

1 A bill to be entitled
2 An act relating to the Office of the Inspector General in
3 the Department of Education; amending ss. 20.055 and
4 1001.02, F.S.; providing authority for the State Board of
5 Education to appoint or remove the inspector general;
6 amending s. 1001.10, F.S.; removing authority for the
7 Commissioner of Education to appoint or remove the
8 inspector general; amending s. 1001.20, F.S.; deleting
9 provisions relating to authority of the Office of
10 Inspector General, to conform; requiring the Department of
11 Education to establish the Office of the Inspector
12 General; providing that the inspector general shall
13 operate independently of the Commissioner of Education;
14 providing responsibilities; providing duty of the
15 inspector general to investigate complaints received from
16 the public, school districts, and other educational
17 institutions; requiring public reporting and tracking of
18 certain crimes and incidents of waste, fraud, and
19 financial mismanagement; defining terms related to
20 reporting and tracking of certain types of complaints and
21 criminal violations; requiring an annual report to the
22 Governor and the Legislature; amending s. 1002.33, F.S.;
23 providing that charter schools shall be subject to
24 inspector general inquiry and reporting requirements;
25 amending s. 1002.36, F.S.; conforming a cross-reference;
26 requiring specific notice language to be placed on the pay
27 statements or salary warrants of public school personnel;
28 providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.--

(3) (a) 1. Except as provided in subparagraph 2., the inspector general shall be appointed by the agency head. For agencies under the direction of the Governor, the appointment shall be made after notifying the Governor in writing, at least 7 days prior to an offer of employment, of the agency head's intention to hire the inspector general.

2. The inspector general established by the Department of Education as provided in s. 1001.20(5) shall be appointed by the State Board of Education. The appointment shall be made after notifying the Governor in writing, at least 7 days prior to an offer of employment, of the state board's intention to hire the inspector general.

(b) Each inspector general shall report to and be under the general supervision of the agency head and shall not be subject to supervision by any other employee of the state agency. The inspector general shall be appointed without regard to political affiliation.

(c) An inspector general may be removed from office by the agency head, except that the inspector general established by the Department of Education as provided in s. 1001.20(5) may be removed by the State Board of Education. For agencies under the direction of the Governor, the agency head shall notify the

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57 Governor, in writing, of the intention to terminate the
58 inspector general at least 7 days prior to the removal. For
59 state agencies under the direction of the Governor and Cabinet,
60 the agency head shall notify the Governor and Cabinet in writing
61 of the intention to terminate the inspector general at least 7
62 days prior to the removal.

63 (d) The agency head shall not prevent or prohibit the
64 inspector general or director of auditing from initiating,
65 carrying out, or completing any audit or investigation.

66 Section 2. Subsection (10) is added to section 1001.02,
67 Florida Statutes, to read:

68 1001.02 General powers of State Board of Education.--

69 (10) The State Board of Education shall appoint or remove
70 the inspector general housed within the Office of the
71 Commissioner of Education pursuant to s. 1001.20(5). This power
72 of the state board shall not be delegated to the Commissioner of
73 Education or to the directors of the divisions of the Department
74 of Education.

75 Section 3. Subsection (1) of section 1001.10, Florida
76 Statutes, is amended to read:

77 1001.10 Commissioner of Education; general powers and
78 duties.--The Commissioner of Education is the chief educational
79 officer of the state and the sole custodian of the K-20 data
80 warehouse, and is responsible for giving full assistance to the
81 State Board of Education in enforcing compliance with the
82 mission and goals of the seamless K-20 education system. To
83 facilitate innovative practices and to allow local selection of
84 educational methods, the State Board of Education may authorize

