

# Out-of-State Placement Committee

2015 Annual Report to the Governor and Legislature

Submitted pursuant to  
New York State Social Services Law § 483-d



**Council on Children  
and Families**

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# Out-of-State Placement Committee 2015 Annual Report to the Governor and the Legislature

## Introduction

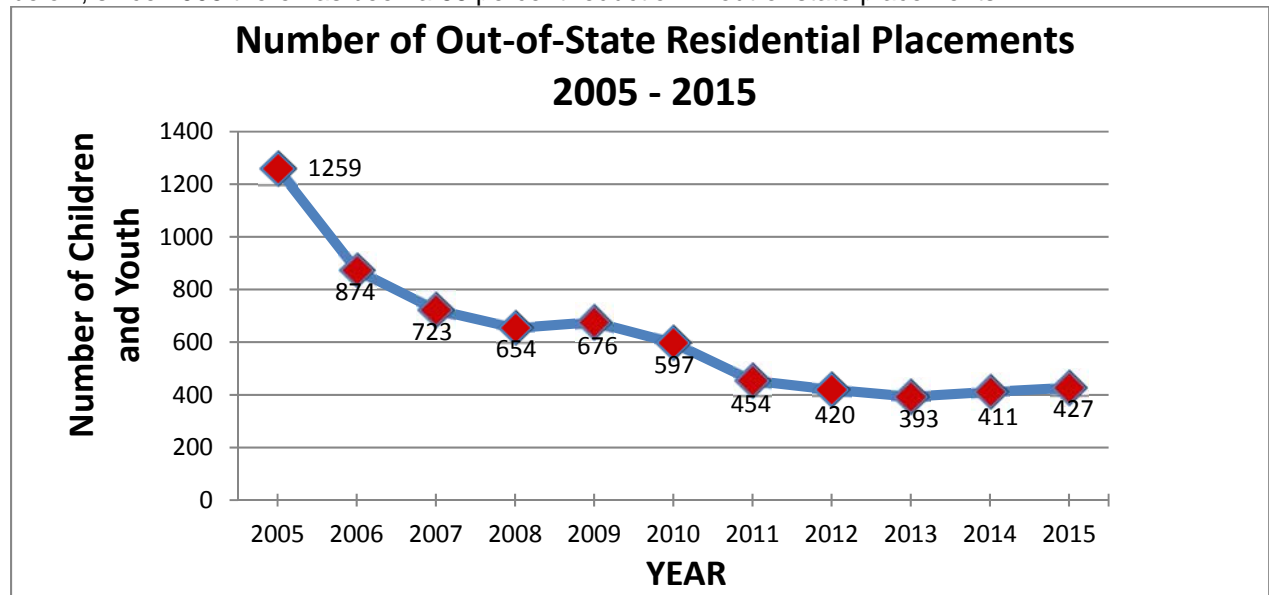
Social Services Law § 483-d requires the New York State Council on Children and Families to submit an annual report on “out-of-state placements” of children and youth. “Out-of-state placements” refer to the practice of children and youth with special and complex, multi-systemic needs being placed by local social service districts or local education agencies (school districts) in residential programs or residential schools outside of New York State. Although out-of-state placements are necessary in certain circumstances, New York State has a policy of minimizing these placements and, as much as possible, placing children who need residential support programs within New York State.

As of December 1, 2015, there were 427 New York children and youth placed in out-of-state residential schools and programs. This represents a 4 percent increase (16 children and youth) from 2015. Since the issuance of the first Out-of-State Placement report in 2005, out-of-state placements have been reduced from 1,259 children and youth to 427 children and youth: a reduction of 66 percent. State agencies involved with placement planning and decisions and local education agencies and local departments of social services all have been working diligently to place New York children and youth in residential schools and programs within the state. The New York State Justice Center for the Protection of People with Special Needs continues to work on protecting the safety and well-being of New York State children and youth both in and outside of New York.

## A. Overview of Out-of-State Placements

### Activities of the State Education Department Non-district Unit (NDU) and the Office of Children and Family Services Out-of-State Placement Oversight Office

From 2014 to 2015, local school districts increased out-of-state placements by 10.5 percent and local departments of social services decreased out-of-state placements by 20 percent. Specifically, of the 427 children and youth in out-of-state and residential placements, as of December 1, 2015, 356<sup>1</sup> were placed by local school districts and 71 by local departments of social services (LDSS). Overall, as illustrated below, since 2005 there has been a 66 percent reduction in out-of-state placements.



