

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rayner offered the following:

Amendment (with title amendment)

Remove lines 107-268 and insert:

~~ethnicity~~, national origin, gender, disability, religion, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, color ~~ethnicity~~, national origin, gender, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or

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13 practices, conducted by a public educational institution that
14 receives or benefits from federal or state financial assistance.

15 (b) The criteria for admission to a program or course
16 shall not have the effect of restricting access by persons of a
17 particular race, color ~~ethnicity~~, national origin, gender,
18 disability, religion, or marital status.

19 (c) All public K-20 education classes shall be available
20 to all students without regard to race, color ~~ethnicity~~,
21 national origin, gender, disability, religion, or marital
22 status; however, this is not intended to eliminate the provision
23 of programs designed to meet the needs of students with limited
24 proficiency in English, gifted students, or students with
25 disabilities or programs tailored to students with specialized
26 talents or skills.

27 (d) Students may be separated by gender for a single-
28 gender program as provided under s. 1002.311, for any portion of
29 a class that deals with human reproduction, or during
30 participation in bodily contact sports. For the purpose of this
31 section, bodily contact sports include wrestling, boxing, rugby,
32 ice hockey, football, basketball, and other sports in which the
33 purpose or major activity involves bodily contact.

34 (e) Guidance services, counseling services, and financial
35 assistance services in the state public K-20 education system
36 shall be available to students equally. Guidance and counseling
37 services, materials, and promotional events shall stress access

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38 to academic and career opportunities for students without regard
39 to race, color ~~ethnicity~~, national origin, gender, disability,
40 religion, or marital status.

41 (3)(a) No person shall, on the basis of gender, be
42 excluded from participating in, be denied the benefits of, or be
43 treated differently from another person or otherwise be
44 discriminated against in any interscholastic, intercollegiate,
45 club, or intramural athletics offered by a public K-20
46 educational institution; and no public K-20 educational
47 institution shall provide athletics separately on such basis.

48 (b) Notwithstanding the requirements of paragraph (a), a
49 public K-20 educational institution may operate or sponsor
50 separate teams for members of each gender if the selection for
51 such teams is based upon competitive skill or the activity
52 involved is a bodily contact sport. However, when a public K-20
53 educational institution operates or sponsors a team in a
54 particular sport for members of one gender but does not operate
55 or sponsor such a team for members of the other gender, and
56 athletic opportunities for that gender have previously been
57 limited, members of the excluded gender must be allowed to try
58 out for the team offered.

59 (c) This subsection does not prohibit the grouping of
60 students in physical education classes and activities by ability
61 as assessed by objective standards of individual performance
62 developed and applied without regard to gender. However, when

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63 use of a single standard of measuring skill or progress in a
64 physical education class has an adverse effect on members of one
65 gender, the educational institution shall use appropriate
66 standards which do not have such effect.

67 (d) A public K-20 educational institution which operates
68 or sponsors interscholastic, intercollegiate, club, or
69 intramural athletics shall provide equal athletic opportunity
70 for members of different ~~both~~ genders.

71 1. The Board of Governors shall determine whether equal
72 opportunities are available at state universities.

73 2. The Commissioner of Education shall determine whether
74 equal opportunities are available in school districts and
75 Florida College System institutions. In determining whether
76 equal opportunities are available in school districts and
77 Florida College System institutions, the Commissioner of
78 Education shall consider, among other factors:

79 a. Whether the selection of sports and levels of
80 competition effectively accommodate the interests and abilities
81 of members of different ~~both~~ genders.

82 b. The provision of equipment and supplies.

83 c. Scheduling of games and practice times.

84 d. Travel and per diem allowances.

85 e. Opportunities to receive coaching and academic
86 tutoring.

87 f. Assignment and compensation of coaches and tutors.

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88 g. Provision of locker room, practice, and competitive
89 facilities.

90 h. Provision of medical and training facilities and
91 services.

92 i. Provision of housing and dining facilities and
93 services.

94 j. Publicity.

95
96 Unequal aggregate expenditures for members of each gender or
97 unequal expenditures for male and female teams if a public
98 school or Florida College System institution operates or
99 sponsors separate teams do not constitute nonimplementation of
100 this subsection, but the Commissioner of Education shall
101 consider the failure to provide necessary funds for teams for
102 one gender in assessing equality of opportunity for members of
103 each gender.

104 (e) A public school or Florida College System institution
105 may provide separate toilet, locker room, and shower facilities
106 on the basis of gender, but such facilities shall be comparable
107 to such facilities provided for students of the other gender.

108 (4) (a) It shall constitute discrimination on the basis of
109 race, color, national origin, or gender under this section to
110 subject any student or employee to training or instruction that
111 espouses, promotes, advances, inculcates, or compels such
112 student or employee to believe any of the following concepts:

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113 1. Members of one race, color, national origin, or gender
114 are morally superior to members of another race, color, national
115 origin, or gender.

116 2. A person, by virtue of his or her race, color, national
117 origin, or gender is inherently racist, sexist, or oppressive,
118 whether consciously or unconsciously.

119 3. A person's moral character or status as either
120 privileged or oppressed is necessarily determined by his or her
121 race, color, national origin, or gender.

122 4. Members of one race, color, national origin, or gender
123 cannot and should not attempt to treat others without respect to
124 race, color, national origin, or gender.

125 5. A person, by virtue of his or her race, color, national
126 origin, or gender bears responsibility for, or should be
127 discriminated against or receive adverse treatment because of,
128 actions committed in the past by other members of the same race,
129 color, national origin, or gender.

130 6. A person, by virtue of his or her race, color, national
131 origin, or gender should be discriminated against or receive
132 adverse treatment to achieve diversity, equity, or inclusion.

133 7. A person, by virtue of his or her race, color, gender,
134 or national origin, bears personal responsibility for and must
135 feel guilt, anguish, or other forms of psychological distress
136 because of actions, in which the person played no part,

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137 committed in the past by other members of the same race, color,
138 national origin, or gender.

139 8. Such virtues as merit, excellence, hard work, fairness,
140 neutrality, objectivity, and racial colorblindness are racist or
141 sexist, or were created by members of a particular race, color,
142 national origin, or gender to oppress members of another race,
143 color, national origin, or gender.

144 (b) Paragraph (a) may not be construed to prohibit
145 discussion of the concepts listed therein as part of a larger
146 course of training or instruction, provided such training or
147 instruction is given in an objective manner without endorsement
148 of the concepts.

149 (5)-(4) Public schools and Florida College System
150 institutions shall develop and implement methods and strategies
151 to increase the participation of students of a particular race,
152 color ethnicity, national origin, gender, disability, or marital
153 status in programs and courses in which students of that
154 particular race, color ethnicity, national origin, gender,
155 disability, or marital status have been traditionally
156 underrepresented, including, but not limited to, mathematics,
157 science, computer technology, electronics, communications
158 technology, engineering, and career education.

159 (7)-(6) The functions of the Office of Equal Educational
160 Opportunity of the Department of Education shall include, but
161 are not limited to:

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162 (d) Conducting studies of the effectiveness of methods and
163 strategies designed to increase the participation of students in
164 programs and courses in which students of a particular race,
165 color ~~ethnicity~~, national origin, gender, disability, or
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168 **T I T L E A M E N D M E N T**

169 Remove line 16 and insert:

170 race, color, gender, or national origin; conforming