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85 the commissioner to waive, upon the request of a district school
86 board, State Board of Education rules that relate to district
87 school instruction and school operations, except those rules
88 pertaining to civil rights, and student health, safety, and
89 welfare. The Commissioner of Education is not authorized to
90 grant waivers for any provisions in rule pertaining to the
91 allocation and appropriation of state and local funds for public
92 education; the election, compensation, and organization of
93 school board members and superintendents; graduation and state
94 accountability standards; financial reporting requirements;
95 reporting of out-of-field teaching assignments under s. 1012.42;
96 public meetings; public records; or due process hearings
97 governed by chapter 120. No later than January 1 of each year,
98 the commissioner shall report to the Legislature and the State
99 Board of Education all approved waiver requests in the preceding
100 year. Additionally, the commissioner has the following general
101 powers and duties:

102 (1) To appoint staff necessary to carry out his or her
103 powers and duties, except that the commissioner shall not have
104 the power to appoint or remove the inspector general.

105
106 The commissioner's office shall operate all statewide functions
107 necessary to support the State Board of Education and the K-20
108 education system, including strategic planning and budget
109 development, general administration, and assessment and
110 accountability.

111 Section 4. Subsection (4) of section 1001.20, Florida
112 Statutes, is amended, and subsection (5) is added to that
113 section, to read:

114 1001.20 Department under direction of state board.--

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

119 (a) Office of Technology and Information
120 Services.--Responsible for developing a systemwide technology
121 plan, making budget recommendations to the commissioner,
122 providing data collection and management for the system, and
123 coordinating services with other state, local, and private
124 agencies. The office shall develop a method to address the need
125 for a statewide approach to planning and operations of library
126 and information services to achieve a single K-20 education
127 system library information portal and a unified higher education
128 library management system. The Florida Virtual School shall be
129 administratively housed within the office.

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

136 (c) Office of Educational Facilities and SMART Schools
137 Clearinghouse.--Responsible for validating all educational plant
138 surveys and verifying Florida Inventory of School Houses (FISH)

139 data. The office shall provide technical assistance to public
 140 school districts when requested.

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

146 ~~(e) Office of Inspector General. Organized using existing~~
 147 ~~resources and funds and responsible for promoting~~
 148 ~~accountability, efficiency, and effectiveness and detecting~~
 149 ~~fraud and abuse within school districts, the Florida School for~~
 150 ~~the Deaf and the Blind, community colleges, and state~~
 151 ~~universities in Florida. If the Commissioner of Education~~
 152 ~~determines that a district school board, the Board of Trustees~~
 153 ~~for the Florida School for the Deaf and the Blind, or a public~~
 154 ~~postsecondary educational institution board is unwilling or~~
 155 ~~unable to address substantiated allegations made by any person~~
 156 ~~relating to waste, fraud, or financial mismanagement, the office~~
 157 ~~shall conduct, coordinate, or request investigations into~~
 158 ~~substantiated allegations made by any person relating to waste,~~
 159 ~~fraud, or financial mismanagement within school districts, the~~
 160 ~~Florida School for the Deaf and the Blind, community colleges,~~
 161 ~~and state universities in Florida. The office shall have access~~
 162 ~~to all information and personnel necessary to perform its duties~~
 163 ~~and shall have all of its current powers, duties, and~~
 164 ~~responsibilities authorized in s. 20.055.~~

165 (5) (a) The Department of Education shall establish the
 166 Office of the Inspector General, to be located within the Office

167 of the Commissioner of Education. The inspector general shall
168 operate independently of the Commissioner of Education and shall
169 be responsible for promoting accountability, efficiency, and
170 effectiveness and detecting fraud and abuse within school
171 districts, charter schools, the Florida School for the Deaf and
172 the Blind, community colleges, and state universities in
173 Florida.

