

OUT-OF-STATE PLACEMENT  
COMMITTEE: 2007 ANNUAL  
REPORT TO THE GOVERNOR  
AND LEGISLATURE

FEBRUARY 2008

Submitted by: New York State Council on Children and Families  
Pursuant to: Chapter 392 of the Laws of 2005

## OUT-OF-STATE PLACEMENT COMMITTEE MEMBERS

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Out-of-State Placement Committee:  
2007 Annual Report to the Governor  
and Legislature

February 2008

Submitted by: The New York State Council on Children and Families  
Deborah Benson, Executive Director



# OUT-OF-STATE PLACEMENT COMMITTEE

## 2007 ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE

### INTRODUCTION

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This is the third annual report by the Out-of-State Placement Committee (hereinafter “Committee”) to the Governor and the Legislature. It begins with a brief background on the establishment and past work of the Committee. It then details the Committee’s accomplishments in 2007. Most notably, it documents the Committee’s continued progress in reducing out-of-state placements. During 2007, the number of out-of-state residential placements decreased 17 percent from 2006 and 43 percent from 2005; currently, there are 723 children and youth placed in out-of-state residential schools and facilities through local school districts and local departments of social services.<sup>1</sup>

Also in 2007, the Council on Children and Families organized an unprecedented two-day retreat where state agency Commissioners of eight child-serving state agencies<sup>2</sup> came together to focus on creating a high-quality and seamless system of care with shared accountability for children, youth and families in New York State. For two days, the Executive Director of the Council on Children and Families and the Commissioners met. The result of this retreat was a commitment to translate the agencies’ shared agenda into action – to create a system of care that suits the needs of every child, youth and family in New York State. The work of this group of Commissioners will be used to inform the Committee.

The report addresses initiatives which are currently underway in New York State to coordinate services for children and youth (such as the Coordinated Children’s Services Initiative and the Single Point of Access model) that complement the work of the Committee. Finally, the report discusses the Committee’s next steps, which include continuing work on building in-state capacity for New York State children and youth with complex needs and further coordinating services and funding streams among agencies serving children and youth with multiple needs. These next steps are intended to ensure that the work of the Committee has a long-lasting impact on mitigating out-of-state residential placements and that the needs of New York State children are best served in New York State.

### I. BACKGROUND

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The Out-of-State Placement Committee was established in statute (Chapter 392 of the Laws of 2005) to accomplish the following:

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<sup>1</sup> Data from the State Education Department and Office of Children and Family Services (as of December, 2007).

<sup>2</sup> Participating state agency Commissioners were from: the Office of Children and Family Services, the State Education Department, the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the Office of Alcoholism and Substance Abuse Services, the Division of Probation and Correctional Alternatives, the Commission on Quality of Care and Advocacy for Persons with Disabilities, and the Department of Health.

- Develop a monitoring and accountability structure to address the health and safety of children served by out-of-state schools and facilities;
- Enhance New York’s service system infrastructure to allow for the children most at risk of being referred and placed in out-of-state schools and facilities to be served within New York in the most appropriate, least restrictive and safest setting; and,
- Strengthen in-state mechanisms that enhance service delivery across agencies.

The Committee is chaired by the Executive Director of the Council on Children and Families and comprises the Commissioners of seven state agencies [the Office of Children and Family Services (OCFS), the State Education Department (SED), the Office of Mental Health (OMH), the Office of Mental Retardation and Developmental Disabilities (OMRDD), the Office of Alcoholism and Substance Abuse Services (OASAS), the Department of Health (DOH), and the Division of Probation and Correctional Alternatives (DPCA)].

Additional agencies and non-governmental representatives participate through a subcommittee structure.<sup>3</sup> The additional contributing agencies include the Division of the Budget (DOB) and the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQCAPD); non-governmental representatives include two family liaisons with experience in out-of-state residential placements, and the statewide director of the Coordinated Children’s Services Initiative (CCSI). Representatives of key child-serving organizations and advocacy groups also have provided valuable input to the Committee.

To date, the Committee has overseen a steady decline in the number of New York State children and youth being placed in out-of-state residential schools and facilities, developed basic contract parameters for programs that New York State contracts with, worked to improve coordination among New York State agencies serving children and youth to ensure that they are served in the least restrictive, most appropriate settings closest to their homes, and helped coordinate new and improved in-state residential capacity.

