

Report of the Court Monitor

Progress on the Consent Decree United States v. State of Rhode Island

United States District Court District of Rhode Island
Civil Action No. CA14-175

Period of Review: April 9, 2014 – April 10, 2015

Respectfully Submitted

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U.S. District Court Monitor

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I. Executive Summary

The filing of the Consent Decree on April 9, 2014 launched the State of Rhode Island on a major initiative designed to change the nature and operation of day and employment services furnished to individuals with intellectual and developmental disabilities (IDD) who receive publicly financed supports. Under the terms and conditions of the Consent Decree, the State made a sustained commitment to transform its service system to provide individuals with IDD the training and support they need to: (a) become employed in competitive, integrated jobs working alongside people without disabilities and paid a minimum wage or higher; and (b) fully participate in community activities of their own choosing with friends, families and other members of society. Through this agreement over the next 10 years, the State will provide the option of integrated day and employment services to approximately 3,250 individuals with IDD. Supported employment placements, or competitive, integrated employment, will be provided by the State to approximately 2,000 individuals, including at least 700 people currently in sheltered workshops, at least 950 persons currently in facility-based non-work programs, and approximately 300-350 students leaving high school. Additionally, transition services will be provided to approximately 1,250 youth between the ages of 14 and 21.

This report documents the progress that has taken place during the first year of Consent Decree implementation with a particular focus on the provisions specifically related to two target populations, the RI Youth Exit Target population and the RI Youth Transition Target Population. The report also covers activities related to key infrastructure development including the establishment of the Sheltered Workshop Conversion Institute, the Conversion Trust Fund, Quality Improvement and other programs. Progress on several of the benchmarks related to activities of the RI Sheltered Workshop Target Population and the RI Day Target Population are deferred to subsequent reports.

The agreement requires the three State agencies responsible for providing the majority of services to children and adults with IDD, the department of Behavioral Health Developmental Disabilities and Hospitals (BHDDH), the Rhode Island Department of Education (RIDE) and the Office of Rehabilitative Services (ORS) to reach key performance milestones within the first year and on an ongoing basis thereafter. During the pendency of the agreement the State must revise or replace existing policy, regulatory, funding, and operational barriers with new rules, practices and outcome based services designed to ensure full access to integrated employment and community resources.

The Office of the Governor strongly supports the accomplishment of the goals and outcomes of the Consent Decree. The State's new administration has reinvigorated efforts among state agencies to accomplish the changes necessary to meet the terms of the Consent Decree. Key administration officials, department heads and staff across state government agencies are working to bring about needed changes.

This review reveals that the State has made significant progress in meeting the many performance benchmarks identified by the Consent Decree that were to be achieved during

this period. Additional actions need to be taken by BHDDH, ORS and RIDE to fully operationalize the changes that have been made and to build the foundation for the next stages of system change and program development.

The State has made progress in the following areas:

- Leadership, oversight and management.
 - The State's mid-year elections resulted in the inauguration of a new Governor and a renewed commitment by the State to carry out the terms of the Consent Decree, bringing about cultural change for people with IDD receiving publicly financed support and establishing a new floor by which the system would be measured.
 - The new administration hired new state agency leadership, including the Secretary of the Executive Office of Health and Human Services, the Director of BHDDH and the Associate Director for the Division of Developmental Disabilities.
 - Within the first 90 days of her appointment the new BHDDH director initiated a comprehensive examination of the state's efforts to meet the terms of the Consent Decree.
 - The administration shifted Consent Decree related budgets and relocated the staff coordinating the State's compliance efforts from the Office of Administration to BHDDH.
 - The State established the Office of the Consent Decree (OCD) with a full-time Coordinator and Deputy Coordinator to organize and facilitate state agency activities related to both the Consent Decree and the Interim Settlement Agreement.
 - During the first two months of the new administration, BHDDH cleared a backlog of eligibility determinations for over 120 people that had extended for the previous two years.
- Resources were secured for infrastructure change and development, including:
 - Additional \$2 million in state funding for services for people with IDD.
 - Fully funding the Sheltered Workshop Conversion Institute and the Sheltered Workshop Conversion Trust Fund, consistent with Consent Decree requirements under Section XI.
 - Significantly increasing overall funding for IDD services.
- ORS expanded its resources to implement the Consent Decree adding an Assistant Administrator for Supported Employment (SE) services and four new Master's Level Vocational Rehabilitation Counselors, one of whom is bilingual.
- Employment First policies were developed and implemented across the State and within BHDDH, ORS and RIDE, identifying employment as a primary goal and focus of service delivery and including the presumption that all members of the Target

Populations are able to work in integrated employment settings at competitive wages and benefits.

