

# Out-of-State Placement Committee

2014 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 2014 Annual Report to the Governor and the Legislature

## Introduction

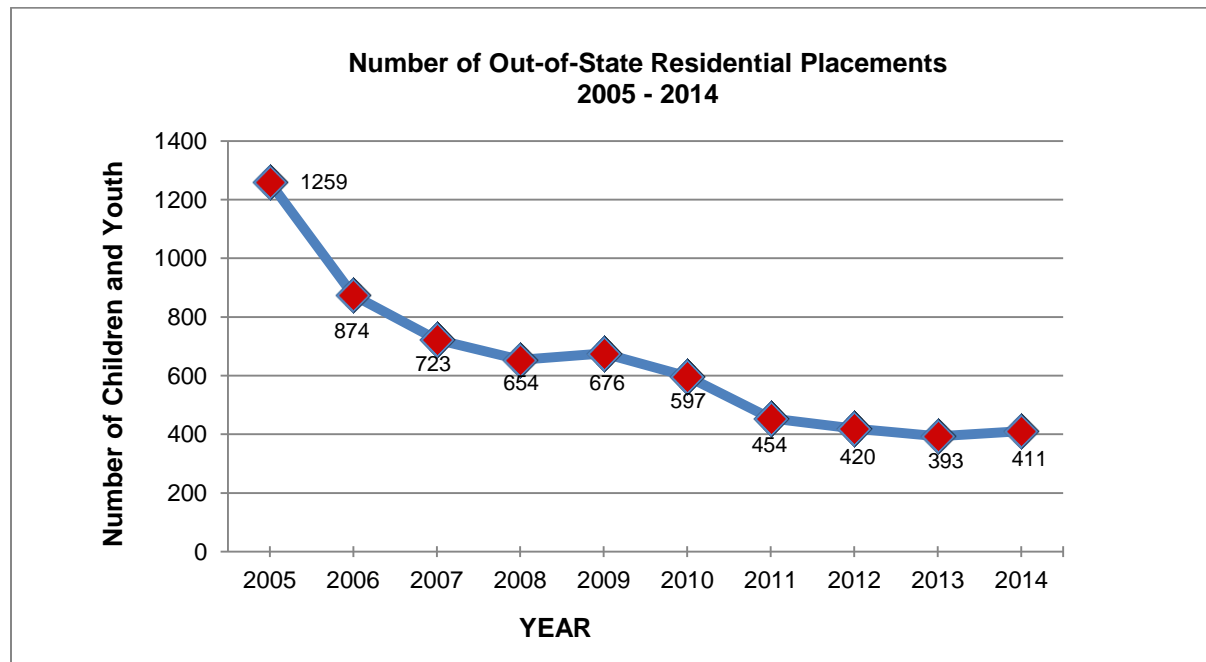
Social Services Law § 483-d requires the New York State Council on Children and Families to submit an annual report on “out-of-state placements” of children. “Out-of-state placements” refer to the practice of children with special and complex, multi-systemic needs being placed by local social service districts or local education agencies 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 goal of minimizing these placements and, as much as possible, placing children who need residential support programs within New York State.

As of December 1, 2014, there were 411 New York children and youth placed in out-of-state residential schools and programs. While this represents a 4.5 percent increase (18 children and youth) from 2013, out-of-state placements have significantly decreased over time. 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 411 children and youth: a reduction of 67 percent. At the same time as efforts to decrease the number of out-of-state placements actively continue, the New York State Justice Center for the Protection of People with Special Needs is aggressively acting to protect the safety and well-being of New York State children and youth in residential placements both in and outside of New York.

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

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

From 2013 to 2014, local education agencies increased out-of-state placements by 4 percent and local departments of social services by 8 percent. Specifically, of the 411 children and youth in out-of-state placements, as of December 31, 2014, 322 were placed by local education agencies and 89 by local departments of social services. However, as illustrated below, since 2005 there has been a dramatic reduction – 67 percent – in out-of-state placements.



