

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 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 U.S.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) “Allegation” means a claim or assertion that someone has committed a SESIR incident, typically made without proof and prior to an investigation.

~~(b)~~(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.

~~(c)~~(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.

~~(d)~~(e) “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.

~~(e)~~(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.).

(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.

(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. through 3. No change.

(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, school personnel, or where the person who carried out the incident is unknown;

2. though 4. No change.

(4) No change.

(5) General SESIR reporting conventions.

(a) through (c) No change.

(d) Where an incident involves students from multiple schools or districts, the school or district where the incident occurred is responsible for reporting the incident in SESIR.

(e) Except as provided in subsection (6), allegations that are unsubstantiated must not be reported in SESIR.

(6) Incident specific SESIR reporting conventions.

(a) through (b) No change.

(c) Allegations of Sexual Assault or Sexual Battery by school personnel against any victim that are not able to be substantiated after investigation must be reported as Unsubstantiated Sexual Assault or Unsubstantiated Sexual Battery.

(d) For Unsubstantiated Sexual Assault, Unsubstantiated Sexual Battery, Sexual Assault, and Sexual Battery by school personnel, districts are required to report the following:

1. Responsibility: Districts must report whether they determined that a member of school personnel was responsible for the offense, was not responsible for the offense, or whether the determination remains pending. Districts must only report that the determination is pending when the final decision by the district remains unresolved at the end of the reporting period for Survey 5, as set forth in Rule 6A-1.0014, F.A.C.

2. Preliminary Action: Districts must report the action taken prior to any final disciplinary action or prior to termination. Reportable actions are:

a. Duty reassignment, which refers to the changing of placement from one position to another without promotion or demotion.

b. Resignation, which refers to a person formally giving up his job, and no longer being employed by the

employer.

c. Retirement, which refers to a person leaving his career permanently.

d. No action taken prior to final disciplinary action or termination.

e. Other, which refers to other preliminary action taken not listed above.

(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. Alcohol incidents cannot be Drug-related.

(b) Aggravated Battery (Level I): A battery where the attacker intentionally or knowingly causes more serious injury, 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 (n) No change.

(o) 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) through (u) No change.

(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. Tobacco incidents cannot be Drug-related.

(x) through (y) No change.

(z) Weapons Possession (Level II): Possession of a firearm or any instrument or object as defined by Section 790.001, 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) through (11) No change.

Rulemaking Authority 1001.02(2)(n), 1006.07(9), ~~1008.385(3)~~ 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 6-16-20₂