

By Senator Wasserman Schultz

34-1398-04

See HB 275

1                                   A bill to be entitled  
 2           An act relating to education; creating s.  
 3           1000.055, F.S., relating to dignity for all  
 4           students; providing a popular name; providing  
 5           legislative findings with respect to  
 6           harassment, discrimination, and violence in  
 7           Florida schools; prohibiting specified conduct  
 8           and providing for punitive measures; defining  
 9           the 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. 1003.42, F.S., relating to required  
 14          instruction in the public schools; requiring  
 15          the character-development program curriculum to  
 16          include 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 1000.055, Florida Statutes, is  
 23 created to read:

24           1000.055 Dignity for all students.--

25           (1) This section shall be known by the popular name  
 26 the "Dignity for 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 for  
11 accomplishing 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, disability, or sexual orientation, on

1 the 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 that 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 section is prohibited.

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

14 (d) "Harassment" as used in this section means verbal  
15 or physical conduct directed at a student based on that  
16 student's real or perceived identity or expression of race,  
17 color, religion, national origin, marital status, sex or  
18 gender, disability, 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 which 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  
29 section shall develop and implement methods and strategies for  
30 the 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 section, as well as imposition of punitive and  
4 remedial 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  
9 section.

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

18           (d) Promoting school environments that are free of  
19 harassment, discrimination, and violence unlawful under this  
20 section.

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

25           (f) Reporting to the State Board of Education all  
26 incidents of harassment, discrimination, and violence in  
27 violation of this section.

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

3 (h) Providing guidance and counseling services to  
4 students affected by harassment, discrimination, or violence  
5 in violation of this section.

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

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

13 (6) The Office of Equity and Access of the Department  
14 of Education shall provide technical assistance to educational  
15 institutions covered under this section in identifying  
16 harassment, discrimination, and violence unlawful under this  
17 section and instructing them on possible remedies for  
18 correction and prevention of such harassment, discrimination,  
19 and violence.

20 Section 2. Paragraph (q) of subsection (2) of section  
21 1003.42, Florida Statutes, is amended to read:

22 1003.42 Required instruction.--

23 (2) Members of the instructional staff of the public  
24 schools, subject to the rules of the State Board of Education  
25 and the district school board, shall teach efficiently and  
26 faithfully, using the books and materials required, following  
27 the prescribed courses of study, and employing approved  
28 methods of instruction, the following:

29 (q) A character-development program in the elementary  
30 schools, ~~similar to Character First or Character Counts,~~ which  
31 is secular in nature and stresses such character qualities as

1 attentiveness, patience, and initiative. Beginning in school  
2 year 2004-2005, the character-development program shall be  
3 required in kindergarten through grade 12. Each district  
4 school board shall develop or adopt a curriculum for the  
5 character-development program that shall be submitted to the  
6 department for approval. The character-development curriculum  
7 shall stress the qualities of patriotism, responsibility,  
8 citizenship, kindness, respect, honesty, self-control,  
9 tolerance, and cooperation. The curriculum shall also stress  
10 state policies and laws against harassment of and  
11 discrimination and violence against students in schools on the  
12 basis of real or perceived identity or expression of race,  
13 color, religion, national origin, marital status, sex or  
14 gender, disability, or sexual orientation.

15 Section 3. This act shall take effect July 1, 2004.  
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