

By Senator Dawson

29-1724-04

1 A bill to be entitled
2 An act relating to education; creating s.
3 1000.055, F.S., relating to safety for all
4 students; providing legislative findings with
5 respect to harassment, discrimination,
6 possession of lethal weapons, and violence in
7 Florida schools; prohibiting specified conduct
8 and providing for remedial measures; defining
9 the term "harassment"; providing duties of
10 educational institutions; requiring the State
11 Board of Education to adopt rules; providing an
12 effective date.

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

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

18 1000.055 Safety for all students.--

19 (1) This section may be cited as the "Student Safety
20 and Violence Act."

21 (2) The Legislature finds that:

22 (a) Ensuring the safety of all students in this state
23 is a compelling state interest.

24 (b) Harassment, discrimination, and violence are not
25 conducive to a learning environment and are sometimes a
26 threat, and a reality, for students. When they occur, all
27 students in this state are adversely affected.

28 (c) There has been an increasing problem of children
29 possessing lethal weapons at school.

30 (d) Maintaining safety and discipline in schools is
31 essential for the welfare of all students and for

1 accomplishing the educational mission of schools. Harassment,
2 discrimination, and violence interfere with efforts to ensure
3 that school environments are conducive to the safety and
4 learning of all students. In this regard, the Legislature
5 recognizes its responsibilities:

6 1. To enable all students to learn in a safe school
7 environment.

8 2. To ensure that every student is provided with a
9 safe educational environment in which to learn.

10 (3) Harassment, discrimination, or violence against
11 any student or school employee, or the possession of a lethal
12 weapon, by any student or school employee during the conduct
13 of any education program or activity by an educational
14 institution that receives or benefits from state or federal
15 financial assistance, as well as on any school bus traveling
16 to or from a school or a school-related or school-sponsored
17 program or activity is prohibited and includes, without
18 limitation:

19 (a) Harassment and discrimination on the basis of
20 actual or perceived identity or expression of race, color,
21 religion, national origin, marital status, gender, disability,
22 or sexual orientation; on the basis of stereotypes of persons
23 identified by these characteristics; or on the basis of
24 association with others identified by these characteristics.

25 (b) Retaliation against a student by another student
26 or school employee for asserting or alleging a violation of
27 this section.

28 (4) This section does not limit rights or
29 responsibilities provided under any other provision of law.
30
31

1 (5) "Harassment" as used in this section means verbal
2 or physical conduct directed at a student or group of students
3 that:

4 (a) Substantially disrupts educational operations or
5 an individual student's opportunity to to be educated or
6 adversely affects his or her physical, emotional, or
7 psychological well-being;

8 (b) Does not serve a legitimate purpose; or

9 (c) Creates an intimidating or hostile environment
10 that is sufficiently severe, pervasive, or objectively
11 offensive that it undermines, adversely affects, or detracts
12 from the educational experience of the student or students.

13 (6) This section does not preclude the student from
14 taking any other appropriate action provided by law. This
15 section does not limit rights or responsibilities provided
16 under any other provision of law. This section does not limit
17 the rights afforded all persons by the Constitution of the
18 United States or of the State of Florida.

19 (7) Educational institutions covered under this
20 section shall develop and implement methods and strategies
21 for:

22 (a) Providing procedures for the filing and the prompt
23 processing, hearing, and adjudication of claims of violations
24 of this section, as well as imposition of remedial measures.

25 (b) Providing instruction to teachers, school
26 administrators, and counseling staff on identifying,
27 preventing, and responding to all forms of harassment,
28 discrimination, and violence that are unlawful under this
29 section.

30 (c) Providing specific and continuing steps to
31 annually notify students, parents, and employees of

1 harassment, discrimination, and violence unlawful under this
2 section, and the procedures for reporting violations. This
3 requirement may be satisfied by including this information in
4 bulletins, handbooks, or other such materials that at least
5 annually publish policies governing student and employee
6 conduct.

7 (d) Promoting school environments that are free of
8 harassment, discrimination, and violence unlawful under this
9 section.

10 (e) Reporting to the State Board of Education all
11 incidents of harassment, discrimination, violence, and
12 possession of lethal weapons by students in violation of this
13 section.

14 (8) The State Board of Education shall adopt rules
15 pursuant to ss. 120.536(1) and 120.54 to administer and
16 monitor compliance with this section.

17 Section 2. This act shall take effect July 1, 2004.

18 *****

19
20 SENATE SUMMARY

21 Creates the "Student Safety and Violence Act." Provides
22 legislative findings with respect to harassment,
23 discrimination, possession of lethal weapons, and
24 violence in Florida schools. Prohibits specified conduct
25 and provides for remedial measures. Defines the term
26 "harassment." Provides duties of educational
27 institutions. Requires the State Board of Education to
28 adopt rules.
29
30
31