## **II. 2007 ACCOMPLISHMENTS**

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In 2007, the number of out-of-state residential placements decreased 17 percent from 2006 and 43 percent from 2005. These progressive reductions in out-of-state numbers can be attributed to the work of the Committee and its member agencies.

Notably, there was stronger monitoring at the state level of requests for out-of-state placements made by Committees on Special Education (CSEs)—the committees at the local school district level responsible for placement of children with special education needs. There also was increased access to in-state residential services, which enabled more children to remain in New York.

Also contributing to the reduction in out-of-state placements this year and in future years, SED, OCFS, OMH and OMRDD jointly developed, and have begun to implement, a five-year plan to increase residential bed capacity for children at-risk of, or referred to, out-of-state residential placements.

In addition, this year, the Model Processes Subcommittee of the Committee developed a set of *Accountability Guidelines* to provide a framework for local level collaboration to create a comprehensive service plan for children who are at risk of out-of-state residential placements, with

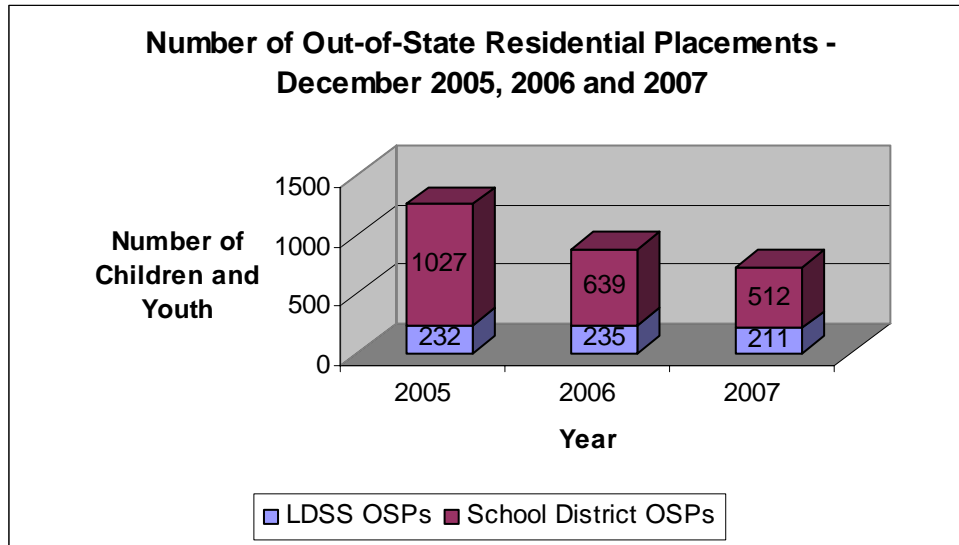
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<sup>3</sup> Subcommittees include: Contract Parameters, Registries, Model Processes, Integrated Funding and Infrastructure.

the goal of this plan being to maintain a child in the least restrictive, most integrated setting in New York State.

A description of 2007 accomplishments follows.

### A. Reduction in Out-of-State Placements



Source: New York State Office of Children and Family Services; New York State Education Department.

#### 1. Children and Youth Placed by Local Departments of Social Services (LDSS)

OCFS reported that, as of December, 2007, there were 211 children in out-of-state residential facilities, placed through their LDSS. This number reflects a 10 percent decrease from the 235 children and youth placed out-of-state as of December, 2006.

#### 2. Students Placed Through Local School Districts

As of December 1, 2007, SED reported that 512 students were in out-of-state residential schools and facilities, including Emergency Interim Placements, for the 2007-08 school year. This is a 20 percent decrease from 639 children reported for December, 2006 and 50 percent decrease from 1,027 children reported in December 2005.

Students with Disabilities Going Out-of-State (2005, 2006 and 2007)			
Disability	2005-06	2006-07	2007-08 (As of 12/1/07)
Autism	181	181	152
Deafness	21	20	20
Emotional Disturbance	567	385	187
Learning Disability	30	29	26
Mental Retardation	49	66	48
Multiple Disabilities	153	140	85
Speech Impairment	28	20	16
Traumatic Brain Injury	17	10	11
Visual Impairment	2	2	2

Source: NYS State Education Department (For definitions of the disabilities, see 8 NYCRR Part 200.1)

### **3. Students Discharged from Out-of-State Residential Schools**

In the 2005-06 school year, 271 children (147 from New York City and 124 from the rest of the State) placed through school districts were discharged from out-of-state residential schools and facilities. Of these 271 students, SED reported that 208 (77%) were diagnosed with an emotional disturbance and 63 (23%) with a developmental disability.

