diplomas, and degrees for independent postsecondary educational institutions pursuant to chapter 1005.

History.--s. 28, ch. 2002-387.

1001.23 Specific powers and duties of the Department of Education.--In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

- (1) Adopt the school readiness uniform screening developed by the Florida Partnership for School Readiness, in accordance with the criteria itemized in chapter 1008.
- (2) Implement a training program to develop among state and district educators a cadre of facilitators of school improvement in accordance with the provisions of chapter 1008.
- (3) Identify the needs of the state system of public education as they relate to the development and production of materials used in instruction, in accordance with the requirements of chapter 1006.
- (4) After complying with the provisions of s. 257.37, the Department of Education may:
 - (a) Photograph, microphotograph, or reproduce on film or prints, documents, records, data, and information of a permanent character and destroy any of the documents after they have been photographed and after audit of the department has been completed for the period embracing the dates of the instruments. Photographs or microphotographs in the form of film or prints made in compliance with the provisions of this subsection shall have the same force and effect as the originals would have, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.
 - (b) Destroy general correspondence that is over 3 years old; records of bills, accounts, vouchers, and requisitions that are over 5 years old and copies of which have been filed with the Comptroller; and other records, papers, and documents over 3 years old that do not serve as part of an agreement or understanding and do not have value as permanent records.

History.--s. 29, ch. 2002-387.