

Carey Ending Out-of-State Schooling for the Disabled

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ALBANY, March 27 — In a move toward providing services within New York State for all of its disabled children, Governor Carey has directed the Department of Social Services to end as of April 1, 1980, its policy of sending hundreds of mentally retarded and handicapped children outside the state for education and treatment.

The department will not send children out of state unless the facility is markedly closer to a child's home than schools within the state or when no facilities are available in New York to meet extraordinary cases. In addition, it will relocate children now in programs that are found to be substandard or that do not meet their particular needs. A spokesman for the Governor said that no new money had been set aside for the program.

"The Governor's direction," said Barbara Blum, Social Services Commissioner, "was that placements except in the most unusual circumstances should not be made" after April 1, 1980. "He really feels very strongly about it."

State Inspecting 77 Facilities

The new policy conforms with one formulated in 1977 by the Education Department, the other state agency that places children outside New York's borders. It comes as state inspections, intended to tighten monitoring, are uncovering what investigators regard as severe deficiencies at the private out-of-state facilities with which the state has contracts in 22 states. The state is inspecting all 77 of them, many for the first time.

The inspections, which are expected to be completed in June, are being conducted by investigators from the Departments of Education, Social Services, Mental Health and Mental Retardation. Thus far, they have covered 18 facilities caring for 500 children.

At the Behavior Research Institute in Rhode Island, instructors were found to be using a controversial regimen of physical punishments and food rewards as part of the treatment.

Children Put in Isolation

"A small but significant number of the out-of-state schools," said Louis Grumet, assistant education commissioner for handicapped children, "have behavior-modification policies that include putting kids in isolation situations for periods of several weeks. This wouldn't be allowed in Attica without a court order."

About 900 children are currently in facilities as far away as Texas, California, Florida and South Carolina, making New York the leading state in the number of children it places elsewhere.

Once brought back to New York, some children are expected to be placed in existing programs, and voluntary agencies and private schools will be encouraged to accept them. Also, the development of programs for the severely disabled will be accelerated.

The cost of keeping the children in out-of-state schools ranges from a low of about \$5,000 to a high of more than \$31,000 for each student annually, depending on the facility and disability. The care and treatment of children out of state cost the Federal, state and local governments \$9.8 million in 1977-78.

Began as an Expedient

The Social Services Department's out-of-state program began in 1972 as an expedient, interim method of dealing with those children for whom the state had no means of caring, including those suffering from multiple disabilities, severe emotional problems, retardation, brain damage, cerebral palsy or quadriplegia.

A contributing factor was the failure of the foster-care system to provide care for

older, more disabled children. Although these children had been cared for in state facilities, budget cuts about 10 years ago resulted in decreased staffing, an end to the admission of many children requiring special care and the acceleration of discharges.

At the same time, various court cases were initiated to protect children in institutions and to improve available services. The state attempted unsuccessfully to develop programs to meet the new needs, and eventually began placing children outside the state.

System Held Unconstitutional

The state's fiscal crisis halted the development of programs intended to serve the children once they were brought back. Since no alternative in-state facilities had been developed, the out-of-state placements in New York City alone continued at a rate of about 100 children a year.

A State Supreme Court justice in Manhattan ruled in January that the city's procedure for placing foster children in out-of-state institutions was unconstitutional because it denied their parents the right to appeal such placements.

The justice, Michael J. Dontzin, also held for the first time that foster children had a constitutional right to treatment. The ruling came in a suit brought by the New York Civil Liberties Union on behalf of three children objecting to their treatment by the City Department of Social Services.

"A lot of these children have difficult handicaps to deal with," said Ilene D. Margolin, executive director of the state's Council on Children and Families, "and it won't be easy to care for them. But we've learned that placing them out-of-state, sometimes in places thousands of miles away from home, is not a reasonable alternative."