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*Exceptional Student Services (ESS) / Data Management*

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**TABLE 5: School Year 2013-2014***Report of Children with Disabilities Subject to Disciplinary Removal*

Authorization: P.L. 108-446, Sections 618 (a)(1)(A)(v), 618 (a)(1)(D), 618 (a)(1)(E), 618 (a)(3), and 618 (d)(1)(C); 34 CFR §§ 300.640, 300.641(b)–300.645.

Public education agencies (PEAs) are expected to submit discipline data for all students, including students with disabilities, via either Arizona Safety Accountability for Education (Az SAFE) Online or by uploading data to Az SAFE through their Student Management Systems (SMS). Discipline data entry is due by **July 8, 2014**, at which time all special education discipline data submitted will be extracted from the Az SAFE database. Detailed information regarding Az SAFE can be found at: <http://www.ade.az.gov/sa/health/AZSafe.asp>.

Data correction using the Annual Special Education Data Collection online application (EssAnnualData) will be allowed from **August 4 through August 15, 2014**. The process for manual data revision is as follows:

- Between **August 4 and August 15, 2014**, PEAs should review the special education discipline data in the Discipline section (found within the Annual Special Education Data Collection application) for accuracy and validity before completing the *Final Submit*.
- During the *Final Submit* process of the Annual Special Education Data Collection, the application will allow PEAs to verify that their special education discipline data is accurate and valid.
- If you indicate that your PEA's special education discipline data is generally inaccurate / invalid, the application automatically activates the Discipline section for manual revision. There is no need to request permission to revise.
- During the revision process, all consistency rules for special education discipline data entry apply. *Final Submit* does not become available again until the revised data is valid according to the rules described in Annual Special Education Data Collection trainings and within this instructions document.

Your PEA will be held accountable for special education discipline data reporting for all schools within your agency. Agency and school-level reports will be compared to prior year data and if significant disparities are noted for your PEA, you will be contacted for clarification and/or corrections.



## GENERAL INSTRUCTIONS

1. Counts should cover the entire school year.
2. In Sections A through D, children are reported (1) by disability, (2) by race/ethnicity, (3) by gender, and (4) by English Language Learner (ELL) status.
3. Sections A through D include children ages 3–21 served under IDEA Part B. Age will be determined as of the child count date in the current reporting year.
4. No court-ordered removals and injunctions will be reported.

Selected Definitions (Additional definitions can be found in the *OSEP IDEA, Part B Data Dictionary*, revised in April 2010: <http://www.ideadata.org/docs/bdatadictionary.pdf>)

*Dangerous weapon* – 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(g)(2)).

*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 interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by a hearing officer for likely injury to self or others.

*Drug offenses* – The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C § 812(c). These offenses do NOT include use, possession, sale, or solicitation of alcohol or tobacco.

*Expulsion* – An action taken by the local education agency removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with the local education agency policy. Include removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.

*In-School Suspension* – Instances in which a 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 the students under their supervision.

*Interim Alternative Educational Setting (IAES)* – An appropriate setting determined by the child's IEP team or a hearing officer in which the child is placed for no more than 45 school days. This setting enables the child to continue to receive educational services and participate in the general curriculum (although in another setting) and to progress toward meeting the goals set



out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

*Out-of-School Suspension* – 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 as well as removals in which the child continues to receive services according to his/her IEP.

*Removal by a State Hearing Officer* – Those instances (resulting from a special education due process hearing—not a disciplinary hearing) in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for no more than 45 school days based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The IEP team is responsible for determining the interim alternative educational setting.

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

*Unilateral Removal* – Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 days. The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement.

## SECTION A – DISCIPLINARY REMOVAL TYPE BY DISABILITY

In Section A, information is reported by disability category.

In Column 1A, data extracted from Az SAFE will provide a count of children ages 3–21 who were unilaterally removed for drug or weapons offenses or bodily injury (as defined above) by school personnel (NOT the IEP team) from their current educational placement to an interim alternative educational setting (determined by the IEP team). Children with more than one unilateral removal will be counted only once in Column 1A.

Columns 1B, 1C, and 1D are counts of removals. Each child reported in Column 1A will be reported at least once in 1B, 1C, or 1D.

In Column 1B, data extracted from Az SAFE will report the total number of times the children reported in Column 1A were unilaterally removed for drug offenses, as defined above.