<sup>1</sup> These data are the number of out-of-state residential applications that local school districts submitted to the NYS Education Department seeking reimbursement of tuition costs and approved as of December 1, 2015 for the 2015-16 school year.

## **B. State Education Department's Monitoring and Quality Assurance of Out-of-State Schools Serving New York Children and Youth**

The State Education Department (SED) Non-district Unit (NDU) is responsible for ensuring quality and overseeing all approved in-state and out-of-state residential schools.

SED developed a comprehensive review protocol for approved private day and residential programs for use in 2015-16. Several compliance items are specific to an out-of-state approved school's responsibility to protect students from abuse and neglect, consistent with the provisions of Chapter 501 of 2012 ("Protection of People with Special Needs Act").

In accordance with this protocol, in June 2015, SED removed the Lakeview Neurorehabilitation Center in New Hampshire from its approved list of schools based on systemic deficiencies. Prior to this removal, in October 2014, SED and the Office of Children and Family Services (OCFS) prohibited any new admissions to Lakeview, immediately following reports of systemic failings. SED conducted a monitoring review of Lakeview and identified the school as noncompliant with Part 200 Regulations of the Commissioner of Education. The Justice Center for the Protection of People with Special Needs also visited Lakeview and determined that Lakeview had failed to appropriately address serious noncompliance and health and safety issues. Termination of New York State approval was effective as of June 30, 2015 and the few New York students at Lakeview were repatriated prior to that date. On April 10, 2015, the New Hampshire Department of Education ordered Lakeview to cease to operate the school program within 60 days.

Another out-of-state school that was cited by SED and the Justice Center last year, Crotched Mountain, has since addressed all issues identified in its corrective action plan.

During 2015, OCFS conducted 12 desk reviews of out-of-state residential facilities. The desk reviews requested documentation and information on residential and school licensure; policies and procedures on room isolation and confinement; last six months of restraint reports on New York State youth (discipline and restraint methods as well as reasons for restraints); resident rights, grievances and complaint procedures; resident handbooks and procedures that are given upon admission; the most recent program review conducted by their state's licensing agency; and agency accreditation. The result of these reviews did not reveal any health or safety issues for any LDSS children and youth in out-of-state residential programs.

### **Development of a Registry of Out-of-State Facilities Where New York Children are Placed**

Since 2005, when SED developed a registry of approved out-of-state schools, it has regularly updated this list. Similarly, OCFS maintains a list of out-of-state residential programs.

### **New York State Justice Center for the Protection of People with Special Needs: Protection of Children and Youth Placed Out-of-State**

