

HB 0275

2004

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.

HB 0275

2004

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 for accomplishing
38 the educational mission of schools. Harassment, discrimination,
39 and 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

HB 0275

2004

59 basis of stereotypes of persons identified by these categories,
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.

HB 0275

2004

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

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.

HB 0275

2004

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.

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 Office of Equity and Access of the Department of
 130 Education shall provide technical assistance to educational
 131 institutions covered under this section in identifying
 132 harassment, discrimination, and violence unlawful under this
 133 section and instructing them on possible remedies for correction
 134 and prevention of such harassment, discrimination, and violence.

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

137 1003.42 Required instruction.--

138 (2) Members of the instructional staff of the public
 139 schools, subject to the rules of the State Board of Education
 140 and the district school board, shall teach efficiently and
 141 faithfully, using the books and materials required, following

HB 0275

2004

142 the prescribed courses of study, and employing approved methods
143 of instruction, the following:

144 (q) A character-development program in the elementary
145 schools, ~~similar to Character First or Character Counts,~~ which
146 is secular in nature and stresses such character qualities as
147 attentiveness, patience, and initiative. Beginning in school
148 year 2004-2005, the character-development program shall be
149 required in kindergarten through grade 12. Each district school
150 board shall develop or adopt a curriculum for the character-
151 development program that shall be submitted to the department
152 for approval. The character-development curriculum shall stress
153 the qualities of patriotism, responsibility, citizenship,
154 kindness, respect, honesty, self-control, tolerance, and
155 cooperation. The curriculum shall also stress state policies and
156 laws against harassment of and discrimination and violence
157 against students in schools on the basis of real or perceived
158 identity or expression of race, color, religion, national
159 origin, marital status, sex or gender, disability, or sexual
160 orientation.

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