

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
OFFICE OF P-12 (SPECIAL EDUCATION)
INFORMATION AND REPORTING

**PD8 — Report of Students with Disabilities Subject of Disciplinary Removal
July 1, 2020 to June 30, 2021**

**General
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, 2021 and August 2, 2021. 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, 2028.
4. Carefully review instructions and definitions on the following pages.
5. If you have questions about this report, please e-mail your questions to datasupport@nysed.gov.

Additional Instructions for Completing the PD8 Report

1. Report information for all students with disabilities (ages 3-21) who are the primary responsibility of your Committee of Preschool Special Education (CPSE) or Committee on Special Education (CSE) (or were enrolled in your Charter School), and who received in-school suspensions; or were suspended/expelled on an out-of-school basis; or were removed to an interim alternative education setting (IAES). Special Act School Districts and other approved private schools that provide educational services for students with disabilities pursuant to Article 81 should complete the PD8 report only for students with disabilities provided special education services pursuant to Article 81. Charter Schools should complete the PD8 report for all enrolled students with disabilities. Parentally placed students in non-public schools should not be included in any PD8 submission.
2. Data should be reported for the period July 1, 2020 to June 30, 2021. Students whose suspension/expulsion 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/expulsion but receives the suspension/expulsion during the following reporting period must be included in this report.
3. Records of the amount of time students with disabilities are suspended should be maintained for all half day suspensions but reported only if a student is suspended cumulatively for one or more days during the school year.
4. Please refer to Part 201 of the Commissioner's Regulations and *Procedural Safeguards for Students with Disabilities Subject to Discipline* at <http://www.p12.nysed.gov/specialed/lawsregs/part201.htm>.
5. If you have any questions or are in need of assistance in completing this report, please contact Information and Reporting Services (IRS) Special Education by e-mailing your questions to datasupport@nysed.gov

Definitions of terms found in Tables 1-3

In-School Suspension (ISS) (Tables 1 and 2, Column 4) – Instances in which the child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision. This term does not include behavioral intervention such as “time-out” nor disciplinary detentions that are administered before or after the students’ school day.

Out-of-School Suspension (Tables 1 and 2, Column 2) - Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less and removals in which the child continues to receive services according to his/her IEP.

Expulsion (Tables 1, 2 and 3) – An action taken by the local educational agency (LEA) removing a student from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with LEA policy. Include removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.

Unilateral Removal to an Interim Alternative Educational Setting (Tables 1 and 2, Section 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 IAES 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 (Tables 1 and 2, Section 3) – Those instances in which an impartial hearing officer orders the removal of students with disabilities from their current educational placement to an appropriate IAES 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).

Disciplinary Removal – Any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an IAES for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to self or others.

Drug offenses (Tables 1 and 2, Section 1, Column B) – 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.

Dangerous weapon (Tables 1 and 2, Section 1, Column C) – 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).

Serious Bodily Injury (Tables 1 and 2, Section 1, Column D) - 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)).

English Language Learner (ELL/MLL) (Table 2) - A child who meets the definition of a limited English proficient IEP child under the Elementary and Secondary Education Act, 20 U.S.C Section 7801(A)(25). ELL/MLL status should reflect the child’s status at the time of the removal.

Race/ethnicity (Table 2)- Students with disabilities’ race/ethnicity must be reported consistently on all PD forms and other Department data collection instruments such as the Basic Education Data System (BEDS) enrollment report. 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.

Hispanic/Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. Refers to Hispanic and/or Latino.
American Indian or Alaska 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. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. This includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
Black or African American	A person having origins in any of the Black racial groups of Africa. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or the Pacific Islands. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
Two or more races	A person having origins in two or more of the five <u>race</u> categories listed immediately above. <i>(Does not include persons of Hispanic/Latino ethnicity.)</i>
Total	The unduplicated total across the seven (7) race/ethnicity designations.

Instructions for Tables 1 and Table 2

- Report data in Table 1 (by disability category) and in Table 2 (by race/ethnicity, gender and ELL/MLL status) for all preschool and school-age students with disabilities removed to an IAES or suspended or expelled, in school or out-of-school. All disciplinary removals are to be reported for the period July 1, 2020 to June 30, 2021.
- In Tables 1 and 2, the number reported on each Line of Column 1A should be less than or equal to the sum of numbers reported on each Line of Columns 1B, 1C and 1D.

