

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

(1) Purpose. The purpose of this rule is to set forth the requirements school districts 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 of 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 U.S.C. 6311(h)(1) and (2)), and state reports on Bullying and Harassment (required by s. 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) "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.

(b) "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.

(c) "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.

(d) "School district" or "district" means a Florida school district, the Florida Virtual School (s. 1002.37, F.S.), the Florida School for the Deaf and Blind (s. 1002.36, F.S.), and Developmental Research (Laboratory) Schools (s. 1002.32, F.S.).

(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).
2. The incident occurred on a K-12 school campus, on school-sponsored transportation, during off-campus school-sponsored activities, or off campus where the incident is accomplished through electronic means, if the incident substantially disrupts the educational process or orderly operation of a school.

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. The incident was carried out by a student, a person other than a student, or where the person who carried out the incident is unknown;

2. The victim of the incident is a student, a person other than a student, or where the victim is unknown;

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 law enforcement action is taken.

(4) Requirement to report SESIR incidents.

(a) All incidents meeting the requirements of subsection (3) of this rule must be reported by school districts to the Department of Education.

(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.

(5) General SESIR reporting conventions.

(a) SESIR is an incident-based reporting system, which means that a single incident is reported, even where there are multiple offenders or victims, or multiple incidents that occur within one episode.

1. If there is more than one incident in a single episode, districts are required to report only one incident based upon rank order level, beginning with incidents that are classified as Level I.

2. If there are multiple incidents that have the same rank order level, districts must report the incident that caused the most injury or damage to property.

(b) When reporting a SESIR incident, districts are required to report all related elements as described in subsection (8) of this rule that are present or contribute to a reported incident. A related element must be reported even where it duplicates the incident. For example, when reporting an Alcohol incident, the Alcohol-related element must also be reported.

(c) School districts must report SESIR incidents to the Department during the survey periods and using the elements set forth in Rule 6A-1.0014, Comprehensive Management Information System.

(6) Incident specific SESIR reporting conventions.

(a) For incidents of Bullying, Harassment, Sexual Harassment, Threat/Intimidation, and any other incident that is Bullying-Related, districts are required to report the Incident Basis and the Victim Basis, which identifies whether the incident is based upon the person's race, sex, disability, sexual orientation, or religion.

(b) Allegations of Bullying and Harassment that are not able to be substantiated after investigation must be reported in SESIR as Unsubstantiated Bullying and Unsubstantiated Harassment, respectively, pursuant to s. 1006.147(4)(k), F.S.

(7) Incident definitions.

(a) Alcohol (Level IV): Possession, sale, purchase, 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.

(b) Aggravated Battery (Level I): A battery where the attacker intentionally or knowingly causes 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) Arson (Level I): To intentionally damage or cause to be damaged, by fire or explosion, any dwelling, structure, or conveyance, whether occupied or not, or its contents. Fires that are not intentional, that are caused by accident, or do not cause damage are not required to be reported in SESIR.

(d) Burglary (Level II): Unlawful entry into or remaining in a dwelling, structure, or conveyance with the intent to commit a crime therein.

(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.

(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.

(g) Drug Sale or Distribution (Level II) : The manufacture, cultivation, sale, or distribution of any drug,

narcotic, controlled substance or substance represented to be a drug, narcotic, or controlled substance.

(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.

(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.

(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.

(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.

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

(m) Kidnapping (Level I): Forcibly, 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.

(o) Other Major Incidents (Level III): Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified.

(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 anything of value that is owned by another person or organization, under the confrontational circumstances of force, or threat of force or violence, and/or by putting the victim in fear.

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

(s) Sexual Battery (Rape) (Level I): Forced or attempted oral, anal, or vaginal penetration by using a sexual organ or an object simulating a sexual organ, or the anal or vaginal penetration of another by any body part or foreign object. Both males and females can be victims of sexual battery.

(t) Sexual Harassment (Level III): 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) Sexual Offenses (Other) (Level III): Other sexual contact, including intercourse, without force or threat of force. Includes subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner.

(v) Threat/Intimidation (Level III): An incident where there was no physical contact between the offender and victim, but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon) and verbal threats of physical harm which are made in person, electronically or through any other means.

(w) Tobacco (Level IV): The possession, 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.

(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.

(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 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) Alcohol-related: An incident is alcohol related if there is evidence that those involved in the incident were caught drinking at the incident or had been drinking, based on testing or investigation of a Law Enforcement Officer at the scene, or if they admit to drinking, or if the incident is somehow related to possession, use or sale of alcohol. Schools are not required to test for the presence of alcohol.

(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 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) Gang-related: An incident is gang-related if gang affiliation/association caused the incident or was a contributing factor to action that happened during the incident.

(e) Hate Crime-related: All SESIR incidents motivated all or in part by hostility to the victim's real or perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or mental/physical disability are required to be reported as Hate Crime-related.

(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 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.

(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.

(i) Weapon-related: All SESIR incidents are required to be reported as Weapon-related where anyone involved possessed or used a weapon or if the incident was related to possession, use or sale of weapons.

(9) Reporting law enforcement involvement. A school district must report to the Department any SESIR incident:

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

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

(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.

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

(a) School principals. Each public school principal, including charter school principals or equivalent, must ensure that all persons at the school responsible for SESIR information participate in the training set forth in subsection (10) of this rule and must ensure that SESIR data is accurately and timely reported.

(b) School District Superintendents. Each school 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.

(c) Office of Safe Schools. The Office shall conduct site visits at schools throughout the state, as well as conduct data reviews. The review must include school district policies, training records, school incident and school discipline records. Superintendents, principals and school safety specialists must fully cooperate with requests for information when the Office of Safe Schools is reviewing and evaluating districts for compliance with SESIR reporting.

(d) Commissioner of Education. If a district fails to report SESIR data by the survey deadlines, set forth in Rule 6A-1.0014, F.A.C., the Commissioner must request that the district school board withhold the superintendent's salary, pursuant to s. 1001.51(12) and s. 1001.42(13)(b), F.S., until the SESIR data is reported. If there is cause to believe that a superintendent knowingly transmitted or caused to be transmitted false or incorrect information, the Commissioner shall cause the allegation to be investigated and refer the matter for disciplinary action pursuant to s. 1012.796, F.S., if the superintendent holds a license or certificate under Chapter 1012 and take action to enforce the forfeiture of the superintendent's annual salary.

Rulemaking Authority 1001.02(2)(n), 1006.07(9) FS. Law Implemented 1001.212(8), 1001.42(13)(b), 1001.51(12), 1001.54(3), 1002.33(16)(b)10., 1006.07(9), 1006.135(2)(e), 1006.147(4)(k), 1006.147(6), 1008.385 FS. History-New