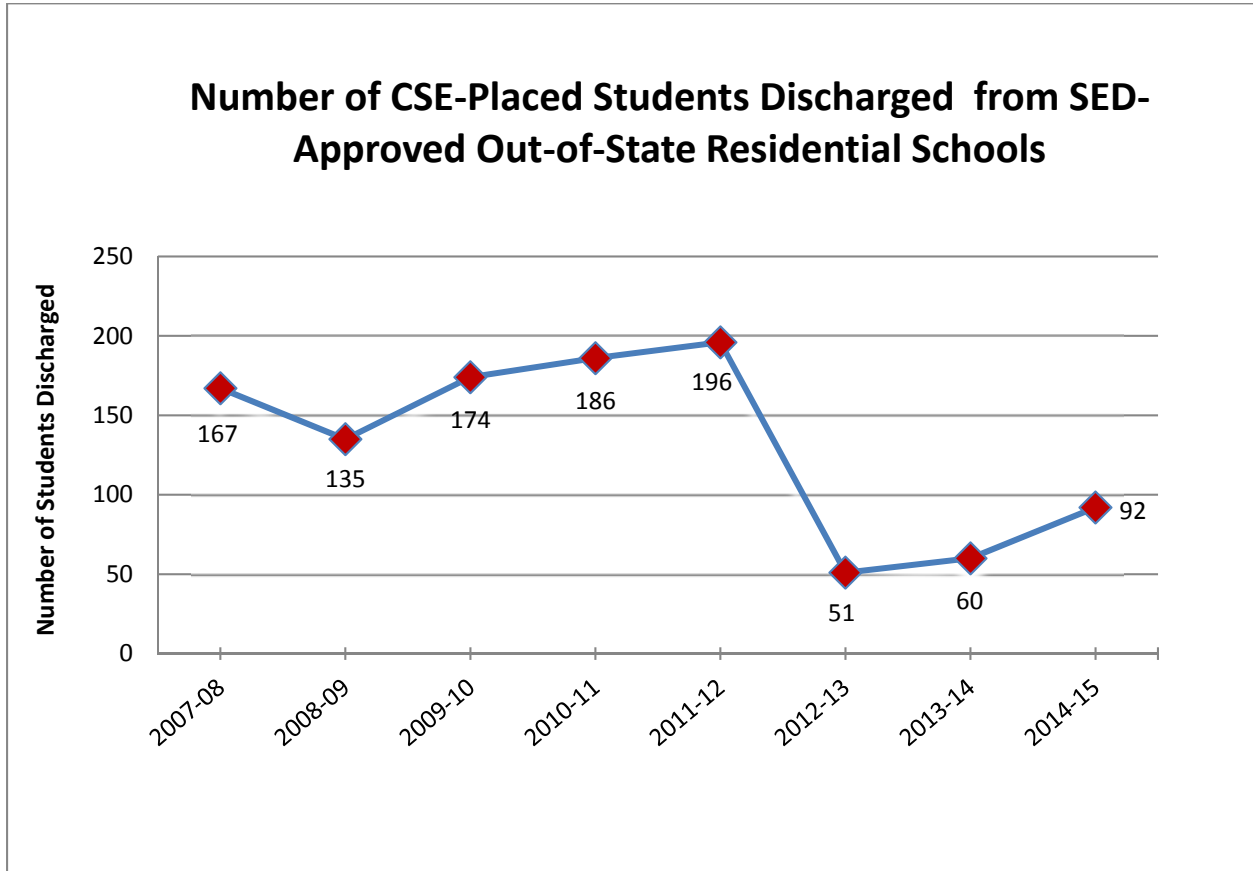
The Justice Center for the Protection of People with Special Needs provides New York with the strongest standards and practices in the nation for protecting the safety of adults and children with special needs. In addition to the Justice Center overseeing the care provided to vulnerable individuals in New York state-operated, certified or licensed facilities and programs, the Justice Center investigates allegations of abuse or neglect in out-of-state residential schools and programs in which a New York child or youth with a disability is placed. In response to such allegations, the Justice Center may conduct an independent investigation into a report of abuse or neglect and report its findings to the out-of-state facility, the placing entity and the funding agency.

The New York State Justice Center for the Protection of People with Special Needs Vulnerable Persons Central Register Hotline Number is: 1-855-373-2122; TTY: 1-855-373-2123. To learn more about the Justice Center, please visit their website at [www.justicecenter.ny.gov](http://www.justicecenter.ny.gov).

## C. Data Collection and Surveys

### Children and Youth Discharged from Out-of-State Schools and Residential Programs

During the 2014-15 school year, as reported to SED by out-of-state residential schools, a total of 92 children and youth were discharged from out-of-state residential schools. As illustrated below, in previous school years these numbers were as follows: 2013-14: 60; 2012-2013: 51; 2011-2012: 196; 2010-2011: 186; 2009-2010: 174; 2008-2009: 135 and 2007-2008: 167.



The following data are reported by SED for all students returning from out-of-state local school district Committee on Special Education (CSE) placements during the September 2014 to June 2015 school year. (Note: Two out-of-state schools did not respond to SED – Crotched Mountain in New Hampshire and Latham School in Massachusetts.)

**All New York State Students Discharged  
from Out-of-State Schools  
June 30, 2015**

(Where youth went upon discharge as reported by Out-of-State Schools)

In-State Public School .....	10
In-State Private School .....	12
Aged Out of School (students who reached 21 years of age without a diploma) .....	6
Graduated from School (students between the ages of 18 - 21, who received their diploma) .....	22
Home Instruction – (medical) .....	3
Psychiatric Center, Developmental Center, Correctional Facility.....	7
Other Out-of-State Program (e.g., wilderness program) .....	17
Dropped Out of School.....	13
Moved .....	2
<b>Total .....</b>	<b>92</b>

The following data are reported by the Office of Children and Family Services for local departments of social services' youth discharged from out-of-state residential placements from January 1, 2014 through December 31, 2014.

**All New York State Local Departments of Social Services  
Youth Discharged from Out-of-State Residential Placements  
January 1, 2015 through December 31, 2015**

Reunification with Family .....	3
Exit to Relative.....	1
Reach Age of Majority .....	6
Permanency Resource.....	0
Absent without Leave.....	0
Other Out-of-State Program (e.g., transfer to a correctional facility) .....	3
Transfer to Another State Agency .....	8
<b>Total .....</b>	<b>21</b>

**Children and Youth Profiles and Surveys**

The State Education Department (SED) continues to use student profiles as part of the process for local school districts to apply to SED for approval of State reimbursement of tuition costs for each student publicly placed in an out-of-state residential school. Aggregate data from the student profiles allows SED to describe and quantify information on students placed out-of-state. Along with other evaluation documents, local school districts can share the individual student profiles with in-state private schools that may be able to serve students returning to New York. The following data are reported by SED regarding students with disabilities for all out-of-state student placements made by local school districts from 2009 to 2015.