- BHDDH ceased funding of new entrants to existing workshop programs during the past year. The Consent Decree does not require the closing of sheltered workshop programs.
- A Variance Policy was developed and approved by the Monitor for adults with IDD seeking alternatives to integrated employment.
- Youth Transition
 - The three state agencies developed and implemented a Transition Timeline identifying mutual responsibilities and anticipated performance outcomes to be achieved for each person with IDD between the ages of 14 and 21 years during their transition from school to adult services.
 - RIDE and ORS expanded outreach to the Transition-Age Youth populations providing individuals with vocational assessments, career development plans and integrated work experiences. Additional training opportunities were made available to staff, families and stakeholders.
- The State developed and received provisional approval from the Monitor for an Outreach, In-Reach, and Education Program. The draft program is currently being implemented.
- The State received approval from the Monitor for the Values-Based Competency-Based Training Program which is now being implemented.
- The Employment First Task Force, required by Section X(3) of the Decree, was formed and is operational. Membership includes representatives from stakeholder organizations, the Sherlock Center, the Community Provider Network of Rhode Island, the Developmental Disabilities Council, Rhode Island Parent Information Network, individuals with IDD, families and others. The Task Force meets with the monitor and with State officials.
- Person Centered Career Development Planning. The implementation of person-centered planning and person centered career development plans is well underway with the Transition Youth Populations supported by RIDE and ORS.
- All three state agencies are providing training and support to strengthen the ability of direct service staff to provide person-centered services.
- BHDDH, RIDE and ORS are collaborating on the provision of transition services, training and the delivery of supports to members of the Target Populations.

- The State made progress on securing contracts with technical assistance providers to deliver needed staff training and direct assistance to the State and to provider agencies on effective strategies for bring about the changes that must be made.
- The State made progress on finalizing an interagency Memorandum of Understanding that meets the requirements of the Consent Decree.

Additional work needs to be completed to fully operationalize the changes that have been made and build the foundation for the next stages of system development:

- The State has made progress on rapidly increasing the number of Youth Exit Target Population members who achieve supported employment placements pursuant to Section IV(8) of the Consent Decree, but additional members of that population will need to be placed.
- BHDDH is working with provider agencies and stakeholders to revise the processes by which the Support Intensity Scale (SIS) is administered, individual service determinations are made, support related funds are allocated, and appeals are processed to increase individual and family input and responsiveness.
- The current DD services funding methodology is being reviewed to address concerns that individuals' funding levels are not sufficient to enable provider agencies to meet placement targets.
- State agencies are collaborating on efforts to construct an effective strategy for meeting the needs of individuals with IDD for benefits planning services.
- BHDDH is redesigning its existing person centered career development planning process to strengthen outcome-based planning and improve consumer participation. A draft process has received input from providers and the Monitor, and is awaiting implementation.

Progress needs to be accomplished in the following areas:

- Quality Improvement. BHDDH, RIDE and ORS are conducting quality improvement activities within each of their agencies. Additional work needs to be completed to ensure the statewide Quality Improvement initiative includes clear program standards and policies for conducting on-site reviews, performance reporting, remediation and follow-up.
- Funding. As noted above, additional state funding for IDD services was included in the Governor's budget and approved by the Legislature. BHDDH needs to continue current efforts to review the methodology for the allocation of service funding to ensure provider agencies are able to accomplish the supported employment and day service outcomes required by the Consent Decree.

- **Data Collection and Reporting.** The Consent Decree requires that data be regularly gathered and reported by the State on approximately 44 key individual and system performance outcomes. BHDDH, ORS and RIDE are each collecting some of the information that is required but systems are not in place to gather, analyze and report this data across BHDDH, ORS and RIDE. The State is actively addressing this benchmark, but urgent action is needed if the State is to be able to effectively document and claim credit for the changes that are being made and the outcomes that are being accomplished.

This report identifies key benchmarks for each operational provision of the Consent Decree and the status of the State's efforts to address the various outcomes. Each section concludes with a statement of recommended actions the State should take to meet Consent Decree requirements.

II. Introduction

A. Background

The Consent Decree between the United States of America and the State of Rhode Island resolves the United States' findings of violations by the State of Rhode Island of Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131, et seq., as interpreted by the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), through its administration and operation of its day activity service system, including employment, vocational, and day services, 46-1-14 R.I. Code R. § 43.0, for individuals with intellectual and developmental disabilities (IDD).

B. Key Terms, Target Populations and Provisions

Definitions (CD Section II). The Consent Decree pertains to the State's delivery of employment services and supports to members of the four Target Groups (see below). Key operational terms, service types and activities are defined to ensure consistency in language, meaning and understanding among the many individuals and groups who have a part in carrying out the Consent Decree's objectives and anticipated outcomes.

Target Populations (CD Section III). Under the terms of the Consent Decree the following individuals are eligible for Supported Employment Services, Integrated Day Services, and/or transition services:

1. *Rhode Island Sheltered Workshop Target Population.* Individuals with IDD who receive day activity services in settings where they perform sheltered workshop tasks or have received day activity services in such settings during the year before the Consent Decree went into effect.
2. *Rhode Island Day Target Population.* Individuals with IDD who receive day activity services in facility-based day program settings or have received such services during the year before the Consent Decree went into effect.
3. *Rhode Island Youth Transition Target Population.* Individuals with IDD who are transition-age youth according to current Rhode Island law, currently attending a Rhode Island secondary school.
4. *Rhode Island Youth Exit Target Population.* Individuals with IDD who are transition-age youth who have exited or who will exit a Rhode Island secondary school during the 2013-2014, 2014-2015, or 2015-2016 school years.

