

6A-1.0017 School Environmental Safety Incident Reporting (SESIR).

(1) Purpose. The purpose of this rule is to set forth the requirements school districts and charter schools must use to report disruptive or criminal incidents to the Florida Department of Education so that the data can, in turn, be used in required state and federal reports, including EdFacts, the United States Department of Education, Office for Civil Rights Data Collection (required by 20 U.S.C. 3413(c)(1)), the Gun Free Schools Act report (required by 20 U.S.C. 7961(d) and (e)), the Every Student Succeeds Act report cards (required by 20 US.C. 6311(h)(1) and (2)), and state reports on Bullying and Harassment (required by Section 1006.147, F.S.). SESIR data is also used to design and evaluate interventions to provide a safe learning environment. SESIR is not a law enforcement reporting system.

(2) Definitions.

(a) No change.

(b) “Law enforcement action” means that official action was taken by a School Resource Officer (SRO) or local law enforcement officer in response to a SESIR incident, including but not limited to: an arrest, referral to a civil citation or similar prearrest diversion program authorized by Section 985.12, F.S., or initiation of an involuntary examination authorized by Section 394.463, F.S.

~~(c)~~(b) “Locally-defined incident” means an incident that is a violation of a local code of student conduct, but does not meet the definition of any incident reportable to SESIR.

~~(d)~~(e) “Rank order level” means a classification of incidents, from Level I to Level IV, that determines which incident must be reported when more than one incident occurs during a single episode. The rank order level of each incident is noted under the incident definitions found in subsection (7) of this rule.

~~(e)~~(d) “Related element” means a factor that was present during or contributed to the incident but was not the main offense. All related elements that are applicable are required to be reported with SESIR incidents.

~~(f)~~(e) “School district” or “district” means a Florida school district, the Florida Virtual School (Section 1002.37, F.S.), the Florida School for the Deaf and Blind (Section 1002.36, F.S.), and Developmental Research (Laboratory) Schools (Section 1002.32, F.S.). All reporting requirements in this rule also apply to charter schools, pursuant to Section 1002.33(16)(b)10., F.S.

~~(g)~~(f) “School personnel” means any person employed at a school, volunteering at a school on a temporary or permanent basis, or a third party that is contracted to provide services for the school.

~~(h)(g)~~ “Unsubstantiated” means that following an investigation, there is not enough evidence to demonstrate that the alleged incident occurred.

(3) Analysis of incidents.

(a) In order to determine whether an incident must be reported in SESIR, the following ~~three (3)~~ criteria must be met:

1. The incident meets one of the SESIR incident definitions listed in subsection (7); ~~and-~~

2. No change.

~~3. Where the incident was carried out by a student, taking into account developmentally age appropriate behavior and disability, if any, the student had the capacity to understand his or her behavior and the inappropriateness of his or her actions.~~

(b) SESIR incidents that meet the requirements of paragraph (3)(a) of this rule must be reported regardless of whether:

1. through 2. No change.

3. The incident occurred when school was in session or not. SESIR incidents occur 365 days a year at any time of the day or night; ~~or-~~

4. Disciplinary action is taken by the school district; ~~and regardless of whether~~

5. Law enforcement action is taken by an SRO or other law enforcement officer or agency;

6. The offender has the capacity to understand his or her behavior and the inappropriateness of his or her actions. However, where the offender is a student, school districts may take age, development, and disability into account when determining appropriate discipline; or

7. Criminal charges are filed by law enforcement. However, where criminal charges are issued, school districts should review to determine whether the type of incident reported should be modified.

(4) Requirement to report SESIR incidents.

(a) No change.

(b) A school district must not report an incident which meets the requirements of subsection (3) of this rule as a locally-defined incident in lieu of reporting the incident to the Department of Education. Districts may only code an incident as a locally-defined incident if it does not meet one of the SESIR incident categories.

(c) SESIR incidents meeting the requirements of paragraph (3)(a) of this rule must be reported regardless of

whether law enforcement action is taken or whether a student is disciplined.

(5) through (6) No change.

(7) Incident definitions.

(a) Alcohol (Level IV): Possession, sale, purchase, distribution, or use of alcoholic beverages. Use means the person is caught in the act of using, admits to use or is discovered to have used in the course of an investigation. Alcohol incidents cannot be Drug-related.

(b) Aggravated Battery (Level I): A battery where the attacker intentionally or knowingly causes more serious injury as defined in paragraph (8)(g) of this rule, such as: great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or, where the attacker knew or should have known the victim was pregnant.

(c) through (d) No change.

(e) Bullying (Level IV): Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees ~~that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.~~ Bullying includes instances of cyberbullying, as defined in Section 1006.147(3)(b), F.S. Bullying may include, but is not limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property. If the physical harm or psychological distress is not the result of systematic or chronic behavior, evaluate for Harassment.

