



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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**To:** Special Education Data Managers of Public Schools  
Special Education Data Managers of Selected State Agencies  
Special Education Data Managers of Selected Approved Private  
Schools with Article 81 Placements, Including Special Act School  
Districts  
Chief School Officers of Approved Charter Schools

**Date:** November 2005

**From:** Inni Barone

**Subject:** PD-8 – Report of Students with Disabilities Suspended or Removed to an Interim Alternative Education Setting For Disciplinary Reasons, During the 2005-2006 School Year.

**Important: Due Date is Between July 1, 2006 and August 11, 2006.**

Attached is a PD-8 form for your use in reporting in-school suspensions, out-of-school suspensions and removals to Interim Alternative Education Settings of preschool and school-age students with disabilities who are the responsibility of your school district/agency/program during the period July 1, 2005 to June 30, 2006. The instructions and tables contained in this form have been developed in a manner fully consistent with the Individuals with Disabilities Education Act (IDEA) and instructions provided by the United States Department of Education (USDOE).

All schools must submit this report electronically through the PD web-based system at <http://pd.nysed.gov> or through the File Transfer Protocol (FTP) process. **Paper copies of this report will not be accepted.** A User ID and password to access the PD web-based system has been mailed to the school district contact person identified in the PD web-based system. If your school has a new contact person, or did not get this information, please contact our office. **Please note, if your school district has the capability of submitting PD-8 data through the FTP process, the User Name and password for that process are different from the User ID and password that has been assigned to the contact person to submit PD data through the web-based system. If your school district needs a User Name and password to submit data through the FTP process, please contact this office. The due date for this report is between July 1, 2006 and August 11, 2006. Paper copies of this report will not be accepted.** Your timely and accurate completion of this report is required in order to ensure full compliance with federal reporting requirements.

Compared to the PD-8 form issued for 2004-2005, the PD-8 form for 2005-2006 has been modified in the following ways:

- A new column 1D is added to Tables 3 and 4 to collect the number of times students with disabilities are removed by school personnel to Interim Alternative Educational Setting for incidences involving serious bodily injury.

As required under IDEA, section 612(a)(22), the New York State Education Department will examine these data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of students with disabilities among the local education agencies in the State. Based on data analysis, the State will review or require the review and, if appropriate, the revision of policies,

procedures, and practices related to development and implementation of IEPs, the use of behavior interventions, and procedural safeguards to ensure that these policies, procedures and practices comply with IDEA.

During 2005-2006, Strategic Evaluation Data Collection, Analysis and Reporting (SEDCAR) personnel may be available to conduct a limited number of regional training programs regarding the various special education forms (i.e., the PD forms). If you feel that such training would be useful to the data managers in your area, please contact your local Special Education Training and Resource Center (SETRC). The data collected through the PD forms are used in one or more of the following reports and activities:

- State Performance Plan and Annual Performance Report for Special Education
- Public reporting of LEA results against State targets established in the State Performance Report.
- Calculation of minimum amount of per-pupil IDEA funds to be sub-allocated or spent on services.
- Pocketbook of Goals and Results for Individuals with Disabilities
- Chapter 655 Report to the Governor and the Legislature on the Status of the State's Schools
- Special Education Quality Assurance Reviews
- School District Report Cards
- BOCES Report Cards
- Charter School Report Cards
- Calculations to identify instances of possible race/ethnicity disproportionality
- Re-direct IDEA funds for Early Intervening Services
- Other reports required by State or federal statutes
- Evaluation of programs and policies

If you have any questions or are in need of assistance in completing this report, please contact SEDCAR by using the contact information provided in the letterhead. Thank you.