C. Assessing Progress

Focus and Methodology. This report describes the State's efforts to meet the terms and conditions of the Consent Decree during the first 12 months of implementation and

includes reference to key actions and activities, such as BHDDH's request for additional funding, that were initiated during the first year and completed in the early months of the following year.

During the past year the Monitor's work focused on developing an understanding of Rhode Island's developmental disabilities service delivery system and the role played by the Consent Decree in changing the funding, structure and operation of employment services to bring the State into compliance with the ADA. Emphasis was placed on ensuring that: (a) members of the target populations received the services and supports that were required to be furnished to them under the terms of the agreement, and (b) the State was making changes in policies and procedures as consistent with the provisions of the Consent Decree.

The review process involved six (6) on-site visits to the State and regular weekly or bi-weekly contact with the RI State Consent Decree Coordinator and DOJ. Numerous scheduled and unscheduled telephonic meetings were held with the directors and key staff of BHDDH, RIDE and ORS, staff from the RI Developmental Disabilities Council, the director of the Sherlock Center at Rhode Island College and other advocates. One meeting was held specifically with Advocates in Action, the State self-advocacy organization. Discussions focused on state strategies for system change, the identification and removal of regulatory and programmatic barriers and the provision of updates on current events and activities of relevance to the Consent Decree. The Monitor additionally reviewed case files of a sample of approximately 35 individuals receiving support, met with families and advocates, observed services being provided and engaged in detailed discussions of needed actions and activities with state agency personnel from BHDDH, RIDE and ORS. The Monitor's report reviews and evaluates the many objectives that need to be (and have been) accomplished by the State with respect to the services and supports offered to target population members within the broader context of state systems change.

Early goals of this Monitor were to develop an understanding and familiarity with key components of Rhode Island's publicly funded system of employment supports and day services for people with IDD with respect to five key areas:

1. *Leadership, vision and values.* The extent to which the goals and aspirations of the Consent Decree were reflected in the language and actions of key department and school leaders.
2. *Policy alignment.* The extent to which the structure and functioning of the State's service delivery system for people with IDD, as operated and overseen by BHDDH, RIDE, and ORS, support the state's efforts to change consistent with the Consent Decree.
3. *Funding and financing flexibility.* The extent to which funding from available resources and budgets is sufficient to ensure individuals in the identified target populations receive the services and supports necessary to comply with the standards and timelines identified in the Consent Decree.

4. *Interagency collaboration.* The Consent Decree covers activities across three State departments. The extent to which the three State departments work together to enable members of the Target Populations to receive continuous and uninterrupted services as adults moving from segregated, sheltered settings to supported employment and as youth transitioning from school to adult services.
5. *Outcome and performance data.* The extent to which the State has systems in place within and across departments to document and report individual outcomes, track system performance and effectively demonstrate progress in implementing the Consent Decree over time.

Data for this report was gathered through a number of different sources, methods and strategies including:

- Interviews of the directors and key staff of BHDDH, RIDE, and ORS.
- Discussions of the requirements of the Consent Decree and the challenges of systems change with provider agency directors who are members of the Community Provider Network of Rhode Island.
- Interviews with the director and key staff of the Rhode Island College Sherlock Center and with representatives of the Rhode Island Developmental Disabilities Council.
- Visits to a sample of seven (7) developmental disabilities services provider organizations across the state, visits with people with IDD receiving support and interviews of program directors and key staff.
- Participation in meetings coordinated by the State agencies to improve and expand access to benefits counseling services, redesign career development planning tools, improve outcome and service related data, and address other key areas identified by the Consent Decree.
- Interviews and meetings with stakeholders on the content and pace of change in state agencies.
- Meetings with the leadership of provider agencies to learn about and understand the barriers and challenges they face in implementing the Consent Decree.
- Participation in meetings of the Employment First Task Force discussing barriers to Consent Decree implementation and effective strategies for moving forward with systems change.

- Review and analysis of state data, records and documentation of services and supports furnished to members of the Target Groups conducted by a subject matter expert in collaboration with the Monitor and key state agency officials.
- Discussions with Burns and Associates on the use of the Supports Intensity Scale (SIS) for needs assessment and individual resource allocations. Review of related documentation and the use of claims data.

Based on information and data gathered through the review process, three areas are prioritized for additional focus in the months ahead: (a) tracking and analyzing Consent Decree outcome and performance data (as identified by Section XVI of the Consent Decree) within each department; (b) evaluating the delivery of required services and supports; and (c) assessing leadership and the development of effective and inclusive strategies for changing the State's IDD system in line with the provisions of the Consent Decree. These areas are highlighted in the findings section.

The Monitor independently validated much of the information and data provided by the State. Additional steps will be taken during the upcoming review period to verify data reported on individual Target Population members as well as summary data furnished by the State on services and supports provided and outcomes achieved.

III. Findings: Review of Progress on Consent Decree Provisions

This section describes progress on achieving key benchmarks identified in the operational provisions of the Consent Decree and includes a summary of the status of the State's activities to date, additional information that the State may need to provide and the steps the State must take to make progress under the Agreement. The term "operational provisions" refers to those provisions of the Consent Decree that require specific changes to be made in State policy, regulation and practice that affect the delivery of services and supports to the identified Target Populations. Generally these provisions are located in Sections IV through XVI.