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

The State Education Department Non-district Unit is responsible for ensuring quality and oversight for all in-state and out-of-state residential schools that it approves.

In 2013, State Education Department staff identified two out-of-state schools that were not in compliance with the State Education Regulations governing programs for children with disabilities: (i) Woods Services in Pennsylvania and (ii) the Vermont Center for the Deaf and Hard of Hearing. Following the findings of non-compliance, both schools filed and implemented corrective action plans in accordance with the recommendations of the State Education Department.

In October 2014, the State Education Department and the Office of Children and Family Services received reports of systemic deficiencies at Lakeview Neurorehabilitation Center in New Hampshire. The State acted swiftly, immediately prohibiting any new admissions to this facility. Simultaneously, the State Education Department worked with local education agencies and the Office of Children and Family Services with local social service districts to find alternative placements for the New York students at Lakeview. Meanwhile, the Justice Center for the Protection of People with Special Needs closely monitored Lakeview and the care and education being provided to New Yorkers placed there.

Also, in October 2014, the State Education Department conducted a site visit to the Crotched Mountain School in New Hampshire. This visit followed up on recommendations issued by the Justice Center the month before. Since then, the State continues to closely monitor the New Yorkers being educated and residing at Crotched Mountain.

During 2014, the Office of Children and Family Services conducted 14 in depth reviews of out-of-state residential facilities based on documents, data and statistics provided by these facilities. For these reviews, the Office of Children and Family Services analyzed documentation and information on:

- (i) residential and school licensure;
- (ii) policies and procedures on room isolation and confinement;
- (iii) six months of restraint reports on New York State youth (discipline and restraint methods as well as reasons for restraints);
- (iv) resident rights, grievances and complaint procedures; and
- (v) resident handbooks and procedures that are given upon admission.

In 2015, the Office of Children and Family Services will require out-of-state residential programs to submit the most recent program review conducted by their state's licensing agency.

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

In July 2005, the State Education Department developed a registry of approved out-of-state schools, which it regularly updates. Similarly, the Office of Children and Family Services continually updates its Out-of-State Registry for residential programs. This registry, which is being explored for public accessibility via the Council on Children and Families' website, includes information on the out-of-state residential program's location, licensure, programs operated, population served and accreditation.

### **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 New Yorkers 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

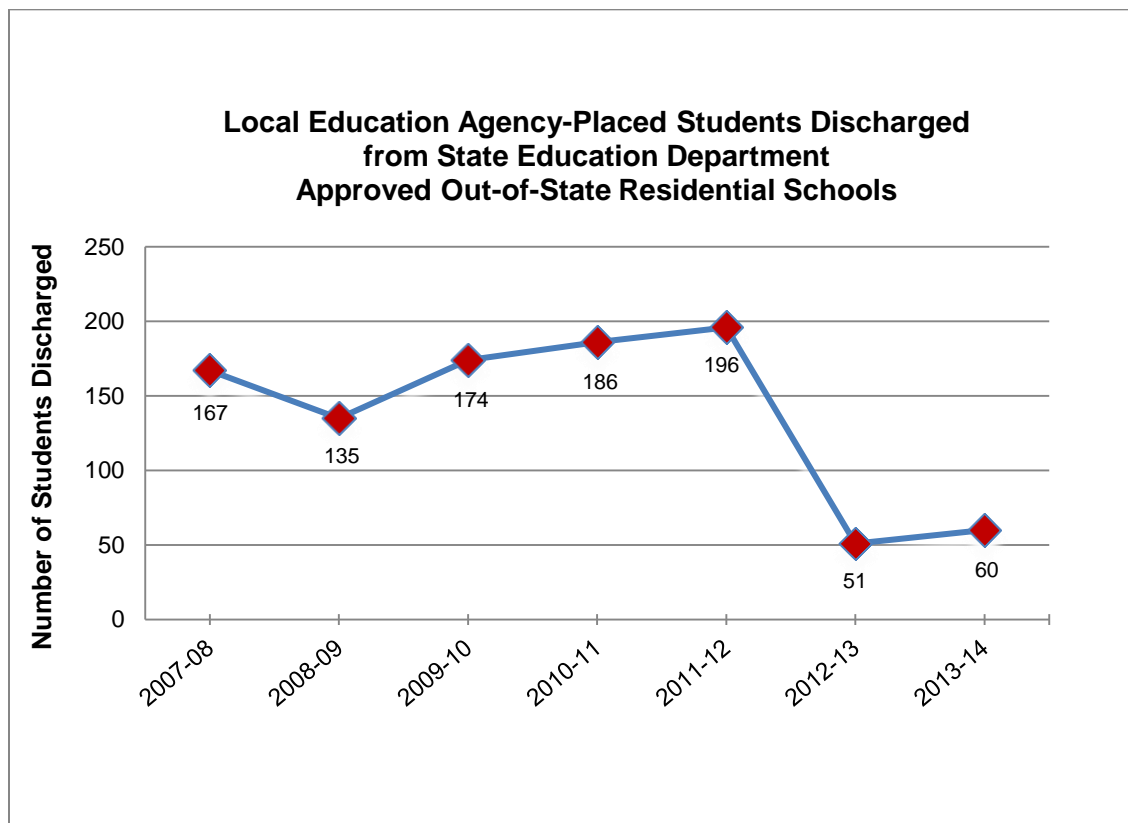
entity and the funding agency. The Justice Center also provides information and education to out-of-state residential schools and programs on their duty to report incidents to the Justice Center.

