

**Out-of-State Placement Committee  
2023 Annual Report to the Governor and Legislature**

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



**Council on Children  
and Families**

KATHY HOCHUL  
Governor

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## **Introduction:**

The Out-of-State Placement Committee (Committee) was established in 2005 within the Council on Children and Families (CCF) to identify and consider in-state resources prior to making an out-of-state residential placement and improve the monitoring of out-of-state residential placements. At the time the Committee was created, concerns about out-of-state placements – then at about 1,400 children and youth – included the quality-of-care New York State youth were receiving, costs of out-of-state residential placements, regional disparities in service delivery and placement programs, and the many ways that families were impacted. “Out-of-state placements” refer to the practice of children and youth being placed by a local department of social service (LDSS) or by a Committee on Special Education (CSE) through a local school district into residential programs or residential schools outside of New York State.

Annually, CCF submits a report on “out-of-state placements” of children and youth to the Governor and Legislature. As detailed in this annual report, state agencies involved with residential placement planning and decisions work closely with LDSSs and local school districts to serve New York State children and youth at home and, if residential placement is necessary, to place in schools and programs within the state. However, in certain circumstances, for children and youth with co-occurring medical, mental health, developmental, substance use, and educational needs, out-of-state placements are needed.

The Committee collects and analyzes cross-system data to improve New York’s service system infrastructure to allow for the children most at risk of being referred to out-of-state schools to be served within New York; collaborates with partners to strengthen interagency coordination to enhance service delivery across agencies; and monitors out-of-state residential placements to ensure the health and safety of New York children and youth.

The Committee is chaired by the executive director of CCF. Committee members include the following state agencies: the Office of Children and Family Services (OCFS), State Education Department (SED), Office of Mental Health (OMH), Office for People With Developmental Disabilities (OPWDD), Office of Addiction Services and Supports (OASAS), Department of Health (DOH), and the Division of Criminal Justice Services (DCJS). Additionally, the Justice Center for the Protection of People with Special Needs (JC) participates on the Committee.

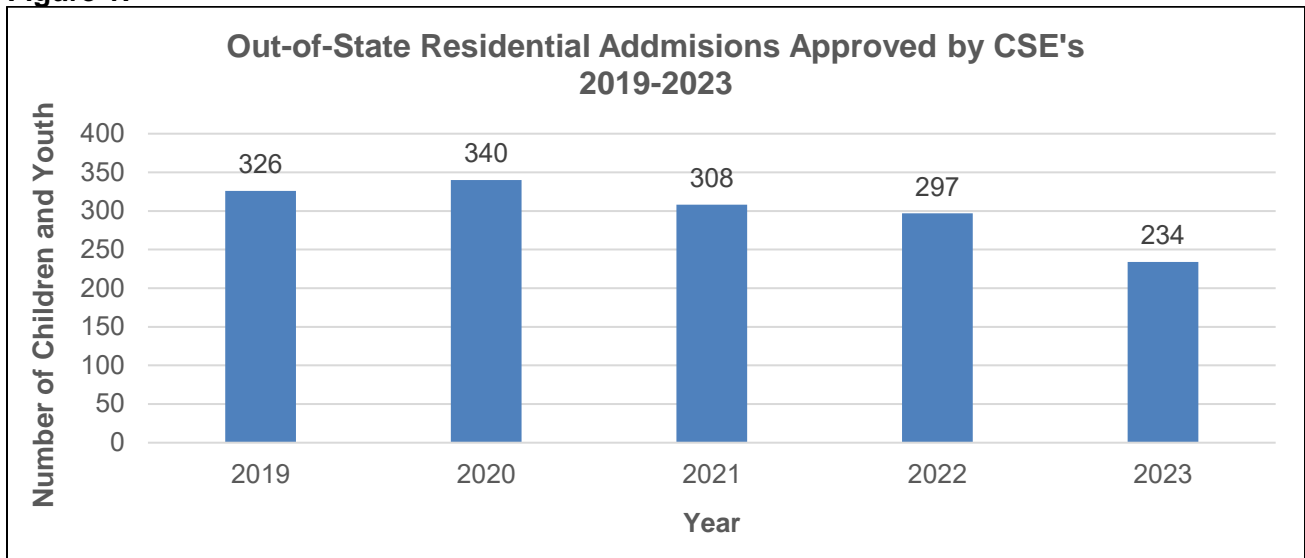
## **I. Summary of Data:**

### **a. Out-of-State Residential Admissions (2019 to 2023)**

Over the last five years, the number of New York children and youth being placed out-of-state generally has been declining. In reviewing this decline, however, it should be noted that admissions to many residential programs, both in- and out-of-state, were restricted during the COVID-19 public health emergency, starting in 2020. It also should be noted that the number of out-of-state admissions covers a different period of time for CSEs and LDSSs. The annual reporting period for CSE-placements is July 1, through December 1, of each year, whereas LDSS-placements are for a calendar year (January 1, through December 31,).