In Column 1C, data extracted from Az SAFE will report the total number of times the children reported in Column 1A were unilaterally removed for weapon offenses, as defined above.

In Column 1D, data extracted from Az SAFE will report the total number of times the children 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 a state education agency (SEA) or public education agency (PEA).

If a child reported in Column 1A was unilaterally removed to an interim alternative educational setting (IAES) more than once, this child will be counted more than once in Columns 1B, 1C, or 1D. In the course of a single incident, if a child committed more than one type of offense, the child will be reported in each of the appropriate columns. For example, if the child committed both a drug offense and a weapon offense during the same incident, the drug offense in Column 1B and the weapon offense in Column 1C will be reported. Every child reported in Columns 1B, 1C, and/or 1D will be counted once and only once in Column 1A.

Children 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 will be reported as having been suspended. These children will not be included in Column 1A.

Children 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 will be reported in Column 1A. This includes children who were sent to an IAES for 10 days or less.

In Column 2, data extracted from Az SAFE will report the total number of children ages 3–21 who were removed to an IAES based on a hearing officer determination of likely injury to themselves or others. Children removed by a hearing officer more than once will be counted only once in Column 2.

Column 3 is a report of children ages 3–21 with out-of-school suspensions or expulsions.

In Column 3A, data extracted from Az SAFE will report the number of children 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 child will be reported more than once in Column 3A.

In Column 3B, data extracted from Az SAFE will report the number of children 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 child will be reported more than once in Column 3B.

NOTE: No child will be reported in both Columns 3A and 3B. The sum of 3A and 3B will be the total number of children with out-of-school suspensions or expulsions during the school year.

Column 4 is a report of children ages 3–21 with in-school suspensions.



In Column 4A, data extracted from Az SAFE will report the number of children 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 child will be reported more than once in Column 4A.

In Column 4B, data extracted from Az SAFE will report the number of children 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 child will be reported more than once in Column 4B.

NOTE:

- ♦ No child will be reported in both Columns 4A and 4B. The sum of 4A and 4B will be the total number of children with in-school suspensions during the school year.
- ♦ If a child has both in-school and out-of-school suspensions in the same school year, that same child will be reported in Columns 3 and 4.

A child is counted in only one of the first three Columns (1A, 2, or 3) for the same offense. If a child is unilaterally removed for drugs and reported in Column 1A, the child will not be reported again in Column 3 for the same incident. Similarly, if a child is removed by a hearing officer for likely injury and is reported in Column 2, the child will not be reported again in Column 3 for the same incident.

A child who is subject to both an in-school and an out-of-school suspension for the same offense will be reported in both Columns 3 and 4.

A child with more than one offense can be counted in more than one Column (1A, 2, or 3). For example, a child 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 will be reported in both Columns 1A and 3.

Column 5 is a report of disciplinary removals. In Column 5A, data extracted from Az SAFE will report the number of times any child with a disability was subject to any kind of disciplinary removal during the school year. When counting disciplinary removals, 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 a hearing officer for likely injury to self or others will be included. Note that Column 5A is a report of disciplinary events, NOT children. If a child has more than one disciplinary removal in the school year, then each removal will be reported in Column 5A.

Data extracted from Az SAFE will report each child 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.

In Column 5B, data extracted from Az SAFE will report any child whose cumulative length of removal during the school year totaled one day or less.

In Column 5C, data extracted from Az SAFE will report any child whose cumulative length



of removal during the school year totaled between 2 and 10 days.

In Column 5D, data extracted from Az SAFE will report any child whose cumulative length of removal during the school year totaled more than 10 days.

All children reported in Columns 5B through 5D will have one or more disciplinary removals reported in Column 5A. For example, a child who was suspended three times for three days each during the school year (a total of 9 days) will be reported three times in Column 5A and once in Column 5C.

NOTE: The sum of 5B, 5C, and 5D is the total number of children with one or more disciplinary removals during the school year. Each child reported in Columns 1A, 2, 3, or 4 will 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.

SECTION B – DISCIPLINARY REMOVAL TYPE BY RACE/ETHNICITY

The columns found in Section A are repeated in Section B. However, in Section B data are reported by race/ethnicity categories.

Federal regulations specifically address how data must be collected by schools and districts (see hyperlinks at the end of this section). Race and ethnicity reporting consists of two data elements that must be collected in order: ethnicity first, then race.

