

TEXAS EDUCATION CODE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER C. COMMISSIONER OF EDUCATION

**TEC, §7.055. COMMISSIONER OF EDUCATION POWERS AND DUTIES.**

- (a) The commissioner has the powers and duties provided by Subsection (b).
- (b)(1) The commissioner shall serve as the educational leader of the state.
  - (2) The commissioner shall serve as executive officer of the agency and as executive secretary of the board.
  - (3) The commissioner shall carry out the duties imposed on the commissioner by the board or the legislature.
  - (4) The commissioner shall prescribe a uniform system of forms, reports, and records necessary to fulfill the reporting and recordkeeping requirements of this title.
  - (5) The commissioner may delegate ministerial and executive functions to agency staff and may employ division heads and any other employees and clerks to perform the duties of the agency.
  - (6) The commissioner shall adopt an annual budget for operating the Foundation School Program as prescribed by Subsection (c).
  - (7) The commissioner may issue vouchers for the expenditures of the agency and shall examine and must approve any account to be paid out of the school funds before the comptroller may issue a warrant.
  - (8) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(7), eff. June 17, 2011.
  - (9) The commissioner shall have a manual published at least once every two years that contains Title 1 and this title, any other provisions of this code relating specifically to public primary or secondary education, and an appendix of all other state laws relating to public primary or secondary education and shall provide for the distribution of the manual as determined by the board.
  - (10) The commissioner may visit different areas of this state, address teachers' associations and educational gatherings, instruct teachers, and promote all aspects of education and may be reimbursed for necessary travel expenses incurred under this subdivision to the extent authorized by the General Appropriations Act.
  - (11) The commissioner may appoint advisory committees, in accordance with Chapter [2110](#), Government Code, as necessary to advise the commissioner in carrying out the duties and mission of the agency.
  - (12) The commissioner shall appoint an agency auditor.
  - (13) The commissioner may provide for reductions in the number of agency employees.
  - (14) The commissioner shall carry out duties relating to the investment capital fund under Section [7.024](#).
  - (15) The commissioner shall review and act, if necessary, on applications for waivers under Section [7.056](#).
  - (16) The commissioner shall carry out duties relating to regional education service centers as specified under Chapter [8](#).
  - (17) The commissioner shall distribute funds to open-enrollment charter schools as required under Subchapter [D](#), Chapter [12](#).

- (18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter [H](#), Chapter [21](#).
- (19) The commissioner shall coordinate and implement teacher recruitment programs under Section [21.004](#).
- (20) The commissioner shall perform duties in connection with the certification and assignment of hearing examiners as provided by Subchapter [E](#), Chapter [21](#).
- (21) The commissioner shall carry out duties under the Texas Advanced Placement Incentive Program under Subchapter [C](#), Chapter [28](#).
- (22) The commissioner may adopt rules for optional extended year programs under Section [29.082](#).
- (23) The commissioner shall monitor and evaluate prekindergarten programs and other child-care programs as required under Section [29.154](#).
- (24) The commissioner, with the approval of the board, shall develop and implement a plan for the coordination of services to children with disabilities as required under Section [30.001](#).
- (25) The commissioner shall develop a system to distribute to school districts or regional education service centers a special supplemental allowance for students with visual impairments as required under Section [30.002](#).
- (26) The commissioner, with the assistance of the comptroller, shall determine amounts to be distributed to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf as provided by Section [30.003](#) and to the Texas Juvenile Justice Department as provided by Section [30.102](#).
- (27) The commissioner shall establish a procedure for resolution of disputes between a school district and the Texas School for the Blind and Visually Impaired under Section [30.021](#).
- (28) The commissioner shall perform duties relating to the funding, adoption, and purchase of instructional materials under Chapter [31](#).
- (29) The commissioner may enter into contracts concerning technology in the public school system as authorized under Chapter [32](#).
- (30) The commissioner shall adopt a recommended contract form for the use, acquisition, or lease with option to purchase of school buses under Section [34.009](#).
- (31) The commissioner shall ensure that the cost of using school buses for a purpose other than the transportation of students to or from school is properly identified in the Public Education Information Management System (PEIMS) under Section [34.010](#).
- (32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
- (33) Repealed by Acts 1999, 76th Leg., ch. 397, Sec. 8, eff. Sept. 1, 1999.
- (34) The commissioner shall perform duties in connection with the options for local revenue levels in excess of entitlement under Chapter [49](#).
- (35) The commissioner shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#).

- (36) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district and report annually to the board on the status of school district fiscal management as required under Section [44.001](#).
  - (37) The commissioner shall review school district audit reports as required under Section [44.008](#).
  - (38) The commissioner shall perform duties in connection with the guaranteed bond program as prescribed by Subchapter [C](#), Chapter [45](#).
  - (39) The commissioner shall cooperate with the Texas Higher Education Coordinating Board in connection with the Texas partnership and scholarship program under Subchapter [Q](#), Chapter [61](#).
  - (40) The commissioner shall suspend the certificate of an educator or permit of a teacher who violates Chapter [617](#), Government Code.
  - (41) The commissioner shall adopt rules relating to extracurricular activities under Section [33.081](#) and approve or disapprove University Interscholastic League rules and procedures under Section [33.083](#).
- (c) The budget the commissioner adopts under Subsection (b) for operating the Foundation School Program must be in accordance with legislative appropriations and provide funds for the administration and operation of the agency and any other necessary expense. The budget must designate any expense of operating the agency or operating a program for which the board has responsibility that is paid from the Foundation School Program. The budget must designate program expenses that may be paid out of the foundation school fund, other state funds, fees, federal funds, or funds earned under interagency contract. Before adopting the budget, the commissioner must submit the budget to the board for review and, after receiving any comments of the board, present the operating budget to the governor and the Legislative Budget Board. The commissioner shall provide appropriate information on proposed budget expenditures to the comptroller to assure that all payments are paid from the appropriate funds in a timely and efficient manner.
- (d) Notwithstanding any other law, the commissioner's power to delegate ministerial and executive functions under Subsection (b)(5) is a valid delegation of authority.