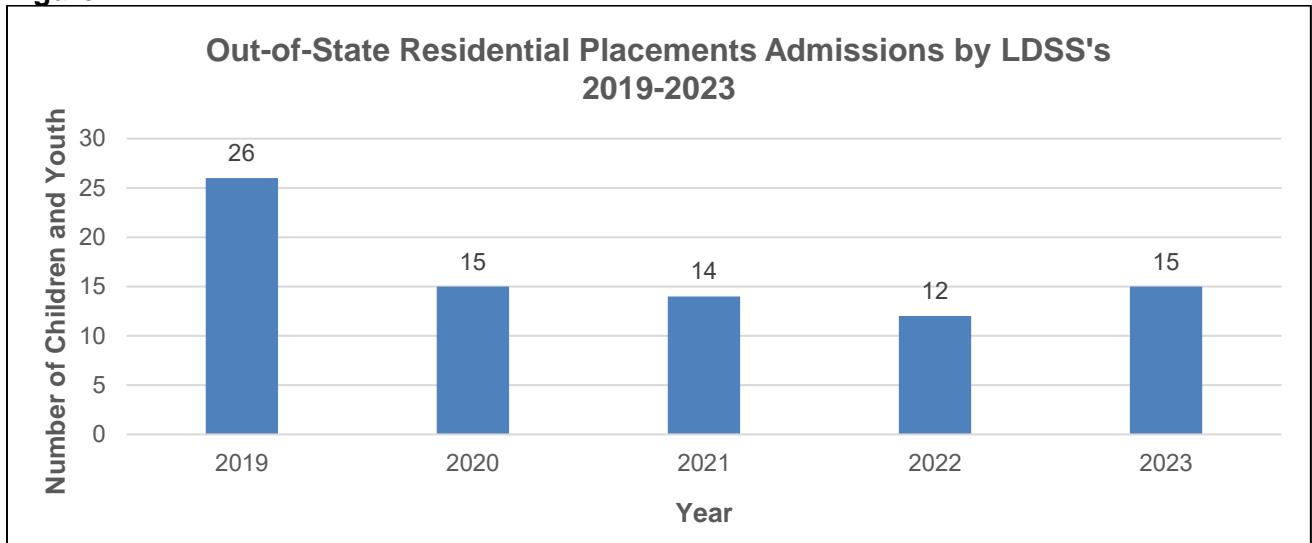
As shown below, in Figure 1 (CSE admissions), the total number of children and youth being placed out-of-state declined over the last year. NYSED reported that there were 63 fewer children and youth placed in out-of-state residential schools by CSEs. Figure 2 (LDSS admissions) illustrates that there was a slight increase in the number of children and youth (3) placed in out-of-state residential placements by LDSSs.

**Figure 1:**



*\*NYSED data represent 2019 through 2023 data pulled from July 1 through December 1 for each year.*

**Figure 2:**



*\*OCFS data represent 2019 through 2023 data pulled from January 1 through December 31 for each year.*

### **Student Profiles**

NYSED uses student profiles as part of the application process for school districts to apply for approval of state reimbursement of tuition costs for each student placed in an out-of-state residential school by the school district's CSE.

### **Disability Details**

The data (in Table 1) are reported to NYSED on students with disabilities for all out-of-state student placements made by CSEs from school years 2019-2020 through 2023-2024 (as of December 1 of each school year). As indicated, over the last two school years reported, there

has been a 28 percent decrease in the number of students identified with autism, though it remains the disability classification and associated needs that lead to the most New York students being placed out-of-state. Notably, there’s been a significant and steady decrease in the number of students identified with an emotional disability who have been placed out of state over the last five years. The other disability classifications have largely remained unchanged over this period for students placed out-of-state. Few conclusions can be drawn about these shifts. There are several factors that contribute to admission totals including both fewer applications but also increased declinations.

**Table 1: Disability Classification of New York Students Placed Out-of-State**

<b>Disability</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>	<b>2023-2024</b>
Autism	130	148	159	174	126
Deafness	9	9	7	12	12
Emotional Disability	101	90	67	42	35
Learning Disability	1	0	1	1	0
Intellectual Disability	11	14	15	13	9
Multiple Disabilities	51	52	39	36	36
Speech Impairment	0	0	0	0	0
Traumatic Brain Injury	1	1	0	0	0
Visual Impairment	0	0	0	1	3
Other Health Impairment	19	24	17	16	13
Deaf/Blind	3	2	3	2	0
Orthopedically Impaired	0	0	0	0	0
Hearing Impaired	0	0	0	0	0
<b>Total</b>	<b>326</b>	<b>340</b>	<b>308</b>	<b>297</b>	<b>234</b>

### **Demographic Details**

The following demographic data (in Table 2) are reported to NYSED on the 234 students placed in out-of-state residential schools between July 1, 2023, and December 1, 2023.

**Table 2: Demographics of New York Students Placed Out-of-State**

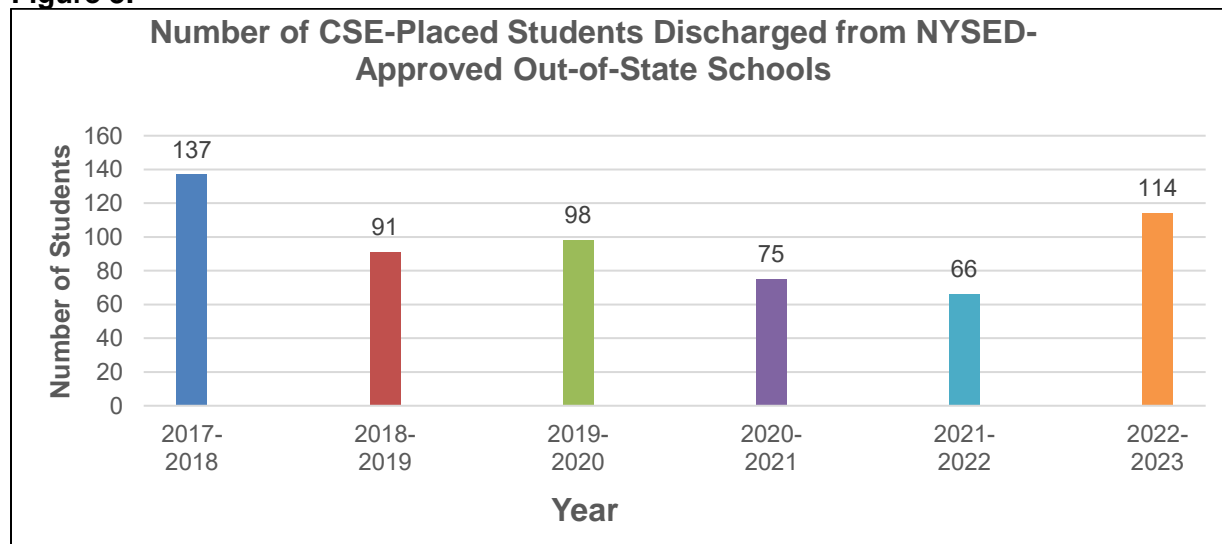
<b>NEW YORK STUDENTS, BROKEN DOWN BY GENDER, AGE AND COUNTY REGIONS</b>		
<b>Gender</b>	<b>Number</b>	<b>Percentage</b>
Male	174	74%
Female	59	25%
X	1	1%
<b>Age Range</b>	<b>Number</b>	<b>Percentage</b>
18 – 21 Years	96	41%
16 – 17 Years	59	25%
15 Years and Younger	79	34%
<b>County Regions</b>	<b>Number</b>	<b>Percentage</b>
New York City	120	51%
Long Island	28	12%
Hudson Valley/Rockland	32	14%
Capital Region	42	18%
Central/Western NY	12	5%

**b. Students Discharged**

NYSED collects data from approved out-of-state residential schools for students placed by their CSE who are returning from an out-of-state residential school. As reported to NYSED, as of June 30, 2023, the total number of CSE-placed students discharged from NYSED-approved out-of-state residential schools for the 2022-2023 school year was 114 students. See Figure 3.

Like NYSED, OCFS collects data for all LDSS children and youth discharged from out-of-state residential placements, but the total number is far fewer. During 2023, two youth in an out-of-state residential placement were discharged with a discharge reason of “reach age of majority”.

**Figure 3:**



**c. Where Students Went Upon Discharge**

Below are two tables indicating where children and youth went upon discharge from their out-of-state placement. Table 3 provides this information for CSE-placed youth, and Table 4 for LDSS-placed youth.

**Table 3: Where CSE-placed Youth Went Upon Discharge**

<b>Where CSE-placed Youth Went Upon Discharge (as of June 30, 2023)</b>	
In-State Public School	13
In-State Private School	19
Aged Out of School	60
Graduated from School (students who received a diploma)	8
Home Instruction (medical)	0
Psychiatric Center	3
Developmental Center	0
Correctional Facility	0
Other Out-of-State Program (e.g., wilderness program)	5
Dropped Out of School	1
Moved	3
Other	2
<b>Total</b>	<b>114</b>

**Table 4: Where LDSS Youth Went Upon Discharge**

<b>Where LDSS Youth Went Upon Discharge<sup>1</sup> (January 1, 2023, through December 31, 2023)</b>	
Reunification with Family	0
Exit to Relative	0
Reach Age of Majority/Release to Own Responsibility	2
Permanency Resource	0
Absent Without Leave	0
Other Out-of-State Program	0
Transfer Another State Agency	0
<b>Total</b>	<b>2</b>

**II. Monitoring and Quality Assurance:**

**a. Monitoring and Quality Assurance of Out-of-State Residential Schools and Programs Serving New York State Children and Youth**

OCFS, NYSED, and the placing entities are responsible for monitoring and ensuring quality assurance for out-of-state residential schools and programs serving New York State children and youth. In addition, the Justice Center may visit these out-of-state programs and schools and audit corrective action plans created in response to an allegation of abuse or neglect.

<sup>1</sup> Prepared by OCFS Bureau of Research, Evaluation and Performance Analytics. Data Source: Connections, data as of 2/8/2024.

## **b. Summary of Actions**

### ***New York State Education Department (NYSED)***

The NYSED Office of Special Education Non-District Unit is responsible for overseeing all New York State approved in-state and out-of-state residential schools to ensure compliance with applicable federal and New York State laws and regulations for the education of students with disabilities. The Non-District Unit performs monitoring functions including review protocols to evaluate compliance with approved schools' policies, procedures, and practices. The most frequently utilized review protocols include monitoring of the following compliance categories:

- Delivery of Special Education Programs and Services;
- Behavioral Interventions;
- Suspension;
- Operation of the School Program; and
- Protection of Students from Abuse and Neglect, consistent with the provisions of the New York State Protection of People with Special Needs Act.

In 2023, NYSED conducted monitoring reviews of ten New York State approved out-of-state residential schools. The names and location of these schools, followed by details of the monitoring reviews, are below.

1. Seven Hills at Crotched Mountain (New Hampshire)
2. Latham Centers (Massachusetts)
3. Hillcrest Educational Center (Massachusetts)
4. Hillcrest Academy (Massachusetts)
5. Boston Higashi School (Massachusetts)
6. The Whitney Academy (Massachusetts)
7. Devereux Advanced Behavioral Health - School for Integrated Learning (Pennsylvania)
8. Devereux Advanced Behavioral Health - Brandywine Campus (Pennsylvania)
9. Devereux Advanced Behavioral Health - Mapleton Campus (Pennsylvania)
10. Woods Services (Pennsylvania)

1. **Seven Hills at Crotched Mountain (New Hampshire):** On November 18, 2022, NYSED issued an interim temporary conditional approval to Seven Hills Foundation because of its acquisition of the school on Crotched Mountain, previously operated by Legacy by Gersh. As part of Seven Hills' final approval to serve New York State students, NYSED conducted a monitoring review of the school. In July 2023, NYSED reviewed the Standards for the Protection of Students in Residential Programs to ensure the school's policies, procedures, and practices protect students from abuse, neglect, and other conduct that may jeopardize their health, safety, and welfare. In addition, the monitoring review included an evaluation of the school's educational services to ensure that New York State students were provided specially designed instruction to address the unique needs that result from the students' disability and to ensure students have access to the general education curriculum. On August 28, 2023, NYSED issued a report indicating that all items associated with the monitoring review were in compliance.
2. **Latham Centers (Massachusetts):** From September 2023 through November 2023, NYSED conducted a focused review around Delivery of Special Education Programs and Services. This review focused on the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access

to the general education curriculum. On November 27, 2023, NYSED issued a report indicating that all items associated with the focused review were in compliance.