174 (b) The inspector general shall:

175 1. Have full discretion to investigate any complaint
176 received from the general public and any complaint he or she
177 determines to be substantiated that has been made by any person
178 and filed with a district school board, a charter school, the
179 Board of Trustees for the Florida School for the Deaf and the
180 Blind, or a public postsecondary educational institution related
181 to allegations of waste, fraud, or financial mismanagement
182 within school districts, charter schools, the Florida School for
183 the Deaf and the Blind, community colleges, or state
184 universities in Florida. Upon written notification to a district
185 school board, a charter school, the Board of Trustees for the
186 Florida School for the Deaf and the Blind, or a public
187 postsecondary educational institution board by the inspector
188 general of his or her intention to conduct the investigation
189 into the filed complaint, the notified party shall cease any
190 pending investigation or inquiry into the matter and forward any
191 and all notes, papers, documents, reports, witness or employee
192 statements regardless of the manner stored or preserved, witness
193 lists, and any other material obtained in response to the
194 complaint to the Office of the Inspector General within 15 days

195 or at such other time as designated by the inspector general.
196 There shall be a continuing duty on the part of any district
197 school board, any charter school, the Board of Trustees for the
198 Florida School for the Deaf and the Blind, or any public
199 postsecondary educational institution board to forward the
200 material described in this subparagraph to the inspector
201 general. The inspector general may, after initial review or
202 preliminary inquiry, determine to return or forward any
203 complaint that is the subject of inquiry by his or her office to
204 a district school board, a charter school, the Board of Trustees
205 for the Florida School for the Deaf and the Blind, or a public
206 postsecondary educational institution board for purposes of
207 further review and disposition as determined appropriate by the
208 receiving party.

209 2. Have access to all information and personnel necessary
210 to perform his or her duties and shall have all powers, duties,
211 and responsibilities authorized in s. 20.055.

212 3. Establish and maintain a toll-free telephone number
213 specifically designated as a hotline for the purpose of
214 receiving complaints from the general public desiring to report
215 incidents of waste, fraud, or financial mismanagement within
216 school districts, charter schools, the Florida School for the
217 Deaf and the Blind, community colleges, and state universities
218 in Florida. The telephone number shall be prominently displayed
219 on an Internet website maintained by the Department of
220 Education. The Internet website shall inform the public of their
221 right to file complaints directly through the Office of the
222 Inspector General and shall provide an explanation for the

223 procedures to initiate and file a complaint.

224 4. Gather and report information on the following
225 incidents as defined in this section: reported teacher abuse,
226 molestation, and sex offenses; reported fraud in school
227 construction and overpayments for school contracts; reported
228 cases of teachers or noninstructional school district employees
229 charged with driving under the influence of alcohol or
230 controlled substances, theft, robbery, or FCAT cheating; and
231 reported district school board, district school superintendent,
232 or administrative personnel impropriety. The report must be in a
233 simple and easy-to-understand format to be developed by the
234 inspector general and shall be for informational tracking
235 purposes only. The report must be updated on a weekly basis,
236 list incidents by county, and be made readily available to the
237 public through an Internet website maintained by the Department
238 of Education. The report must also be available to the public in
239 printed form upon written request to the inspector general. The
240 first weekly report required under this subparagraph shall be
241 due for publication by January 31, 2008.

242 (c) For purposes of gathering, tracking, and reporting the
243 incidents described in subparagraph (b)4., the following
244 definitions apply:

245 1. "Charged" means formally charged by information or
246 indictment filed by a state attorney, regardless of the final
247 disposition.

248 2. "Driving under the influence of alcohol or controlled
249 substances" means an offense under s. 316.193 or any similar law
250 of another state or territory of the United States.

251 3. "Molestation" means an offense under s. 800.04 or any
 252 similar law of another state or territory of the United States.

253 4. "Reported" means any sworn complaint filed with any law
 254 enforcement agency, state attorney, public or private school,
 255 district school board, or the inspector general, including any
 256 incident reported to law enforcement resulting in arrest.

257 5. "Robbery" means any robbery under s. 812.13, robbery by
 258 sudden snatching under s. 812.131, carjacking under s. 812.133,
 259 or home-invasion robbery under s. 812.135, or any such offense
 260 under any similar law of another state or territory of the
 261 United States.

