

**Out-of-State Placement Committee
2020 Annual Report to the Governor and Legislature**

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



**Council on Children
and Families**

ANDREW M. CUOMO
Governor

RENEÉ L. RIDER
Executive Director

Out-of-State Placement Committee 2020 Annual Report to the Governor and the Legislature

Introduction

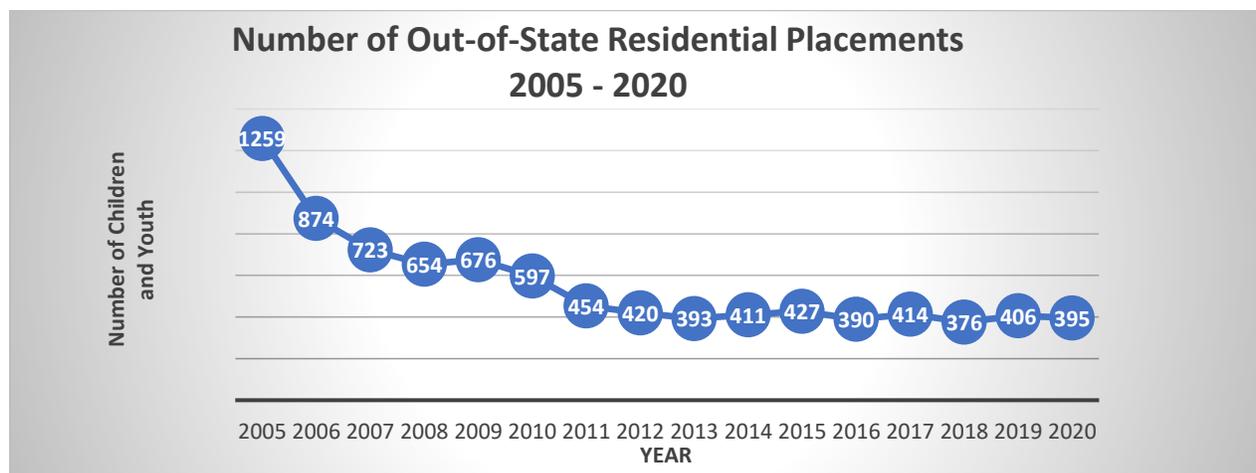
New York State Social Services Law § 483-d requires the New York State Council on Children and Families to submit an annual report on “out-of-state placements” of children and youth. “Out-of-state placements” refer to the practice of children and youth with special and complex, multi-systemic needs being placed by local departments of social services (LDSS) or Committees on Special Education (CSE) through a local school district in residential programs or residential schools outside of New York State. While state agencies involved with placement planning and decisions work diligently with LDSS and local school districts to maintain New York children and youth at home with supports and services and, if residential placement is necessary, to place them in schools and programs within the state, out-of-state placements are needed in certain circumstances.

Since the issuance of the first Out-of-State Placement report in 2005, out-of-state placements of New York children and youth have been reduced from 1,259 to 395: a decrease of 69 percent. From 2019 to 2020, 11 fewer children and youth were placed in out-of-state residential placement. Specifically, local school districts, as of December 1, 2020, increased out-of-state placements by 4 percent (from 326 to 340 students) and LDSS decreased out-of-state placements by 31 percent (from 80 to 55 children and youth).

A. Overview of Out-of-State Placements

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

Since 2005, as illustrated below, there has been a 69 percent reduction in out-of-state residential placements of New York children and youth by LDSS and CSEs.



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

New York State Education Department (NYSED)

The NYSED Non-district Unit is responsible for overseeing all approved in-state and out-of-state residential schools and providing all New York State approved private in-state and out-of-state residential programs with the review protocol that schools can use to evaluate their policies, procedures and practices. Several compliance items in the review protocol are specific to an out-of-state approved school's responsibility to protect students from abuse and neglect, consistent with the provisions of the *Protection of People with Special Needs Act* (Chapter 501 of the 2012 Laws of the State of New York).

