

## **NOTICE OF EMERGENCY RULE**

### **DEPARTMENT OF EDUCATION**

### **STATE BOARD OF EDUCATION**

RULE No.: 6AER23-01

RULE TITLE: Required Reporting of SESIR Incidents to Law Enforcement.

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The emergency rule specifies which School Environmental Safety Reporting (SESIR) incidents must be reported to law enforcement. This rule conforms to recent amendments to Section 1006.07(9), Florida Statutes, which became effective upon becoming law on April 3, 2023. See Ch. 23-18, § 24, Laws of Florida. The amended statute authorizes the Department of Education to adopt emergency rules “for the purpose of implementing the amendments made to s. 1006.07(9), Florida Statutes,” and directs the Department to specify which incidents that school districts must report to law enforcement. The Legislature found “that school district discretion over reporting criminal incidents to law enforcement has resulted in significant under-reporting of serious crimes” and stated that emergency rulemaking is necessary, and all conditions are deemed met, “to ensure that all reportable incidents that are crimes are reported to law enforcement as soon as practicable starting in the 2023-24 school year.” These findings are consistent with previous recommendations from the Marjory Stoneman Douglas High School Public Safety Commission and the reports issued by the Twentieth Statewide Grand Jury.

**REASONS FOR CONCLUDING THAT PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Department of Education was authorized to adopt emergency rules to ensure that all reportable SESIR incidents that are crimes are reported to law enforcement as soon as practicable starting in the 2023-24 school year. In addition to explicitly providing authority for this emergency rule, Ch. 23-18 § 24, Laws of Florida, provides that all conditions for adopting an emergency rule are deemed met. Despite this finding, the emergency rule was published on the Department’s website in an effort to reach interested persons prior to consideration by the State Board of Education. Finally, because the Department is headed by a board, rather than an individual, the emergency rule will be considered at a public meeting before the State Board of Education, with the opportunity for public input prior to final adoption. While this period is an abbreviated one, given the need to act quickly to ensure the new reporting requirements are in place for the 2023-24 school year, the procedure utilized is fair to interested and affected persons.

**SUMMARY OF THE RULE:** The emergency rule requires school districts and charter schools to report specified SESIR incidents to local law enforcement agencies.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Scott R. Strauss, Vice-Chancellor, Office of Safe Schools

THE FULL TEXT OF THE EMERGENCY RULE IS:

**6AER23-01 Required Reporting of SESIR Incidents to Law Enforcement.**

(1) Definitions.

(a) “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.

(b) “Reported to law enforcement” means that a school district or charter school communicated with a School Resource Officer (SRO) or other law enforcement agency or official about an incident. Reporting to law enforcement may not always result in law enforcement action being taken.

(c) “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 the 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.

(d) School Environmental Safety Incident Reporting” or “SESIR” means the required reporting by school districts and charter schools of disruptive or criminal incidents to the Florida Department of Education, as prescribed in Rule 6A-1.0017, F.A.C. School Environmental Safety Incident Reporting (SESIR), and Rule 6A-1.0014, F.A.C. Comprehensive Management Information System.

(2) Required reporting to law enforcement.

(a) Effective for all incidents that occur on or after August 1, 2023, school districts must report the following SESIR incidents, as defined in Rule 6A-1.0017, F.A.C., to law enforcement:

1. Aggravated Battery;
2. Alcohol;
3. Arson;
4. Burglary;
5. Criminal Mischief (Felony Vandalism – \$1,000 threshold);
6. Disruption On Campus – Major;
7. Drug Sale or Distribution;
8. Drug Use or Possession;
9. Fighting;
10. Grand Theft (\$750 threshold);
11. Hazing;
12. Homicide;
13. Kidnapping;
14. Other Major Incidents;
15. Robbery;
16. Sexual Assault;
17. Sexual Battery;
18. Sexual Offenses (Other);
17. Simple Battery;
20. Threat/Intimidation;
21. Trespassing; and
22. Weapons Possession.

(b) Effective for all incidents that occur on or after August 1, 2023, school districts must report all SESIR incidents to law enforcement where the incident includes one or more of the following related elements, as defined Rule 6A-1.0017, F.A.C.:

1. Alcohol-related;
2. Drug-related;
3. Gang-related;
4. Hate crime-related;
5. Hazing-related;
6. Injury-related, if the injuries are reported as more serious; and
7. Weapon-related.

(3) This rule does not limit school districts and charter schools from reporting other incidents to law enforcement that are not listed in paragraph (2)(a) and (b).

Rulemaking Authority 1001.02(2)(n), 1006.07(9) FS. Law Implemented 1006.07 FS. History –New

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF  
STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: