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MEMORANDUM

TO: School District Superintendents

FROM: Tim Hay, Executive Director

DATE: April 21, 2023

SUBJECT: Emergency Rule: Required Reporting of SESIR Incidents to Law Enforcement

Contact Information:

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On April 19, 2023, the State Board of Education approved Emergency Rule 6AER23-01, related to required reporting of School Environmental Safety Incident Reporting (SESIR) to law enforcement. The emergency rule became effective April 19, 2023, and incorporates requirements from [chapter 2023-18, section 24, Laws of Florida](#). That section reads, in part:

The Legislature finds that school district discretion over reporting criminal incidents to law enforcement has resulted in significant under-reporting of serious crimes. The Legislature further finds that emergency rulemaking authority is necessary to ensure that all reportable incidents that are crimes are reported to law enforcement as soon as practicable starting in the 2023-2024 school year.

The emergency rule includes definitions for relevant terms and lists SESIR incidents that are required to be reported to law enforcement. It will remain in effect until made permanent by amendments to Rule 6A-1.0017, Florida Administrative Code. The emergency rule reads:

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

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EXECUTIVE DIRECTOR, OFFICE OF SAFE SCHOOLS

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).

If you have any questions regarding SESIR reporting requirements, please contact the Office of Safe Schools at SafeSchools@fldoe.org or at 850-245-5173.

cc: School District School Safety Specialists
Charter School Governing Boards