This review focuses on key activities accomplished during the first year of implementation, addressing some areas in detail and deferring consideration of others to future reports. Particular emphasis is placed on activities and outcomes related to two target populations; the *Rhode Island Youth Transition Target Population* and the *Rhode Island Youth Exit Population*. The review of progress being made by the State with respect to the *Sheltered Workshop Target Population* and the *Day Program Target Population* is deferred to subsequent reports.

As noted in the Executive Summary, during the first year of implementation the State spent considerable time and effort developing the plans and strategies to implement the requirements of the Consent Decree and establish mechanisms for adequately funding needed services, tracking individual outcomes and ensuring system performance and quality. Accordingly, this review finds that considerable progress was made on achieving

the outcomes of some of the operational provisions while less headway was made on others. It is important to note that this finding does not mean that the State is ignoring or downplaying the importance of selected Consent Decree provisions, but rather that the process of systems change takes place in a non-linear fashion, with some areas needing to be addressed before others in order to remove programmatic barriers, secure necessary resources or develop new approaches. An outline of Consent Decree provisions that are covered by this report or deferred for subsequent reviews is included at Attachment 1.

A. Outcomes (CD Section IV)

The Outcomes section summarizes key performance benchmarks, systems change requirements and procedural obligations the State must address to demonstrate progress on achieving the terms and conditions of the Consent Decree. Virtually all of these requirements are included and described in more detail in subsequent sections of the Agreement. To improve readability and avoid redundancy, information on the State's progress in meeting the various benchmarks identified in the Outcomes section is reported within the relevant topical section consistent with the arrangement of the various provisions of the Consent Decree. For example, all information regarding the State's progress on meeting supported employment placement requirements is located in Section C of this report, Supported Employment Services and Placements.

B. Supported Employment Services and Placements (CD Sections IV and V)

Provisions within this section of the Consent Decree define and describe the nature and composition of Supported Employment *Services* furnished to individuals with IDD by the State and the attributes of a qualifying Supported Employment Placement. Performance expectations, including the presumption that all individuals in the four target groups are capable of integrated employment, are provided as well as specific operational benchmarks setting the parameters of the services and supports to be offered. This section additionally details a variance process for individuals in the target populations who choose not to seek employment in integrated settings.

Progress

Benchmark 1 Integrated Employment §IV(2). By October 1, 2014, and by September 1st of every succeeding year of this Consent Decree, the State will provide all individuals in the Rhode Island Youth Transition Target Population the appropriate services and supports described in Sections V(A)(1)-(2) necessary to introduce them to work in integrated settings, in accordance with the youth transition process and milestones set forth in Sections VIII(4)-(10). Integrated employment services will be identified in the individual's annual person centered plan and career development plan as set forth in Section VIII.

Status:

RIDE identified 526 youth with IDD in the Transition Target Population who are enrolled in Rhode Island LEAs. The department, in collaboration with the Regional Transition Centers (RTC) and ORS, provided training and resources to the LEAs to improve the provision of services and supports as described in Sections V (A) (1)-(2). In addition, these services were incorporated into RIDE's Career Development Plan (CDP) template to guide and document the provision of school-based preparatory experiences and community-based work trials.

ORS has provided services to 109 Transition Youth in the 2013-14 and 2014-15 exit populations. A 2013 Cooperative Agreement between RIDE and ORS ensures the presence of ORS Masters-level vocational rehabilitation counselors in each high school in the State of Rhode Island. This agreement enables ORS to attend IEP and CDP meetings and partner with schools in the provision of vocational assessments and work experiences prior to graduation. As a result, upon graduation, the student has an established relationship with an ORS VR Counselor and an Individualized Plan for Employment (IPE) that creates blueprint for services to reach an integrated, competitive, community-based employment outcome. RIDE has identified to the LEAs the specific youth with IDD who should be in consultation with ORS regarding career development planning. ORS is identifying eligible youth with IDD on their caseloads who are due to exit school during the current school year. Once identified, ORS works with the LEA to convene meetings with the youth, family, BHDDH and ORS to ensure access to integrated work experiences and adult provider involvement prior to graduation.

BHDDH has taken steps to increase the ability of Developmental Disabilities Division (DDD) caseworkers to attend IEP/CDP planning meetings for the Youth Exit and Youth Transition populations (see below). A memo was sent to all Developmental Disability Provider Organizations (DDOs) notifying them that Transition Age Youth cannot take part in any vocational assessments in segregated settings. BHDDH revised policies and practices to comply with the Consent Decree and updated its external website to reflect these policy changes. The BHDDH director, in written testimony to the Rhode Island House Finance Committee, identified programmatic and financial barriers that are impeding the ability of the department to meet the State's Consent Decree mandates.

Summary. RIDE identified the youth in transition and is engaged in career development planning in collaboration with ORS. RIDE has worked closely with the LEAs to provide needed training and support to special education teachers and staff. ORS has identified the youth in transition receiving ORS supports in the 2013-14, and 2014-15 exit populations. BHDDH did not furnish information on the numbers of Transition Age Youth that DDD has been involved with during the past year. The department is working to increase the involvement of DDD caseworkers with local schools, improve staff training and strengthen collaboration with the LEAs, RIDE and ORS. BHDDH's recently approved budget includes additional funding for transition activities.