Summary of Actions Impacting Individual Approved Out-of-State Schools

In 2020, NYSED paused conducting on-site program reviews due to the COVID-19 pandemic. Beginning April 6th, 2020, NYSED conducted weekly calls with all New York State approved out-of-state schools to ensure that continuity of learning was provided to all New York State enrolled students. Notably, residences remained open and depending on the host state's pandemic requirements schools continued to provide in-person instruction or shifted to asynchronous or synchronous remote delivery of instruction until in-person instruction was allowed.

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

Due to the COVID-19 pandemic and the ban on out-of-state travel, OCFS conducted desk reviews of all programs during 2020. These reviews assessed out-of-state residential program compliance with good standards of practice to best support achieving positive outcomes for children and their families. OCFS reviewed policies related to staff training, use of restraints, investigations and reporting of restraints and abuse or significant incidents, and case records of all LDSS youth placed at each program, as well as reviews of physical plant fire safety documents, interviews with administration, staff and all LDSS-placed youth. Recommendations were made, as warranted.

No health or safety concerns were found at any of these out-of-state residential programs. The agencies were found to have taken necessary precautions to address health and safety issues on campus related to the COVID-19 pandemic to protect the youth, including changing the method in which visitation took place. All programs converted visitation to virtual video calls, in addition to telephone calls. As well, due to the New York State 14-day quarantine restrictions and/or other state's restrictions, many New York youth were not able to return home for visits and did not have on-site visits either.

Due to the pandemic, LDSS visits also did not take place on-site in 2020. Contact was maintained by LDSS caseworkers communicating by telephone and virtual video calls. In addition, OCFS assessed the activities and progress notes in CONNECTIONS (the OCFS system of record) and contacted LDSS caseworkers to review youth placements in 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 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 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 the Justice Center's Individual and Family Support Unit (IFSU) provides support to victims and families impacted by abuse or neglect.

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

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

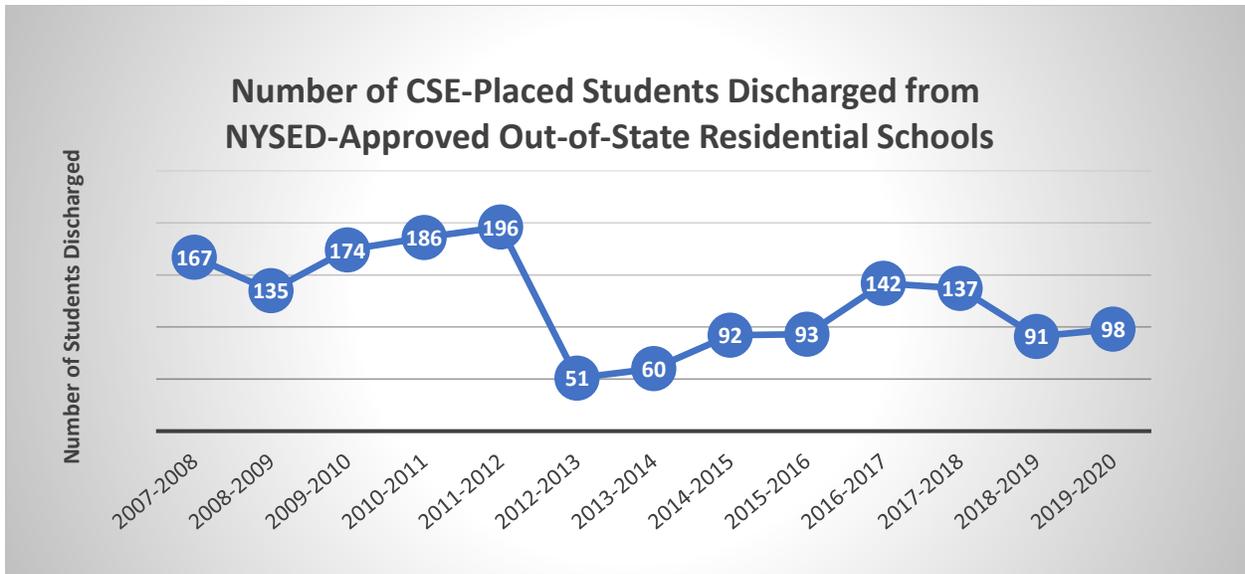
NYSED has an approved out-of-state school registry that it regularly updates and can be found here: <http://www.p12.nysed.gov/specialed/privateschools/os.htm>.