Fewer children were discharged during school year 2006-07. SED reported that 198 students (100 from New York City and 98 from the rest of the State) placed through school districts were discharged from out-of-state residential schools and facilities. Additionally, the proportion of discharged students diagnosed with either an emotional disturbance or a developmental disability differed from the previous year. Of the 198 students discharged, 121 (61%) were diagnosed with an emotional disturbance and 77 (39%) with a developmental disability. These most recent diagnoses, as compared to the 2005-06 school year, indicate that a higher proportion of students discharged from out-of-state schools and returning to New York State were diagnosed with an emotional disturbance, rather than a developmental disability, during the 2006-07 school year.

### **B. Enhanced Capacity**

Through the Committee, SED has led efforts to develop intensive in-state programs for hard-to-place youth and directed referral sources to these programs. Consequently, the number of out-of-state placements made by Committees on Special Education has steadily decreased

In concert with the Committee, SED also has coordinated an interagency work group with OCFS, OMRDD and OMH to develop increased in-state residential capacity to meet the needs of students at risk of out-of-state placement and to return children from out-of-state. This multi-agency group has developed a five-year plan to create approximately 400 new beds for students with developmental disabilities and upgrade an estimated 280 existing beds for students with emotional disabilities. Across the State, approximately 25 residential schools and facilities are participating in this 5-year planning process.

#### **Status of Residential Bed Development Based on 5-Year Plan:**

- For the 2006-07 school year, 44 beds were made operational in three upstate facilities. All but seven of these beds have been filled with students who were referred for out-of-state residential placement and the others were at risk of out-of-state residential placement.
- For the 2007-08 school year, 26 beds were proposed for renovation upstate and 24 in New York City.
- For the 2008-09 school year, proposals are being reviewed for approximately 325 residential beds upstate and 60 in New York City. To help fund some of these beds, the proposed Executive Budget for State Fiscal Year 2008-09 includes \$13 million for OMRDD to create 186 beds to either repatriate children currently placed out-of-state or to mitigate future placements.
- For the 2009-10 school year, proposals are being reviewed to make 60 beds operational in upstate and 82 beds in New York City.

Access to additional in-state beds in New York City also have resulted from the Administration for Children's Services (ACS) terminating its contracts with several in-state private residential schools and facilities, opening up placement opportunities for other local social service departments and school districts.



## **C. Legislation to Build Capacity**

In 2007, the Legislature passed a bill (A. 3300-A/S. 1288-B) intended to provide low-cost financing for the rehabilitation and construction of residential facilities for children and youth in New York State. For technical reasons, this legislation was vetoed (Veto No. 127). The veto message, however, expressed the Governor's support for this bill's concept, and specifically directed "[his] staff to work with the sponsors of this bill and the affected agencies in an effort to fashion legislation that accomplishes the bill's laudable goals without the adverse consequences identified ...." In accord with this directive, under the direction of the Council on Children and Families, member agencies of the Committee, along with the Dormitory Authority of the State of New York, are now actively working on such legislation for passage by the Assembly and the Senate and approval by the Governor in 2008.

## **D. Improved Access to Quality Services**

### **1. Accountability Guidelines**

*Accountability Guidelines* were developed by the Model Processes Subcommittee of the Committee to promote a model process to streamline the ways in which local education agencies and local social service districts make placement decisions for children and youth with multiple needs, who may be at risk of out-of-state residential placement. The purpose of these *Accountability Guidelines*, which will be distributed to the full Committee for adoption, is to help ensure that all in-state service options are exhausted before a child is considered for placement out of state.

The following key themes are the bases of the *Accountability Guidelines*:

- Securing participation of all relevant systems and family members, family advocates and the child (if appropriate) in service decisions;
- Ensuring all key participants have comprehensive and up-to-date information on the child at all stages of the process; and
- Creating a central review or check-point at the state level.

