

**Out-of-State Placement Committee
2019 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 2019 Annual Report to the Governor and the Legislature

Introduction

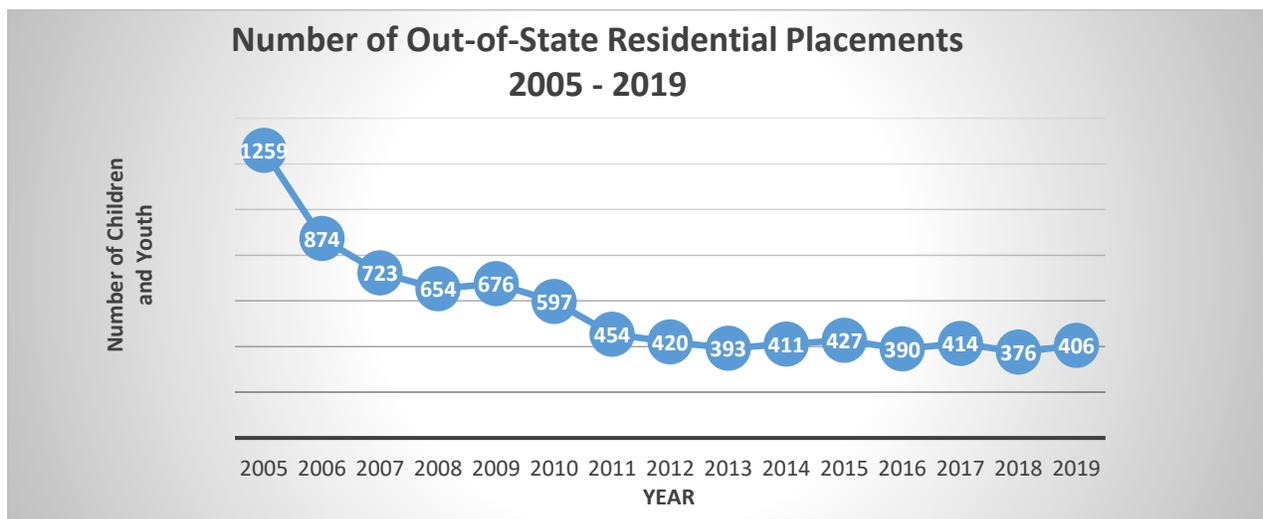
New York State Social Services Law § 483-d requires the New York State Council on Children and Families to submit an annual report on “out-of-state placements” of children and youth. “Out-of-state placements” refer to the practice of children and youth with special and complex, multi-systemic needs being placed by a local department of social services (LDSS) or a Committee 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 406: a decrease of 68 percent. Over the last year, there was a slight (1 percent) increase in the number of children and youth placed out-of-state.

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 2018 to 2019, local school districts, as of December 1, 2019, increased out-of-state placements from 322 to 326 children and youth and LDSS increased out-of-state placements from 54 to 80 children and youth. However, as illustrated below, since 2005, there has been a dramatic reduction in out-of-state placements.



B. Monitoring and Quality Assurance of Out-of-State Residential Schools and Programs Serving New York 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 2019, NYSED completed the comprehensive program reviews that began in 2018 of three New York State approved out-of-state residential schools: Foundations Behavioral Health (Pennsylvania), Wellspring (Connecticut) and Woods Services (Pennsylvania). In addition, in 2019, NYSED conducted comprehensive program reviews of three other New York State approved out-of-state residential schools: American School for the Deaf (Connecticut), Devereux Glenholme (Connecticut) and Frederick L. Chamberlain (Massachusetts). As described below, in response to the program reviews and identification of required corrective actions by NYSED, the programs addressed all concerns and were in full compliance with all regulatory items cited. Also, during 2019, NYSED removed one school, Riverview School (Massachusetts) from the list of New York State approved out-of-state schools because of the school's voluntarily closure to serving New York students.

Foundations Behavioral Health in Pennsylvania: From April 2018 through January 2019, NYSED conducted a comprehensive review. On March 27th, 2019, NYSED issued a report and Compliance Assurance Plan that identified the following areas of non-compliance: behavioral intervention plans; emergency interventions; and policies, practices and procedures related to the protection of students in residential programs. In response to NYSED's required corrective actions, Foundations Behavioral Health addressed all concerns and was in full compliance with the regulatory items cited as of July 5th, 2019.

Wellspring in Connecticut: From July through November 2018, NYSED conducted a comprehensive program review. On December 10th, 2018, NYSED issued a report and Compliance Assurance Plan that identified the following areas of noncompliance: emergency interventions; storage of supplies; code of conduct and discipline; discharge policy; and policies, practices and procedures related to the protection of students in residential programs. In response to NYSED's required corrective actions, Wellspring addressed all concerns and was in full compliance with the regulatory items cited as of April 5th, 2019.

Woods Services in Pennsylvania: From September through October 2018, NYSED conducted a comprehensive program review. On November 2nd, 2018, NYSED issued a report and Compliance Assurance Plan that identified 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. In response to NYSED's required corrective actions, Woods Services addressed all concerns and was in full compliance with the regulatory items cited as of February 7th, 2019.