The OCFS Out-of-State Placement Oversight Office maintains a database, which contains a list of all LDSS children and 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 out-of-state residential program is located.

C. Data Collection and Surveys

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

NYSED collects data from approved out-of-state residential schools for students returning from out-of-state who were placed by their local school district CSE. The chart below illustrates the total number of CSE-placed students discharged from NYSED-approved out-of-state residential schools for the 2019-2020 school year (98 students) and previous school years, followed by a breakdown of where the youth went upon discharge from their out-of-state residential schools, as reported to NYSED by out-of-state residential schools.



Where CSE-placed Youth Went Upon Discharge (as of June 30, 2020):

In-State Public School	11
In-State Private School.....	7
Aged Out of School (students who reached 21 years of age without a diploma)	13
Graduated from School (students between the ages of 18 - 21, who received their diploma)	39
Home Instruction – (medical)	4
Psychiatric Center, Developmental Center, Correctional Facility.....	2
Other Out-of-State Program (e.g., wilderness program)	13
Dropped Out of School	1
Moved	8
Total	98

OCFS collects data for all LDSS youth discharged from out-of-state residential placements. During 2019, there were a total of 9 youth discharged from out-of-state residential placements. Below is a breakdown of where New York State LDSS youth discharged from out-of-state residential placements went upon discharge, as reported by the OCFS Bureau of Research, Evaluation and Performance Analytics (CONNECTIONS database).

Where LDSS Youth Went Upon Discharge (in 2020):

Reunification with Family	6
Exit to Relative	0
Reach Age of Majority	3
Permanency Resource	0
Absent without Leave	0
Other Out-of-State Program	0
Transfer to Another State Agency	0
Total	9

New York Student Profiles on Students Placed Out-of-State

NYSED uses student profiles as part of the application process for local school districts to apply for approval of state reimbursement of tuition costs for each student placed in an out-of-state residential school by a local school district CSE.¹ Aggregate data from the student profiles allows NYSED to describe and quantify information on students placed out-of-state. Local school districts can share the individual student profiles with in-state residential schools that may be able to serve students returning to New York.

The following data are reported by NYSED on students with disabilities for all out-of-state student placements made by local school district CSEs from school years 2015-2016 through 2020-2021 (as of December 1st of each school year).

NEW YORK STUDENTS, CLASSIFIED BY DISABILITY, FROM SCHOOL YEARS 2015 THROUGH 2020						
Disability	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
Autism	113	110	124	103	130	148
Deafness	8	9	5	5	9	9
Emotional Disturbance	145	125	136	134	101	90
Learning Disability	2	2	0	1	1	0
Intellectual Disability	10	9	10	8	11	14
Multiple Disabilities	51	56	57	50	51	52
Speech Impairment	1	0	1	0	0	0
Traumatic Brain Injury	2	4	2	1	1	1
Visual Impairment	1	1	0	0	0	0
Other Health Impairment	18	20	14	18	19	24
Deaf/Blind	4	4	3	2	3	2
Orthopedically Impaired	0	0	0	0	0	0
Hearing Impaired	1	1	0	0	0	0
Total	356	341	352	322	326	340

The following data are reported by NYSED on 340 student profiles placed in out-of-state residential schools as of December 1, 2020. .

NEW YORK STUDENTS, BROKEN DOWN BY GENDER, AGE AND COUNTY REGIONS		
Gender	Number	Percentage
Male	239	70%
Female	101	30%
Age Range	Number	Percentage
18 – 21 Years	150	44%
16 – 17 Years	100	29%
15 Years and Younger	90	27%

¹ Data as reported by CSEs to NYSED in a student's Out-of-State Placement Application for State Aid Reimbursement of Tuition Costs.

County Regions	Number	Percentage
New York City	190	56%
Long Island	44	13%
Hudson Valley/Rockland	52	15%
Capital Region	43	13%
Central/Western New York	11	3%

D. Reduction of Out-of-State Placements due to New York State Agency Initiatives

NYSED continues to provide technical assistance to school districts regarding the residential placement process. In March 2020, NYSED issued annual guidance to the field about the responsibility of public school districts to submit timely and complete applications, as prescribed in 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: <http://www.p12.nysed.gov/specialed/applications/>.

