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A bill to be entitled
 An act relating to education; creating s. 1000.055, F.S., relating to dignity for all students; providing a popular name; providing legislative findings with respect to harassment, discrimination, and violence in Florida schools; prohibiting specified conduct and providing for punitive measures; defining the term "harassment"; providing duties of educational institutions; requiring the adoption of rules; providing for technical assistance to educational institutions; amending s. 1003.42, F.S., relating to required instruction in the public schools; requiring the character-development program curriculum to include information relating to harassment, discrimination, and violence; providing an effective date.

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

Section 1. Section 1000.055, Florida Statutes, is created to read:

1000.055 Dignity for all students.--

(1) This section shall be known by the popular name "The Dignity for All Students Act."

(2) The Legislature finds that:

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

(b) Harassment, discrimination, and violence are not conducive to a learning environment and are sometimes a threat, and a reality, for Florida students. When they occur, all Florida students are adversely affected.



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30 (c) Recent citizen reports and studies, including
31 extensive professional studies conducted by the American
32 Association of University Women Educational Foundation and Human
33 Rights Watch, demonstrate that there is a nationwide problem
34 with harassment of and discrimination and violence against
35 students in schools.

36 (d) Maintaining safety and discipline in schools is
37 essential for the welfare of all students and to accomplish the
38 educational mission of schools. Harassment, discrimination, and
39 violence interfere with efforts to ensure that school
40 environments are conducive to the safety and learning of all
41 students. In this regard, the Legislature recognizes its
42 responsibilities:

43 1. To enable all students to learn in a safe and healthy
44 school environment.

45 2. To use resources to ensure that every student is
46 provided with a safe, dignified, and welcoming educational
47 environment in which to grow, develop, and mature into a
48 productive and healthy adult.

49 3. To use resources to ensure that all students learn that
50 harassment, discrimination, and violence are socially
51 unacceptable methods of addressing differences.

52 4. To uphold both federal civil rights and constitutional
53 equal protection and due process rights of all school students
54 to reasonable safety at school facilities.

55 (3) (a) Harassment of and discrimination and violence
56 against students on the basis of real or perceived identity or
57 expression of race, color, religion, national origin, marital
58 status, sex or gender, disability, or sexual orientation, on the
59 basis of stereotypes of persons identified by these categories,



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60 or on the basis of association with others identified by these
61 categories, are prohibited by any student or school employee
62 during the conduct of any education program or activity by an
63 educational institution that receives or benefits from state or
64 federal financial assistance, as well as on any school bus
65 traveling to or from a school or a school-related or school-
66 sponsored program or activity.

67 (b) Retaliation against a student by another student or
68 school employee for asserting or alleging a violation of this
69 section is prohibited.

70 (c) This section is not intended to limit rights or
71 responsibilities provided under any other provision of law.

72 (d) "Harassment" as used in this section means verbal or
73 physical conduct directed at a student based on that student's
74 real or perceived identity or expression of race, color,
75 religion, national origin, marital status, sex or gender,
76 disability, or sexual orientation, that:

77 1. Substantially disrupts or is reasonably expected to
78 substantially disrupt educational operations, or substantially
79 disrupts an individual student's educational benefits,
80 opportunities, or performance or an individual student's
81 physical or psychological well-being; or

82 2. Creates an intimidating or hostile environment for one
83 or more students that is sufficiently severe, pervasive, or
84 objectively offensive that it undermines and detracts from the
85 educational experience of the student or students.

86 (4) Educational institutions covered under this section
87 shall develop and implement methods and strategies for the
88 following:



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89 (a) Providing procedures for the filing and the prompt
90 processing, hearing, and adjudication of claims of violations of
91 this section, as well as imposition of punitive and remedial
92 measures.

93 (b) Providing instruction to teachers, school
94 administrators, and counseling staff on identifying, preventing,
95 and responding to all forms of harassment, discrimination, and
96 violence that are unlawful under this section.

97 (c) Providing specific and continuing steps to annually
98 notify students, parents, and employees of harassment,
99 discrimination, and violence unlawful under this section, and
100 the procedures for reporting violations. This requirement may be
101 satisfied by including this information in bulletins, handbooks,
102 or other such materials that at least annually publish policies
103 governing student and employee conduct.

104 (d) Promoting school environments that are free of
105 harassment, discrimination, and violence unlawful under this
106 section.

107 (e) Incorporating into civility, citizenship, and
108 character education curricula awareness and sensitivity to the
109 prohibition under this section of harassment, discrimination,
110 and violence.

111 (f) Reporting to the State Board of Education all
112 incidents of harassment, discrimination, and violence in
113 violation of this section.

114 (g) Providing for annual confidential surveys of students
115 as to the hospitableness of school atmospheres towards students
116 on the basis of real or perceived identity or expression of
117 race, color, religion, national origin, marital status, sex or
118 gender, disability, and sexual orientation.



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119 (h) Providing guidance and counseling services to students
 120 affected by harassment, discrimination, or violence in violation
 121 of this section.

122 (i) Providing specified sanctions for students or
 123 employees found to have perpetrated harassment of or
 124 discrimination or violence against students in violation of this
 125 section.

126 (5) The State Board of Education shall adopt rules
 127 pursuant to ss. 120.536(1) and 120.54 to implement and monitor
 128 compliance with this section.

129 (6) The Equal Educational Opportunity Program Office of
 130 the Department of Education shall provide technical assistance
 131 to educational institutions covered under this section in
 132 identifying harassment, discrimination, and violence unlawful
 133 under this section and instructing them on possible remedies for
 134 correction and prevention of such harassment, discrimination,
 135 and violence.

136 Section 2. Paragraph (q) of subsection (2) of section
 137 1003.42, Florida Statutes, is amended to read:

138 1003.42 Required instruction.--

139 (2) Members of the instructional staff of the public
 140 schools, subject to the rules of the State Board of Education
 141 and the district school board, shall teach efficiently and
 142 faithfully, using the books and materials required, following
 143 the prescribed courses of study, and employing approved methods
 144 of instruction, the following:

145 (q) A character-development program in the elementary
 146 schools, ~~similar to Character First or Character Counts,~~ which
 147 is secular in nature and stresses such character qualities as
 148 attentiveness, patience, and initiative. Beginning in school



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149 year 2004-2005, the character-development program shall be
150 required in kindergarten through grade 12. Each district school
151 board shall develop or adopt a curriculum for the character-
152 development program that shall be submitted to the department
153 for approval. The character-development curriculum shall stress
154 the qualities of patriotism, responsibility, citizenship,
155 kindness, respect, honesty, self-control, tolerance, and
156 cooperation. The curriculum shall also stress state policies and
157 laws against harassment of and discrimination and violence
158 against students in schools on the basis of real or perceived
159 identity or expression of race, color, religion, national
160 origin, marital status, sex or gender, disability, or sexual
161 orientation.

162 Section 3. This act shall take effect July 1, 2003.