

PD8 Report of Students with Disabilities Subject to Disciplinary Removal From July 1, 2022 to June 30, 2023

About this Report

The PD8 form collects discipline data for the reporting period July 1, 2022 through June 30, 2023. The data collected includes counts of in-school suspensions, out-of-school suspensions, and removals to interim alternative education settings (IAES) for students with disabilities ages 3 through 21 for whom the school district had Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) responsibility, or for Charter Schools, all enrolled students with disabilities. The form also collects the count of school-age students with and without disabilities who received educational services during expulsion and the count of those who did not receive educational services during expulsion.

This data collection has 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). For more information, please refer to Part 201 of the *Commissioner's Regulations and Procedural Safeguards for Students with Disabilities Subject to Discipline* at <http://www.nysed.gov/special-education/new-york-state-laws-and-regulations-related-special-education-and-students>.

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 report this data.

The due date for this report is September 8, 2023. Your timely and accurate completion of this report is required to ensure full compliance with federal reporting requirements.

Data Submission Instructions

1. The PD8 must be submitted to the State Education Department through the PD Data System at <http://pd.nysed.gov>. Paper copies will not be accepted.
2. Log into the PD Data System and select PD8 from the "PD Forms" menu. Enter your data and then save and submit it. If there were no suspensions or removals of students with disabilities during the school year, submit the report with zeroes in the cells. **You may also submit data by FTP through your student management system.**
3. Once your data have been submitted, certify the report as complete and accurate. The report is not complete until it has been certified.
4. Retain one copy of your completed form and any supporting documentation for reference and audit purposes. The required retention period ends June 30, 2030.
5. If you require assistance in completing this report, or if you have certified it in error, please email Information and Reporting Services (IRS) at datasupport@nysed.gov and include "PD8" in the subject line.

Data Reporting Instructions

Students whose suspension or expulsion begins within the reporting period but extends beyond the reporting period must be reported. Students who commit an offense during this reporting period but receive the suspension or expulsion during the following reporting period must be reported.

Table 1 and Table 2

- Report counts of removals and suspensions by type of disability in Table 1, Lines 1 – 14.
 - The totals on Table 1, Line 15 will be auto calculated.
 - Report the counts of removals and suspensions by race and ethnicity in Table 2, Lines 1 – 7.
 - Report the counts of removals and suspensions by male, female and nonbinary in Table 2, Lines 9 – 11.
 - Report the counts of removals and suspensions for English Language Learners (ELL) and Non-ELL students in Table 2, Lines 13 and 14.
 - The total on Table 2, Lines 8, 12 and 15 will be auto calculated.

 - Section 1: Unilateral Removal to an IAES by School Personnel
 - For Columns 1B, 1C and 1D: The same student can be counted more than once if a student was removed for separate incidents. However, a student should be only counted in one category (drugs, weapons, or bodily injury) for each incident. For example, a student is involved in an incident in September and is removed for drugs. The same student is involved in a separate incident in December and is removed for weapons. This student should be reported once in Column 1B and once in Column 1C. This student will be counted only one time in Column 1A.
 - Column 1B: Report the number of times students removed for drug offenses.
 - Column 1C: Report the number of times students were removed for weapon offenses.
 - Column 1D: Report the number of times students were removed for bodily injury offenses.
 - Column 1A: Report the unduplicated count of students reported in Columns 1B, 1C and 1D. Each student should only be counted once, regardless of the number of times the student was removed. The count reported here cannot exceed the counts reported in Columns 1B, 1C, and 1D

 - Section 2: Number of Students Removed to an IAES Based on an Impartial Hearing Officer Determination Regarding Likely Injury
 - Report the number of Students Removed to an IAES Based on an Impartial Hearing Officer Determination Regarding Likely Injury

 - Section 3: Out-of-School Suspensions or Expulsions
 - Column 3A: Report the number of students with disabilities with out-of-school suspensions totaling 10 days or fewer
 - Column 3B: Report the number of students with disabilities with out-of-school suspensions totaling more than 10 days

 - Section 4: In-School Suspensions
 - Column 4A: Report the number of students with in-school suspensions totaling 10 days or fewer
 - Column 4B: Report the number of students with in-school suspensions totaling more than 10 days
- Note: A student with more than one offense could be counted in more than one column; for example, if a student has both in-school and out-of-school suspensions in the same school year, the student should be included in Column 3 and Column 4. 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.
- Section 5: Disciplinary Removals
 - Column 5A: Report the total number of disciplinary removals of any kind during the school year. If a student has more than one disciplinary removal in the school year, include each removal in the total.
 - Column 5B: Report the number of students with disabilities whose cumulative length of removal during the school year totaled one half to one day.
 - Column 5C: Report the count of students whose cumulative length of removal totaled one and a half days to ten days.
 - Column 5D: Report the count of students whose cumulative length of removal totaled more than ten days.

 - **The total counts in Table 1 Line 15 must equal the total counts in Table 2 Lines 8, 12, and 15.**

Table 3:

Counts of students with and without disabilities who did and did not receive educational services during expulsion

- Report the number of students with disabilities ages 3 – 21 who received education services during expulsion in Line 1, Column A
- Report the number of students with disabilities ages 3 – 21 who did not receive education services during expulsion in Line 1, Column B
- Report the number of students without disabilities in Grades K – 12 who received education services during expulsion in Line 2, Column A
- Report the number of students without disabilities in Grades K – 12 who did not receive education services during expulsion in Line 2, Column B
- The totals on Line 3 will be auto calculated.

Note: Students with disabilities must receive educational services during any removal of more than 10 school days. Students with disabilities who were removed for fewer than ten days after an expulsion (e.g. a suspension removal was modified to fewer than 10 school days) are the only students that should be reported in Line 1, Column B.

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 3) - 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, 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 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, 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 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, Column 1 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, Column 1 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, Column 1 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) (Table 2, Lines 13 and 14) - 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 status should reflect the child’s status at the time of the removal.

Race and ethnicity (Table 2) – The race and ethnicity of students with disabilities 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 and ethnicity categories described below. We recommend that parents or guardians be provided an opportunity to designate their children as belonging to one race and 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.

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		Unduplicated Count of Students	A. Number of Students with Disabilities with Out-of-School Suspensions/Expulsions Totaling 10 Days or Less
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. Nonbinary							
12. Total by Gender ²							
13. English Language Learner							
14. Not English Language Learner							
15. 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 12 (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
Race/Ethnicity, Gender and English Language Learner (ELL/MLL) Status						
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. Nonbinary						
12. Total by Gender ²						
13. English Language Learner						
14. Not English Language Learner						
15. 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 12 (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		