## Students with Disabilities in Out-of-State Education Programs and Schools<sup>2</sup>

Disability	2009-10 (as of 12/01/09)	2010-11 (as of 12/01/10)	2011-12 (as of 12/01/11)	2012-13 (as of 12/01/12)	2013-14 (as of 12/01/13)	2014-15 (as of 12/01/14)	2015-16 (as of 12/01/15)
Autism	162	138	119	115	94	106	113
Deafness	31	25	20	17	9	10	8
Emotional Disturbance	136	137	88	110	111	112	145
Learning Disability	6	7	3	2	2	1	2
Intellectual Disability	42	59	44	23	11	10	10
Multiple Disabilities	102	77	58	48	62	54	51
Speech Impairment	0	0	0	0	0	1	1
Traumatic Brain Injury	6	3	2	2	3	4	2
Visual Impairment	0	2	2	1	2	1	1
Other Health Impairment	33	24	16	16	12	18	18
Deaf/Blind	1	0	2	2	5	3	4
Orthopedically Impaired	1	3	0	0	0	0	0
Hearing Impaired	0	2	1	0	0	2	1
<b>Total</b>	<b>520</b>	<b>477</b>	<b>355</b>	<b>336</b>	<b>311</b>	<b>322</b>	<b>356</b>

<sup>2</sup> Data as reported by Committees on Special Education (CSE's) to the State Education Department in a student's Out-of-State Placement Application for State Aid Reimbursement of Tuition Costs.

The State Education Department analyzed data from student profiles submitted with the applications for placements in Approved Out-of-State Residential Schools (OOS) and found that the majority of students in such placements are classified with autism, multiple disabilities and emotional disturbance. Data below are based on 356 residential student profiles for OOS (as of December 1, 2015).

<b>APPROVED OUT-OF-STATE RESIDENTIAL SCHOOLS (Total number of youth: 356)</b>		
<b>GENDER</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
Male	255	72%
Female	101	28%

<b>AGE RANGE</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
18 – 21 Years	170	48%
16 – 17 Years	102	29%
15 Years and Younger	84	23%

<b>COUNTY REGIONS</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
New York City	217	61%
Long Island	44	12%
Hudson Valley/ Rockland	65	18%
Capital Region	24	7%
Central/Western New York	6	2%

During 2015, OCFS received 71 youth profile surveys from out-of-state residential programs for New York State youth placed by LDSS. These Youth Profile Surveys focused on the behaviors and services provided by the out-of-state residential programs, permanency planning and discharge resources.

#### **D. In-State Residential Bed Development**

Implementation of an Interagency Plan between SED, OCFS and the Office for People With Developmental Disabilities (OPWDD) to develop in-state residential capacity was completed in 2014. This capacity-building was designed to prevent New York children and youth from being sent to out-of-state schools and residential programs and to enable those New Yorkers placed out-of-state to return to New York.

For students with emotional disturbance, the development of 106 residential opportunities was primarily a conversion of existing residential capacity. For students with developmental disabilities, 24 new Children’s Residential Project opportunities in New York State were created in 2014, bringing the total number of such opportunities to 482. (Children’s Residential Projects are residential school programs in which OPWDD funds the residential supports and SED funds the educational component.)

While the Interagency Plan has resulted in enhancements to the in-state systems of care for children and youth at-risk of out-of-state placements, shared concerns remain among the state agencies regarding the number of young adults (age 21 and over) who occupy out-of-state and in-state school residential beds that are authorized for school-age children, youth and young adults (up to the age of 21). In particular, the residential placements of children, youth and young adults with complex multi-systemic needs – including those with educational classifications, behavioral challenges, mental health needs, dual diagnoses (mental health/developmental disabilities) and sexualized behaviors – often impedes the placement process, creating additional stressors on the in-state systems of care, particularly for the young adults sub-population of ages 21 and over.