In 2008, the Model Processes Subcommittee will explore ways to streamline and implement these guidelines. Also, this Subcommittee will work to ensure that local education agencies and local departments of social service integrate the *Accountability Guidelines* into their placement decisions, and that they more effectively engage families and collaborate with other agencies and systems, such as the family court, mental health providers, schools, probation, and child welfare agencies, to best meet the needs of children and youth who require services from more than one system.

### **2. Registry**

In the 2006 *Out-of-State Placement Committee: Annual Report to the Governor and the Legislature*, the Committee recommended that each member of the Committee that places or has oversight responsibilities over agencies that place children in out-of-state residential programs or schools establish a registry, and that the Council on Children and Families establish a single comprehensive registry for the listing of out-of-state residential programs and schools that have been approved by one or more members of the Committee. SED implemented this Committee recommendation, creating a list of approved out-of-state schools, which can be accessed via the Council on Children and Families' website or directly via SED's Vocational and Educational

Services for Individuals with Disabilities' website.<sup>4</sup> OCFS, however, has not yet established a registry of approved schools, as additional resources are needed.

### **3. Contract Parameters for Out-of-State Facilities**

The Committee developed a set of contract parameters for local school districts and local departments of social services (LDSS) to include in their contracts with out-of-state residential schools and facilities. These parameters are intended to ensure that out-of-state residential schools and facilities meet certain standards, standards that are similar to those required of New York State schools and facilities. OCFS has integrated these contract parameters into its standard contract and informed local social service districts of these parameters through an administrative bulletin (06-OCFS-ADM-02), and SED is following a number of these contract parameters.

## **III. EFFORTS CURRENTLY UNDERWAY TO COORDINATE CHILDREN AND YOUTH SERVICES**

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There are a number of efforts presently underway in New York State to help ensure that children and youth access the services they need. The work of these existing programs complements the work of the Committee. Descriptions of these efforts follow.

### **A. Coordinated Children's Services Initiative (CCSI)**

The mission of CCSI is to support children in their homes and with their families; assure that out-of-home placements and out-of-state residential placements, if they occur, are in the safest, least restrictive and most appropriate service systems; ensure that services and supports are delivered in the least restrictive setting, and return children to their homes, schools, and communities as soon as possible. The principles of CCSI include addressing the specific needs of the child and family, involving families at all levels of service delivery and planning, and respecting the unique cultural and social backgrounds of everyone involved.

A priority relative to out-of-state residential placements includes continued support for, and collaboration with, the five Regional Technical Assistance Teams (RTATs), which consist of regional staff representatives from participating state agencies, counties, and family and youth organizations and advocates. The five RTATs meet with counties and other stakeholders to address system's barriers, share best practices, offer support and answer questions, attend county level interagency (Tier II) meetings, and to provide and/or host training sessions. Efforts also have been made by CCSI state agency and family representatives (Tier III) to increase the consistency of systems representation, and particular improvements have been made in the statewide participation of OASAS and OMRDD on the regional teams. In the upcoming year, the Model Processes Subcommittee of the Committee plans to consult RTAT members with respect to the implementation of the *Accountability Guidelines*.

### **B. Single Point of Access (SPOA)**

The Single Point of Access (SPOA) concept was developed to help coordinate mental health services. The purpose of the children's SPOA process is to identify children and youth with significant mental health needs and develop appropriate supports (both formal and informal) with the goal of maintaining them in their home communities. If an out-of-home placement is

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<sup>4</sup> The Council on Children and Families' Out-of-State Placement Registry website address is: <http://www.ccf.state.ny.us/Initiatives/OSPRelate/OSPRRegistry.htm>, and SED's registry website address is: <http://www.vesid.nysed.gov/specialed/privateschools/resldout.htm>.

warranted, the SPOA also serves as a vital linkage mechanism back to a child's community of origin; thus, enabling a smooth transition and a shorter length of stay in residential placement. To achieve these goals, localities have been asked to:

- Implement the use of a screening instrument to determine whether a child fits the priority population criteria and, therefore, qualifies as high risk/high need. The recommended evidence based instrument was the Child and Adolescent Needs and Strengths Survey (CANS-MH).
- Put into practice the use of a recognized satisfaction instrument to consistently determine the level of satisfaction with services.
- Create a universal intake form to facilitate entry to intensive services.
- Develop a process to manage slot vacancies in the highest level service areas including: Residential Treatment Facilities, Intensive Case Management, Supportive Case Management, Family Based Treatment and Home and Community Based Services Waiver. Many SPOAs have also evolved to manage other initiatives, including community residences and hospitalization planning.
- Ensure that families of high risk children, who require access to family support services, receive those services.
- Draw upon and complement other children's system of care structures that may already exist in the county, such as CCSI.
- Collect data to monitor vacancies and access to high-end services.