(f) Criminal Mischief (Felony Vandalism - \$1,000 threshold) (Level III): Willfully and maliciously injuring or damaging by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto. Incidents that fall below the \$1,000 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies.

(g)(f) Disruption on Campus-Major (Level III): Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others. Examples of major disruptions include bomb threats, inciting a riot, or initiating a false fire alarm.

(h)(g) Drug Sale or Distribution (Level II): The manufacture, cultivation, purchase, sale, or distribution of any drug, narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.

(i)(h) Drug Use or Possession (Level III): The use or possession of any drug, narcotic, controlled substance, or any substance when used for chemical intoxication. Use means the person is caught in the act of using, admits to use

or is discovered to have used in the course of an investigation.

~~(j)~~(i) Fighting (Level III): When two or more persons mutually participate in use of force or physical violence that requires either physical intervention or results in injury requiring first aid or medical attention. Lower-level fights, including pushing, shoving, or altercations that stop on verbal command are not required to be reported in SESIR.

~~(k)~~ Grand Theft (\$750 threshold) (Level III): The unauthorized taking of the property of another person or organization, including motor vehicles, valued at \$750 or more, without threat, violence, or bodily harm. Incidents that fall below the \$750 threshold are not reportable in SESIR, but instead should be reported as locally-defined incidents according to district policies. Thefts of property of any value that involve a use of force, violence, assault, or putting the victim in fear must be reported as Robbery.

~~(l)~~(j) Harassment (Level IV): Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or has the effect of substantially disrupting the orderly operation of a school, including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose. Instances of Harassment that are chronic or repeated in nature should be evaluated for Bullying or Bullying-related.

~~(m)~~(k) Hazing (Level III): Any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization. Hazing includes, but is not limited to pressuring, coercing, or forcing a student to participate in illegal or dangerous behavior, or any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

~~(n)~~(l) Homicide (Level I): The unjustified killing of one human being by another.

~~(o)~~(m) Kidnapping (Level I): Forcibly, secretly, or by threat, confining, abducting, or imprisoning another person against his or her will and without lawful authority.

~~(n)~~ Larceny/Theft (\$750 threshold) (Level III): The unauthorized taking, carrying, riding away with, or concealing the property of another person, including motor vehicles, without threat, violence, or bodily harm. Incidents that fall below the \$750 threshold are not reportable in SESIR, but instead should be reported as locally-

~~defined incidents according to district policies.~~

~~(p)(e)~~ Other Major Incidents (Level III): Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual; such incidents must be coded with the appropriate Related element (such as Drug-related or Weapon-related) and incident involvement must be reported as unknown.

~~(p)~~ Physical Attack (Battery) (Level II): ~~An actual and intentional striking of another person against his or her will, or the intentional causing of bodily harm to an individual.~~

(q) Robbery (Level II): The taking or attempted taking of money or other property from the person or custody of another anything of value that is owned by another person or organization, with the intent to permanently or temporarily deprive the person or owner of the money or other property under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear. A key difference in Grand Theft and Robbery is that Robbery involves violence, a threat of violence or assault, and putting the victim in fear.

(r) Sexual Assault (Level II): An incident that includes ~~threatened rape~~, fondling, indecent liberties, ~~or~~ child molestation, or threatened rape. Both males and females can be victims of sexual assault.

(s) No change.

(t) Sexual Harassment (Level III): Unwelcome conduct of a sexual nature, such as sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Harassing conduct can include verbal or nonverbal actions, including graphic and written statements, and may include statements made through computers, cellphones, and other devices connected to the Internet. The conduct can be carried out by school employees, other students, and non-employee third parties. Unwanted verbal, nonverbal, or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation, as defined in Rule 6A-19.008, F.A.C.

(u) No change.

~~(v)~~ Simple Battery (Level II): An actual and intentional touching or striking of another person against his or her will, or the intentional causing of bodily harm to an individual.

~~(w)(v)~~ Threat/Intimidation (Level III): An incident where there was no physical contact between the offender and victim, but the victim reasonably believed felt that physical harm could have occurred based on verbal or

nonverbal communication by the offender. This includes nonverbal threats and verbal threats of physical harm which are made in person, electronically or through any other means.

~~(x)(w)~~ Tobacco (Level IV): The possession, sale, purchase, distribution, or use, distribution, or sale of tobacco or nicotine products on school grounds, at school-sponsored events, or on school transportation by any person under the age of 21. Tobacco incidents cannot be Drug-related.

~~(y)(x)~~ Trespassing (Level III): To enter or remain on school grounds, school transportation, or at a school-sponsored event, without authorization or invitation and with no lawful purpose for entry. Only incidents involving a student currently under suspension or expulsion, or incidents where any offender (student or non-student) was previously issued an official trespass warning by school officials, or where any offender was arrested for trespass are required to be reported in SESIR. Trespass incidents that did not have a prior official warning, did not result in arrest, or did not involve students under suspension or expulsion should be reported as locally defined incidents according to district policies.

