

2013 Out-of-State Placement Annual Report
to the Governor and Legislature

**Submitted by: The New York State Council on Children and Families
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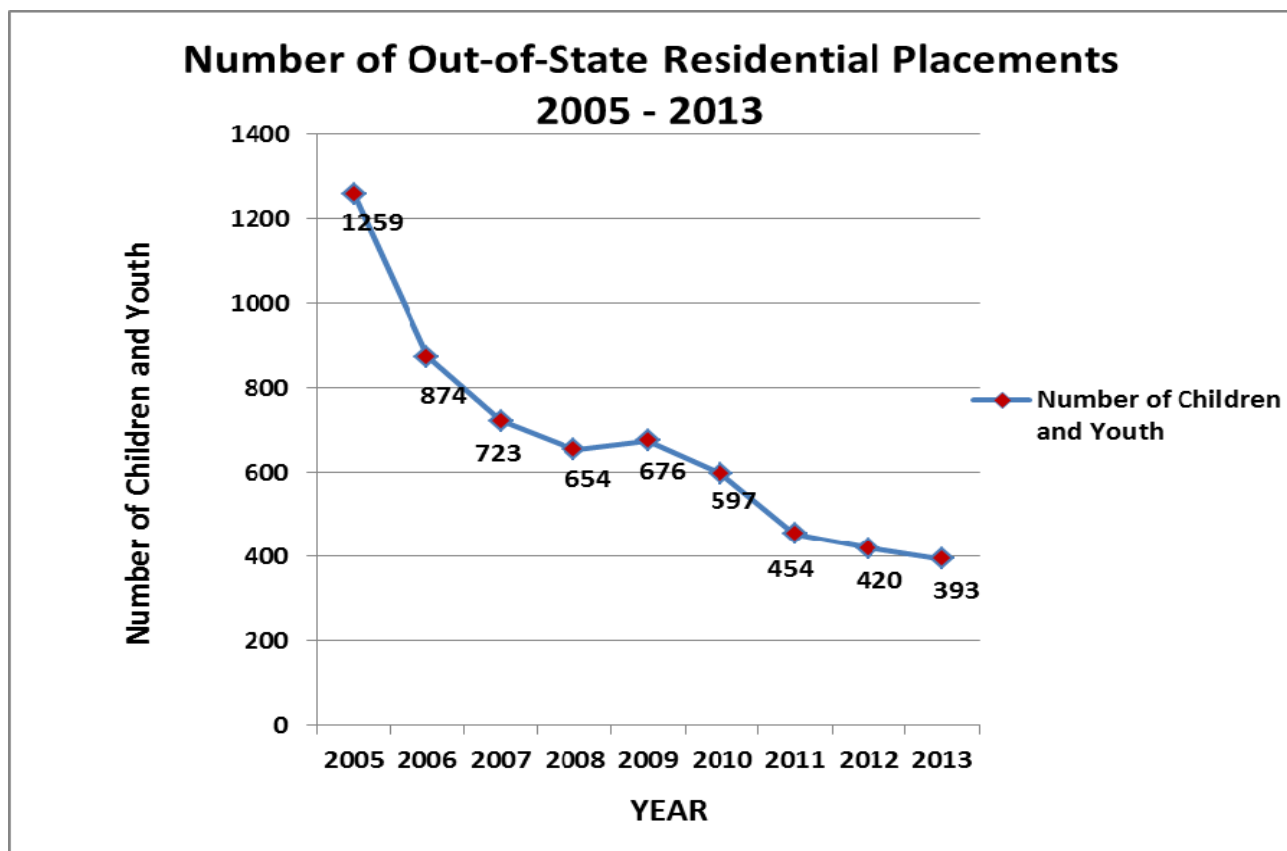
Introduction

This is the eighth annual report submitted by the New York State Council on Children and Families pursuant to the annual reporting requirement set forth in Social Services Law § 483-d. Since the issuance of the first report in 2005, out-of-state placements have been dramatically reduced from 1,259 children and youth to 393 children and youth (a reduction of 69 percent) and work continues toward decreasing this number. At the same time, with the creation of the New York State Justice Center for the Protection of People with Special Needs, efforts to protect the well-being of New York State children and youth in residential placements are stronger.