Benchmark 2 – Supported Employment Placements IV(8)(a-b) - The State will provide Supported Employment Placements and Integrated Day Services as detailed in Sections V-VI of the Consent Decree for individuals in the Rhode Island Youth Exit and the Rhode Island Sheltered Workshop Target Populations according to the schedule in this section.

(a) By January 1, 2015, the State will provide Supported Employment Placements to at least 50 individuals in the Rhode Island Youth Exit Target Population who left school during the 2013-2014 school year.

(b) By July 1, 2015, the State will provide Supported Employment Placements to all remaining individuals in the Rhode Island Youth Exit Target Population who left, or will leave, school during the 2013-2014 and 2014-2015 school years.

Status:

RIDE provided the Monitor, ORS, and BHDDH information on the total number of students who have a qualifying condition of intellectual disabilities enumerated by the June 2014 RI Special Education Census in September 2014.

Based on the June, 2014 RI Special Education Census, approximately 183 students were identified as comprising the Rhode Island Youth Exit Target Population.

2013-2014

- 54 students who qualify as youth with IDD exited between September 1, 2013 - August 31, 2014
- 16 school districts had fewer than 10 students exit with IDD between September 1, 2013- August 31, 2014
- Providence was the only district with more than 10 students who exited with IDD. Providence had 21 students with IDD exit September 1, 2013 - August 31, 2014

All individuals who were placed in supported employment were compensated at \$9.00 per hour, the state minimum wage. Documentation indicates that the provider agencies, ORS and BHDDH continue to move individuals who are not working toward integrated, competitive employment. ORS submitted information in a report dated July 1, 2015 showing that between April 30, 2015 and July 1, 2015, the State nearly doubled the number of the 2013-2014 Youth Exit target population members who are in competitive, integrated employment, bringing the current total to 21. It is important to note that there may be more than 54 individuals in this target population and that additional members of this population may be identified in the future.

BHDDH reports that it continues to provide individuals with support services needed to obtain or maintain employment in integrated work settings. Necessary

resources are provided to support individuals in their search for employment. BHDDH social caseworkers assist individuals with IDD in locating service providers with the capacity to serve new applicants in their programs.

Summary. The State has made strong efforts to improve the ability and capacity of the education and adult service systems to move Target Group members toward supported employment placements through increased training and coordination between departments. Staff training and effective coordination is essential, but efforts need to be more strongly focused on increasing the number of persons receiving supported employment placements, consistent with the Consent Decree targets. A key step toward achieving this goal lies in the documentation of the numbers of individuals receiving supports in each of the various categories of service leading to the actual job placement (see below).

Benchmark 3 - Presumption of Employability §V(E). Provisions require BHDDH, ORS and RIDE to establish and implement policies regarding employment for people with disabilities policies that presume that all individuals covered by the Consent Decree are capable of working in integrated employment settings.

Status:

Former Rhode Island Governor, Lincoln Chaffee, signed an Employment First Executive Order on October 22, 2014. This policy requires BHDDH, ORS and RIDE to include in each department's policies and practices the presumption that all individuals with IDD can work in integrated employment setting, making a competitive wage and receiving benefits. These expectations, including the focus on employment as the primary objective are included in the policies, practices and regulations of each state agency.

All Transition Youth who are exiting school are eligible for Supported Employment Services. It is BHDDH's position, policy and philosophy that every individual is capable of working in a position that affords them the same opportunities as their non-disabled counterparts. This policy has been disseminated through the Transition to Adult Services brochures. The Employment First Policy, which can be found on BHDDH's external website, addresses segregated setting and work environments.

Summary. BHDDH, ORS and RIDE have included the presumption that all individuals with IDD are capable of becoming employed in integrated settings in their policies and procedures. To assess progress on this provision additional information on the numbers and percentages of target group members who have been evaluated and determined to be "unemployable" or otherwise not able to receive vocational or employment services should be reported to the Monitor..

Benchmark 4 – Establishment of a Variance Process §V(L), (M), & (N). A variance process must be established by the State to accommodate individuals who, after receiving

information, services and work experiences, make an informed choice not to work in integrated settings. All variances are re-assessed after 180 days and annually thereafter to ensure individuals have the opportunity to make an informed and meaningful choice to receive supported employment in an integrated setting and are subject to review and approval by the Monitor.

Status: The variance process was developed and provisionally approved by the Monitor in October 2014, and currently is operational for members of the target populations. Final approval of the policy and related forms occurred in June 2015. Variances may only be granted after an individual has:

- a. Participated in at least one vocational or situational assessment, as defined in Section II of the Consent Decree;
- b. Completed one trial work experience, as defined in Section II;
- c. Received the outreach, education, and support services described in Section X; and
- d. Received a benefits counseling consultation, as described in Sections IV(6).

No variances have been requested or granted to date. However, staff from BHDDH and provider agencies have provided examples of target population members who indicate that they are not interested in competitive employment at this time. This suggests that information on the variance application process has not been made available or is not well understood by people with disabilities, providers, families, and others who may be interested in taking advantage of this provision.