~~(y)~~ Vandalism (\$1,000 threshold) (Level III): ~~The intentional destruction, damage, or defacement of public or private/personal property without consent of the owner or the person having custody or control of it. Incidents that fall below the \$1,000 threshold are not reportable in SESIR, but instead should be reported as locally defined incidents according to district policies.~~

(z) Weapons Possession (Level II): Possession of a firearm or any instrument or object as defined by Section 790.001(6) and (13), F.S., ~~or district code of conduct~~ that can inflict serious harm on another person or that can place a person in reasonable fear of serious harm.

(8) Related element definitions.

(a) No change.

(b) Bullying-related: An incident is bullying related if the incident includes systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees ~~that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.~~

(c) Drug-related: An incident is drug related if there is evidence that those involved in the incident were under the influence of drugs at the time of the incident; if they admit to using or being under the influence of drugs; if drugs were in the possession of individuals involved in the incident, based on testing or investigation done by a law

~~enforcement officer~~ ~~police officer~~ as a result of the incident; or if the incident is somehow related to possession, use or sale of drugs. Schools are not required to test for drug use.

(d) through (e) No change.

(f) Hazing-related: An incident is hazing-related if the incident includes any action or situation that endangers the mental or physical health or safety of a student at a school with any grades from 6-12 for purposes of initiation or admission into or affiliation with any school-sanctioned organization.

(g) Injury-related: All SESIR incidents that result in serious bodily injury are required to be reported as Injury-related. Less serious bodily injury means incidents which require immediate first aid or subsequent medical attention. More serious injuries include death or injuries with substantial risk of death, extreme physical pain, protracted and obvious disfigurement, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty. Incidents where injury occurred, but first aid or medical attention is not needed, are not required to be reported in SESIR as Injury-related.

(h) Vaping-related: All SESIR incidents that involve the use of non-combustible vaping products, including electronic cigarettes, vapes and vape pens, or any electronic nicotine delivery system (ENDS) are required to be reported as Vaping-related, if the liquid used contains nicotine or a controlled substance. Schools are not required to test for nicotine or drugs in vaping devices. Incidents involving use or possession of vaping products that do not contain nicotine or controlled substances are not required to be reported in SESIR.

(i) Weapon-related: All SESIR incidents are required to be reported as Weapon-related where anyone involved possessed or used a firearm or weapon or if the incident was related to possession, use or sale of firearms or weapons, as defined in Section 790.001(6) and (13), F.S.

(9) Reporting law enforcement involvement. For each SESIR incident, a school district must report one of the following three (3) choices regarding law enforcement involvement ~~A school district must report to the Department any SESIR incident:~~

(a) The incident was not reported to law enforcement because it was a petty act of misconduct that did not require law enforcement involvement according to policies developed by the district pursuant to Section 1006.13, F.S.

(b) The incident was reported to law enforcement and resulted in official law enforcement action being-taken by an SRO or other law enforcement agency or official, as defined in paragraph (2)(b) of this rule.

~~(a) That is reported or referred to law enforcement by school district personnel, pursuant to the provisions of Section 1006.13, F.S.; or~~

~~(b) That results in consultation with law enforcement by school district personnel, pursuant to the provisions of Section 1006.13, F.S.~~

(c) The incident was reported to law enforcement and did not result in official action being taken by an SRO or other law enforcement agency or official, as defined in paragraph (2)(b) of this rule.

(10) Training required. Each district superintendent must designate persons responsible for SESIR reporting in the district, and ensure that all such persons receive the ~~on-line~~ training found at <http://sesir.org>. SESIR training provided by Department staff can be used to satisfy the online training requirement. Charter schools must designate persons responsible for SESIR reporting in their school and must report their name, email address, and phone number to the district.

(11) Accountability for SESIR reporting. In order to enhance SESIR reporting, the persons or entity listed below have the following responsibilities:

(a) No change.

(b) School District Superintendents.

1. Each ~~school~~ district superintendent must ensure that all persons responsible for reporting SESIR data have received the training required in subsection (10) of this rule, that any local district policies are consistent with the SESIR reporting requirements set forth in this rule and Rule 6A-1.0014, F.A.C., and that the district timely and accurately reports SESIR incidents. Annually, superintendents must certify to the Department that these requirements have been met. The annual certification must include a statement that all charter school staff responsible for reporting SESIR data have received required training and that charter schools have required SESIR policies in place.

2. Each district superintendent must designate a district SESIR contact person and must annually report their name, phone number, and email address to the Office of Safe Schools at SafeSchools@fldoe.org. This information must be provided by August 1 each year and must be updated within five (5) school days when there is a change in the information provided.

(c) through (d) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1006.07(9), 1008.385(3) FS. Law Implemented 1001.212(8),

*1001.42(13)(b), 1001.51(12), 1002.33(16)(b)10., 1006.07(9), 1006.135(2)(e), 1006.147(4)(k), 1006.147(6),
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