

AGENCY SNAPSHOTS

Department of Education

by Brent McNeal

The Department of Education (Department) is the agency responsible for ensuring the quality provision of free education from pre-kindergarten through state college. The Department operates under the supervision of the State Board of Education, which consists of seven members appointed by the Governor to staggered four-year terms. The State Board of Education in turn appoints the Commissioner of Education. Below is a snapshot of the Department from the perspective of the Office of the General Counsel.

The Office of the General Counsel is responsible for providing legal advice and representation to the State Board of Education, the Commissioner of Education, and all units within the Department. The office also fosters cooperation and collaboration with counsel for the sixty-seven school districts, as well as counsel for charter schools and state colleges. The General Counsel is available for consultation at all State Board of Education meetings and is available at the call of the Commissioner of Education and Board members for research and advice. Areas for which the General Counsel is called upon routinely include: statutory interpretation; public records; open meetings; ethics; rulemaking procedures; legislative procedures; personnel; procurement; and the management of all agency litigation. The office takes a hands-on role to assist the Department in meeting the complex federal requirements that must be met to secure and maintain federal education funding. The General Counsel supervises the work of twelve attorneys, three paralegals, and six support staff.

The Educational Programs unit of the Office of the General Counsel provides general legal assistance to all program units of the Department to ensure that agency action complies with the state Education Code, the Florida Constitution, and federal laws and grants. The unit assists with implementing the state's educational initiatives such as differentiated accountability, drop-out prevention,

and various choice options, including virtual programs, charter schools and private schools that accept students with McKay scholarships.

The Business Operations unit of the Office of the General Counsel handles all contract reviews and provides significant assistance in contract preparation and negotiation and preparation of competitive procurements and grant solicitations. The Business Operations unit also handles a wide variety of litigation, including personnel appeals and arbitrations, bid protests, McKay scholarship denials, rule challenges, risk management cases, and challenges over district funding issues. Questions relating to bond finance, education funding, growth management, labor relations, garnishments, general services, technology, and other finance and operations issues are also referred to this unit.

The Professional Practices Services unit of the Office of the General Counsel represents the Commissioner of Education in educator licensing proceedings through which teaching or administration certificates may be denied or sanctioned. This unit provides advice to investigators, recommends probable cause determinations to the Commissioner of Education, drafts administrative complaints, negotiates settlements, handles hearings before the Education Practices Commission and the Division of Administrative Hearings, and defends cases on appeal. The Education Practices Commission serves as agency head in determining educator license violations and corresponding penalties.

The Vocational Rehabilitation/Blind Services unit of the Office of the General Counsel provides legal services to the Division of Vocational Rehabilitation and the Division of Blind Services. The Vocational Rehabilitation/Blind Services unit of the Office of the General Counsel represents the Department in such matters as appeals by employees of these divisions in cases involving discharges, unemployment compensation appeals,

appeals of administrative final orders, and claims of discriminatory treatment. This unit also provides staff counseling in matters of contracts, vendor certification, legal process, legislative proposals, and policy. Finally, the unit manages the subrogation rights to reimbursement of vocational rehabilitation services expenditures from third-party payments.

Head of the Agency:

Dr. Tony Bennett, Commissioner
Office of the Commissioner
Turlington Building, Suite 1514
325 West Gaines Street
(850) 245-0505
(850) 245-9667 (fax)
Commissioner@fldoe.org

Agency Clerk:

Lynn Abbott
Turlington Building, Suite 1514 (Suite
1520 for filings)
325 West Gaines Street
Tallahassee, Florida 32399
(850) 245-9661
(850) 245-9667 (fax)

Hours for Filings:

8:00 a.m. - 5:00 p.m. Monday - Friday
(except for holidays)

General Counsel:

Matthew Carson
Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399
(850) 245-0442
(850) 245-9379 (fax)
matt.carson@fldoe.org

Mr. Carson received his J.D. from the University of Florida Levin College of Law in 2004. Prior to serving as General Counsel for the Department, he was an attorney at Rumberger, Kirk & Caldwell, where he represented clients in the areas of education law, civil rights, constitutional law, and casualty defense in state and federal court.

Number of Lawyers on Staff:

12

continued...