§ 483-d. Out-of-state placement committee. 1. Committee established. There is hereby established within the council an out-of-state placement committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of the office for people with developmental disabilities, the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of health, and the director of the office of probation and correctional alternatives.

2. Establishment of out-of-state placement registries. (a) Each member of the out-of-state placement committee which places or which has oversight responsibilities over agencies that place children in out-of-state congregate residential programs or residential schools shall establish a registry of congregate residential programs and/or residential schools. To the extent feasible, such registries shall be publicly accessible via the committee member agency's website. Additionally, the council shall establish a single comprehensive registry for the listing of out-of-state congregate residential programs and residential schools that have been approved by one or more members of the out-of-state placement committee. To the extent feasible, the registry shall be internet-accessible, and shall be placed on the website of the council.

(b) The out-of-state placement committee shall develop core requirements for the inclusion of an out-of-state congregate residential program or residential school on such a registry, which shall include but may not be limited to requirements that:

(i) if the out-of-state congregate residential program or residential school provides residential care to children from New York state, at least one member of the out-of-state placement committee or his or her designee has conducted a site visit of such out-of-state congregate residential program or residential school, as appropriate, within time frames as the committee shall determine;

(ii) the out-of-state congregate residential program or residential school holds a current license or charter from the appropriate state agency or agencies of the state in which the program or facility is located;

(iii) appropriate laws and regulations exist in the state where the

congregate residential program or residential school is located for the investigation and resolution of allegations of abuse or neglect;

(iv) the appropriate member or members of the out-of-state placement committee shall have evaluated the out-of-state congregate residential program or residential school to determine whether the types of care being provided are consistent with New York state law and the applicable committee member agency's regulations.

(c) Prior to placing an out-of-state congregate residential program or residential school on its registry, a member of the out-of-state placement committee shall solicit and consider any relevant information regarding the congregate residential program or residential school from other members of the out-of-state placement committee.

(d) The out-of-state placement committee in conjunction with the division of the budget shall determine the feasibility of charging fees for out-of-state congregate residential programs and residential schools to be listed on an out-of-state placement registry.

3. Establishment of recommended contract parameters. The out-of-state placement committee shall establish recommended contract parameters for use by committee member agencies and any local agency subject to the jurisdiction of one of the committee member agencies when contracting with an out-of-state congregate residential program or residential school for the placement of a New York state child. Such contract parameters shall include but may not be limited to provisions that the out-of-state congregate residential program or residential school shall:

(a) hold and maintain a current license, certificate or charter from the appropriate state agency or agencies of the state in which the program or facility is located;

(b) promptly notify the placing state or local agency of any enforcement action taken with respect to such license, certificate or charter and any action the congregate program or facility is taking with respect thereto and that the placing agency, if it is a local agency, will notify its supervising state agency of such information;

(c) take all necessary steps to become and remain listed on the out-of-state placement registry of the applicable member or members of the out-of-state placement committee, including providing any requested information to the applicable committee member or members consistent

with applicable state and federal laws and authorizing such committee member or members to conduct announced and unannounced visits to the program or facility;

(d) promptly notify the placing state or local agency of any report of abuse or neglect occurring in the program or school regarding any child placed by the state or local agency, the progress and outcome of the investigation of the report, and of any action being taken with respect thereto, and agree that the placing state or local agency will notify the parents or persons in parental relationship to the child of such report of abuse or neglect;

(e) promptly notify the placing state or local agency of any investigation of a report of abuse or neglect found to result from a systemic problem with the program or school or any portion thereof and any action that the program or school is taking with respect thereto and that the placing agency, if it is a local agency, will notify its supervising state agency of such information; and

(f) establish, in conjunction with the placing state or local agency, appropriate services and goals for each child placed by such agency in the out-of-state program or school consistent with applicable state and federal law.

4. Model processes for placement. The out-of-state placement committee shall establish model processes for the placement of any child in an out-of-state congregate residential program or residential school which may include, but not be limited to, identifying the necessary activities that should be engaged in on a local, regional and/or state level prior to making an out-of-state placement including reviewing alternative service options to avoid an out-of-home placement and reviewing all viable and least restrictive options for placing the child in-state.

5. Technical assistance resources. The committee shall make reasonable efforts to:

(a) coordinate the development and updating by member agencies of statewide child and family services technical assistance resources which may include service directories, assessment tools, inventories of availability and capacity of in-state services, referral guides, funding maps, and information about research and evidence based practices,

which, to the extent feasible, shall be made widely available through such means as web-based platforms; and

(b) establish public awareness, training and technical assistance initiatives to strengthen local and regional service coordination and streamline placement processes and access to community-based services, which include or complement existing infrastructure, by engaging local and regional service providers, educators, policy makers, family members, advocates and others.

6. Integrated funding. The committee, in conjunction with the division of the budget, shall analyze aggregate data on children who are placed in out-of-state congregate residential programs and residential schools and make recommendations concerning the development of integrated funding for the purchase of services for children with complex and/or multiply-diagnosed needs including:

(a) reducing or eliminating identified barriers to providing flexibility in the funding of programs and services for children at risk of placement in out-of-state programs and facilities and of such other children as may be appropriate;

(b) increasing the number of alternatives to placing children in out-of-state congregate residential programs or residential schools by allowing funds for services to follow the child into the most appropriate and least restrictive placement; and

(c) allowing funds for services to be applied to the purchase of appropriate services within the child's community, including modification of the child's residence, in the most flexible manner so as to serve the child in the least restrictive setting as appropriate.

7. Additional review and recommendations; report. The out-of-state placement committee may develop additional recommendations regarding a common system concerning placement of children in out-of-state programs and facilities, with the purpose of averting insofar as practicable future placement of children in such out-of-state programs and facilities, of returning children from such out-of-state programs and facilities, of building or rebuilding the infrastructure of in-state programs and facilities so that it shall be capable of serving the needs of such children, of redesigning the system to eliminate barriers and

institute flexibility in funding services so that children may be provided for in the most appropriate and least restrictive environments, including the child's home, of enabling public funding for such services to follow the child, and of requiring appropriate levels of accountability concerning the placement of children at all levels of public decision-making.

The committee shall provide an annual progress report concerning the development of the items and policies described in this section and progress on their implementation, along with such recommendations as the committee shall deem appropriate and in keeping with the spirit and intent of this section. Such report shall be submitted to the governor and the legislature no later than thirty days following the submission of the executive budget.

8. Immunity from liability. Any person, official or institution complying with the requirements of this section reasonably and in good faith, including establishing or implementing out-of-state registries, contract parameters, and model processes for placement, with respect to placing a child in an out-of-state or an in-state facility or program shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions.

9. Construction with other laws; severability. If any portion of this section or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of this section or the application of any part thereof to any other person or circumstances and to this end each of the provisions of this section are hereby declared to be separable.