

By Senator Campbell

33-143A-02

1 A bill to be entitled
2 An act relating to education; creating s.
3 228.2005, F.S.; creating the Florida Dignity
4 for All Students Act; providing legislative
5 findings with respect to harassment,
6 discrimination, and violence in Florida
7 schools; prohibiting specified conduct and
8 providing for punitive measures; defining the
9 term "harassment"; providing duties of
10 educational institutions; requiring the
11 adoption of rules; providing for technical
12 assistance to educational institutions;
13 amending s. 233.061, F.S., relating to required
14 instruction in the public schools; requiring
15 the character-development program to include
16 information relating to harassment,
17 discrimination, and violence; providing an
18 effective date.

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

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22 Section 1. Section 228.2005, Florida Statutes, is
23 created to read:

24 228.2005 Florida Dignity for All Students Act.--

25 (1) This act may be cited as the "Florida Dignity for
26 All Students Act."

27 (2) The Legislature finds that:

28 (a) Ensuring the safety of all Florida students is a
29 compelling state interest.

30 (b) Harassment, discrimination, and violence are not
31 conducive to a learning environment and are sometimes a

1 threat, and a reality, for Florida students. When they occur,
2 all Florida students are adversely affected.

3 (c) Recent citizen reports and studies, including
4 extensive professional studies conducted by the American
5 Association of University Women Educational Foundation and
6 Human Rights Watch, demonstrate that there is a nationwide
7 problem with harassment of and discrimination and violence
8 against students in schools.

9 (d) Maintaining safety and discipline in schools is
10 essential for the welfare of all students and to accomplish
11 the educational mission of schools. Harassment,
12 discrimination, and violence interfere with efforts to ensure
13 that school environments are conducive to the safety and
14 learning of all students. In this regard, the Legislature
15 recognizes its responsibilities:

16 1. To enable all students to learn in a safe and
17 healthy school environment.

18 2. To use resources to ensure that every student is
19 provided with a safe, dignified, and welcoming educational
20 environment in which to grow, develop, and mature into a
21 productive and healthy adult.

22 3. To use resources to ensure that all students learn
23 that harassment, discrimination, and violence are socially
24 unacceptable methods of addressing differences.

25 4. To uphold both federal civil rights and
26 constitutional equal protection and due process rights of all
27 school students to reasonable safety at school facilities.

28 (3)(a) Harassment of and discrimination and violence
29 against students on the basis of real or perceived identity or
30 expression of race, color, religion, national origin, marital
31 status, sex or gender, handicap, or sexual orientation, on the

1 basis of stereotypes of persons identified by these
2 categories, or on the basis of association with others
3 identified by these categories are prohibited by any student
4 or school employee during the conduct of any education program
5 or activity by an educational institution which receives or
6 benefits from state or federal financial assistance, as well
7 as on any school bus traveling to or from a school or a
8 school-related or school-sponsored program or activity.

9 (b) Retaliation against a student by another student
10 or school employee for asserting or alleging a violation of
11 this act is prohibited.

12 (c) This act is not intended to limit rights or
13 responsibilities provided under any other provision of law.

14 (d) "Harassment" as used in this act means verbal or
15 physical conduct directed at a student based on that student's
16 real or perceived identity or expression of race, color,
17 religion, national origin, marital status, sex or gender,
18 handicap, or sexual orientation, that:

19 1. Substantially disrupts or is reasonably expected to
20 substantially disrupt educational operations, or substantially
21 disrupts an individual student's educational benefits,
22 opportunities, or performance or an individual student's
23 physical or psychological well-being; or

24 2. Creates an intimidating or hostile environment for
25 one or more students that is sufficiently severe, pervasive,
26 or objectively offensive that it undermines and detracts from
27 the educational experience of the student or students.

28 (4) Educational institutions covered under this act
29 shall develop and implement methods and strategies for the
30 following:

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1 (a) Providing procedures for the filing and the prompt
2 processing, hearing, and adjudication of claims of violations
3 of this act, as well as imposition of punitive and remedial
4 measures.

5 (b) Providing instruction to teachers, school
6 administrators, and counseling staff on identifying,
7 preventing, and responding to all forms of harassment,
8 discrimination, and violence that are unlawful under this act.

9 (c) Providing specific and continuing steps to
10 annually notify students, parents, and employees of
11 harassment, discrimination, and violence unlawful under this
12 act, and the procedures for reporting violations. This
13 requirement may be satisfied by including this information in
14 bulletins, handbooks, or other such materials which publish at
15 least annually policies governing student and employee
16 conduct.

17 (d) Promoting school environments which are free of
18 harassment, discrimination, and violence unlawful under this
19 act.

20 (e) Incorporating into civility, citizenship, and
21 character education curricula awareness and sensitivity to the
22 prohibition under this act of harassment, discrimination, and
23 violence.

24 (f) Reporting to the Florida Board of Education all
25 incidents of harassment, discrimination, and violence in
26 violation of this act.

27 (g) Providing for annual confidential surveys of
28 students as to the hospitability of school atmospheres towards
29 students on the basis of real or perceived identity or
30 expression of race, color, religion, national origin, marital
31 status, sex or gender, handicap, and sexual orientation.

1 (h) Providing guidance and counseling services to
2 students affected by harassment, discrimination, or violence
3 in violation of this act.

4 (i) Providing specified sanctions for students or
5 employees found to have perpetrated harassment of or
6 discrimination or violence against students in violation of
7 this act.

8 (5) The Florida Board of Education shall adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement and monitor
10 compliance with this act.

11 (6) The Equal Educational Opportunity Program Office
12 of the Department of Education shall provide technical
13 assistance to educational institutions covered under this act
14 in identifying harassment, discrimination, and violence
15 unlawful under this act and instructing them on possible
16 remedies for correction and prevention of such harassment,
17 discrimination, and violence.

18 Section 2. Paragraph (q) of subsection (2) of section
19 233.061, Florida Statutes, is amended to read:

20 233.061 Required instruction.--

21 (2) Members of the instructional staff of the public
22 schools, subject to the rules and regulations of the
23 commissioner, the state board, and the school board, shall
24 teach efficiently and faithfully, using the books and
25 materials required, following the prescribed courses of study,
26 and employing approved methods of instruction, the following:

27 (q) A character-development program in the elementary
28 schools, similar to Character First or Character Counts. Such
29 a program must be secular in nature and must stress such
30 character qualities as attentiveness, patience, and
31 initiative. The program must also stress state policies and

1 laws against harassment of and discrimination and violence
2 against students in schools on the basis of real or perceived
3 identity or expression of race, color, religion, national
4 origin, marital status, sex or gender, handicap, or sexual
5 orientation.

6 Section 3. This act shall take effect July 1, 2002.

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9 LEGISLATIVE SUMMARY

10 Creates the Florida Dignity for All Students Act to
11 prevent harassment, discrimination, and violence in
12 Florida schools. Prohibits harassment of and
13 discrimination and violence against students on the basis
14 of real or perceived identity or expression of race,
15 color, religion, national origin, marital status, sex or
16 gender, handicap, or sexual orientation. Provides duties
of educational institutions. Requires the adoption of
rules and technical assistance. Requires the
character-development program in the public schools to
include information relating to the prohibition of
harassment, discrimination, and violence.