## Reduction of Out-of-State Placements due to Several State Agency Initiatives

In April 2014, SED issued annual guidance to the field regarding local school districts' responsibility to submit timely and complete applications, as prescribed in section 200.6(j) of the Regulations of the Commissioner of Education, for approval of State reimbursement of tuition costs for placements of students with disabilities in out-of-state approved residential schools. SED continues to closely review all out-of-state placement applications for private school tuition to assure that regulatory timelines are met and that school districts consider appropriate in-state placement options before placing a student out-of-state. SED also continues to provide technical assistance to school districts regarding the residential placement process and assists schools, as needed, to identify potential residential programs for students who, because of their needs, are more difficult to place. In addition, SED's website continues to provide links to each approved private school so that school districts can easily obtain information to assist in the referral and placement process.

Meanwhile, SED and OPWDD continue to work together, with the shared goal of reducing the need for out-of-state residential placements. Also, OPWDD continues to work with the local school districts so that individuals who may be at risk of being referred to out-of-state residential schools can be identified early so that OPWDD can provide wrap-around services that help stabilize the student and prevent a referral. In addition, OPWDD has introduced START, a new crisis intervention service that can help families learn more effective means of caring for individuals with behavioral challenges, and thus prevent referrals to residential schools.

OPWDD continues to identify and develop appropriate opportunities for individuals who remain at residential schools. During 2015, three OPWDD regional offices participated in a Letter of Intent process. This process was used to identify providers to develop adult services for students who will be completing their schooling over the next few years. In the upcoming year, OPWDD will be implementing a new initiative that will allow in-state schools the option to develop adult service opportunities for the students they serve, to ensure that adult service opportunities are available sooner. This will make more in-state opportunities available, thereby maintaining New York students in-state while reducing referrals to out-of-state residential schools.

In addition, OPWDD is providing annual trainings to voluntary providers to ensure they are prepared to serve adults with significant challenges. These trainings also reinforce the expectations and timeframes for service development for this population.

OPWDD continues to provide technical assistance and support to its Regional Offices and voluntary providers to facilitate and expedite the development of appropriate adult service opportunities. Regional Offices were trained to monitor closely provider agencies' progress in developing adult service opportunities to ensure services are developed expediently and to provide technical assistance as needed.

The number of individuals who transitioned from residential educational settings to OPWDD services in 2013, 2014 and 2015 are as follows:

<b>Residential Education Programs</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2013</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2014</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2015</b>
In-State (including Children's Residential Project, Residential Treatment Center and Residential Treatment Facility programs)	167	144	135
Out-of-State	54	50	31
<b>Total</b>	<b>221</b>	<b>194</b>	<b>166</b>

**Note:** Fifteen individuals who were referred to OPWDD from educational programs were found to be ineligible for OPWDD services, and 23 individuals declined OPWDD supports.



As of December 31, 2015, OPWDD is aware of 220 OPWDD-eligible individuals who remain at residential education programs after completion of their education program. Residential education programs include: in-state and out-of-state residential school programs, Children’s Residential Projects, Residential Treatment Facilities and Residential Treatment Centers. While the number of individuals who remain at residential schools after completing their education programs increased in 2015, there were more individuals eligible for OPWDD services that completed their educational program this past year. OPWDD’s database shows that 243 individuals completed their educational programs at residential schools in 2015 as opposed to 231 in 2014.

The number of individuals who remain at each type of setting are illustrated below:

<b>Type of Residential Education Programs</b>	<b>Number of Individuals who remain after completing their education program (2013)</b>	<b>Number of Individuals who remain after completing their education program (2014)</b>	<b>Number of Individuals who remain after completing their education program (2015)</b>
In-State Residential School	52	47	53
Out-of-State Residential School	97	89	99
CRP	38	40	54
RTF/RTC	2	8	14
<b>Total</b>	<b>189</b>	<b>184</b>	<b>220</b>

OPWDD will continue to work with individuals who remain at residential education programs to assist with their transition to adult services. Many of these individuals are connected with new development opportunities that will be available in 2015. Currently, OPWDD is actively planning with students who will end their educational programs in 2015 and 2016.

## **Conclusion**

The New York State Council on Children and Families will continue to work with the State Education Department, the Office of Children and Family Services, the Office for People With Developmental Disabilities and the Justice Center for the Protection of People with Special Needs to monitor out-of-state residential placements for New York’s children, youth and young adults. Through the Council’s interagency work with state agencies, along with its ongoing work with family and youth partners, the Council will review trends and patterns of children, youth and young adults with multi-systemic needs requiring residential services to assure that state policy and practices continue for considering and exhausting all in-state placement options and opportunities. Further, the Council will continue to work with state agencies and family and youth leaders to explore capacity-building opportunities for in-state services based on the complex, multi-systemic needs of the children, youth and young adults requiring residential services.