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A bill to be entitled
 An act relating to student safety; providing a short
 title; providing legislative findings; providing that this
 section does not limit other rights or responsibilities;
 defining the term "harassment"; providing that this
 section does not limit certain specific rights; requiring
 each school district to adopt a policy prohibiting
 discrimination and harassment on school property, at a
 school-sponsored function, or on a school bus; providing
 minimum requirements for the contents of the policy;
 requiring the State Board of Education to develop and
 issue model policies; requiring notice of a school
 district's policy; requiring 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; providing applicability; 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 compelling state interest.

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

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

40 1. To enable all students to learn in a safe school
41 environment.

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

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

52 (a) Harassment and discrimination, including, but not
53 limited to, that which is reasonably perceived as being
54 motivated by the actual or perceived expression or identity of
55 disability, sex, or gender, or any of the characteristics listed
56 in section 877.19(2), Florida Statutes, based on stereotypes of

57 persons identified by these characteristics or based on
 58 association with others identified by these characteristics.

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

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

64 (5) 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 any actual or
 67 perceived identity or expression of the characteristics listed
 68 in section 877.19(2), Florida Statutes, or based on association
 69 with an individual who falls into one of the protected
 70 categories, and that:

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

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

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

78 (6) This section does not:

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

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

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

85 (7) Before August 1, 2005, each local school district
 86 shall adopt a policy prohibiting discrimination and harassment
 87 on school property, at a school-sponsored function, or on a
 88 school bus. The school district shall involve parents and
 89 guardians, school employees, volunteers, students,
 90 administrators, and community representatives in the process of
 91 adopting the policy.

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

95 (a) A statement prohibiting discrimination and harassment.

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

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

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

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

108 (f) A procedure for the prompt investigation of reports of
 109 serious violations and complaints, identifying either the
 110 principal or the principal's designee as the person responsible
 111 for the investigation.

112 (g) The range of ways in which a school will respond after

113 an incident of discrimination or harassment is confirmed.

114 (h) A statement that prohibits reprisals or retaliation
 115 against any person who reports an act of discrimination or
 116 harassment, and the consequences and appropriate remedial action
 117 for a person who engages in reprisals or retaliation.

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

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

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

128 (10) Notice of a local school district's policy must
 129 appear in any school district publication that sets forth the
 130 comprehensive rules, procedures, and standards of conduct for
 131 schools within the school district and in any student or school
 132 employee handbook.

133 (11) Educational institutions covered under this section
 134 shall develop and implement methods and strategies for providing
 135 instruction to teachers, school administrators, and counseling
 136 staff on identifying, preventing, and responding to all forms of
 137 harassment, discrimination, and violence as defined in this
 138 section.

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

141 (a) A person who has filed a complaint with a school under
142 this act shall be advised by the school that civil law remedies,
143 including, but not limited to, injunctions, restraining orders,
144 or other remedies or orders may also be available to
145 complainants. The school shall make this information available
146 by publication in appropriate informational materials.

147 (b) This section does not require an exhaustion of the
148 administrative complaint process before civil law remedies may
149 be pursued.

150 (c) A school employee or volunteer who promptly reports an
151 incident of discrimination or harassment to the appropriate
152 school designated by the local school district's policy and who
153 makes this report in compliance with the procedures set forth in
154 the district's policy is immune from a cause of action for
155 damages arising out of any failure to remedy the reported
156 incident.

157 Section 2. If any provision of this act or its application
158 to any person or circumstance is held invalid, the invalidity
159 does not affect other provisions or applications of the act
160 which can be given effect without the invalid provision or
161 application, and to this end the provisions of this act are
162 severable.

163 Section 3. This act shall take effect July 1, 2005.