A. Reduction in Out-of-State Placements

Activities of SED Non-district Unit (NDU) and OCFS Out-of-State Placement Oversight Office

As of December 1, 2013, there were 393 children and youth placed in out-of-state residential schools and facilities, a 6 percent decrease from the previous year. Of these 393 children and youth, 311 were placed by local school districts and 82 by local departments of social services (LDSS). From 2012 to 2013, local school districts decreased out-of-state placements by 7 percent and LDSS placements decreased by 2 percent. Overall, since 2005, there has been a 69 percent reduction in out-of-state placements.



B. Development of Monitoring and Accountability Structure

The SED Non-district Unit (NDU), created in 2005, has responsibility for quality assurance and oversight functions for all SED approved in-state and out-of-state residential schools.

In 2013, NDU staff identified the following two out-of-state schools as noncompliant with Part 200 Regulations of the Commissioner of Education: Woods Services and Vermont Center for the Deaf and Hard of Hearing. NDU issued a Compliance Assurance Plan to both schools and closely monitors for timely resolution of the identified noncompliance.

Since June 2010, SED has implemented utilization of a self-review protocol, Behavior Management and Support for School-age Students in Residential Schools. The protocol includes regulatory requirements for managing student behavior and preventing abuse and neglect, essential for meeting the educational needs of students returning from out-of-state placements. In 2013, NDU staff conducted 37 verification reviews for compliance with the regulatory requirements of the protocol. The remaining verification reviews are scheduled for the 2013-14 school year.

During 2013, OCFS conducted 22 desk reviews of out-of-state residential facilities. Desk reviews were sent by OCFS to 25 out-of-state residential programs in nine states, and OCFS received responses from 22 programs. The desk reviews request 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 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; and agency accreditation.

The OCFS review of responses and information collected from the out-of-state residential programs reflected no major health and safety concerns.

Development of Out-of-State Registry

SED has operated its registry of approved out-of-state schools since July 2005. The OCFS residential care registry became operational in 2009, with access available only via OCFS' internal website.

New York State Justice Center for the Protection of People with Special Needs

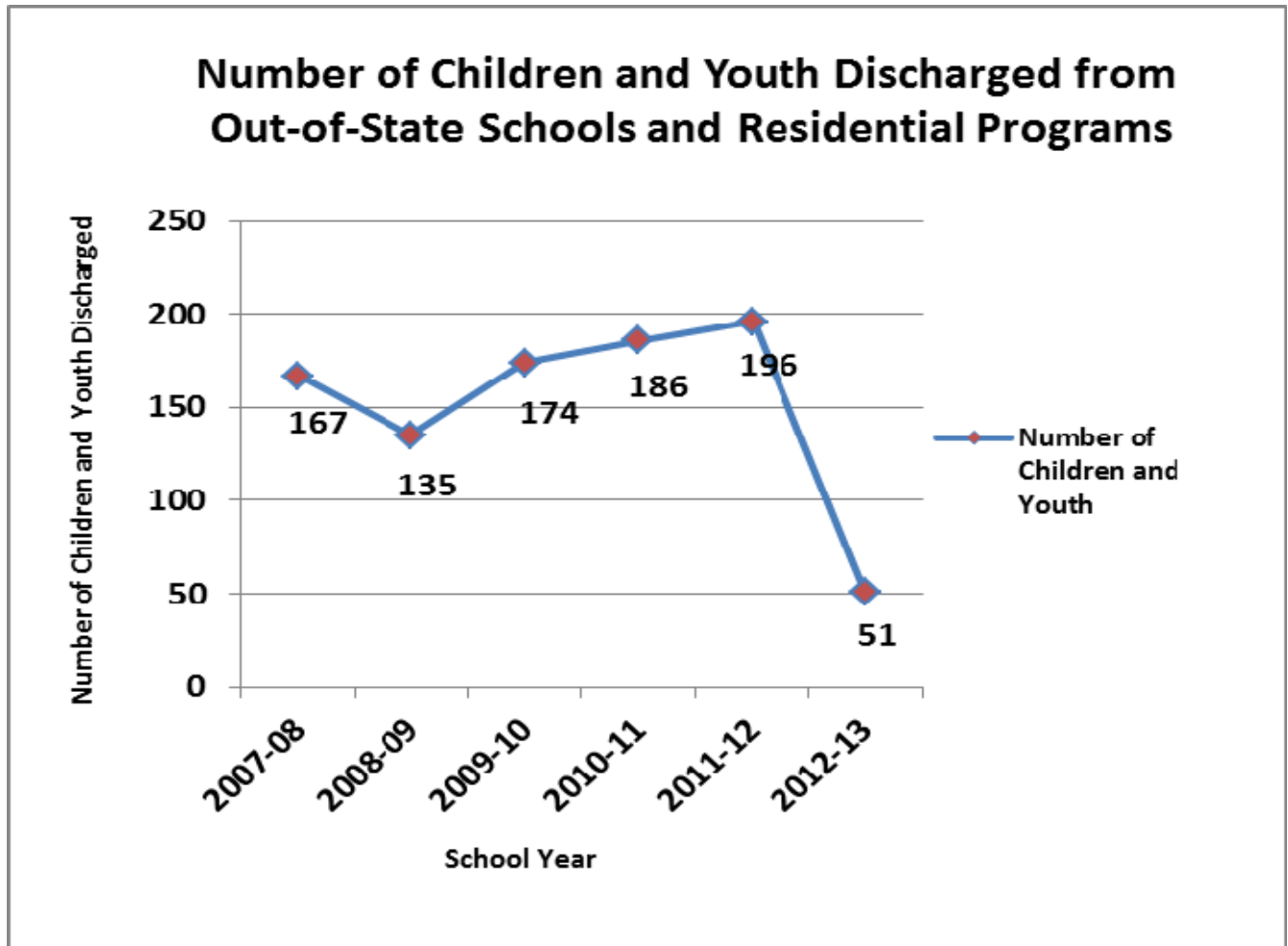
The Justice Center was established in legislation in 2012 and became operational on June 30, 2013 to provide New York with the strongest standards and practices in the nation for protecting the safety of adults and children with special needs who receive care in certain state operated, certified or licensed facilities and programs. The Justice Center also is authorized to investigate allegations of abuse or neglect in out-of-state residential schools and programs in which a New York youth is placed. These residential schools and programs are required to report allegations of abuse and neglect to the Justice Center. The Justice Center has the authority to conduct independent investigations into reports of abuse or neglect committed against New York youth and report its findings to the out-of-state facility, the placing entity and the funding agency. The Justice Center provides information and education to out-of-state residential schools and programs on their duty to report allegations of abuse or neglect involving New York youth 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 their website at www.justicecenter.ny.gov.

