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School Environmental Safety Incident Report (SESIR) Workgroup

September 1, 2022

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Introductions

Workgroup Committee Composition

The SESIR Workgroup is composed of representatives from a wide range of perspectives and areas of expertise.

- **Superintendents**
- **Office of the Attorney General**
- **Florida Department of Law Enforcement**
- **Florida Department of Education**
- **Marjory Stoneman Douglas High School Public Safety Commission**
- **District and School Administrators and MIS Directors**
- **State Attorney**

Government in the Sunshine

Sunshine Law

- Florida’s “Open Meetings Law,” often referred to as the “Sunshine Law” protects the public from “closed door” decision making and provides a right of access to meetings of boards and commissions.
- Codified in Chapter 286, F.S., the Sunshine Law applies to all meetings of “any board or commission of any state agency or authority.” Examples include:
 - State Board of Education, local school boards
 - Applies equally to elected or appointed boards or commissions.
- May apply to committees or workgroups, depending on their function.

Sunshine Law – Key Requirements

- Meetings of a public board or commission must be **open to the public**;
- **Minutes** of the meeting must be recorded;
- Public must be given **reasonable notice** that such meetings are going to occur; and
- Public must be given a **reasonable opportunity to be heard** on the matters being considered at the meeting.

What is a meeting?

- Defined **very broadly**.
- The Sunshine Law applies to all discussions or deliberations, as well as the formal action taken by a board or commission.
- **Applies to any gathering**, whether formal or casual, of **two or more members** of the same board or commission to **discuss some matter on which foreseeable action will be taken by the public board or commission**.
- Quorum is not required.

What is a meeting?

- “Meeting” can also include:
 - Telephone Conversations
 - Virtual Meetings (Zoom, Teams, GoToMeeting, etc.)
 - Text Conversations
 - Emails
 - Microsoft Teams Chat or other Instant Messaging
- What about social events?
 - Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board or commission are not discussed at such gatherings.

Practical Duties of Sunshine Law Compliance

- Never be a conduit between members of a public board or commission.
 - Written reports must not be circulated to convey a board member's position to other board members.
 - Staff must not convey the opinion of one board member to another board member.
- Communications between just two board members triggers the Sunshine Law.
 - Discussions about agency business between two or more board members (including telephone calls or email exchanges) are subject to the Sunshine Law.

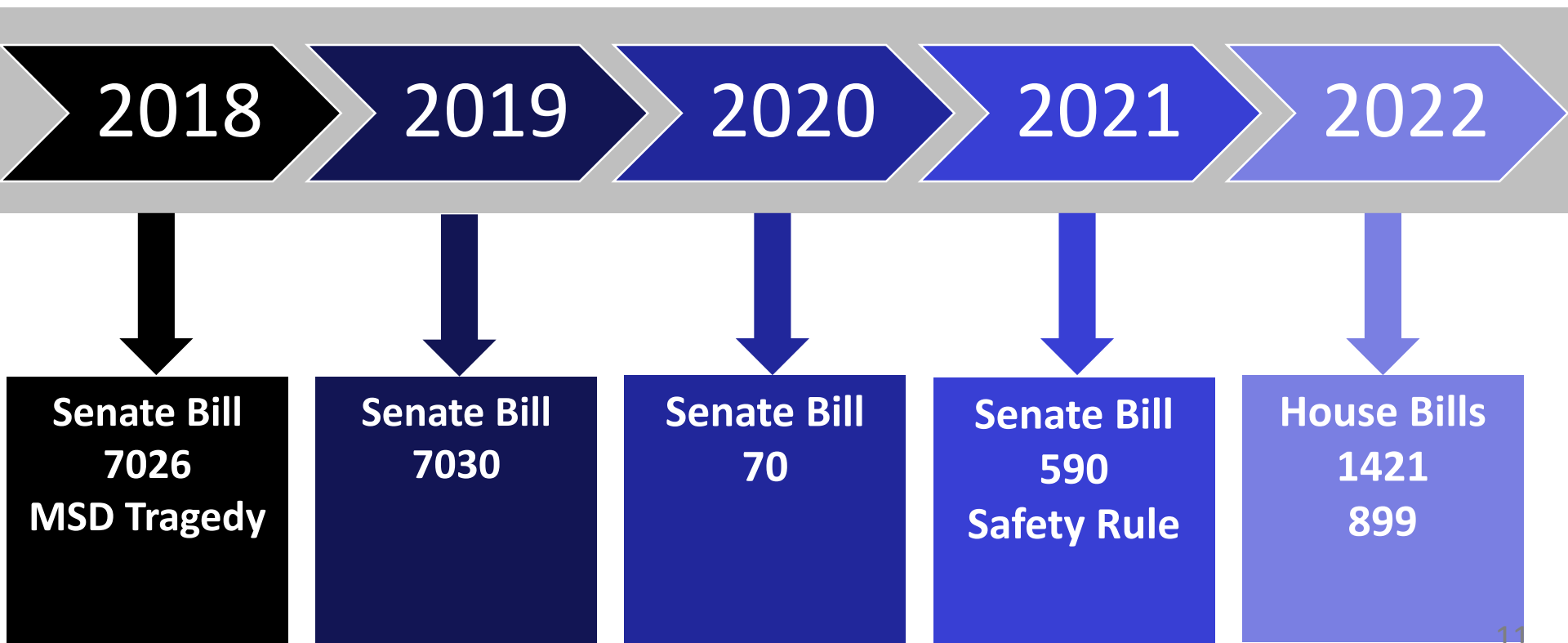


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Florida School Safety: Five Years in Review

Florida School Safety: Five Years in Review

Marjory Stoneman Douglas (MSD) to Present





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MSD Commission & Grand Jury Report

Marjory Stoneman Douglas H.S. Public Safety Commission

Chaired by Pinellas Sheriff Robert Gualtieri and tasked with monitoring implementation of school safety legislation.

