

The Florida Educational Equity Act. Section 1000.05, F.S. Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.

(1) This section may be cited as the "Florida Educational Equity Act."

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, 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, ethnicity, national origin, gender, disability, 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 practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

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

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

(d) Students may be separated by gender for any portion of a class that deals with human reproduction or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall stress access to academic, career and technical opportunities for students without regard to race, ethnicity, national origin, gender, disability, or marital status.

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

(b) Notwithstanding the requirements of paragraph (a), a public K-20 educational institution may operate or sponsor separate teams for members of each gender if the selection for such teams is based upon competitive skill or the activity involved is a bodily contact sport. However, when a public K-20 educational institution operates or sponsors a team in a particular sport for members of one gender but does not operate or sponsor such a team for members of the other gender, and

athletic opportunities for that gender have previously been limited, members of the excluded gender must be allowed to try out for the team offered.

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

(d) A public K-20 educational institution which operates or sponsors interscholastic, inter-collegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available, the Commissioner of Education shall consider, among other factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.
2. The provision of equipment and supplies.
3. Scheduling of games and practice times.
4. Travel and per diem allowances.
5. Opportunities to receive coaching and academic tutoring.
6. Assignment and compensation of coaches and tutors.
7. Provision of locker room, practice, and competitive facilities.
8. Provision of medical and training facilities and services.
9. Provision of housing and dining facilities and services.
10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public K-20 educational institution operates or sponsors separate teams do not constitute non-implementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public K-20 educational institution may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Educational institutions within the state public K-20 education system shall develop and

implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career and technical education.

(5) The State Board of Education shall adopt rules to implement this section.

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

(a) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of public K-20 educational agencies to determine compliance with this section and, after a finding that an educational agency is not in compliance with this section, notifying the agency of the steps that it must take to attain compliance and performing follow-up monitoring.

(c) Providing technical assistance, including assisting public K-20 educational agencies in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing follow-up monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing follow-up monitoring.

(e) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to submit data and information necessary to determine compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, and community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force an educational agency to conduct, nor penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity

approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board, community college board of trustees, or state university board of trustees found to be out of compliance with rules of the State Board of Education adopted as required by paragraph(f) or paragraph (3)(d). To penalize the board, the State Board of Education shall:

1. Declare the educational agency ineligible for competitive state grants.
2. Notwithstanding the provisions of s. 216.192, direct the Comptroller to withhold general revenue funds sufficient to obtain compliance from the educational agency. The educational agency shall remain ineligible and the funds shall not be paid until the agency comes into compliance or the State Board of Education approves a plan for compliance.

(7) A person aggrieved by a violation of this section or a violation of a rule adopted under this section has a right of action for such equitable relief as the court may determine. The court may also award reasonable attorney's fees and court costs to a prevailing party.