Attachment

## ***PD-8 — Report of Students with Disabilities Suspended or Removed to an Interim Alternative Education Setting for Disciplinary Reasons***

**July 1, 2005 to June 30, 2006**

- Instructions:**
1. All Public School Districts, Special Act School Districts, Charter Schools, State Agencies and In-State Approved Private Schools that provide educational services pursuant to Article 81 of the Education Law must complete this report.
  2. This report must be submitted through our web-based PD data system at <http://pd.nysed.gov> between July 1, 2006 and August 11, 2006. Paper copies of this report will not be accepted.
  3. Retain one copy (and supporting documentation) in your district/school/agency for reference and audit purposes. The required retention period ends June 30, 2013.
  4. If you have questions about this report, please call (518) 486-4678, or e-mail your questions to [vesidcar@mail.nysed.gov](mailto:vesidcar@mail.nysed.gov)

Check here if no students with disabilities received in-school suspension or out-of-school suspensions for disciplinary reasons, or were removed to an Interim Alternative Education Setting during the 2005-2006 school year. If this box is checked, and you have submitted this information through our website at <http://pd.nysed.gov>, your report is complete.

<b><i>District/School/Agency Information</i></b>											
(Enter 12-digit SED Code Below)											
DISTRICT/SCHOOL/AGENCY NAME											
ADDRESS (include building name, room number, or mail stop information)											
CITY						STATE			ZIP		

<b><i>Contact Person Information *</i></b>	
NAME	
TITLE	
TELEPHONE (include Area Code)	FAX
E-MAIL ADDRESS	

\* All correspondence from SEDCAR will be directed to the contact person identified in the PD web based data entry system at <http://pd.nysed.gov> Please keep the contact person information current, including the e-mail address as most communication will occur via e-mail.

## General Instructions for Completing the PD-8 Report

1. Report information for all students with disabilities (ages 3-21) who are the primary responsibility of your CPSE or CSE (or were enrolled in your Charter School), and who received in-school suspensions (Table 1); or were suspended on an out-of-school basis for up to ten days in the school year (Table 2); or were suspended on an out-of-school basis for more than ten days in the school year, or were removed to an Interim Alternative Education Setting (Tables 3 and 4). Special Act School Districts and other approved private schools that provide educational services for students with disabilities pursuant to Article 81 should complete the PD-8 report only for students with disabilities provided special education services pursuant to Article 81. Charter Schools should complete the PD-8 report for all enrolled students with disabilities.
2. Data should be reported for the period July 1, 2005 to June 30, 2006. Students whose suspension begins within the reporting period but extends beyond the reporting period must be included in this report. Also a student who commits an offense during this reporting period and is assigned a suspension but receives the suspension during the following reporting period must be included in this report.
3. Please refer to Part 201 of the Commissioner's Regulations and *Procedural Safeguards for Students with Disabilities Subject to Discipline* at <http://www.vesid.nysed.gov/specialed/publications/lawsandregs/coverpage.htm>
4. If you have any questions or are in need of assistance in completing this report, please contact the Strategic Evaluation Data Collection, Analysis and Reporting unit by telephoning (518) 486-4678, or e-mailing your questions to [vesidcar@mail.nysed.gov](mailto:vesidcar@mail.nysed.gov)

### Definitions of terms found in Tables 1-4

*In-School Suspension (ISS)* (Table 1) – Instances in which a student is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains in the school he or she regularly attends under the direct supervision of school personnel. This term does not include behavioral intervention such as “time out” nor disciplinary detentions that are administered before or after the student’s school day.

*Out-of-School Suspension*- Instances in which a student is temporarily removed from his/her regular school for disciplinary purposes to another setting outside the school he or she regularly attends.

*Unilateral Removal to an Interim Alternative Educational Setting* (Table 3, column 1; Table 4, column 1) –Instances in which school personnel (not the CPSE or CSE) order the removal of students with disabilities from their current educational placement to an appropriate interim alternative educational setting determined by the CSE or CPSE for the same amount of time that students without disabilities would be subject to discipline, but for not more than 45 school days, if the students carry a weapon to school or to a school function, knowingly possess or use illegal drugs while at school or a school function, or sells or solicits the sale of a controlled substance while at school or a school function or inflicts serious bodily injury upon another person while at school, on school premises, or at a school function. (See definitions in Part 201 of the Commissioner’s Regulations.)

*Removal by an Impartial Hearing Officer* (Table 3, column 2; Table 4, column 2) – Those instances in which an impartial hearing officer orders the removal of students with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 school days based on the impartial hearing officer’s determination that the public agency has demonstrated by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student and/or to others. *Impartial hearing officer* means an impartial hearing officer as defined in subdivision (x) of section 200.1 of the Commissioner’s Regulations who is appointed to conduct an impartial hearing or expedited due process hearing pursuant to Education Law section 4404(1). Such term shall not include a hearing officer designated by a superintendent of schools to conduct a superintendent's hearing pursuant to Education Law section 3214.3(c).

