

Committee Substitute for
Committee Substitute for Senate Bill No. 242

An act relating to education; amending s. 1000.05, F.S.; providing that students may be separated by gender for specified single-gender programs; amending s. 1002.20, F.S.; providing that options for public school choice may include single-gender programs; creating s. 1002.311, F.S.; authorizing district school boards to establish a non-vocational class, extracurricular activity, or school in which enrollment is limited to students of a single gender; providing conditions for such authorization; requiring that students' participation in single-gender programs be voluntary; requiring evaluation of single-gender programs every 2 years; providing an effective date.

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

Section 1. Paragraph (d) of subsection (2) of section 1000.05, Florida Statutes, is amended to read:

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

(2)

(d) Students may be separated by gender for a single-gender program as provided under s. 1002.311, 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.

Section 2. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(6) EDUCATIONAL CHOICE.—

(a) Public school choices.—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, single-gender programs, lab schools, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New

World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 3. Section 1002.311, Florida Statutes, is created to read:

1002.311 Single-gender programs authorized.—

(1) Subject to subsection (2) and in accordance with 34 C.F.R. s. 106.34, a district school board may establish and maintain a nonvocational class, extracurricular activity, or school for elementary, middle, or high school students in which enrollment is limited to a single gender if the school district also makes available a substantially equal:

(a) Single-gender class, extracurricular activity, or school to students of the other gender; and

(b) Coeducational class, extracurricular activity, or school to all students.

(2) A district school board that establishes a single-gender class, extracurricular activity, or school:

(a) May not require participation by any student. The district school board must ensure that participation in the single-gender class, extracurricular activity, or school is voluntary.

(b) Must evaluate each single-gender class, extracurricular activity, or school in the school district at least once every 2 years in order to ensure that it is in compliance with this section and 34 C.F.R. s. 106.34.

Section 4. This act shall take effect July 1, 2008.

Became a law without the Governor's approval April 23, 2008.

Filed in Office Secretary of State April 22, 2008.