American School for the Deaf in Connecticut: From February through May 2019, NYSED conducted a comprehensive program review. On February 26th, 2019, NYSED issued a health and safety monitoring report and Compliance Assurance Plan that identified non-compliance in the use of time-out rooms. By May 23rd, 2019, the American School for the Deaf was in full compliance with the regulatory item cited. On July 29th, 2019, NYSED issued another report and Compliance Assurance Plan that identified other areas of non-compliance found during the program review: emergency interventions; behavioral intervention plan progress monitoring; and policies, practice and procedures related to the protection of students in residential programs. In response to NYSED's required corrective actions, the American School for the Deaf addressed all concerns and was in full compliance with the regulatory items cited as of November 26th, 2019.

Devereux Glenholme in Connecticut: From May through August 2019, NYSED conducted a comprehensive review. On September 9th, 2019, NYSED issued a report and Compliance Assurance Plan that identified the following areas of non-compliance: Individualized Education Program; functional behavioral assessments; behavioral intervention plans; emergency interventions; and policies, practices and procedures related to the protection of students in residential programs. In response to NYSED's required corrective actions, Devereux Glenholme addressed all concerns and was in full compliance with the regulatory items cited as of November 8th, 2019.

Frederick L. Chamberlain in Massachusetts: From March through May 2019, NYSED conducted a comprehensive program review. On July 2nd, 2019, NYSED issued a report and Compliance Assurance Plan that identified the following areas of non-compliance: specially-designed instruction; behavioral intervention plans; emergency interventions; and policies, practices and procedures related to the protection of students in residential programs. In response to NYSED's corrective actions, Frederick L. Chamberlain addressed all concerns and was in full compliance with the regulatory items cited as of December 19th, 2019.

Riverview School in Massachusetts: On September 5th, 2019, NYSED removed the Riverview School from the list of New York State approved out-of-state schools based on the school's voluntary closure to serve New York State students placed by a CSE. At the time, there were no New York State students there.

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

From August through December 2019, OCFS conducted site visits to assess out-of-state residential programs' compliance with good standards of practice to best support achieving positive outcomes for children and their families. 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 facility. Reviews also included walk-throughs of the physical plant, interviews with administration, staff, and all LDSS-placed youth, as well as 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 Universal 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
- Crotched Mountain – Greenfield, New Hampshire

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

Additionally, during the fall of 2019, OCFS staff conducted a desk review of one out-of-state residential program where LDSS youth were placed: Devereaux Advanced Behavioral Health (Viera, Florida). The desk audit included a review of: 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; agency policy 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; policies and procedures on room isolation; a review of progress notes and other documentation on the permanency planning, safety, casework contacts and overall care of the New York State youth placed. As well, OCFS assessed the activities and progress notes in CONNECTIONS (the OCFS system of record).

For all the out-of-state programs reviewed, 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 moved into own supported living apartments back in New York State, with the necessary life skills, and closer to parents.
- Program staff worked with the LDSS caseworkers in documenting necessary casework contacts.

During the 2019 on-site out-of-state program visits, OCFS also provided the new Justice Center for the Protection of People with Special Needs (Justice Center) hotline posters to be posted conspicuously in the staff area of the youth's residence. For the one desk review - Devereaux Advanced Behavioral Health (Viera, Florida) - OCFS mailed the Justice Center hotline poster to the agency. A photo verification was received by OCFS from the agency verifying the poster was posted in the staff area of the youth's residence.

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

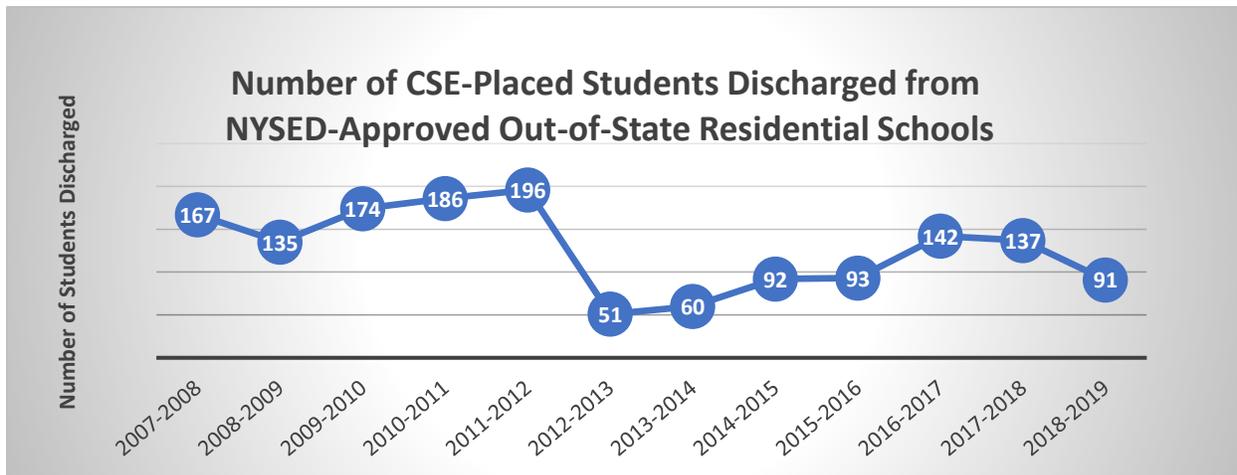
The OCFS Out-of-State Placement Oversight Office maintains a database, which contains a list of all LDSS youth placed out-of-state. OCFS does not maintain a list of approved out-of-state residential programs; it is the responsibility of the LDSS to determine if the out-of-state residential program is 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 2018-2019 school year (91 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, 2019):