*Dangerous weapon* (Table 3, column 1C; Table 4, column 1C) – A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2 ½ inches in length (18 U.S.C. §930).

*Drug offenses (Table 3, column 1B; Table 4, column 1B)* – The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. §812; these offenses do not include use, possession, sale, or solicitation of alcohol or tobacco.

*Serious Bodily Injury*- A bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss of impairment of the function of a bodily member, organ or faculty (18 U.S.C. section 1365(3)(h)).

*Race/ethnicity*- Students with disabilities’ race/ethnicity must be reported consistently on all PD forms and other Department data collection instruments. Each student must be reported in only one of the race/ethnicity categories described below. We recommend the parents be provided an opportunity to designate their children as belonging to one race/ethnicity category. If they are unable to choose among the categories, school district personnel must use their best judgment and report the student in the category based on the group to which the student appears to belong, identifies with, or is regarded in the community as belonging.

American Indian or Alaskan Native      A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian or Pacific Islander      A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. The Pacific Islands includes Hawaii, Guam, and Samoa.

Black or African American (Not Hispanic)      A person having origins in any of the Black racial groups of Africa.

Hispanic or Latino      A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

White (Not Hispanic)      A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Total      The unduplicated total across the race/ethnicity designations.

### **Instructions for Table 1 and Table 2**

- In Tables 1 and 2, report the number of preschool (Line 14) and school-age (Lines 1-13) students with disabilities who received ISS for disciplinary reasons (Table 1) or who were suspended out-of-school for up to 10 days (Table 2), between July 1, 2005 and June 30, 2006.
- A student may be reported in both Table 1 and in Table 2; if the same student received ISS and out-of-school suspension (for ten days or less) during the time frame addressed in this report.
- Data are to be reported in whole day increments. For data purposes only, a student who received ISS or was suspended out-of-school for a portion of the school day should be reported if such removals amounted to 50 percent or more of the school day.
- Each student with a disability who received ISS or was suspended out-of-school for up to 10 days should be reported in the appropriate table according to the cumulative number of days of such removals. For example, a student removed three times (once, ISS for one and one-fourth day; and twice out-of-school suspension for 3 days each) should be reported in the 1 Day column in Table 1 and in the 6-10 Days column in Table 2.
- ISS and out-of-school suspension data for all preschool students with disabilities, who are provided special education programs and services pursuant to sections 4410 and 4201 of the Education Law, should be reported in line 14 of the appropriate table.
- In cases where a student’s disability category has been changed during the course of the school year, data should be reported based on the most recent classification category.

### Instructions for Table 3 and Table 4

- Report data in Table 3 (by disability category) and in Table 4 (by race/ethnicity category) for all preschool and school-age students with disabilities removed to an interim alternative education setting or suspended or expelled, out-of-school, for more than 10 school days in a school year. (Do not report in Tables 3 and 4 students with disabilities who received ISS, regardless of the cumulative length of time of the ISS) Such data are to be reported for the period July 1, 2005 to June 30, 2006.
- In Tables 3 and 4, the number reported in each Line of Column 1A should be less than or equal to the sum of each Line of Columns 1B, 1C and 1D. The number reported in each Line of Column 3A should be less than or equal to the sum of each Line of Columns 3B and 3C. The number reported in each Column in Line 15 of Table 3 should equal the number reported in the corresponding Column in Line 6 of Table 4.

