

**Out-of-State Placement Committee  
2018 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 2018 Annual Report to the Governor and the Legislature

## Introduction

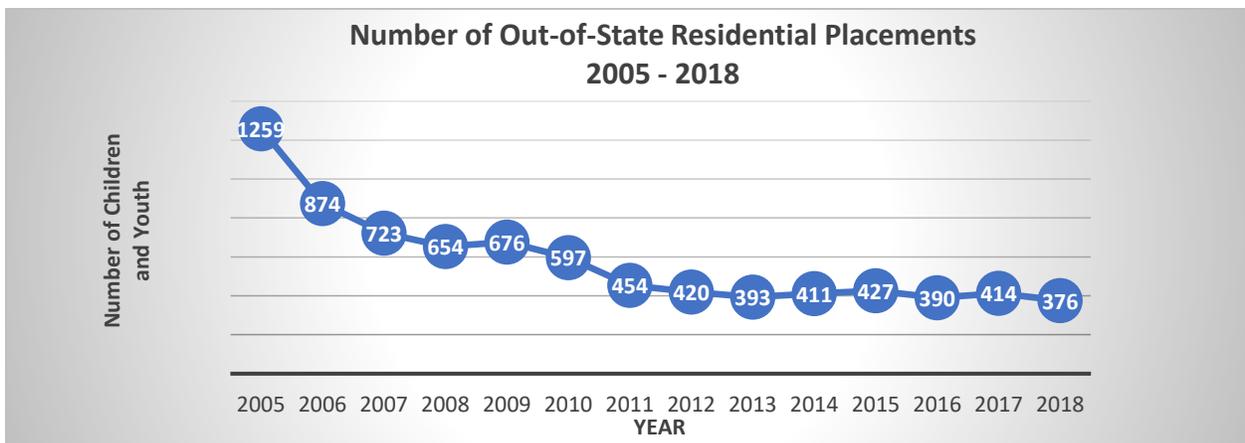
New York State Social Services Law § 483-d requires the New York State Council on Children and Families to submit an annual report on “out-of-state placements” of children and youth. “Out-of-state placements” refer to children and youth with special and complex, multi-systemic needs being placed by local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

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 376: a decrease of 70 percent. As of December 1, 2018, there were 376 New York youth placed in out-of-state residential schools and programs.

## 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

From 2017 to 2018, local school districts decreased out-of-state placements by 9 percent and LDSS decreased out-of-state placements by 13 percent. Specifically, as of December 1, 2018, of the 376 children and youth in out-of-state residential placements, 322 were placed by local school district CSEs and 54 by LDSS. Overall, as illustrated below, since 2005, there has been a 70 percent reduction in out-of-state placements.



## **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.

The comprehensive review protocol that NYSED developed in 2015 to approve private day and residential programs continued in 2018. 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 New York State's *Protection of People with Special Needs Act* (Chapter 501 of the 2012 Laws of the State of New York). The NYSED Non-district Unit provides 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.

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

In 2018, NYSED conducted comprehensive program reviews of three New York State approved out-of-state residential schools: Foundations Behavioral Health (Pennsylvania), Wellspring Foundation (Connecticut) and Woods Services (Pennsylvania).

Foundations Behavioral Health in Pennsylvania: In April 2018, NYSED began conducting a comprehensive program review. By the end of 2018, NYSED had not issued a report and Compliance Assurance Plan, as the review was still ongoing.

Wellspring in Connecticut: From July through November 2018, NYSED conducted a comprehensive program review. A health and safety monitoring report and Compliance Assurance Plan was issued by NYSED on August 2, 2018 regarding noncompliance in the use of time-out rooms. Wellspring was in full compliance for the regulatory item cited as of August 13, 2018. NYSED issued a report and Compliance Assurance Plan on December 10, 2018 regarding other areas of noncompliance identified in the program review: emergency interventions; storage of supplies; school code of conduct and discipline; discharge policy; and policies, practices and procedures related to the protection of students in residential programs. As of December 2018, Wellspring was actively working on addressing all concerns to be in full compliance with the regulatory items cited by NYSED.