In-State Public School	13
In-State Private School.....	4
Aged Out of School (students who reached 21 years of age without a diploma)	18
Graduated from School (students between 18-21 years, who received their diploma)	30
Home Instruction – (medical)	3
Psychiatric Center, Developmental Center, Correctional Facility.....	1
Other Out-of-State Program (e.g., wilderness program)	9
Dropped Out of School	6
Moved	7
Total	91

OCFS collects data for all LDSS youth discharged from out-of-state residential placements. During 2019, there were a total of 15 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 2019):

Reunification with Family	7
Exit to Relative	1
Reach Age of Majority	6
Permanency Resource	1
Absent without Leave	0
Other Out-of-State Program	0
Transfer to Another State Agency	0
Total	15

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.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 2019-2020 (as of December 1st of each school year).

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

The following data are reported by NYSED on the 326 student profiles who were placed in out-of-state residential schools as of December 1, 2019.

NEW YORK STUDENTS, BROKEN DOWN BY GENDER, AGE AND COUNTY REGIONS		
Gender	Number	Percentage
Male	228	70%
Female	98	30%
Age Range	Number	Percentage
18 – 21 Years	144	44%
16 – 17 Years	96	30%
15 Years and Younger	86	26%

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	189	58%
Long Island	36	11%
Hudson Valley/Rockland	54	17%
Capital Region	42	13%
Central/Western New York	5	1%

D. Reduction of Out-of-State Placements Due to State Agency Initiatives

In May 2019, 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. Finally, 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.

NYSED provides ongoing technical assistance to school districts about the residential placement process and, 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 closely reviews all out-of-state applications for tuition reimbursement to ensure that CSEs considered appropriate in-state placement options before placing a student out-of-state.

In 2019, NYSED and OPWDD collaborated with the shared goal of reducing the need for out-of-state residential placements. OPWDD also continued 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 crisis services to help stabilize the students and prevent the need for such referrals. Specifically, the NYSTART (Systemic, Therapeutic, Assessment, Resources and Treatment) Program is a crisis intervention service introduced by OPWDD to provide community-based supports for people with developmental disabilities and behavioral health needs. This program helps families learn more effective means of caring for their children with behavioral challenges and prevent referrals to residential schools. It currently is being implemented in four regions: Western New York and the Finger Lakes; the Capital District, Taconic and Hudson Valley; New York City; and Long Island.

In 2019, two Children’s Residential Programs (UCP Ulster and Maryhaven) expected to go off-line due to anticipated residential agency closures. OPWDD and NYSED began working together on a Letter of Intent to existing CRP providers for these opportunities.

OPWDD also continued to identify and develop appropriate opportunities for individuals who remain at residential schools. Notably, 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. This initiative’s goal 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 are also approved OPWDD adult service providers) identify students who will be aging out over the next few years and need adult services. In 2019, OPWDD regional staff worked with the residential schools to provide technical assistance and ensure homes were ready close to the students’ graduation dates.

During 2019, OPWDD continued to provide technical assistance to voluntary providers to better prepare them to serve adults with significant challenges. The technical assistance reinforced the expectations and timeframes for service development for this population. Additionally, OPWDD provided technical assistance and support to its regional offices to facilitate and expedite the development of appropriate adult service opportunities. Regional offices were trained to closely monitor the progress of provider agencies 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 from 2017 through 2019 was as follows:

Residential Education Programs	Number of Individuals Who Transitioned to OPWDD Adult Services		
	2017	2018	2019
In-State (including CRP, RTF and Residential Treatment Center (RTC) programs)	173	198	161
Out-of-State	40	36	35
Total	213	234	196

In December 2019, OPWDD had 286 OPWDD-eligible individuals who remained at residential education programs after completion of their school-age education program, an increase of 28 individuals from 2018 when a total of 258 OPWDD-eligible individuals remained at residential education programs. 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		
	2017	2018	2019
In-State Residential School	72	73	85
Out-of-State Residential School	92	97	105
CRP	67	66	73
RTF/RTC	33	22	23
Total	260	258	286

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 remained at the school minus the number of students who left the school for adult service opportunities or who left the school without OPWDD services.

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. The Council will also continue its interagency work and focus on exploring and promoting more effective integration approaches for delivering services and supports for New York's children, youth and families, thereby preventing any unnecessary residential placements, whether in-state or out-of-state. Additionally, the Council will continue to focus on achieving optimal delivery of cross-systems services and supports for children and youth with complex needs, and their families, through ongoing work with regional and local service networks and family and youth partners.