- 3. Hillcrest Educational Campus Center (Massachusetts):** In June 2023, NYSED conducted a focused review in the areas of Delivery of Special Education Programs and Services and the Operation of the School Program. Such review assessed the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum, and to verify that students with disabilities are provided the appropriate number of days and hours of instruction in safe environment. On July 11, 2023, NYSED issued a report and compliance assurance plan that identified the following areas of noncompliance: lack of full Individualized Education Program (IEP) implementation and regulatory requirements specific to discharge of New York State students. The school addressed all concerns and was in full compliance with the regulatory items cited, as of September 1, 2023.
- 4. Hillcrest Academy (Massachusetts):** In June 2023, NYSED conducted a focused review in the areas of Delivery of Special Education Programs and Services and the Operation of the School Program. Such review assessed the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum and to verify that students with disabilities are provided the appropriate number of days and hours of instruction in a safe environment. On July 11, 2023, NYSED issued a report and compliance assurance plan that identified the following areas of noncompliance: lack of full IEP implementation and regulatory requirements specific to discharge of New York State students. The school addressed all concerns and was in full compliance with the regulatory items cited, as of September 1, 2023.
- 5. Boston Higashi School (Massachusetts):** From May 2023 through June 2023, NYSED conducted a focused review in two areas: Delivery of Special Education Programs and Services and the Standards for the Protection of Students in Residential Programs. Such review assessed the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum, and to review the school's policies, procedures, and practices to ensure the protection of New York State students from abuse, neglect, and other conduct that may jeopardize their health, safety, and welfare. On June 27, 2023, NYSED issued a report indicating that all items associated with the two areas of the focused review were in compliance.
- 6. The Whitney Academy (Massachusetts):** From June 2023 through August 2023, NYSED conducted a monitoring review of the school's discharge policies. On June 26, 2023, NYSED issued a report and a compliance assurance plan that identified that the school's discharge policies were not compliant with New York State regulations. In response, Whitney Academy took required actions to address and resolve the identified area of noncompliance. By August 7, 2023, the school was in full compliance with the regulatory item cited.
- 7. Devereux Advanced Behavioral Health (Pennsylvania):** School for Integrated Learning: From December 2022 through February 2023, NYSED conducted a focus review around Standards for the Protections of Students in Residential Programs. On February 3, 2023, NYSED issued a report and compliance assurance plan that identified noncompliance in policies, practices and procedures related to the protection of students in residential



programs in the areas of staffing patterns, dissemination of supervisory guidelines to staff, and reporting policies. The school addressed all concerns and was in full compliance with the regulatory items cited, as of May 4, 2023. Additionally, in November 2023, NYSED conducted a focused review, in the area of Delivery of Special Education Programs and Services, to assess the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum. On November 28, 2023, NYSED issued a report indicating that all items associated with the focused review were in compliance.

- 8. Devereux Advanced Behavioral Health (Pennsylvania):** Brandywine Campus: From December 2022 through February 2023, NYSED conducted a focus review around Standards for the Protections of Students in Residential Programs. On February 3, 2023, NYSED issued a report and compliance assurance plan that identified noncompliance in policies, practices, and procedures related to the protection of students in residential programs in the areas of staffing patterns, dissemination of supervisory guidelines to staff, and reporting policies. The school addressed all concerns and was in full compliance with the regulatory items cited as of May 4, 2023. Additionally, in November 2023, NYSED conducted a focused review in the area of Delivery of Special Education Programs and Services to review the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum. On November 28, 2023, NYSED issued a report indicating that all items associated with the focused review were in compliance.
- 9. Devereux Advanced Behavioral Health (Pennsylvania):** Mapleton Campus: From December 2022 through February 2023, NYSED conducted a focused review around Standards for the Protections of Students in Residential Programs. On February 3, 2023, NYSED issued a report and compliance assurance plan that identified noncompliance in policies, practices and procedures related to the protection of students in residential programs in the areas of staffing patterns, dissemination of supervisory guidelines to staff, and reporting policies. The school addressed all concerns and was in full compliance with the regulatory items cited as of May 4, 2023. Additionally, in November 2023, NYSED conducted a focused review in the area of Delivery of Special Education Programs and Services to review the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum. On November 28, 2023, NYSED issued a report indicating that all items associated with the focused review were in compliance.
- 10. Woods Services (Pennsylvania):** From March 2023 through August 2023, NYSED conducted a monitoring review of the school as a result of specific concerns reported to NYSED and the New York City Department of Education regarding the lack of full IEP implementation as well as New York State Justice Center reports of injuries of unknown origin and self-injurious behaviors. Following onsite interviews, evaluation, and observation of areas of potential concern, the following three areas were further monitored: 1) Delivery of Special Education Programs and Services to review the school's policies, procedures, and practices to ensure students with disabilities receive instruction to address their unique needs and have access to the general education curriculum; 2) Behavioral Interventions to review the school's policies, procedures, and practices to ensure students with disabilities receive appropriate behavioral supports and services to address behaviors that impede learning; and 3) Standards for the Protection of Students in Residential Programs to review the school's policies, procedures, and practices to ensure the protection of New York State students from abuse, neglect, and other conduct that may jeopardize their health, safety,

and welfare. On August 21, 2023, NYSED issued a report and a compliance assurance plan that identified noncompliance in all three areas. On November 29, 2023, the school resolved all noncompliance items associated with Standards for the Protection of Students in Residential Programs. As of December 2023, required actions to resolve the remaining identified areas of noncompliance are subject to continued monitoring until all areas are addressed by Woods Services.