### **C. OCFS Region II Initiative**

OCFS Region II is comprised of nine counties: Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, and Yates. In 2006, a Pilot Sub-Committee was established to design a solution for serving cross-systems children in Region II counties, and a contract was awarded to Hillside Children's Center, which has since been operating "Cross Systems Solutions" (CSS), a specialized care management program funded by DOH. Since its inception, CSS has served approximately 65 youth and families from the nine Region II counties.

In 2007, OCFS awarded Hillside Children's Center a contract to enhance the work of CSS, resulting in the Understanding Access to Children's Services (UACS) program. UACS provides an additional 15 families per year with comprehensive, cross-systems evaluations and family and youth advocacy. In addition, the UACS team has provided extensive training to the counties comprising Region II and has developed a comprehensive cross-systems website that serves as a resource for Region II counties. Together, UACS and CSS have initiated work on several components of the Region II Pilot Proposal for serving Cross-Systems children, specifically Cross-Systems Training and Cross-Systems evaluation, wraparound services and advocacy.

Most recently, in February, 2008, Region II submitted a proposal to the six state agencies that serve cross-systems youth (OCFS, OMRDD, OMH, OASAS, SED and DOH) for funding to continue and enhance the current DOH and UACS programming, and to develop new program elements based on experiences working with these youth and their families. These six agencies have agreed to jointly fund the proposal. In 2008, it is expected that the contract to implement this proposal will be developed by OCFS, and that the Council on Children and Families will bring the six state agencies together with Hillside Children's Center to coordinate this cross-systems project and will oversee the progress of the project.

## **D. Cross-Systems Work in New York City**

Cross-system activities that have yielded significant positive results for children, youth and families in New York City are described below. Maintaining the momentum established by these successes, expanding efforts to impact more families and resolving the challenges of serving dually diagnosed children, remain priorities in New York City.

The Administration for Children's Services (ACS) in New York City successfully completed transitioning hundreds of children from distant, restrictive environments back to their communities or at the very least, back to New York City or New York State, where family relationships could be restored and maintained. This work, which spanned a several year period, was conducted by a team of staff persons from the following ACS divisions/areas: Division of Family Permanency Services (including the Office of Case Management, Interstate Compact Unit), Division of Quality Assurance (including the Office of Quality Improvement), Division of Child Protection (including the Office of Placement), Legal Services, Office of Clinical Policy, and Office of Policy Development and Program Planning. Although the work was done by one system, it involved cross-system collaboration to find and/or develop the necessary services and program configurations for the distinct cross-systems children they serve.

In New York City, CCSI operates with a Citywide Oversight Committee in addition to Tier I (Direct Care Level/Family Networks) and Tier II (Borough-Based Councils). This Citywide Level includes city officials who regularly participate in cross-systems activities to resolve the barriers and enhance services. The initiative promotes a core set of values and principles throughout the system of care that include cooperative interagency planning and service delivery, individualized care planning and a strength based approach that includes families and youth as full partners in all aspects of service planning. Through support from Families on the Move of NYC, Inc., a family-run organization, a strong family and youth voice exists at all levels of service delivery, planning and policy development. Core values also include the importance of culturally-competent care, the belief that children are best served when they remain in their home communities while undergoing treatment with an unconditional "never give up" approach to care.

Through borough-based teams, CCSI of New York City also provides Family Network/Care Coordination Services to children and families who receive services across systems and who are experiencing difficulty with coordination or access to needed services. Evaluation of CCSI's Family Network Services/Care Coordination Services revealed the following results:

- Ninety-six percent of all children and youth served by CCSI Family Network/Care Coordination Services continued to receive services in the community at the time of discharge.
- Mean total scores on the Revised Child's Manifest Anxiety Scale (RCMAS) decreased by 10.9 percent at 12 months and continued to decrease to 17.3 percent at 18 months.
- Mean total scores on the Reynolds's Adolescent Depression Scale (RADS) decreased by 9 percent at 12 months and remained 8.2 percent lower than baseline at 18 months.
- Youth reporting suicidal ideation decreased from 11 percent of youth at baseline to 4.8 percent at 12 months and 2 percent at 18 months.
- The percentage of youth failing most or all subjects dropped by 33.3 percent at 12 months.