Specific Instructions for Table 1- by Disability

1. In Table 1, columns 1 through 5, report the number of students with disabilities in each column by disability category.
2. In column 1A, report the number of students with disabilities, ages 3-21, who were unilaterally removed for drug or weapons offenses or serious bodily injury by school personnel (NOT the IEP team) from their current educational placement to an IAES (determined by the IEP team). Children with more than one unilateral removal should be counted only once in column 1A.
3. Columns 1B, 1C, and 1D are counts of removals. Each student reported in column 1A should be reported at least once in columns 1B, 1C, or 1D.
4. In column 1B, report the total number of times the students reported in column 1A were unilaterally removed for drug offenses.
5. In column 1C, report the total number of times the students reported in column 1A were unilaterally removed for weapons offenses.
6. In column 1D, report the total number of times the students reported in column 1A were unilaterally removed for inflicting serious bodily injury on another person while at school, on school premises, or at a school function under the jurisdiction of the LEA.
7. If a student reported in column 1A was unilaterally removed to an IAES more than once then this student should be counted more than once in columns 1B, 1C, or 1D. If, in the course of a single incident, a student committed more than one type of offense, then report the student in each of the appropriate columns. For example, if the student committed both a drug offense and a weapon offense during the same incident, report the drug offense in column 1B and report the weapon offense in column 1C. Every student reported in columns 1B, 1C, and/or 1D should be counted once, and only once, in column 1A.
8. Students who were removed from school by school personnel for drugs, weapons, or serious bodily injury for 10 days or less and were NOT sent to an IAES, should be reported as having been suspended. Do not include these children in column 1A.
9. Students who were removed from school by school personnel for drugs, weapons, or serious bodily injury and who were sent to an IAES for 45 days or less should be reported in column 1A. This includes students who were sent to an IAES for 10 days or less.
10. In column 2, report the number of students ages 3-21, who were removed to an IAES based on an impartial hearing officer determination of likely injury to themselves or others. Students removed by an impartial hearing officer more than once should be counted only once in column 2.
11. Column 3 is a report of students ages 3-21 with out-of-school suspensions or expulsions.
12. In column 3A, report the number of students ages 3-21 with out-of-school suspensions or expulsions summing to 10 days or less during the school year for any offense or combination of offenses. No student should be reported more than once in column 3A.

13. In column 3B, report the number of students ages 3-21 with out-of-school suspensions or expulsions summing to more than 10 days during the school year for any offense or combination of offenses. No student should be reported more than once in column 3B.
14. **NOTE:** No student should be reported in both column 3A and column 3B. The sum of 3A and 3B is the total number of children with out-of-school suspensions or expulsions during the school year.
15. Column 4 is a report of students ages 3-21 with in-school suspensions.
16. In column 4A, report the number of students ages 3-21 with in-school suspensions summing to 10 days or less during the school year for any offense or combination of offenses. No student should be reported more than once in column 4A.
17. In column 4B, report the number of students ages 3-21 with in-school suspensions summing to more than 10 days during the school year for any offense or combination of offenses. No student should be reported more than once in column 4B.
18. **NOTE:** No student should be reported in both column 4A and column 4B. The sum of 4A and 4B is the total number of students with in-school suspensions during the school year.
19. **NOTE:** If a student has both in-school and out-of-school suspensions in the same school year, that same student can be reported in both column 3A or 3B and column 4A or 4B.
20. A student should be counted in only one of the first three columns (1A, 2, or 3) for the same offense. If a student is unilaterally removed for drugs and reported in column 1A, then do NOT report the student again in column 3 for the same incident. Similarly, if a student is removed by an impartial hearing officer for likely injury and is reported in column 2, then do NOT report the student again in column 3 for the same incident.
21. A student who is subject to both an in-school and an out-of-school suspension for the same offense should be reported in both columns 3 and 4.
22. A student with more than one offense could be counted in more than one column (1A, 2, or 3). For example, a student who was unilaterally removed to an IAES and, later in the school year, was subject to an out-of-school suspension for more than 10 school days for a separate offense, should be reported in both column 1A and column 3.
23. Column 5 is a report of disciplinary removals. In column 5A, report the number of times any student with a disability was subject to any kind of disciplinary removal during the school year. When counting disciplinary removals, include in-school suspensions, out-of-school suspensions, expulsions, removals by school personnel to an IAES for drug or weapon offenses or serious bodily injury, and removals by an impartial hearing officer for likely injury to self or others. Note that column 5A is a report of disciplinary events, NOT students. If a student has more than one disciplinary removal in the school year, then each removal should be reported in column 5A.
Report each student with a disciplinary removal only once in either column 5B, 5C, or 5D according to the cumulative number of days of removal during the school year.
24. In column 5B, report any student whose cumulative length of removal during the school year totaled 1 day or less.