### ***New York State Office of Children and Family Services (OCFS)***

OCFS conducted reviews that assessed program compliance with good standards of practice to best support achieving positive outcomes for children and their families. Specifically, OCFS reviewed policies related to training of staff, use of restraints, investigations, and reporting of restraints and abuse or significant incidents. OCFS also reviewed case records of all LDSS children and youth placed at each program, examined physical plant fire safety documents, and conducted interviews with administration, staff, and all LDSS placed children and youth. Recommendations were made, as warranted.

OCFS conducted on-site reviews of ten programs:

1. The School for the Blind (Connecticut)
2. The Children's Home (Maryland)
3. Whitney Academy (Massachusetts)
4. Hillcrest (Massachusetts)
5. Seven Hills-Stetson School (Massachusetts)
6. Seven Hills at Crotched Mountain (New Hampshire)
7. Devereux (Pennsylvania)
8. Kids Peace (Pennsylvania)
9. Foundations Behavioral Health (Pennsylvania)
10. Woods Services (Pennsylvania)

No health or safety concerns were found at any of these out-of-state residential programs.

In addition, for these out-of-state residential programs, OCFS conducted inquiries to determine if the program meets the standards of the federal Family First Prevention Services Act (FFPSA) definition of a Qualified Residential Treatment Program (QRTP). The FFPSA sets additional standards for congregate residential programs that did not qualify as QRTP exceptions. These standards must be met for federal reimbursement of part of the cost of foster care services for any child eligible for federal Title IV-E funds who are cared for by such program for longer than two weeks. Further information on standards and requirements for QRTPs are set forth in 21-OCFS-ADM-04 ( [https://ocfs.ny.gov/main/policies/external/ocfs\\_2021/ADM/21-OCFS-ADM-04.pdf](https://ocfs.ny.gov/main/policies/external/ocfs_2021/ADM/21-OCFS-ADM-04.pdf)).

The following information on out-of-state residential programs was collected:

- One program identified that it was designated as a QRTP by the state of location (Whitney Academy, Massachusetts).
- One program identified that it was "in the process" of becoming a licensed QRTP (Hillcrest, Massachusetts).
- Eight agencies were not approved as QRTPs: Devereux, Kids Peace, Foundations Behavioral Health, and Woods Services (in Pennsylvania); Seven Hills at Crotched

Mountain (in New Hampshire); the Children's Home (in Maryland); Seven Hills-Stetson School (in Massachusetts); and the School for the Blind (in Connecticut).

***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 provides New York State with the strongest standards and practices in the nation for protecting the safety of adults and children with special needs. In addition to its authority to investigate allegations of abuse and neglect involving individuals receiving services in certain New York State-operated, certified, or licensed facilities and programs, the Justice Center investigates allegations of abuse and neglect in approved or contracted out-of-state residential schools and programs in which a New York State child or youth is placed. Further, the Justice Center, in partnership with the relevant state oversight agency, monitors corrective action plans created by the in- or out-of-state program in response to the investigation findings, and provides support to victims and families impacted by abuse or neglect.

The Justice Center's Hotline Number is: 1-855-373- 2122. To learn more about the Justice Center, visit its website at: <https://www.justicecenter.ny.gov>.

**c. Development of a Registry of Out-of-State Residential Schools and Programs Where New York Children and Youth are Placed**

***New York State Education Department (NYSED)***

A list of NYSED approved out-of-state schools is published, along with contact information, on the SED website at: <https://www.nysed.gov/special-education/approved-out-state-programs>.

NYSED's approved out-of-state Tuition Reimbursement Approval also is published on its website at: <http://www.nysed.gov/special-education/out-state-tuition-reimbursement-approval>.

***New York State Office of Children and Family Services (OCFS)***

The OCFS Out-of-State Placement Oversight Office maintains a database, which contains a list of all LDSS youth placed out-of-state. OCFS does not maintain a list of approved out-of-state residential programs. It is the responsibility of the LDSS to determine if the out-of-state residential program is licensed by the state where the program is located.

**III. State Agency Initiatives:**

***New York State Office of Children and Family Services (OCFS)***

Since 2021, OCFS has been implementing the Family First Prevention Services Act (FFPSA). This sweeping law continues to transform New York State's foster care system by supporting interventions that promote foster placement with family or close friends (kin) rather than in group homes or institutions. The FFPSA prioritizes family-based family care over residential care by creating financial disincentives for placing children and youth in settings that are not family-based. As of December 31, 2023, 148 programs statewide were approved to be a "qualified residential treatment program" (QRTP). Among other services, QRTPs offer trauma-informed care and require family participation in treatment and family-based aftercare support for at least six months after discharge.

