

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Arrington offered the following:

Amendment (with title amendment)

Remove lines 49-331 and insert:

Section 1. Subsections (2), (3), and (4), and paragraph (d) of subsection (6) of section 1000.05, Florida Statutes, are amended to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.—

(2)(a) Discrimination on the basis of race, color ~~ethnicity~~, national origin, sex ~~gender~~, disability, religion, or marital status against a student or an employee in the state

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14 system of public K-20 education is prohibited. No person in this
15 state shall, on the basis of race, color ~~ethnicity~~, national
16 origin, sex ~~gender~~, disability, religion, or marital status, be
17 excluded from participation in, be denied the benefits of, or be
18 subjected to discrimination under any public K-20 education
19 program or activity, or in any employment conditions or
20 practices, conducted by a public educational institution that
21 receives or benefits from federal or state financial assistance.

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

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

34 (d) Students may be separated by sex ~~gender~~ for a single-
35 gender program as provided under s. 1002.311, for any portion of
36 a class that deals with human reproduction, or during
37 participation in bodily contact sports. For the purpose of this
38 section, bodily contact sports include wrestling, boxing, rugby,

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39 ice hockey, football, basketball, and other sports in which the
40 purpose or major activity involves bodily contact.

41 (e) Guidance services, counseling services, and financial
42 assistance services in the state public K-20 education system
43 shall be available to students equally. Guidance and counseling
44 services, materials, and promotional events shall stress access
45 to academic and career opportunities for students without regard
46 to race, color ~~ethnicity~~, national origin, sex ~~gender~~,
47 disability, religion, or marital status.

48 (3)(a) No person shall, on the basis of sex ~~gender~~, be
49 excluded from participating in, be denied the benefits of, or be
50 treated differently from another person or otherwise be
51 discriminated against in any interscholastic, intercollegiate,
52 club, or intramural athletics offered by a public K-20
53 educational institution; and no public K-20 educational
54 institution shall provide athletics separately on such basis.

55 (b) Notwithstanding the requirements of paragraph (a), a
56 public K-20 educational institution may operate or sponsor
57 separate teams for members of each sex ~~gender~~ if the selection
58 for such teams is based upon competitive skill or the activity
59 involved is a bodily contact sport. However, when a public K-20
60 educational institution operates or sponsors a team in a
61 particular sport for members of one sex ~~gender~~ but does not
62 operate or sponsor such a team for members of the other sex
63 ~~gender~~, and athletic opportunities for that sex ~~gender~~ have

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64 previously been limited, members of the excluded sex ~~gender~~ must
65 be allowed to try out for the team offered.

66 (c) This subsection does not prohibit the grouping of
67 students in physical education classes and activities by ability
68 as assessed by objective standards of individual performance
69 developed and applied without regard to sex ~~gender~~. However,
70 when use of a single standard of measuring skill or progress in
71 a physical education class has an adverse effect on members of
72 one sex ~~gender~~, the educational institution shall use
73 appropriate standards which do not have such effect.

74 (d) A public K-20 educational institution which operates
75 or sponsors interscholastic, intercollegiate, club, or
76 intramural athletics shall provide equal athletic opportunity
77 for members of both sexes ~~genders~~.

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

80 2. The Commissioner of Education shall determine whether
81 equal opportunities are available in school districts and
82 Florida College System institutions. In determining whether
83 equal opportunities are available in school districts and
84 Florida College System institutions, the Commissioner of
85 Education shall consider, among other factors:

86 a. Whether the selection of sports and levels of
87 competition effectively accommodate the interests and abilities
88 of members of both sexes ~~genders~~.

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89 b. The provision of equipment and supplies.

90 c. Scheduling of games and practice times.

91 d. Travel and per diem allowances.

92 e. Opportunities to receive coaching and academic
93 tutoring.

94 f. Assignment and compensation of coaches and tutors.

95 g. Provision of locker room, practice, and competitive
96 facilities.

97 h. Provision of medical and training facilities and
98 services.

99 i. Provision of housing and dining facilities and
100 services.

101 j. Publicity.

102
103 Unequal aggregate expenditures for members of each sex ~~gender~~ or
104 unequal expenditures for male and female teams if a public
105 school or Florida College System institution operates or
106 sponsors separate teams do not constitute nonimplementation of
107 this subsection, but the Commissioner of Education shall
108 consider the failure to provide necessary funds for teams for
109 one sex ~~gender~~ in assessing equality of opportunity for members
110 of each sex ~~gender~~.