25. In column 5C, report any student whose cumulative length of removal during the school year totaled between 2 and 10 days.
26. In column 5D, report any student whose cumulative length of removal during the school year totaled more than 10 days.
27. All students reported in columns 5B through 5D should have one or more disciplinary removals reported in column 5A. For example, a student who was suspended three times for three days each during the school year (a total of 9 days) should be reported 3 times in column 5A and once in column 5C.
28. **NOTE:** The sum of 5B, 5C, and 5D is the total number of students with one or more disciplinary removals during the school year. Each student reported in columns 1A, 2, 3, or 4 should be reported only ONCE in column 5B, 5C, or 5D, based on the cumulative number of days the child was removed during the school year.

Specific Instructions for Table 2 – by Race/Ethnicity, Gender and ELL/MLL Status

The columns found in Table 1 are repeated in Table 2, and all students reported in Table 1 must also be reported in Table 2 three times: once by race/ethnicity, with the total on Line 7; once by gender, with the total on Line 10 and once by limited English proficiency, with the total on Line 13. Every column total in Table 1 must be equal to the corresponding column totals on Lines 7, 10 and 13 of Table 2.

Specific Instructions for Table 3

1. In column A, report the number of students **with** disabilities ages 3-21 and the number of students **without** disabilities in grades K through 12 who were subject to expulsion during the school year and who received educational services during the expulsion.
2. In column B, report the number of students with disabilities ages 3-21 and the number of students **without** disabilities in grades K through 12 who did **NOT** receive educational services during the expulsion.
3. **NOTE:** Students with disabilities must receive educational services during any removal of more than 10 school days. The only students with disabilities who should be reported in column B are those who were removed for less than 10 school days after an expulsion (e.g., students with disabilities expelled under the Gun Free Schools Act whose expulsions were modified to less than 10 school days).

TABLE 1 – REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING (IAES), OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL OR IN-SCHOOL 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 IAES by School Personnel				2. Number of Students Removed to an IAES Based on an Impartial Hearing Officer Determination Regarding Likely Injury	3. Out-of-School Suspensions or Expulsions	
	Disability	A. Unduplicated Count of Students Reported in Columns 1B, 1C and 1D ¹	B. Number of Times Students were Removed for Drugs ²	C. Number of Times Students were Removed for Weapons ²	D. Number of Times Students were Removed for Serious Bodily Injury ²	Unduplicated Count of Students	A. Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling 10 Days or Less
1. Autism							
2. Emotional Disturbance							
3. Learning Disability							
4. Intellectual Disability							
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							

¹The 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.

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

Students with Disabilities Ages 3-21	4. In-School Suspensions		5. Disciplinary Removals			
Disability	A. Number of Students with Disabilities with In- School Suspensions Totaling 10 Days or Less	B. Number of Students with Disabilities with In- School Suspensions Totaling More Than 10 Days	A. Total Number of Disciplinary Removals	B. Number of Students with Disabilities with Disciplinary Removals Totaling 1 Day	C. Number of Students with Disabilities with Disciplinary Removals Totaling 2-10 Days	D. Number of Students with Disabilities with Disciplinary Removals Totaling More Than 10 Days
1. Autism						
2. Emotional Disturbance						
3. Learning Disability						
4. Intellectual Disability						
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. <i>Total</i>						