C. Data Collection and Surveys

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

Using data reported to SED by out-of-state residential schools, at the conclusion of the 2012-13 school year, a total of 51 children and youth were discharged from out-of-State residential schools. In previous school years, these numbers were as follows: 2011-2012: 196; 2010-2011: 186; 2009-2010: 174; 2008-2009: 135 and 2007-2008: 167, as illustrated in the table below.



The following data is reported by SED for all children and youth returning from out-of-state local school district CSE placements during the 2012-13 school year.

All NYS Students Discharged from Out-of-State Schools

June 30, 2013

(where they went upon return as reported by Out-of-State Schools)

<i>In-State Public</i> -----	12
<i>In-State Private</i> -----	13
<i>Aged Out</i> (students who reached 21 years of age without a diploma) -----	15
<i>Graduated</i> (students between the ages of 18 - 21, who received their diploma) -----	5
<i>Home Instruction – (Medical)</i> -----	0
<i>Institution</i> (psychiatric or developmental center, correctional facility) -----	1
<i>Dropped Out</i> -----	4
<i>Moved</i> -----	1
<i>Total</i> -----	51

The following data is reported by OCFS for LDSS youth discharged from out-of-state residential placements during 2013.

<i>Reunification</i> -----	0
<i>Exit to Relative</i> -----	0
<i>Reach Majority</i> -----	2
<i>Permanency Resource</i> -----	0
<i>AWOL</i> -----	2
<i>Other</i> -----	4
<i>Transfer to another Agency</i> -----	11
<i>Total</i> -----	19

Children and Youth Profiles and Surveys

SED uses student profiles as part of the process for 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, 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 is reported by SED regarding disabilities for all out-of-state placements made by local school districts from 2008 to 2013.