262 6. "Sex offense" means any violation of s. 794.011, s.
 263 794.05, s. 800.02, s. 800.03, or s. 827.071, any felony
 264 violation of chapter 847, or any such offense under any similar
 265 law of another state or territory of the United States.

266 7. "Teacher abuse" means any violation under s. 827.03 or
 267 s. 827.04 or any similar law of another state or territory of
 268 the United States, committed by a teacher.

269 8. "Theft" means any offense described as a theft under
 270 chapter 812 or any similar law of another state or territory of
 271 the United States.

272 (d) For purposes of the reporting requirements of
 273 subparagraph (b)4., the inspector general shall collaborate with
 274 the district school boards, charter schools, and other
 275 interested parties to develop uniform criteria to identify and
 276 track incidents of reported district school board, district
 277 school superintendent, or administrative personnel impropriety;
 278 fraud in school construction; overpayments for school contracts;

279 and FCAT cheating.

280 (e) The inspector general shall compile an annual report
 281 on the activities of the office. The report shall include the
 282 annual number of complaints filed, the number of substantiated
 283 complaints, the number of unsubstantiated complaints, a listing
 284 of the number of complaints according to categories of waste,
 285 fraud, and financial mismanagement, and the disposition of
 286 substantiated complaints. The report must be submitted to the
 287 Governor, the President of the Senate, and the Speaker of the
 288 House of Representatives by January 31 of each year.

289 Section 5. Subsection (16) of section 1002.33, Florida
 290 Statutes, is amended to read:

291 1002.33 Charter schools.--

292 (16) EXEMPTION FROM STATUTES.--

293 (a) A charter school shall operate in accordance with its
 294 charter and shall be exempt from all statutes in chapters 1000-
 295 1013. However, a charter school shall be in compliance with the
 296 following statutes in chapters 1000-1013:

297 1. Those statutes specifically applying to charter
 298 schools, including this section.

299 2. Those statutes pertaining to the student assessment
 300 program and school grading system.

301 3. Those statutes pertaining to the provision of services
 302 to students with disabilities.

303 4. Those statutes pertaining to civil rights, including s.
 304 1000.05, relating to discrimination.

305 5. Those statutes pertaining to student health, safety,
 306 and welfare.

307 (b) Additionally, a charter school shall be in compliance
308 with the following statutes:

309 1. Section 286.011, relating to public meetings and
310 records, public inspection, and criminal and civil penalties.

311 2. Chapter 119, relating to public records.

312 (c) A charter school shall be subject to inquiry and
313 reporting requirements of s. 1001.20(5) by the inspector general
314 to the same extent as all other schools of the K-20 education
315 system within school districts.

316 Section 6. Subsection (3) of section 1002.36, Florida
317 Statutes, is amended to read:

318 1002.36 Florida School for the Deaf and the Blind.--

319 (3) AUDITS.--The Auditor General shall conduct annual
320 audits of the accounts and records of the Florida School for the
321 Deaf and the Blind. The Department of Education's inspector
322 general is authorized to conduct investigations at the school as
323 provided in s. 1001.20~~(5)(4)(e)~~.

324 Section 7. (1) Any employer of public school personnel
325 shall include the following notice on the salary warrant, direct
326 deposit statement, or other form of wage payment of each
327 employee: ALL EMPLOYEES OF THE PUBLIC SCHOOL SYSTEM MAY REPORT
328 INCIDENTS OF WASTE, FRAUD, AND ABUSE TO THE OFFICE OF THE
329 INSPECTOR GENERAL AT 1-800-XXX-XXXX.

330 (2) For purposes of this section, "employer" means the
331 chief financial officer for state employees of the Department of
332 Education, district school systems, and charter schools. The
333 telephone number to be included in the notice required in this
334 section shall be the toll-free telephone number established by

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335 | the inspector general under s. 1001.20(5)(b)3., Florida
336 | Statutes.

337 | Section 8. This act shall take effect July 1, 2007.