Summary. The State's variance process includes the required activities and provisions. It has been approved by the Monitor and is in the early stages of implementation. The Monitor will review all variance requests.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree

1. BHDDH and ORS are requested to provide to the Monitor information on their efforts to ensure individuals with IDD, their families and service providers are aware of and understand the variance process.

C. Career Development Planning (CD Section VII)

Person Centered Career Development Plan Deadlines and Outcomes Summary			
Date	Target Population(s)	Requirement	Reference
10/1/2014	Youth Transition	<ul style="list-style-type: none"> Receives all SE services V(A)(1)-(2) and VIII(4)-(10) Receives Person Centered Planning / Career Development Planning beginning at age 14, updated annually 	IV(2)(3)
1/1/2015	Youth Exit	<ul style="list-style-type: none"> Receives Person Centered Planning / Career Development Planning and services V(A)(1)-(2) 	IV(1), (5)
1/1/2015	Sheltered Workshop, Day Program, Youth Exit	State adopts and implements CDP policies covering each individual	VIII(1)
1/1/2016	Sheltered Workshop, Day Program	State provides CDP for each individual	IV(5)

Progress

Benchmark 1 - Person Centered Career Planning Outcomes §IV(1), (3).

Rhode Island Youth Exit Target Population. By January 1, 2015, the State will provide all individuals in the Rhode Island Youth Exit Target Population person-centered planning (PCP) resulting in a career development plan (CDP). The CDP must include the services and supports described in Sections V(A)(1)-(2) as necessary and appropriate to introduce them to work in integrated settings consistent with the youth transition process and milestones set forth in Sections VIII(4)-(10). Youth Exit Target Population members will become eligible for a Supported Employment Placement, as provided in Section V, upon their exit from secondary school.

Status:

Youth Exit Population Current Census: 183

- 2013-14: 54 students who qualified as youth with IDD exited Sept. 1, 2013- Aug. 31, 2014.
- 2014-15: 53 students who qualify as youth with I/DD will reach age 21 between September 1, 2014- Aug.31, 2015.
- 2015-16: 76 current students who qualify as youth with I/DD who will reach age 21 between September 1, 2015 and August 1, 2016.

RIDE developed a Person Centered Planning approach for LEAs that organizes services and supports around a self-determined, self-directed future for individuals with IDD based on the person's skills, preferences, strengths and abilities. RIDE, in collaboration with ORS, the Rhode Island Parent Information Network (RIPIN) and BHDDH provided LEAs with brochures, fact sheets, and general information at IEP meetings, transition parent events, conferences, etc. RIDE provides information regarding Employment First, introduction to state services and knowledge of post-secondary services and supports begin at the age of 14 as indicated in the RI Transition Timeline.

Person Centered Planning (MAPS, Path, Discovery) Participation:

- RI Youth Exit Target Population 2014-2015: 24 students participated in a person centered planning process
- RI Youth Exit Target Population 2015-2016: 38 students participated in a person centered planning process.
- Sixty additional students who were not considered to be part of the "RI Youth Transition Target Population" or the "RI Youth Exit Target Population" were identified as being likely to be found eligible for developmental disability services through BHDDH. These students also participated in a person centered planning process.

BHDDH/DDD finalized a Person Centered Plan/Career Development Plan that was to be used by providers beginning July 1, 2015. Initial training on the new format was offered to provider organizations and the draft form was field tested by four provider agencies. The Monitor reviewed the plan format and recommended that revisions be made to make it outcome based, identifying specific objectives to be accomplished and more person-centered, reflecting the perspectives of the individual receiving support. As a result of the feedback received BHDDH opted to delay implementation until July 31, 2015 in order to make changes to ensure the development of a format that, "actually provides needed information." BHDDH continues to work with ORS on the development of a unified CDP format for the two agencies.

During the current 2014-15 school year BHDDH social casework supervisors attended a total of 54 Career Development Planning / IEP meetings at the LEAs for students who will be exiting school within the next year. The department is challenged by the current lack of internal capacity to meet the demand and the need for more effective communication/planning with the LEAs.

ORS' Individualized Plan for Employment (IPE) for both transitioning youth and adults with disabilities is based on principles of person-centered planning and informed choice. The IPE articulates a specific employment goal that is developed

with the individual through vocational guidance and counseling and reflects the person's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests. The IPE includes the services needed for the person to move toward his or her employment goal and is expected to be reviewed at least on an annual basis by the VR Counselor and individual (and others as appropriate). The IPE is described as a fluid document that can be amended with the agreement of the individual and the VR Counselor to best meet the person's needs. The goals, objectives, and services identified in the IPE for a student with a disability who is receiving special education services is coordinated with the student's individual education plan (IEP). In order to ensure in-school youth have an opportunity for informed choice, ORS, via a Memorandum of Understanding with RIDE, has a VR Counselor at every high school to consult with school personnel, provide guidance & career counseling, accept referrals, and offer assessment services and summer work opportunities. ORS has built on its relationships with RIDE and the LEAs to assist school personnel in implementing the State's obligations under the Consent Decree with respect to developing and updating Career Development Plans and collaborating on assessments and work experiences.