## ***New York State Education Department (NYSED)***

NYSED continues to provide technical assistance to school districts regarding the residential placement process and the school district's responsibility to provide education and related services in the least restrictive environment. In April 2022, NYSED issued guidance to the field about the responsibility of school districts to submit timely and complete applications as prescribed in the Regulations of the Commissioner of Education (8 NYCRR, section 200.6(j)), for approval of state reimbursement of tuition costs for placements of students with disabilities in out-of-state approved residential schools. The guidance and application are available at: [Out-of-State Tuition Reimbursement Approval | New York State Education Department \(nysed.gov\)](https://www.nysed.gov/out-of-state-tuition-reimbursement-approval)

The guidance document also includes frequently asked questions to assist school districts when considering a student for residential placement. NYSED continues to closely review all appropriate in-state placement options before a student is placed out-of-state. Upon request, the NYSED Office of Special Education Non-District Unit provides technical assistance to school district CSEs to identify potential residential programs for students who, because of their educational needs, require a residential placement. In addition, NYSED's website provides a link to the approved private out-of-state schools so that school districts can easily obtain information about potential appropriate residential placements to assist in the referral and placement process. [Approved Out of State Programs | New York State Education Department \(nysed.gov\)](https://www.nysed.gov/approved-out-of-state-programs)

Prior to authorization of reimbursement of state aid for out-of-state residential placements, NYSED applies specific criteria consistent with 8 NYCRR, section 200.6(j). Supporting documentation and criteria include, but are not limited to, evidence of rejection letters from appropriate in-state options, proposed plan, and timetable for enabling the student to return to a less restrictive environment, and a statement of assurance submitted by the school district of the following:

- Certification that the student is of school age; has a disability or combination of disabilities; has a current individualized education program; and that the nature or severity of the student's disability is such that appropriate public facilities for instruction are not available; and
- Certification that when a student was first determined to be at risk of residential placement, the school district sought parental consent (or consent of the student if age 18 or older or a LDSS if the student was in foster care) to invite county or New York State agency representatives to the CSE meeting to make recommendations concerning the appropriateness of residential placement and other programs and placement alternatives and upon receipt of parental (or student) consent, other agency representative(s) were invited to the CSE meeting.

In an effort to serve students in the least restrictive environment, NYSED continues to work with approved in-state providers to develop programs specifically designed to support students with acute complex needs who may have been otherwise placed out-of-state, and to provide opportunities for students to return to New York State programs.

With the shared goal of reducing the need for out-of-state residential placements, in 2023, NYSED and OPWDD continued to work together, with CCF, on an updated Children's

Residential Program (CRP) Memorandum of Understanding. OPWDD and NYSED also continued to explore issuing a Letter of Intent (LOI) to existing CRP providers.

***New York State Office for People with Developmental Disabilities (OPWDD)***

In addition, other actions taken by OPWDD in 2023 included:

- Encouraging school districts to identify students early and alert OPWDD about students who may be at risk of being referred to out-of-state residential schools. Early identification enables OPWDD to assess the need for wrap-around services and supports for students to help prevent the need for out-of-home referrals.
- Continuing to implement the New York State Crisis Services for Individuals with Intellectual and/or Developmental Disabilities (CSIDD) Program. This is a crisis intervention service introduced by OPWDD to provide community-based supports for people with developmental disabilities and behavioral health needs in all five OPWDD regions of the state: Western New York and the Finger Lakes; Broome, Central New York, and Sunmount; the Capital District, Taconic, and Hudson Valley; New York City; and Long Island. This program helps families learn more effective means of caring for their children with behavioral challenges, as well as helps prevent referrals to residential schools.
- Ongoing work with residential schools and CSEs to talk with students and families about OPWDD adult services and obtaining consent to invite the student's care manager and/or OPWDD staff to participate in a student's IEP meeting when more restrictive or out-of-home placements are being discussed, as well as inviting a Residential School Transition Coordinator (RSTC) where transition planning should be discussed. To ensure that the student and their family understand that the residential school placement is intended to support the student while they are in school, and that transition planning will be discussed at the student's IEP meeting.
- Continuing to provide technical assistance to identify and develop appropriate opportunities for individuals who remain at residential schools to help ensure homes are prepared close to student graduation dates. Since 2016, OPWDD has been implementing an initiative that allows in-state schools, that were approved OPWDD adult service providers, the option of developing day and residential adult service opportunities for the students they serve. The goal of this initiative is to ensure that adult service opportunities are available sooner, thus freeing up residential school opportunities for students who need them. Each year, the in-state residential schools (that were also approved as OPWDD adult service providers) identify students who will be aging out over the next few years and need adult services.
- Continuing to provide technical assistance to voluntary providers to ensure that they are prepared to serve adults with significant challenges. This technical assistance reinforced the expectations and timeframes for service development for this population.
- Providing technical assistance and support to OPWDD regional offices and voluntary providers to facilitate and expedite the development of appropriate adult service opportunities. Regional offices have been trained to closely monitor provider agencies' progress in developing adult service opportunities to ensure that services are developed, and to provide technical assistance, as needed.