#### Specific Instructions for Table 3

- In Table 3, data are reported by disability category.
- In Column 1A, provide an **unduplicated** count of students ages 3-21 who were unilaterally removed for drug, weapons offenses, or serious bodily injury (as defined above) by school personnel from their current educational placement to an interim alternative educational setting.
- In Column 1B, report the total **number of times** students ages 3-21 were unilaterally removed for drug and controlled substances offenses, as defined above.
- In Column 1C, report the total **number of times** students ages 3-21 were unilaterally removed for weapons offenses, as defined above.
- In Column 1D, report the total **number of times** students ages 3-21 were unilaterally removed for incidences involving serious bodily injury. A student may be counted more than once in Columns 1B, 1C, and 1D.
- In Column 2, report the total number of students, ages 3-21, who were removed to an interim alternative educational setting based on an impartial hearing officer determination of likely injury. Provide an unduplicated count of students removed by a hearing officer.
- In Column 3A, provide an **unduplicated** count of students ages 3-21 who were suspended or expelled for more than 10 days during the school year for any offense or combination of offenses. Include only out-of-school suspensions.
- In Column 3B, report the **number of times** students ages 3-21 were subject to a single suspension/expulsion of more than 10 days in a school year. A student may be counted more than once in Column 3B. In Column 3C, report the number of students ages 3-21 who were subject to multiple short-term suspensions summing to more than 10 days. A student may be counted only once in Column 3C. Include only out-of-school suspensions.
- The student counts for Columns 1A and 3A are unduplicated within each of these columns. Each student counted in Columns 1B, 1C and/or 1D should be counted once, and only once, in Column 1A. Similarly, each student counted in Columns 3B and/or 3C should be counted once, and only once, in Column 3A.
- A student initially suspended on a short-term basis out-of-school pending a suspension hearing and subsequent to the suspension hearing is suspended for additional days should be reported as a single suspension, based on the total days suspended.
- A student initially suspended on a short-term basis in-school pending a suspension hearing and subsequent to the hearing is suspended on an out-of-school basis should be reported in Table 1. The same student should also be reported in Table 2 or in Tables 3 and 4.

#### Specific Instructions for Table 4

The columns found in Table 3 are repeated in Table 4, and all students reported in Table 3 must also be reported in Table 4. Every Column Total in Table 3 must equal the corresponding Column Total in Table 4. In Table 4, data are reported by race/ethnicity categories.

**TABLE 1 – REPORT OF PRESCHOOL AND SCHOOL-AGE STUDENTS WITH DISABILITIES WHO RECEIVED “IN-SCHOOL SUSPENSIONS” FOR DISCIPLINARY REASONS –IN THE SCHOOL YEAR 2005-2006 (July 1, 2005 to June 30, 2006)**

Line No.	Disability Category	Number of Students who Received In-School-Suspensions for:				Total Students Suspended
		1 Day	2-5 Days	6-10 Days	Over 10 Days	
1	Autism					
2	Emotional Disturbance					
3	Learning Disability					
4	Mental Retardation					
5	Deafness					
6	Hearing Impairment					
7	Speech or Language Impairment					
8	Visual Impairment Including Blindness					
9	Orthopedic Impairment					
10	Other Health Impairment					
11	Multiple Disabilities					
12	Deaf-Blindness					
13	Traumatic Brain Injury					
14	Preschool Student with a Disability					
15	Total					

**TABLE 2 – REPORT OF PRESCHOOL AND SCHOOL-AGE STUDENTS WITH DISABILITIES SUSPENDED “OUT-OF-SCHOOL” FOR DISCIPLINARY REASONS FOR UP TO TEN DAYS –IN THE SCHOOL YEAR 2005-2006 (July 1, 2005 to June 30, 2006)**

Line No.	Disability Category	Number of Students Suspended Out-of-School for:			Total Students Suspended
		1 Day	2-5 Days	6-10 Days	
1	Autism				
2	Emotional Disturbance				
3	Learning Disability				
4	Mental Retardation				
5	Deafness				
6	Hearing Impairment				
7	Speech or Language Impairment				
8	Visual Impairment Including Blindness				
9	Orthopedic Impairment				
10	Other Health Impairment				
11	Multiple Disabilities				
12	Deaf-Blindness				
13	Traumatic Brain Injury				
14	Preschool Student with a Disability				
15	Total				

Note: Students with disabilities suspended out-of-school for more than 10 days must be reported in Tables 3 and 4

**TABLE 3 – REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING, OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL, FOR MORE THAN 10 DAYS, DURING 2005-2006 SCHOOL YEAR, BY DISABILITY**

Please review definitions and instructions beginning on page 3 before completing this Table.