Summary. RIDE is tracking this population and providing needed training and supports to staff on person centered planning. ORS is using person centered planning instruments and has provided needed training to staff on the process. BHDDH has not completed its revision of its person-centered planning process and continued efforts need to be placed in this area.

RIDE provided data on the numbers of individuals receiving a person centered plan, ORS provided IPEs for the 54 identified members of the 2013-2014 Youth Exit target population. BHDDH did not furnish data on person centered planning or the number of CDPs. ORS reports that it has the capacity to provide data on the numbers of individuals in the Youth Exit Population with career development plans once they apply for ORS services. ORS participated in 110 CDP meetings at schools over this past school year and completed 109 IPEs for individuals with IDD in the 2013-14 and 2014-15 Youth Exit Populations. BHDDH provided print-outs of client files for the identified members of the 2013-14 Youth Exit Target population.

Rhode Island Youth Transition Target Population. The State will engage in an annual person-centered planning process with all individuals in the Rhode Island Youth Transition Target Population that will: (a) begin at age 14, (b) be updated annually, (c) address standards and milestones set forth in Section VIII, including the opportunity to access integrated transition work placements and information about post-secondary work in integrated settings, (d) provide information needed by individuals with IDD and their families to make an informed choice regarding remaining at school and adult services, and (e) result in a career development plan that consolidates the planning recommendations of school transition specialists and staff, ORS, and BHDDH representatives.

Status:

Youth Transition Target Population Current Census: In 2014-15 there are 526 youth that qualify as persons with IDD ages 14-21 enrolled in Rhode Island LEAs.

See Benchmarks 2 and 3 in this section below.

Benchmark 2 - Career Development Planning Outcomes §IV(2), (5)

Youth Transition Target Population. The career development plan will: (a) be updated annually, and (b) offer meaningful options for post-secondary Supported Employment and Integrated Day Services beginning no later than the start of the school year in which they will turn 18.

Youth Exit Target Population. By January 1, 2015, the State will provide career development plans, as described in Section VII, for each individual in the Rhode Island Youth Exit Target Population.

Status:

- RI Youth Exit Target Population 2014-2015: Currently, 46 students have career development plans. Several students were reported as having exited school or moved prior to the implementation of their career development plans.
- RI Youth Exit Target Population 2015-2016: 53 students currently have a career development plan.

RIDE has identified 81 students who are not considered part of the RI Youth Transition Target Population or RI Youth Exit Target Population but may be likely to be found eligible for developmental disability services through BHDDH who currently have a career development plan. These students have developmental but not intellectual disabilities and should be considered as potential members of one of the target populations.

RIDE continues to inform LEA's of the requirement to annually update career development plans in collaboration with a student's IEP, ILP (Individual Learning Plan – a RI Secondary School Regulatory requirement), and IPE; and to incorporate plans in each student's Summary of Performance as appropriate. The department noted that additional training may be needed by the LEAs to align IEPs and CDPs in the upcoming year. As indicated in the RI Transition Timeline, RIDE will collaborate with ORS and BHDDH in providing students and families with information on the options for post-secondary supported employment and integrated day services for the youth with IDD. Three trainings on the CDP template were offered to LEAs introducing the document in detail. Training on CDPs continues to be provided to the LEAs through RIDE and the Regional Transition Centers. Currently, RIDE is conducting a survey with the LEAs to collect data on components of the CDP. Available data are identified within the benchmarks in this report.

ORS participated in 110 Career Development Plan meetings at schools during the past school year and has provided an array of services to the 54 individuals in the RI Youth Exit Target Population including the development of IPEs. The agency has been working on the development of a Career Development Plan format with BHDDH and has been using the individual program plan to accomplish career development planning activities in the meantime.

BHDDH social casework supervisors attend the CDP meeting for individuals in their last year of school but do not have the capacity to attend CDP meetings for all Transition Age Youth during the four to seven years that they participate in special education. BHDDH has asked RIPIN to attend transition meetings of individuals beginning at age 14 years. The department also requested the parent network to provide the LEAs with brochures explaining BHDDH eligibility policies and services for distribution to IEP planning teams during meetings that BHDDH is unable to attend. BHDDH indicates that staff are available to meet with families and teams at different times and places if scheduling conflicts exist and have offered to go to families' homes.

Summary. RIDE is tracking and reporting data on the Youth Exit Population and the Youth Transition Target Population with career development plans. ORS is providing services to these individuals and is offering related training to practitioners. BHDDH has not finalized its process for career development planning but plans to implement its new format by September 2015. BHDDH did not provide data on Target Population members with CDPs.

Benchmark 3 – Career Development Planning §VII(1) - The State must adopt and implement policies and procedures for developing career development plans for each individual in the Rhode Island Sheltered Workshop, Rhode Island Day, and Rhode Island Youth Exit Target Populations by January 1, 2015. The policies must presume that all Target Group members: (a) are capable of working in integrated employment settings, (b) have an active and leading role in the career development planning process, and (c) are determined eligible for employment without meeting any pre-established readiness criteria. See also Sections V-VI Section VII(7).