Students with Disabilities Going Out-of-State¹

Disability	2008-09 (as of 12/01/08)	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)
Autism	142	162	138	119	115	94
Deafness	26	31	25	20	17	9
Emotional Disturbance	146	136	137	88	110	111
Learning Disability	6	6	7	3	2	2
Intellectual Disability	51	42	59	44	23	11
Multiple Disabilities	85	102	77	58	48	62
Speech Impairment	0	0	0	0	0	0
Traumatic Brain Injury	6	6	3	2	2	3
Visual Impairment	1	0	2	2	1	2
Other Health Impaired	15	33	4	16	16	12
Deaf/Blind	0	1	0	2	2	5
Orthopedically Impaired	0	1	3	0	0	0
Hearing Impaired	0	0	2	1	0	0
Total	478	521	477	355	336	311

¹ Data as reported by Committees on Special Education (CSEs) in a student's out-of-state application for State Aid Reimbursement of tuition costs.

SED analyzed data from student profiles submitted with the applications for placements in Approved Out-of-State Residential Schools. The data below is based on 311 residential student profiles for those in out-of-state schools (as of 12-1-13). In addition, the majority of students in out-of-state placements are classified with autism, multiple disabilities and emotional disturbance. The data below does not include data of students placed out-of-state on an emergency interim basis since, as of July 1, 2013, SED ceased its practice of approving such placements.

APPROVED OUT-OF-STATE RESIDENTIAL SCHOOLS (Total # of youth: 311)		
GENDER	NUMBER	PERCENTAGES
MALE	112	36%
FEMALE	199	64%

AGE RANGE	NUMBER	PERCENTAGES
18 – 21 YEARS	152	49%
16 – 17 YEARS	85	27%
15 YEARS AND YOUNGER	74	24%

COUNTY REGIONS	NUMBER	PERCENTAGES
NEW YORK CITY	200	64%
LONG ISLAND	41	13%
HUDSON VALLEY/ ROCKLAND	46	15%
CAPITAL REGION	13	4%
CENTRAL/WESTERN NEW YORK	11	4%

In 2013, OCFS sent Youth Profile Surveys to all out-of-state residential programs where New York State LDSS youth were placed. The chart on the next page provides data on the disabilities of LDSS youth in out-of-state residential programs.

Disability	Number of Youth
Emotionally Disturbed	52
Learning Disabled	7
Developmentally Disabled	18
Hearing Impaired	1
Speech Impaired	1
Visually Impaired	1
Orthopedically Impaired	1
Other Health Impaired	1
Traumatic Brain Injury	1
Multiply Disabled*	40
Total	123 <i>(duplicated count)</i>

** If a youth had more than two classifications, he or she also was counted as multiply disabled.*

D. Residential Bed Development

SED, OCFS and OPWDD continue to coordinate to develop in-state residential capacity in order to prevent New York children and youth from being sent to out-of-state schools and programs and to return those who are in out-of-state placements.

For youth who have an “emotional disturbance” classification, there are 106 in-state beds available. For students with developmental disabilities, there now are additional opportunities to access services in Children’s Residential Projects (CRPs) in the state (the total number of CRP beds is 458). CRPs are residential school programs where OPWDD funds the residential supports via Medicaid and SED funds the educational component.

OPWDD remains committed to working with individuals with developmental disabilities who are transitioning from residential education programs to adult services. For example, OPWDD is working with individuals, their families, and the OPWDD provider community to utilize existing residential service opportunities and to develop new residential services as needed. Individuals and families can also use Consolidated Supports and Services (CSS) to procure individualized services through self-direction.

The number of individuals who transitioned from residential educational settings to OPWDD services in 2013 was as follows:

Residential Education Programs	Number of Individuals moved to OPWDD Adult Services in 2013
In-State (including CRP, RTC and RTF)	167
Out-of-State	54
Total	221

In addition, 10 individuals who were referred to OPWDD from educational programs were found to be ineligible for OPWDD services. There were also 13 individuals who declined OPWDD supports.

As of December 31, 2013, OPWDD is aware of 189 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 Programs (CRPs), Residential Treatment Facilities (RTFs) and Residential Treatment Centers (RTCs).

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

Type of Residential Education Program	Number of Individuals who remain after completing their education program
In State Residential School	52
Out of State	97
CRP	38
RTF/RTC	2
Total	189

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 2014. Looking to the future, OPWDD is actively planning with students who will end their educational programs in 2014 and 2015. Planning for students transitioning in 2016 will begin in 2014.

Conclusion

The Council on Children and Families, through its out-of-state activities, will continue to monitor the number of New York's children and youth placed out-of-state. As well, the Council will explore the development of programming in New York to help meet the needs of New York children and youth in-state. Furthermore, through the efforts of a number of cross-systems groups, the Council will continue to promote more effective service integration to best support New York's children, youth and families.