Woods Services in Pennsylvania: From September through October 2018, NYSED conducted a comprehensive program review. NYSED issued a report and Compliance Assurance Plan on November 2, 2018 regarding the following areas of noncompliance: functional behavioral assessments; behavioral intervention plans; use of time out rooms; code of conduct; and policies, practices and procedures related to the protection of students in residential programs. As of December 2018, Woods Services was actively

working on addressing all concerns to be in full compliance with the regulatory items cited by NYSED.

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

From August through December 2018, OCFS conducted site visits to assess out-of-state residential program compliance with school and agency licensure standards. While on site, 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. Reviews also included walk-throughs of the physical plant, interviews with administration, staff and all LDSS placed children and youth, along with observation of the school and residential facilities. Recommendations were made, as warranted.

OCFS conducted on-site visits to the following out-of-state residential programs:

- Woods Services – Langhorne, Pennsylvania
- Foundations Behavioral Health – Doylestown, Pennsylvania
- KidsPeace – Orefield, Pennsylvania
- Hillcrest Educational Center – Great Barrington, Massachusetts
- Adelphoi Village – Latrobe, Pennsylvania
- Stetson School – Barre, Massachusetts
- Whitney Academy – East Freetown, Massachusetts
- Glen Mills School, Glen Mills, Pennsylvania
- Devereux Advanced Behavioral Health – Viera, Florida
- Justice Resource Institute – Meadowridge Academy, Swansea, Massachusetts

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

During November 2018, OCFS staff conducted desk reviews of two out-of-state residential programs where LDSS youth were placed: Devereaux Advanced Behavioral Health (Viera, Florida) and Devereaux Center (Rutland, Massachusetts).

The desk audits included reviews of the following: policies related to school and agency licensure; agency accreditation; policies and procedures on room isolation and confinement; resident handbooks and procedures issued upon admission, including resident rights, grievances, and complaint procedures; policies on restraint and crisis intervention; restraint curriculum used by the agency; the last six months of restraint information on New York State foster care youth in care at the agency, including discipline and restraint methods; a review of progress notes and other documentation regarding permanency planning, safety, casework contacts and overall care of New York State youth placed at the program.

Additionally, OCFS assessed the activities and progress notes in CONNECTIONS (the OCFS system of record) and contacted LDSS caseworkers to confirm youth placement in the out-of-state residential programs.

Through its out-of-state program review process, OCFS identified the following strengths:

- All policies and procedures were clear.
- New York State youth had a permanency goal of independent living.
- Staff worked collaboratively to support youth in attaining these goals.
- Youth achieved goal of independent living and moving into their own supported living apartments back in New York State, with the necessary life skills and closer to parents.
- Facility staff worked with LDSS caseworkers in documenting necessary casework contacts.

### **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**

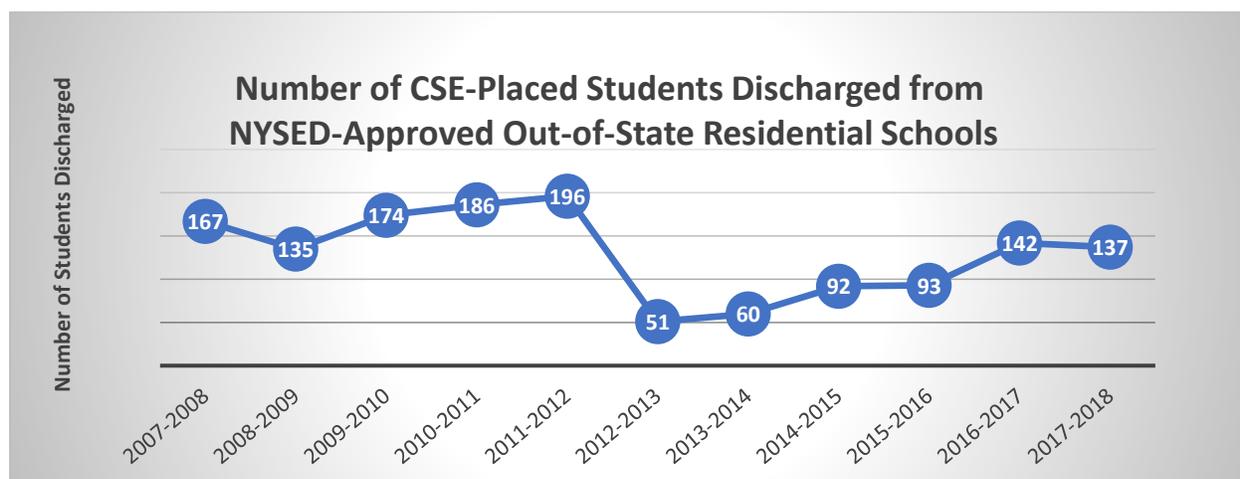
NYSED has an approved out-of-state school registry that it regularly updates and can be found here: <http://www.p12.nysed.gov/specialed/privateschools/os.htm>.