Students with Disabilities Ages 3-21	1. Unilateral Removals to an Interim Alternative Educational Setting by School Personnel for Drugs (Including Controlled Substances), Weapons, Serious Bodily Injury*				2. Number of Students Removed to an Interim Alternative Educational Setting Based on an Impartial Hearing Officer Determination Regarding Likely Injury	3. Number of Students Suspended > 10 Days and Number of Out-of-School Suspensions		
Disability	A. Unduplicated Count of Students Reported in Columns 1B, 1C and 1D <sup>1</sup>	B. Number of Times Students were Unilaterally Removed by School Personnel for Drugs <sup>2</sup>	C. Number of Times Students were Unilaterally Removed by School Personnel for Weapons <sup>2</sup>	D. Number of Times Students were Unilaterally Removed by School Personnel for Serious Bodily Injury <sup>2</sup>	Unduplicated Count of Students	A. Unduplicated Count of Students Reported in Columns 3B and 3C <sup>3</sup>	B. Number of Times Students Received Single Suspension / Expulsion > 10 Days <sup>4</sup>	C. Number of Students with Multiple Suspensions / Expulsions Summing to > 10 Days <sup>4</sup>
1. Autism								
2. Emotional Disturbance								
3. Learning Disability								
4. Mental Retardation								
5. Deafness								
6. Hearing Impairment								
7. Speech or Language Impairment								
8. Visual Impairment Including Blindness								
9. Orthopedic Impairment								
10. Other health Impairment								
11. Multiple Disabilities								
12. Deaf-Blindness								
13. Traumatic Brain Injury								
14. Preschool Student with a Disability								
15. Total								

<sup>1</sup>The number of students reported on each Line of Column 1A should be less than or equal to the sum of corresponding Lines of Columns 1B, 1C, and 1D.

<sup>2</sup>Each student counted in Columns 1B, 1C and/or 1D should be counted once, and only once, in Column 1A.

<sup>3</sup>The number of students reported on each Line of Column 3A should be less than or equal to the sum of corresponding Lines of Columns 3B and 3C.

<sup>4</sup>Each student counted in Columns 3B and/or 3C should be counted once, and only once, in Column 3A.

\*Students reported in Column 1 should also not be reported in Column 3A for suspension related to the same offense.

**TABLE 4 – REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING, OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL, FOR MORE THAN 10 DAYS, DURING 2005-2006 SCHOOL YEAR, BY RACE/ETHNICITY**

Students with Disabilities Ages 3-21	1. Number of Students Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs (Including Controlled Substances) and Weapons				2. Number of Students Removed to an Interim Alternative Educational Setting Based on an Impartial Hearing Officer Determination Regarding Likely Injury	3. Number of Students Suspended > 10 Days and Number of Out-of-School Suspensions		
	A. Unduplicated Count of Students Reported in Columns 1B and 1C <sup>1</sup>	B. Number of Times Students were Unilaterally Removed by School Personnel for Drugs <sup>2</sup>	C. Number of Times Students were Unilaterally Removed by School Personnel for Weapons <sup>2</sup>	D. Number of Times Students were Unilaterally Removed by School Personnel for Serious Bodily Injury <sup>2</sup>		Unduplicated Count of Students	A. Unduplicated Count of Students Reported in Columns 3B and 3C <sup>3</sup>	B. Number of Times Students Received Single Suspension/Expulsion > 10 Days <sup>4</sup>
Race/Ethnicity								
1. American Indian/Alaskan Native								
2. Asian/Pacific Islander								
3. Black								
4. Hispanic								
5. White								
6. Total <sup>5</sup>								

<sup>1</sup>The number of students reported on each Line of Column 1A should be less than or equal to the sum of corresponding Lines of Columns 1B, 1C, and 1D.

<sup>2</sup>Each student counted in Columns 1B, 1C and/or 1D should be counted once, and only once, in Column 1A.

<sup>3</sup>The number of students reported on each Line of Column 3A should be less than or equal to the sum of corresponding Lines of Columns 3B and 3C.

<sup>4</sup>Each student counted in Columns 3B and/or 3C should be counted once, and only once, in Column 3A.

<sup>5</sup>The number of students reported in each column of Table 4 must be equal to the total reported in each column of Table 3.