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 its 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 2013-14 school year, a total of 60 children and youth were discharged from out-of-state residential schools. As illustrated below, in previous school years these numbers were as follows: 2012-13: 51; 2010-11: 186; 2009-10: 174; 2008-09: 135; and 2007-08: 167.



The following data are reported by the State Education Department for all students returning from out-of-state local school district Committee on Special Education (CSE) placements during the 2013-14 school year. Note: Three out-of-state schools did not respond (Lakeview in New Hampshire, Riverview in Massachusetts and Wellspring in Connecticut).

**All New York State Students Discharged  
from Out-of-State Schools  
June 30, 2014**

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

In-State Public School .....	9
In-State Private School .....	4
Aged Out of School (students who reached 21 years of age without a diploma) .....	15
Graduated from School (students between the ages of 18 - 21 who received their diploma) .....	13
Home Instruction .....	0
Psychiatric Center, Developmental Center, Correctional Facility .....	0
Other Out-of-State Program (e.g., wilderness program).....	7
Dropped Out of School.....	11
Moved.....	1
<b>Total.....</b>	<b>60</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, 2014 through December 31, 2014**

Reunification with Family .....	5
Exit to Relative .....	1
Reach Age of Majority.....	4
Permanency Resource.....	0
Absent without Leave.....	1
Other (e.g., transfer to a correctional facility) .....	1
Transfer to Another State Agency.....	4
<b>Total.....</b>	<b>16</b>

**Children and Youth Profiles and Surveys**

The State Education Department continues to use student profiles as part of the process for local school districts to apply to the State for approval of tuition costs for each student publicly placed in an out-of-state residential school. Aggregate data from the student profiles allows the State Education Department to describe and quantify information on students placed out-of-state. Along with other evaluation documents, local education agencies 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 the State Education Department regarding students with disabilities for all out-of-state student placements made by local education agencies from 2009 to 2014.

## Students with Disabilities in Out-of-State Education Programs and Schools<sup>1</sup>

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

<sup>1</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 and found that the majority of students in such placements are classified with autism, multiple disabilities and emotional disturbance. Data below are based on 322 residential student profiles for out-of-state schools (as of December 1, 2014).