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 local school district CSEs. The chart below illustrates the total number of CSE-placed students discharged from NYSED-approved out-of-state residential schools for the 2017-2018 school year (137 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, 2018):

In-State Public School .....	13
In-State Private School.....	34
Aged Out of School (students who reached 21 years of age without a diploma) .....	26
Graduated from School (students between the ages of 18 - 21, who received their diploma) .....	40
Home Instruction – (medical) .....	4
Psychiatric Center, Developmental Center, Correctional Facility.....	16
Other Out-of-State Program (e.g., wilderness program) .....	0
Dropped Out of School .....	0
Moved .....	4
<b>Total .....</b>	<b>137</b>

OCFS collects data for all LDSS youth discharged from out-of-state residential placements. During 2018, there were a total of 19 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 2018):

Reunification with Family .....	7
Exit to Relative .....	2
Reach Age of Majority .....	8
Permanency Resource .....	0
Absent without Leave .....	0
Other Out-of-State Program .....	0
Transfer to Another State Agency .....	2
<b>Total .....</b>	<b>19</b>

**Out-of-State Student Profiles and Surveys**

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.<sup>1</sup> 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 2014-2015 through 2018-2019 (as of December 1<sup>st</sup> of each school year).

<b>NEW YORK STUDENTS, CLASSIFIED BY DISABILITY, FROM SCHOOL YEARS 2014 THROUGH 2018</b>					
<b>Disability</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>
Autism	106	113	110	124	103
Deafness	10	8	9	5	5
Emotional Disturbance	112	145	125	136	134
Learning Disability	1	2	2	0	1
Intellectual Disability	10	10	9	10	8
Multiple Disabilities	54	51	56	57	50
Speech Impairment	1	1	0	1	0
Traumatic Brain Injury	4	2	4	2	1
Visual Impairment	1	1	1	0	0
Other Health Impairment	18	18	20	14	18
Deaf/Blind	3	4	4	3	2
Orthopedically Impaired	0	0	0	0	0
Hearing Impaired	2	1	1	0	0
<b>Total</b>	<b>322</b>	<b>356</b>	<b>341</b>	<b>352</b>	<b>322</b>

The following data are reported by NYSED on students with disabilities for out-of-state student placements made by local school district CSEs during school year 2018-2019.

<b>NEW YORK STUDENTS, BROKEN DOWN BY GENDER, AGE AND COUNTY REGIONS (2018-2019)</b>		
<b>GENDER</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
Male	231	72%
Female	91	28%

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

<b>AGE RANGE</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
18 – 21 Years	152	47%
16 – 17 Years	79	25%
15 Years and Younger	91	28%
<b>COUNTY REGIONS</b>	<b>NUMBER</b>	<b>PERCENTAGES</b>
New York City	196	61%
Long Island	36	11%
Hudson Valley/Rockland	44	14%
Capital Region	40	12%
Central/Western New York	6	2%

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

Implementation of an Interagency Plan between NYSED, 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. While the Interagency Plan resulted in enhancements to the in-state systems of care for children and youth at-risk of out-of-state placements, shared concerns continued in 2018 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 and youth (up to the age of 21). Specifically, 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 and developmental disabilities) and sexualized behaviors – continued to impede the residential placement process, creating additional stressors on the in-state systems of care. This was reported in 2017 and continued to be problematic in 2018, with the number of Children’s Residential Project (CRP) opportunities in New York State decreasing from 492 to 478 in 2018 (CRPs are residential school programs in which OPWDD funds the residential supports and NYSED funds the educational component). This ongoing situation limits the number of available in-state residential placement options for children and youth and creates fiscal viability concerns for several in-state residential schools and programs.