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 placing a student out-of-state. Upon request, NYSED’s Non-district Unit provides technical assistance to school district CSEs to identify potential residential programs for students who, because of their needs, require a residential placement. In addition, NYSED’s website continues to provide links to each approved private school so that school districts can easily obtain information about potential residential placements to assist in the referral and placement process.

In 2020, NYSED and OPWDD continued to work together, with the shared goal of reducing the need for out-of-state residential placements. OPWDD also continued to work with public school districts to identify students early who may be at risk of being referred to out-of-state residential schools, so that OPWDD could provide wrap-around services to help stabilize the students and prevent the need for such referrals.

Specifically, OPWDD continued to implement the NYSTART (Systemic, Therapeutic, Assessment, Resources and Treatment) Program, a crisis intervention service introduced by OPWDD to provide community-based supports for people with developmental disabilities and behavioral health needs, in four regions in the state: Western New York and the Finger Lakes; the Capital District, Taconic and Hudson Valley; New York City; and Long Island. This program has helped families learn more effective means of caring for their children with behavioral challenges, as well as helped prevent referrals to residential schools.

In 2020, two Children’s Residential Programs (CRP) (UCP Ulster and Maryhaven) went off-line due to residential agency closures. OPWDD and NYSED are working together on a Letter of Intent (LOI) to existing CRP providers for these opportunities.

OPWDD also continued to identify and develop appropriate opportunities for individuals who remain at residential schools and to work with residential schools to provide technical

assistance to help ensure homes were 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 OPWDD adult service providers) identify students who will be aging out over the next few years and need adult services.

In 2020, a new LOI was issued to identify provider agencies to develop adult services for individuals who would be completing their education between 2022 and 2024 and who were not selected by the schools for adult service opportunities. Through this LOI, providers were identified and regional staff worked with these providers to find cohorts of individuals for whom the providers will develop adult service opportunities and then assist in developing these opportunities.

During 2020, OPWDD continued to provide technical assistance to voluntary providers to ensure that they were prepared to serve adults with significant challenges. This technical assistance reinforced the expectations and timeframes for service development for this population.

Additionally, OPWDD provided 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 closely monitor provider agencies' progress in developing adult service opportunities to ensure that services were developed expediently, and to provide technical assistance, as needed.

The number of individuals who transitioned from residential educational settings to OPWDD services in 2018 through 2020 was as follows:

Residential Education Programs	Number of Individuals Transitioned to OPWDD Adult Services		
	2018	2019	2020
In-State (including CRP, RTF and Residential Treatment Center (RTC) programs)	198	161	183
Out-of-State	36	35	31
Total	236	196	214

As of December 31, 2020, OPWDD had 300 OPWDD-eligible individuals who remained at residential education programs after completing their school-age education programs. This is an increase of 14 individuals from 2019 when 286 OPWDD-eligible individuals remained at residential education programs and an increase of 42 from 2018 when 258 OPWDD-eligible individuals remained. Residential education programs include: in-state and out-of-state residential school programs, CRPs, RTFs and RTCs.

Type of School-Age Residential Education Programs	Number of OPWDD-eligible Individuals who Remain After Completing their Education Program ²		
	2018	2019	2020
In-State Residential School	73	85	85
Out-of-State Residential School	97	105	104
CRP	66	73	88
RTF/RTC	22	23	23
Total	258	286	300

Conclusion

The New York State Council on Children and Families will continue to work with its member agencies, including the New York State Education Department, the New York State Office of Children and Family Services, the New York State Office for People With Developmental Disabilities, the New York State Office of Mental Health and the Justice Center for the Protection of People with Special Needs, to monitor out-of-state residential placements for New York’s children and youth and to explore capacity-building opportunities for in-state community-based and residential services based on the multi-systemic needs of New York’s children and youth. Additionally, the Council will continue its ongoing work with family and youth partners as well as other partners to work to ensure that the most appropriate services are provided to children and youth in New York with complex needs.

² The “number of OPWDD-eligible 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.