

By Senator Bennett

21-1046-05

1 A bill to be entitled
2 An act relating to student safety; providing a
3 short title; providing legislative findings;
4 providing that this section does not limit
5 other rights or responsibilities; defining the
6 term "harassment"; providing that this section
7 does not limit certain specific rights;
8 requiring each school district to adopt a
9 policy prohibiting discrimination and
10 harassment on school property, at a
11 school-sponsored function, or on a school bus;
12 providing minimum requirements for the contents
13 of the policy; requiring the State Board of
14 Education to develop and issue model policies;
15 requiring notice of a school district's policy;
16 requiring educational institutions to develop
17 and put into effect methods for instructing
18 teachers, administrators, and counselors in
19 identifying, preventing, and responding to
20 harassment, discrimination, and violence;
21 providing applicability; providing
22 severability; providing an effective date.

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

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26 Section 1. Student Safety and Campus Violence
27 Prevention Act.--
28 (1) This section may be cited as the "Student Safety
29 and Campus Violence Prevention Act."
30 (2) The Legislature finds that:

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

3 (b) Harassment, discrimination, and violence are not
4 conducive to a learning environment, and are sometimes a
5 threat and a reality for students. When these conditions
6 occur, all students in this state are adversely affected.

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

14 1. To enable all students to learn in a safe school
15 environment.

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

18 (3) Harassment, discrimination, or violence against
19 any student or school employee, or the possession of a lethal
20 weapon by any student or school employee, during the conduct
21 of any education program or activity by an educational
22 institution that receives or benefits from state or federal
23 financial assistance, as well as on any school bus traveling
24 to or from a school or a school-related or school-sponsored
25 program or activity, is prohibited. Such prohibited conduct
26 includes:

27 (a) Harassment and discrimination, including, but not
28 limited to, that which is reasonably perceived as being
29 motivated by the actual or perceived expression or identity of
30 disability, sex, or gender, or any of the characteristics
31 listed in section 877.19(2), Florida Statutes, based on

1 stereotypes of persons identified by these characteristics or
2 based on association with others identified by these
3 characteristics.

4 (b) Retaliation against a student by another student
5 or school employee for asserting or alleging a violation of
6 this section.

7 (4) This section does not limit rights or
8 responsibilities provided under any other provision of law.

9 (5) As used in this section, the term "harassment"
10 means any gesture or written, verbal, or physical act that is
11 reasonably perceived as being motivated by any actual or
12 perceived identity or expression of the characteristics listed
13 in section 877.19(2), Florida Statutes, or based on
14 association with an individual who falls into one of the
15 protected categories, and that:

16 (a) Places a student in reasonable fear of harm to his
17 or her person or damage to his or her property;

18 (b) Has the effect of substantially interfering with a
19 student's educational performance, opportunities, or benefits;
20 or

21 (c) Has the effect of substantially disrupting the
22 orderly operation of the school.

23 (6) This section does not:

24 (a) Preclude the student's taking any other
25 appropriate action provided by law;

26 (b) Limit rights or responsibilities provided under
27 any other provision of law; or

28 (c) Limit the rights afforded to all persons by the
29 United States Constitution or the State Constitution.

30 (7) Before August 1, 2005, each local school district
31 shall adopt a policy prohibiting discrimination and harassment

1 on school property, at a school-sponsored function, or on a
2 school bus. The school district shall involve parents and
3 guardians, school employees, volunteers, students,
4 administrators, and community representatives in the process
5 of adopting the policy.

6 (8) A local school district controls the content of
7 the policy, except that the policy must contain, at a minimum,
8 the following components:

9 (a) A statement prohibiting discrimination and
10 harassment.

11 (b) A definition of harassment no less inclusive than
12 that set forth in this section.

13 (c) A description of the type of behavior expected
14 from each student and school employee.

15 (d) The consequences and appropriate remedial action
16 for a person who commits an act of discrimination or
17 harassment.

18 (e) A procedure for reporting an act of discrimination
19 or harassment, including a provision that permits a person to
20 anonymously report an act of discrimination, harassment,
21 intimidation, or bullying. However, this paragraph does not
22 permit formal disciplinary action to be based solely on an
23 anonymous report.

24 (f) A procedure for the prompt investigation of
25 reports of serious violations and complaints, identifying
26 either the principal or the principal's designee as the person
27 responsible for the investigation.

28 (g) The range of ways in which a school will respond
29 after an incident of discrimination or harassment is
30 confirmed.

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1 (h) A statement that prohibits reprisals or
2 retaliation against any person who reports an act of
3 discrimination or harassment, and the consequences and
4 appropriate remedial action for a person who engages in
5 reprisals or retaliation.

6 (i) The consequences and appropriate remedial action
7 for a person found to have falsely accused another.

8 (j) A statement of how the policy is to be publicized,
9 including notice that the policy applies to participation in
10 school-sponsored functions.

11 (9) To assist local school districts in developing
12 policies for the prevention of discrimination and harassment,
13 the State Board of Education shall develop model policies
14 applicable to grades K-12. These model policies must be issued
15 no later than _____.

16 (10) Notice of a local school district's policy must
17 appear in any school district publication that sets forth the
18 comprehensive rules, procedures, and standards of conduct for
19 schools within the school district and in any student or
20 school employee handbook.

21 (11) Educational institutions covered under this
22 section shall develop and implement methods and strategies for
23 providing instruction to teachers, school administrators, and
24 counseling staff on identifying, preventing, and responding to
25 all forms of harassment, discrimination, and violence as
26 defined in this section.

27 (12) This section does not prohibit a victim from
28 seeking redress under any other available law, civil or
29 criminal.

30 (a) A person who has filed a complaint with a school
31 under this act shall be advised by the school that civil law

1 remedies, including, but not limited to, injunctions,
2 restraining orders, or other remedies or orders may also be
3 available to complainants. The school shall make this
4 information available by publication in appropriate
5 informational materials.

6 (b) This section does not require an exhaustion of the
7 administrative complaint process before civil law remedies may
8 be pursued.

9 (c) A school employee or volunteer who promptly
10 reports an incident of discrimination or harassment to the
11 appropriate school designated by the local school district's
12 policy and who makes this report in compliance with the
13 procedures set forth in the district's policy is immune from a
14 cause of action for damages arising out of any failure to
15 remedy the reported incident.

16 Section 2. If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 invalidity does not affect other provisions or applications of
19 the act which can be given effect without the invalid
20 provision or application, and to this end the provisions of
21 this act are severable.

22 Section 3. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Creates the "Student Safety and Campus Violence Prevention Act." Provides legislative findings. Provides that this act does not limit other rights or responsibilities. Defines the term "harassment." Provides that the act does not limit certain specific rights. Requires each school district to adopt a policy prohibiting discrimination and harassment on school property, at a school-sponsored function, or on a school bus. Provides minimum requirements for the contents of the policy. Requires the State Board of Education to develop and issue model policies. Requires notice of a school district's policy. Requires educational institutions to develop and put into effect methods for instructing teachers, administrators, and counselors in identifying, preventing, and responding to harassment, discrimination, and violence. Provides applicability. Provides severability.