



## **Referrals to Day Treatment Programs for ACS and Foster Care Agency Staff**

### **Introduction**

Below is a summary of the process of applying for admission to day treatment programs on behalf of a student who resides in New York City.

Day treatment is an extremely restrictive special education program that offers on-site mental health services – including psychiatric care. Day treatment programs may be hospital-based, located in a community site, or public school and are licensed by the New York State Office of Mental Health. Students attending a day treatment program receive therapy and psychiatric services in the program and not from other providers in the community. A student who is developmentally disabled (full-scale IQ is 70 or below and adaptive behavior tests in low range) or a student that can progress in less restrictive setting with mental health services in the community generally should *not* be referred to a day treatment program.

### **Referral Process**

ACS and foster care agency staff may make referrals directly to day treatment programs, but this is typically a lengthy process, and due to the very limited number of day treatment spots citywide, it may be difficult to obtain a placement. As the screening process includes interviews with the student and the parent, it is important to ensure at the outset that the parent agrees to the referral and will consent to a day treatment placement if the program and the NYC Dept of Education's Committee on Special Education (CSE) both recommend placement in this type of setting. The ACS or foster care agency caseworker should also speak to the student's treating psychologist, psychiatrist, and other clinicians to determine whether these individuals agree with a referral to a day treatment program. Prior to considering a youngster for this level of treatment/schooling, less restrictive interventions and classroom placements should be considered.

### **Educational Records/ Evaluations**

The ACS or foster care agency caseworker will need to obtain copies of the student's most recent educational records/ evaluations. In order to refer a student for day treatment, a packet of current evaluative material must be assembled. This packet must include, at minimum:

- Student's current IEP (must be *less than* 12 months old)
- Psychiatric evaluation (must be *less than* 12 months old, include diagnoses and medications)
- Psychological testing (must be *less than* 12 months old, include IQ scores)
- Psychosocial evaluation (must be *less than* 12 months old)
- Medical (must be *less than* 12 months old)
- Educational evaluation/ Achievement testing (must be *less than* 6 months old)
- Classroom observation, if available

The ACS or foster care agency caseworker should consult with ACS FCLS attorney to determine whether it is permissible to share the above evaluative material with day treatment programs. In order to share clinical records a HIPAA releases should be signed by the parent and for educational records a FERPA release should be signed by the parent.

The CSE may also advise the consenting party that new evaluations are required if the available material is more than one year old. If a student needs to be re-evaluated for a day

treatment placement, the student's birth parent is presumed to be the decision-maker and will consent to the new evaluations and/or placement recommendation. The only exceptions to this rule are when there has been a termination of parental rights, the birth parent(s) have surrendered his/ her rights, or the birth parent(s) whereabouts are unknown.

### **Making Contact and Applications**

Applications may be submitted directly by the ACS or foster care agency caseworker to day treatment programs on behalf of the student. The applications should first be sent to programs only in the borough where the student resides. If, for example, the student will be placed in a home in Queens, applications may only be made to day treatment programs in Queens. Programs located in other boroughs may be considered if the student's home borough resources have been tried *unsuccessfully*.

It is recommended that prior to submitting an application the ACS or foster care agency caseworker should contact day treatment programs directly by telephone to discuss the following:

- 1) Explain why a day treatment is needed for the student;
- 2) Determine whether the program has any openings;
- 3) Determine whether the day treatment program feels the student may be appropriate;  
AND
- 4) If possible, arrange for an interview.

Even if the ACS or foster care agency caseworker does not have all of the above listed evaluative material, s/he can contact a day treatment program to explore whether it may be an appropriate option while evaluations are pending. Day treatment programs tend to have more vacancies anticipated for September. The ACS or foster care agency caseworker should ask in spring or summer if student can be screened for September enrollment if the day treatment program is currently full.

### **Cover Letter**

When the ACS and foster care agency caseworker submits material to a day treatment program, it is recommended that s/he include a cover letter explaining the reasons why the student is being referred to the day treatment program. The day treatment program will notify the ACS and foster care agency caseworker or parent if they are interested in interviewing the student. The ACS or foster care agency caseworker should accompany the student and parent to this interview.

It is recommended that the ACS or foster care agency caseworker include in the cover letter the following information:

- Introduce him/herself; explain involvement with the student and family
- Student's name, age, current school placement and grade level
- Any information regarding the student's current school placement and/or IEP recommendations
- Information relating to recent conversations with the student's teacher(s), school staff, psychologist, psychiatrist, and other treating clinicians
- Reasons for submitting applications to day treatment program(s)
- Any previous issues with the student in terms of psychiatric treatment, hospitalizations, current medication regimen, current psychological/psychiatric diagnosis, functioning at school, behaviors concerns
- ACS or foster care agency contact information and the parent(s)/guardian(s) contact information
- Make sure to send the parent(s)/ guardian(s) copies of the cover letters, educational records and evaluations

Make sure to attach a copy of the student's most recent evaluations and IEP with the cover letter if the parent has signed the appropriate releases.

### **Interview**

If the day treatment program reviews the cover letter and student's records and deems the student appropriate for their setting, the program's intake or admissions coordinator will contact the ACS or foster care agency caseworker to arrange for an interview. At the interview the student may be accompanied by a parent, foster parent/ caregiver, and the ACS or foster care agency caseworker. After the interview, the day treatment program will notify the ACS or foster care agency caseworker and parent if they are accepting the student to the program. The day treatment program then must write an acceptance letter. The acceptance letter should be submitted along with a written referral to the CSE in the district where the student resides.

### **IEP Meeting**

Upon receipt of the referral the CSE will hold an Individualized Education Program (IEP) meeting to review the day treatment program's acceptance letter and the student's educational and treatment needs, and will decide whether or not it agrees with the request for placement in a day treatment program. If the CSE is in agreement, the CSE team will recommend placement on the IEP at the specific day treatment program.

The ACS or foster care agency caseworker may consider enlisting the assistance of the CSE by making a referral to the CSE in the district where the student resides at the *beginning of this process*. If the student already has an IEP in effect in New York City, the ACS or foster care agency caseworker can ask the CSE to re-open the student's case and hold a new IEP meeting to consider placement in a day treatment program *before any applications are made*. Again, it is extremely helpful to send to the CSE current evaluative material justifying this type of setting. The CSE may request that they conduct updated evaluations in order to consider a day treatment placement.

If the CSE is in agreement that the student's needs cannot be met within the public sector, they will write an IEP deferring the student's case to the NYC Dept of Education's Central Based Support Team (CBST) for exploration of non-public school settings, including day treatment programs. A CBST case manager will then be assigned, and that individual will also send application packets to potential programs on behalf of the student. Again, this is typically a very lengthy process. Often times, the CSE will write a comparable (or "interim") service plan so that the student can receive additional supportive services pending the CBST locating an appropriate day treatment program.

Please understand that *day treatment is considered a special education setting that includes psychiatric intervention with an educational program*. If the student has never been evaluated by the CSE, or does not receive any type of special education services in accordance with an IEP, a referral should be made immediately to the CSE Chairperson to open the student's case for initial evaluations.

### **Questions?**

If you have questions about day treatment programs or would like to request a training, please contact the Children's Services Education Unit by going to:  
[www.nyc.gov/html/acs/education/index.html](http://www.nyc.gov/html/acs/education/index.html)