<b>APPROVED OUT-OF-STATE RESIDENTIAL SCHOOLS (Total number of youth: 322)</b>		
<b>GENDER</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
MALE	215	67%
FEMALE	107	33%

<b>AGE RANGE</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
18 – 21 YEARS	209	65%
16 – 17 YEARS	66	20%
15 YEARS AND YOUNGER	47	15%

<b>COUNTY REGIONS</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
NEW YORK CITY	200	63%
LONG ISLAND	40	12%
HUDSON VALLEY/ ROCKLAND	56	17%
CAPITAL REGION	19	6%
CENTRAL/WESTERN NEW YORK	7	2%

The Office of Children and Family Services received youth profile surveys from out-of-state programs in late 2013. During the Spring of 2015, the Office of Children and Family Services plans to send out an updated Youth Profile Survey and Agency Desk Review with new requirements to these programs. This updated Youth Profile Survey will focus on the behaviors and services provided by the out-of-state programs, as well as permanency planning and discharge resources. Additionally, the Office of Children and Family Services will require out-of-state residential programs to submit the most recent program review conducted by their state’s licensing agency.

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

Implementation of an Interagency Plan between the State Education Department, the Office of Children and Family Services and the Office for People With Developmental Disabilities 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 the Office for Persons with Developmental Disabilities funds the residential supports and the State Education Department 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 for these young adults.

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

The State Education Department revamped its review process of out-of-state placement applications for private school tuition to assure that regulatory timelines are met and that local education agencies consider appropriate in-state placements options before placing a student out-of-state. As well, the State Education Department provides technical assistance to school districts regarding the residential placement process and helps schools identify potential residential programs for students who because of their complex needs are difficult to place. The State Education Department also updated its website to provide links to each approved private school so that local education agencies can easily obtain information to assist in the referral and placement process.

The Office of Children and Family Services sent out a reminder to its local departments of social services to continue efforts to identify appropriate in-state placement options before placing a youth out-of-state.

Meanwhile, at the local level, the State Education Department and the Office for People With Developmental Disabilities continue to work together, with the shared goal of reducing the need for out-of-state residential placements. The Office for People With Developmental Disabilities has increased outreach efforts to local school districts to strengthen local partnerships and facilitate earlier identification of at-risk students with developmental disabilities, thus enabling coordination of needed supports sooner.

The Office for People With Developmental Disabilities also continues to identify and develop appropriate opportunities for individuals who remain at residential schools. It also has created trainings for voluntary providers to assure they are prepared to serve adults with significant challenges. These trainings reinforce the expectations and timeframes for service development for this population. Additionally, the Office for People With Developmental Disabilities will continue to provide technical assistance and support to its Regional Offices and voluntary providers to facilitate and expedite the development of appropriate adult service opportunities and to expand options for individuals to self-direct services.

As well, in recognition of the urgent need to develop adult residential opportunities, the State Education Department and the Office for People With Developmental Disabilities have conferenced with individual providers who have a high concentration of adults remaining in school-age beds to identify barriers to placements for current young adults. Through such planning, these State agencies are working to help ensure that the transition to adult services for students who will “age out” of the school-age system is occurring at least two years prior to them reaching age 21 years.

The number of individuals who transitioned from residential educational settings to Office for People With Developmental Disabilities’ services in 2013 and 2014 is as follows:

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

Note: Ten individuals referred to the Office for People With Developmental Disabilities from educational programs were found to be ineligible for OPWDD services and 13 individuals declined OPWDD supports.

As of December 31, 2014, the Office for People With Developmental Disabilities is aware of 184 OPWDD-eligible individuals who remain at residential education programs after completion of their education program (this represents a slight decrease from the prior year). Residential education programs include:



in-state and out-of-state residential school programs, Children’s Residential Projects, Residential Treatment Facilities and Residential Treatment Centers.

The number of individuals who remain at each type of setting is as follows:

<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>
In-State Residential School	52	47
Out-of-State Residential School	97	89
CRP	38	40
RTF/RTC	2	8
Total	189	184

The Office for People With Developmental Disabilities 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. Meanwhile, the Office for People With Developmental Disabilities 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 to monitor out-of-state residential placements for New York’s children and youth. 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 and youth with multi-systemic needs requiring residential services and ensure that state policy and practices continue for considering and exhausting all in-state placement options. Additionally, the Council will continue to work with stakeholders to explore capacity-building opportunities for in-state services.