*Ethnicity:* consists of two categories, Hispanic / Latino and Non-Hispanic / Latino. All students must be reported as one of these two categories:

**HISPANIC / LATINO** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**NON-HISPANIC / LATINO** All other persons.

*Race:* consists of six categories defined as follows:

**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 has tribal affiliation or community attachment.

**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.

<b>BLACK OR AFRICAN AMERICAN</b>	A person having origins in any of the Black racial groups of Africa.
<b>NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER</b>	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or the Pacific Islands.
<b>WHITE</b>	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
<b>MULTI-RACIAL</b>	A person having origins in <u>two or more</u> of the five race categories listed immediately above.
<b>TOTAL</b>	The unduplicated total across the race / ethnicity designations.

*Federal Reporting:* Race / ethnicity data will include a child in only one of the following seven categories. Note that children included in Hispanic / Latino will not be reported under any other category:

1. Hispanic / Latino of any race;

*For individuals who are non-Hispanic / Latino only:*

2. American Indian or Alaskan Native;
3. Asian;
4. Black or African American;
5. Native Hawaiian or Other Pacific Islander;
6. White; or
7. Multi-Racial.

In October 2007, the *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education* was published in the Federal Register (Vol. 72, No. 202, available at <http://www2.ed.gov/legislation/FedRegister/other/2007-4/101907c.html>).

## SECTION C – DISCIPLINARY REMOVAL TYPE BY GENDER

The columns found in Section A are repeated again in Section C.

## SECTION D – DISCIPLINARY REMOVAL TYPE BY ENGLISH LANGUAGE LEARNER STATUS



The columns found in Section A are repeated again in Section D.

English Language Learner (ELL): A child who meets the definition of an English language learner under the Elementary and Secondary Education Act, 20 U.S.C. § 7801(A)(25).

ELL status will reflect the child's status at the time of the removal.

## SECTION E – CHILDREN SUBJECT TO EXPULSION WITH AND WITHOUT EDUCATIONAL SERVICES BY DISABILITY STATUS

In Column 6A, data extracted from Az SAFE will report children with disabilities ages 3–21 and the number of children without disabilities in grades K through 12 who were subject to expulsion (as defined above in Selected Definitions) during the school year and received educational services during the expulsion.

In Column 6B, data extracted from Az SAFE will report the number of children with disabilities ages 3–21 and the number of children without disabilities in grades K through 12 who were subject to expulsion (as defined above in Selected Definitions) during the school year and did NOT receive educational services during the removal.

NOTE: Children with disabilities must receive educational services during any removal of more than 10 school days. The only children with disabilities reported in Column 6B are those who were removed for less than 10 days after an expulsion (i.e., children with disabilities expelled under the Gun Free Schools Act whose expulsions were modified to less than 10 school days).

## SPECIFIC INSTRUCTIONS , SECTIONS A THROUGH D

When a discipline offense has occurred and the IEP team has met and determined that a child's current placement was not the least restrictive environment for that child and therefore makes a permanent change in the child's IEP placement, DO NOT report the child in Az SAFE. If, on the other hand, the child is suspended pending an IEP team meeting in which his/her IEP placement is changed, the suspension *must* be reported.

In instances in which the IEP team meets to determine the appropriate setting where the child will receive services following a unilateral removal by school personnel, a removal by a hearing officer regarding likely injury, or suspension or expulsion, the removal *must* be reported in Az SAFE.

For each row in Sections A through D, the number reported in Column 1A will be less than or equal to the sum of each row in Columns 1B, 1C, and 1D.

For each row in Sections A through D, the sum of Columns 5B, 5C, and 5D will be less than or equal to the sum of Columns 1A, 2, 3A, 3B, 4A, and 4B.

For each row in Sections A through D, the number reported in Column 5A will be greater than or



equal to the sum of each row in Columns 5B, 5C, and 5D.

The number reported in each Column in the total row of Section A will equal the number reported in the corresponding total row for Section B, Section C, and Section D.

When calculating cumulative days of in- and out-of-school suspension and reporting in Az SAFE, PEAs must include children who have cumulatively been suspended for periods of a half-school day in length and longer. PEAs that are unable to record data on a half-day basis should report all half-day suspensions as whole day suspensions. Any children who have cumulatively been suspended for less than half a school day will not be included in this report.