NYSED continues to provide technical assistance to school districts regarding the residential placement process. In June 2018, NYSED issued annual guidance to the field about the responsibility of local 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 August 2018, NYSED issued approval for 12 residential students to be served in Baker Victory Services' new Intensive Stepdown Residential Treatment Facility (RTF) program. This program is a multi-state agency initiative with OPWDD, Office of Mental Health (OMH) and NYSED, providing a continuum of services to transition students from the RTF to a less restrictive option in-state when no other day-only option is available. Prior to the creation of this program, some students were being discharged and provided home instruction due to a lack of available day programs to serve students with more severe behaviors and mental health profiles.

The 2017-2018 enacted New York State budget provided NYSED with funding to develop a data management system to track student placement information and enrollment data for students placed in both in-state and out-of-state schools. This system will enable NYSED to have better and more current information for oversight efforts and work to increase in-state program capacity to reduce out-of-state placements. The creation of the data management system is contingent on further funding and NYSED will continue to pursue available opportunities to request state funding for this purpose.

In 2018, NYSED and OPWDD continued to work together, with the shared goal of reducing the need for out-of-state residential placements. OPWDD also continues to work with local school districts to identify students early who may be at risk of being referred to out-of-state residential schools, so that OPWDD can provide wrap-around services to help stabilize the students and prevent the need for such referrals. These stabilization services are provided by 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. 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. To date, NYSTART has been implemented 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.

Additionally, in 2018, OPWDD continued to identify and develop appropriate opportunities for individuals who remain at residential schools. Since 2016, OPWDD has been implementing an initiative that allows in-state schools, that were approved OPWDD adult service providers, the option to develop 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 in-state residential school opportunities for students who need them. In 2017, the in-state residential schools (that were also approved OPWDD adult service providers) identified students who would be aging out over the next few years and who would need adult services. In 2018, OPWDD

regional staff continued to work with the residential schools to provide technical assistance and to help ensure homes were ready close to the students' graduation dates.

In 2017, four of OPWDD's regional offices participated in a Letter of Intent (LOI) to identify provider agencies to develop adult services for individuals who would be completing their education between 2018 and 2021 and who were not selected by the schools for adult service opportunities. Through this LOI, providers were identified and regional staff worked with the selected providers to find cohorts of individuals for whom the providers would develop adult service opportunities and then assisted the providers in developing these opportunities. In the future, OPWDD will continue to reach out to providers to develop adult services for individuals who will be completing their education between 2022 and 2024.

During 2018, OPWDD continued to provide training to voluntary providers to better prepare them to serve adults with significant challenges. These trainings 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 2016, 2017 and 2018 was as follows:

<b>Residential Education Programs</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2016</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2017</b>	<b>Number of Individuals Transitioned to OPWDD Adult Services in 2018</b>
In-State (including CRP, RTF and Residential Treatment Center (RTC) programs)	172	173	198
Out-of-State	53	40	36
<b>Total</b>	<b>225</b>	<b>213</b>	<b>234</b>

In December 2018, OPWDD had 258 OPWDD-eligible individuals who remained at residential education programs after completion of their school-age education program, a decrease of 2 individuals from 2017. 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 <sup>2</sup>		
	2016	2017	2018
In-State Residential School	73	72	73
Out-of-State Residential School	93	92	97
CRP	57	67	66
RTF/RTC	19	33	22
<b>Total</b>	<b>242</b>	<b>260</b>	<b>258</b>

## Conclusion

The New York State Council on Children and Families continues 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 collect information on out-of-state residential placements for New York’s children and youth. Additionally, the Council continues to work with state agencies and family and youth leaders to explore capacity-building opportunities for in-state community-based and residential services based on the complex and multi-systemic needs of the children and youth we serve.

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<sup>2</sup> Note: 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.