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A bill to be entitled
 An act relating to student safety; providing legislative findings; prohibiting harassment, discrimination, and violence during education programs and activities conducted by certain educational institutions; defining the term "harassment"; providing that certain rights or responsibilities are not limited; requiring each school district to adopt a policy prohibiting harassment, discrimination, and violence on school property, at a school program or activity, or on a school bus; providing minimum requirements for the contents of the policy; requiring the State Board of Education to develop model policies; requiring notice of a school district's policy; requiring schools to develop and implement methods for instructing teachers, administrators, and counselors in identifying, preventing, and responding to harassment, discrimination, and violence; authorizing redress under civil or criminal law; providing immunity; providing severability; providing an effective date.

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

Section 1. Student Safety and Campus Violence Prevention Act.--

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

(2) The Legislature finds that:

(a) Ensuring the safety of all students in this state is a

29 compelling state interest.

30 (b) Harassment, discrimination, and violence are not
 31 conducive to a learning environment and are sometimes a threat
 32 and a reality for students. When these conditions occur, all
 33 students in this state are adversely affected.

34 (c) Maintaining safety and discipline in schools is
 35 essential for the welfare of all students and for accomplishing
 36 the educational mission of schools. Harassment, discrimination,
 37 and violence interfere with efforts to ensure that school
 38 environments are conducive to the safety and learning of all
 39 students. Therefore, the Legislature recognizes its
 40 responsibilities to:

41 1. Enable all students to learn in a safe school
 42 environment.

43 2. Ensure that every student is provided with a safe
 44 educational environment in which to learn.

45 (3) Harassment, discrimination, or violence against any
 46 student or school employee, including the possession of a lethal
 47 weapon, by any student or school employee during any education
 48 program or activity conducted by a public K-12 educational
 49 institution that receives or benefits from state or federal
 50 financial assistance, or on any school bus traveling to or from
 51 such a school or a school-related or school-sponsored program or
 52 activity, is prohibited. Such prohibited conduct includes:

53 (a) Harassment and discrimination, including, but not
 54 limited to, that which is reasonably perceived as being
 55 motivated by the actual or perceived identity or expression of
 56 the characteristics of disability, race, religion, ethnicity,

57 color, ancestry, sex, sexual orientation, or national origin,
 58 based on stereotypes of persons identified by these
 59 characteristics or based on association with others identified
 60 by these characteristics.

61 (b) Retaliation against a student by another student or
 62 school employee for asserting or alleging a violation of this
 63 section.

64 (4) As used in this section, the term "harassment" means
 65 any gesture or written, verbal, or physical act that is
 66 reasonably perceived as being motivated by the actual or
 67 perceived identity or expression of the characteristics of
 68 disability, race, religion, ethnicity, color, ancestry, sex,
 69 sexual orientation, or national origin, or based on association
 70 with an individual who falls into one of the protected
 71 categories, and that:

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

74 (b) Has the effect of substantially interfering with a
 75 student's educational performance, opportunities, or benefits;
 76 or

77 (c) Has the effect of substantially disrupting the orderly
 78 operation of the school.

79 (5) This section does not:

80 (a) Preclude a student from taking any other appropriate
 81 action provided by law;

82 (b) Limit rights or responsibilities provided under any
 83 other provision of law; or

84 (c) Limit the rights afforded to all persons by the United

85 States Constitution or the State Constitution.

86 (6) By August 1, 2006, each school district shall adopt a
 87 policy prohibiting harassment, discrimination, and violence on
 88 school property, at a school-related or school-sponsored program
 89 or activity, or on a school bus. The school district shall
 90 involve parents, school employees, volunteers, students,
 91 administrators, and community representatives in the process of
 92 adopting the policy.

93 (7) A school district shall control the content of the
 94 policy, except that the policy must contain, at a minimum, the
 95 following components:

96 (a) A statement prohibiting harassment, discrimination,
 97 and violence.

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

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

102 (d) The consequences and appropriate remedial action for a
 103 person who commits an act of harassment, discrimination, or
 104 violence.

105 (e) A procedure for reporting an act of harassment,
 106 discrimination, or violence, including intimidation and
 107 bullying, with a provision that permits a person to anonymously
 108 report such an act. However, this paragraph does not permit
 109 formal disciplinary action to be based solely on an anonymous
 110 report.

111 (f) A procedure for the prompt investigation of complaints
 112 and reports of serious violations, identifying either the

113 principal or the principal's designee as the person responsible
 114 for the investigation.

115 (g) The range of ways in which a school will respond after
 116 an incident of harassment, discrimination, or violence is
 117 confirmed.

118 (h) A statement that prohibits reprisals or retaliation
 119 against any person who reports an act of harassment,
 120 discrimination, or violence and the consequences and appropriate
 121 remedial action for a person who engages in reprisals or
 122 retaliation.

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

125 (j) A statement of how the policy is to be publicized,
 126 including notice that the policy applies to participation in
 127 school-related and school-sponsored programs and activities.

128 (8) To assist school districts in developing policies for
 129 the prevention of harassment, discrimination, and violence, the
 130 State Board of Education shall develop model policies applicable
 131 to kindergarten through grade 12. These model policies must be
 132 issued no later than July 1, 2006.

133 (9) Notice of a school district's policy must appear in
 134 any school district publication that sets forth the
 135 comprehensive rules, procedures, and standards of conduct for
 136 schools within the school district and in any student or school
 137 employee handbook.

138 (10) Educational institutions covered under this section
 139 shall develop and implement methods and strategies for providing
 140 instruction to teachers, school administrators, and counseling

141 staff on identifying, preventing, and responding to all forms of
 142 harassment, discrimination, and violence as set forth in this
 143 section.

144 (11) This section does not prohibit a victim from seeking
 145 redress under any other civil or criminal law.

146 (a) A person who has filed a complaint with a school under
 147 this section shall be advised by the school that civil law
 148 remedies, including, but not limited to, injunctions,
 149 restraining orders, or other remedies or orders, may also be
 150 available to complainants. The school shall make this
 151 information available by publication in appropriate
 152 informational materials.

153 (b) This section does not require an exhaustion of the
 154 administrative complaint process before civil law remedies may
 155 be pursued.

156 (c) A school employee or volunteer who promptly reports an
 157 incident of harassment, discrimination, or violence to the
 158 appropriate school official designated in the school district's
 159 policy and who makes this report in compliance with the
 160 procedures set forth in the district's policy is immune from a
 161 cause of action for damages arising out of any failure to remedy
 162 the reported incident.

163 Section 2. If any provision of this act or its application
 164 to any person or circumstance is held invalid, the invalidity
 165 does not affect other provisions or applications of the act
 166 which can be given effect without the invalid provision or
 167 application, and to this end the provisions of this act are
 168 severable.

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Section 3. This act shall take effect upon becoming a law.