Called for a SESIR Workgroup to:

- Review the law, SESIR data collection and reporting across Florida's school districts, and
- Make recommendations on how to achieve accurate reporting at the school level, data collection at the school level, and accurate reporting to FDOE.

Grand Jury Report

In 2019, Governor DeSantis petitioned the Florida Supreme Court to impanel a Grand Jury to examine:

- a) Whether refusal or failure to follow the mandates of school-related safety laws results in unnecessary and avoidable risk to students across the state;
- b) Whether public entities committed – and continue to commit – fraud and deceit by accepting state funds conditioned on implementation of certain safety measures while knowingly failing to act;
- c) Whether school officials committed - and continue to commit – fraud and deceit by mismanaging, failing to use, and diverting funds;
- d) Whether school officials violated – and continue to violate – state law by systematically underreporting incidents of criminal activity to the FDOE.**

Grand Jury Report

“Concealing the fact of the existence of negative and/or criminal behavior, whether as an inadvertent consequence of misguided policies or as a direct result of intentional malfeasance has, unfortunately, become a disturbing pattern in Florida’s schools in more recent years.”

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Final Report of the
Twentieth Statewide Grand Jury

MSD Commission & Grand Jury Report

- Two separate, but similar calls to action
- Utilizing this SESIR Workgroup to address both:
 - Improving SESIR data (accuracy, consistency, and uniformity across the state)
 - Providing recommendations to both MSD Commission and FDOE for purposes of rulemaking

What is SESIR?

What is School Environmental Safety Incident Reporting (SESIR)?

- SESIR collects data on **26 incidents** of crime, violence, and disruptive behaviors.
- This collection is limited to incidents that occur **on school grounds, on school transportation, and at off-campus, school-sponsored events.**
- It includes any **24-hour** period, **365** days per year.
- Incidents are reported by schools via their district's data system which uploads the data to the Florida Department of Education.



SESIR Rule 6A-1.0017

- Initially approved in May 2020.
- Current Rule approved by the State Board of Education on July 14, 2021.
- The Rule establishes incident definitions and what incidents must be reported in SESIR.

www.flrules.org/gateway/ruleNo.asp?id=6A-1.0017

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 regional state and federal reports, including EdFacts, the United States Department of Education, Office for Civil Rights Data Collection (required by 20 U.S.C. 14131(a)(1)), the U.S. Census Bureau (required by 20 U.S.C. 14131(a)(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) "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 definition; 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 using SESIR incident.
 (d) "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.).
 (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 data occur developmentally age appropriate behavior and disability, if any the incident 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 245 days a year at any time of the day or night.
 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 the incident that occurred first.
 2. If there are multiple incidents that are classified as Level I.
 (b) When reporting a SESIR incident, districts are required to report all related elements as described in subsection (3) 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 element set forth in Rule 6A-1.0014, F.A.C., Comprehensive Management Information System.

SESIR Categories

Level 1 - Most Serious

Aggravated Battery
Arson
Homicide
Kidnapping
Sexual Battery

Level 2

Burglary
Drug Sale/Distribution
Physical Attack
Robbery
Weapons Possession
Sexual Assault

Level 3

Disruption On Campus
Drug Use/Possession
Hazing
Fighting
Larceny/Theft
Sexual Harassment
Sexual Offenses (Other)
Threat/Intimidation
Trespassing
Vandalism
Other Major Offenses

Level 4 - Least Serious

Alcohol Tobacco
Bullying Harassment

Proposed Future Meetings

Proposed Meeting Dates for Workgroup

Ideally, we would like to engage in at least two virtual and two in-person meetings with the entire workgroup. Tentative dates are:

- **September 1** – Initial virtual overview meeting
- **September 13** – In-person meeting in Lake County
- **October 6** – In-person meeting in Sumter County
- **October 27** – Virtual meeting (if needed)
- **November 3** – Virtual meeting (if needed)

Final Recommendations

- MSDHSPS Commission Meeting – November 16
(Sunrise, FL)
- Final recommendations ready no later than
November 3



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Proposed Topics to Address

Suggested Topics

- SESIR Definitions
 - Do they align consistently with law enforcement definitions?
 - Is there a way to ensure better clarity?
- Reporting Process
 - What is the process from identifying an incident to reporting an incident within SESIR?
 - Who needs to be engaged in decision-making along the way (law enforcement)?
 - How can Florida improve upon reporting and ensure consistency across the state?
 - How can we hold people accountable for data reporting?



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Questions, Suggestion, Thoughts...



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