111 (e) A public school or Florida College System institution
112 may provide separate toilet, locker room, and shower facilities
113 on the basis of gender, but such facilities shall be comparable

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114 to such facilities provided for students of the other sex
115 ~~gender~~.

116 (4) Public schools and Florida College System institutions
117 shall develop and implement methods and strategies to increase
118 the participation of students of a particular race, color
119 ~~ethnicity~~, national origin, sex ~~gender~~, disability, or marital
120 status in programs and courses in which students of that
121 particular race, color ~~ethnicity~~, national origin, sex ~~gender~~,
122 disability, or marital status have been traditionally
123 underrepresented, including, but not limited to, mathematics,
124 science, computer technology, electronics, communications
125 technology, engineering, and career education.

126 (6) The functions of the Office of Equal Educational
127 Opportunity of the Department of Education shall include, but
128 are not limited to:

129 (d) Conducting studies of the effectiveness of methods and
130 strategies designed to increase the participation of students in
131 programs and courses in which students of a particular race,
132 color ~~ethnicity~~, national origin, sex ~~gender~~, disability, or
133 marital status have been traditionally underrepresented and
134 monitoring the success of students in such programs or courses,
135 including performing followup monitoring.

136 Section 2. Subsection (3) of section 1003.42, Florida
137 Statutes, is renumbered as subsection (4), paragraph (b) of

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138 subsection (1) and subsection (2) are amended, and a new
139 subsection (3) is added to that section, to read:

140 1003.42 Required instruction.—

141 (1)

142 (b) All instructional materials, as defined in s.
143 1006.29(2), used to teach reproductive health or any disease,
144 including HIV/AIDS, its symptoms, development, and treatment, as
145 part of the courses referenced in subsection (4) ~~(3)~~, must be
146 annually approved by a district school board in an open, noticed
147 public meeting.

148 (2) Members of the instructional staff of the public
149 schools, subject to the rules of the State Board of Education
150 and the district school board, shall teach efficiently and
151 faithfully, using the books and materials required that meet the
152 highest standards for professionalism and historical accuracy,
153 following the prescribed courses of study, and employing
154 approved methods of instruction, the following:

155 (a) The history and content of the Declaration of
156 Independence, including national sovereignty, natural law, self-
157 evident truth, equality of all persons, limited government,
158 popular sovereignty, and inalienable rights of life, liberty,
159 and property, and how they form the philosophical foundation of
160 our government.

161 (b) The history, meaning, significance, and effect of the
162 provisions of the Constitution of the United States and

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163 amendments thereto, with emphasis on each of the 10 amendments
164 that make up the Bill of Rights and how the constitution
165 provides the structure of our government.

166 (c) The arguments in support of adopting our republican
167 form of government, as they are embodied in the most important
168 of the Federalist Papers.

169 (d) Flag education, including proper flag display and flag
170 salute.

171 (e) The elements of civil government, including the
172 primary functions of and interrelationships between the Federal
173 Government, the state, and its counties, municipalities, school
174 districts, and special districts.

175 (f) The history of the United States, including the period
176 of discovery, early colonies, the War for Independence, the
177 Civil War, the expansion of the United States to its present
178 boundaries, the world wars, and the civil rights movement to the
179 present. American history shall be viewed as factual, not as
180 constructed, shall be viewed as knowable, teachable, and
181 testable, and shall be defined as the creation of a new nation
182 based largely on the universal principles stated in the
183 Declaration of Independence.

184 (g)1. The history of the Holocaust (1933-1945), the
185 systematic, planned annihilation of European Jews and other
186 groups by Nazi Germany, a watershed event in the history of
187 humanity, to be taught in a manner that leads to an

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188 investigation of human behavior, an understanding of the
189 ramifications of prejudice, racism, and stereotyping, and an
190 examination of what it means to be a responsible and respectful
191 person, for the purposes of encouraging tolerance of diversity
192 in a pluralistic society and for nurturing and protecting
193 democratic values and institutions, including the policy,
194 definition, and historical and current examples of anti-
195 Semitism, as described in s. 1000.05(7), and the

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T I T L E A M E N D M E N T

199

Remove lines 3-16 and insert:

200

1000.05, F.S.; conforming

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