- At 18 months, 17 percent fewer youth were reported to be frequently disobedient in school.
- Family Network Training for case managers, social workers, advocates and other staff and professionals was provided throughout the City's entire System of Care.

New York City seeks to maintain the momentum of these successful strategies and trends and to expand capacity building efforts through increased training. The borough-based Councils and Citywide Oversight Committees provide essential vehicles for families, community based service providers, and city and state agencies to resolve the challenges that children with cross-systems needs face.

## **IV. NEXT STEPS FOR 2008**

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Following are next steps for the upcoming year for the Committee.

### **A. Addressing Cross-Systems Service Coordination**

The December 2007 Commissioners' Retreat on Cross-Systems Youth identified the need for, and means of, implementing cross-systems service coordination for children, youth and families in New York State. At this retreat, there was considerable discussion about the complex needs presented by these youth and their families, and the fact that many of these youth were placed out-of-state because their cross-systems needs could not be met within New York State. The Commissioners and the Executive Director of the Council on Children and Families, who participated in this retreat, committed to regularly meeting to develop joint solutions to improving access to services and supports; ensuring quality, coordinated services and supports from a qualified workforce; and eliminating service barriers between each of the systems. Further, participating agency heads agreed to address the need for Commissioner-level leadership and to provide clear direction to enable the Council on Children and Families and the participating agencies to work together to implement changes to better serve cross-systems youth and their families. During 2008, the Commissioners and the Council's Executive Director will continue to meet to advance this agenda.

### **B. Building Residential Capacity for Children Referred to and at Risk of Out-of-State Placement**

The implementation of a five-year interagency plan to create additional in-state residential capacity is partially responsible for the reduction of out-of-state residential placements by providing new placement options for children and youth currently placed out-of-state and those at risk of such placements. By the end of the 2009-10 school year, approximately 25 approved in-state residential schools will have been expanded to serve these children and youth, and approximately 600 beds will have been retrofitted. The Committee will continue to work with member agencies to ensure that more residential opportunities, as appropriate and necessary, are created and renovated in New York State.

### **C. Legislation to Increase Residential Capacity**

The Council on Children and Families will continue to work on legislation to build upon the current efforts of state agencies to plan for sufficient, quality in-state residential bed capacity to serve current and future New York State children with complex needs and to coordinate a capital construction plan to meet identified needs. In concert with affected state agencies, the Dormitory Authority of the State of New York, the Legislature, and the Governor's Office, the Council will

help to ensure that a law is passed and enacted to increase the number of beds, as appropriate and necessary, in residential schools and facilities serving children with complex needs in New York State.

#### **D. Data Management**

The management of data across systems, between state and local governments and between government and voluntary agencies, is a complex process made more challenging by the lack of common data fields, differences in software applications, and differences in confidentiality policies, among other issues. Collecting, managing and sharing data is one of the key first steps necessary to understanding the scope of the issue of children and youth at risk of residential placement and to begin planning for a more coordinated and long-term approach to building residential and community services capacity to address the needs of those and other children and youth. The Committee will continue to raise this lack of data and coordination among member agencies as an issue that needs to be addressed.

#### **E. Comprehensive Assessments and Screening**

Children and youth at risk of out-of-state residential placement would benefit from comprehensive screening and assessment that addresses the following domains: health, mental health, alcoholism and substance abuse, education, and social/adaptive functioning, among others. To this end, the *Accountability Guidelines* recommended that children and youth have either comprehensive or, at a minimum, coordinated assessments, and the Work Group to the Committee recommended that comprehensive assessments become a priority issue in 2008.

### **CONCLUSION**

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The Out-of-State Placement Committee has made strides in reducing the number of children and youth placed outside of New York to receive services. In the upcoming year, the Committee will continue its work, focusing its attention on increasing in-state residential and community capacity through systemic long-term planning and coordination, to ensure that these reductions in out-of-state placements are not temporary and that New York State children receive the most appropriate, safe and least restrictive placements as close to home as possible.