- Issuing a new Letter of Intent (LOI) to identify provider agencies to develop adult services for individuals who will be completing their education between 2025 and 2027 and who were not selected by the schools for adult service opportunities. Through this LOI, providers will be identified, and regional staff will work with these providers to find cohorts of individuals to develop adult service opportunities and assist in developing these opportunities.
- Issuing emergency funding, as needed, to ensure the current setting can maintain the individual and provide support while OPWDD continues to work on securing an appropriate discharge plan.

As described, OPWDD continues to implement supports to assist individuals transitioning to adult services. In 2023, a total of 44 more individuals transitioned to adult services, as compared to 2022. Table 5 provides the number of individuals who transitioned from residential educational settings to OPWDD adult services, from 2020 through 2023.

**Table 5: Individuals Transitioned to OPWDD Adult Services**

Residential Education Programs	Number of Individuals Transitioned to OPWDD Adult Services			
	2020	2021	2022	2023
In-State (programs include CRPs, Residential Treatment Facilities, and Residential Treatment Centers)	183	188	148	184
Out-of-State	31	38	35	43
<b>Total</b>	<b>214</b>	<b>226</b>	<b>183</b>	<b>227</b>

As of December 31, 2023, OPWDD had 297 OPWDD-eligible individuals who remained at residential education programs (in- and out-of-state) after completing their school-age education programs. This is a decrease of 14 individuals from 2022. The “Number of Individuals who remain” is the net number of individuals from the current and prior years who completed their education and remain at the school minus the number of students who left the school for adult service opportunities or who left the school without OPWDD services. Table 6 provides the count of these individuals at the end of each school year from 2020 to 2023.

**Table 6: OPWDD-eligible Individuals who Remain in Residential Education Programs after Completing their Education Program**

School-Age Residential Education Programs	Number of OPWDD-eligible Individuals who Remain after Completing their Education Program			
	2020	2021	2022	2023
In-State Residential Schools (programs include CRPs, Residential Treatment Facilities, and Residential Treatment Centers)	196	177	209	189
Out-of-State Residential Schools	104	104	102	108
<b>Total</b>	<b>300</b>	<b>281</b>	<b>311</b>	<b>297</b>

## ***New York State Office of Mental Health (OMH)***

OMH has made significant investments to expand resources available at home for youth with high needs and to broaden the accessibility of community-based care by expanding Home Based Crisis Intervention, Youth Assertive Community Treatment, Children's Community Residence, Children's Crisis Residence, Certified Community Behavioral Health Clinic, and Clinic and Children's Day Treatment programming. OMH has also championed legislation that ensures higher reimbursement for commercial payors and worked with the New York State Division of Financial Services to ensure regulations that shorten wait times. Additionally, OMH is currently procuring additional resources for youth with high mental health needs.

### **IV. Committee Recommendations:**

Based on the findings of the 2023 Out-of-State Placement report, the Committee recommends the following measures to further improve the out-of-state placement process and oversight:

1. Expand and enhance in-state services for children and youth at risk of out-of-state residential placements, specifically children with autism.
2. Align data collection time periods and processes to limit out-of-state placements.
3. Coordinate the scheduling of monitoring and review of out-of-state programs between NYSED and OCFS.
4. Establish a single comprehensive registry for the listing of out-of-state residential programs that have been approved by one or more members of the Committee.
5. Improve the coordination and support for transition-aged youth placed out-of-state to allow timely return to New York State.
6. Enhance public awareness and technical assistance initiatives to improve local and regional service coordination and more timely access to community-based and in-state residential services to prevent/reduce out-of-state placements.

As out-of-state placements of New York State children and youth continue to decrease, and historic investments continue to be made to support the strengthening and expansion of in-state programs, the Committee remains dedicated to ensuring this trend continues. Over the next year, the Committee will explore opportunities to enhance its understanding of children and youth placed out-of-state to better serve children and youth in-state. The Committee looks to achieve this by expanding its collection and assessment of the data available on children and youth at risk of being placed out-of-state and reviewing opportunities and making recommendations to further improve collaboration among state and local agencies to coordinate placement processes and align in-state service infrastructure.