TABLE 2 – REPORT OF STUDENTS WITH DISABILITIES, AGES 3-21, REMOVED TO AN INTERIM ALTERNATIVE EDUCATION SETTING (IAES), OR SUSPENDED OR EXPELLED, OUT-OF-SCHOOL OR IN-SCHOOL, BY RACE/ETHNICITY, BY GENDER and BY ELL/MLL STATUS

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

Students with Disabilities Ages 3-21	1. Unilateral Removals to an IAES by School Personnel				2. Number of Students Removed to IAES Based on an Impartial Hearing Officer Determination Regarding Likely Injury	3. Out-of-School Suspensions or Expulsions	
	A. Unduplicated Count of Students Reported in Columns 1B, 1C and 1D	B. Number of Times Students were Removed for Drugs	C. Number of Times Students were Removed for Weapons	D. Number of Times Students were Removed for Serious Bodily Injury		A. Number of Students with Disabilities with Out-of- School Suspensions/Expulsions Totaling 10 Days or Less	B. Number of Students with Disabilities with Out-of- School Suspensions/Expulsions Totaling More Than 10 Days
1. Hispanic/ Latino							
2. American Indian or Alaska Native (not of Hispanic/ Latino Ethnicity)							
3. Asian (not of Hispanic/ Latino Ethnicity)							
4. Black or African American (not of Hispanic/ Latino Ethnicity)							
5. Native Hawaiian or Other Pacific Islander (not of Hispanic/ Latino Ethnicity)							
6. White (not of Hispanic/ Latino Ethnicity)							
7. Two or more races (not of Hispanic Origin)							
8. Total by Race/Ethnicity ¹							
9. Male							
10. Female							
11. Total by Gender ²							
12. English Language Learner							
13. Not English Language Learner							
14. Total by ELL/MLL Status ³							

¹The number of students reported in each Column on Line 8 (total by race/ethnicity) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

²The number of students reported in each Column on Line 11 (total by gender) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

³The number of students reported in each Column on Line 14 (total by ELL/MLL status) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

Students with Disabilities Ages 3-21	4. In-School Suspensions		5. Disciplinary Removals			
	A. Number of Students with Disabilities with In- School Suspensions Totaling 10 Days or Less	B. Number of Students with Disabilities with In- School Suspensions Totaling More Than 10 Days	A. Total Number of Disciplinary Removals	B. Number of Students with Disabilities with Disciplinary Removals Totaling 1 Day	C. Number of Students with Disabilities with Disciplinary Removals Totaling 2-10 Days	D. Number of Students with Disabilities with Disciplinary Removals Totaling More Than 10 Days
1. Hispanic/ Latino						
2. American Indian or Alaska Native (not of Hispanic/ Latino Ethnicity)						
3. Asian (not of Hispanic/ Latino Ethnicity)						
4. Black or African American (not of Hispanic/ Latino Ethnicity)						
5. Native Hawaiian or Other Pacific Islander (not of Hispanic/ Latino Ethnicity)						
6. White (not of Hispanic/ Latino Ethnicity)						
7. Two or more races (not of Hispanic Origin)						
8. Total by Race/Ethnicity ¹						
9. Male						
10. Female						
11. Total by Gender ²						
12. English Language Learner						
13. Not English Language Learner						
14. Total by ELL/MLL Status ³						

¹The number of students reported in each Column on Line 8 (total by race/ethnicity) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

²The number of students reported in each Column on Line 11 (total by gender) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

³The number of students reported in each Column on Line 14 (total by ELL/MLL status) in Table 2 should be equal to the number reported in each corresponding Column on Line 15 in Table 1 (by disability).

TABLE 3 – STUDENTS SUBJECT TO EXPULSIONS WITH AND WITHOUT EDUCATIONAL SERVICES BY DISABILITY STATUS

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

	A. Received Educational Services During Expulsion	B. Did not Receive Educational Services During Expulsion
1. Students with Disabilities Ages 3-21		
2. Students without Disabilities, Grades K-12		
3. Total		