Status:

As noted in Benchmark 1 above, RIDE developed a person centered planning approach for LEAs that organizes services and supports around a self-determined, self-directed future for individuals with IDD based on each person's skills, preferences, strengths and abilities. Person centered planning trainings emphasized the importance of using this approach as the foundation for the CDP. RIDE reports that teachers currently are providing person centered planning with career development planning elements that are consistent with the Consent Decree. Three trainings on the CDP template were offered to LEAs introducing the document in detail.

ORS is training all rehabilitation counselors with transition responsibilities on the career development plan format and process that was introduced to special education teachers. IPEs and IEPs with CDPs are in place for members of the Youth Exit Target Population.

Summary. Policies and procedures for the development and implementation of CDPs are in place for RIDE and ORS. BHDDH is redesigning its current format to improve person centeredness, individual involvement and integration with the person-centered planning process. As noted above, the new format is to be implemented by September 2015.

Benchmark 4 - Benefits Planning §IV(6). All individuals in the RI Youth Exit, Sheltered Workshop, and Day Program Target Populations will receive benefits planning information and counseling from qualified professionals who are experienced and certified in Social Security and SSI regulations. A written analysis or “benefits plan” will be provided furnishing information to the individual, family or guardian regarding the impact of earned income on the individual’s public benefits. Individuals also will receive information about their eligibility for the State’s Medicaid Buy-in Program, or the “Sherlock Plan,” and assistance with enrolling in that program. Benefits planning and information will be provided no later than the year in which the person is scheduled to transition to a supported employment placement in accordance with the schedule in Section IV(8)(a) and (b).

Status:

ORS reports that of the 54 members of the Youth Exit Population exiting school during the 2013-14 school years and receiving ORS services, 19 individuals (35%) had received benefits counseling by June 8, 2015.

ORS entered into a contract with the Sherlock Center to build the State’s capacity over a three-year period to furnish benefits counseling coordination. Additional deliverables are to increase the number of Social Security-approved benefits counselors, expand training locally to better meet the needs for services, and bring together state agencies and others with common goals and responsibilities. ORS, on behalf of the State, will be coordinating with the Regional Vocational Assessment Centers to conduct four regional benefits counseling orientations for students, families and educators in order to increase knowledge and understanding within the IDD community about benefits information. Two sessions have been completed.

RIDE in collaboration with ORS and the Regional Transition Centers offered two Benefits Planning Orientations for members of the Youth Exit Population (February 11, 2015 & April 8, 2015) that were conducted by a qualified benefits counselor.

BHDDH has not, to date, provided benefits counseling to individuals in the Target Groups. Department staff have participated in discussions concerning benefits

planning, but no concrete strategy has been developed to pay for benefits counseling. BHDDH has worked with the benefits counselors to better understand benefit resources that may be available to target group members and the issues involved in developing a benefits plan. DDD social caseworkers have received training on the Sherlock Plan. Caseworkers can provide basic information and answer general questions regarding the Sherlock Plan but are not able to furnish actual benefits planning at this time. The social services division is assisting individuals who are working apply for the Sherlock Plan.

BHDDH and ORS participate in the Sherlock Workgroup led by the Executive Office of Health and Human Services (EOHHS) that is addressing ways to expand access and information regarding the Sherlock Plan. These meetings have moved beyond discussions of the Sherlock Plan to include a larger conversation about benefits counseling. The discussion has resulted in a renewed focus among the participating departments on understanding and addressing the impact of income on the state and federal benefits received by people with disabilities. BHDDH has been attending these meetings for over a year. The Sherlock Workgroup met at least once a month to come up with a guide to provide information for working individuals with a developmental disability. BHDDH along with EOHHS made presentations to the stakeholders on the Sherlock Plan.

Summary. Information is available from ORS on the provision of Benefits Planning for the 54 members of the Youth Exit Population exiting school during the 2013-14 school years but data is not available for the subsequent Youth Exit Target populations or for the Youth Transition Target population. ORS and BHDDH recognize the need for skilled personnel to provide required services in this area and are meeting with other state agencies and the Sherlock Center to address funding and resource availability. Progress on achieving this benchmark has been slow, however. BHDDH and ORS have agreed on an approach for expanding benefits planning to address the Consent Decree Target Populations. The State needs to develop and implement a plan for locating the resources and funding necessary to increase the number of qualified benefits counselors available to assist members of the Targeted Groups.

Benchmark 5 - Vocational Assessments and Eligibility Criteria §VII(2)-(7). All vocational assessments and vocational eligibility criteria will be person-centered, appropriately designed for individuals with IDD and based on the presumption that with the correct services and supports all individuals with IDD can work. The State shall ensure that all assessments conducted by BHDDH, ORS, and RIDE, as well as any vendors or contractors of the State are:

- Conducted in integrated settings that meet the definitions and standards set forth in Sections V(D)-(E).
- Conducted by appropriate and trained staff.

- Consistent with and maintain fidelity to an asset-based assessment model (i.e. MAPS or PATHS).
- Able to be conducted in more than one community setting if requested by individuals eligible for support.
- Are conducted with the appropriate accommodations, services, and supports necessary for each targeted class member.

Status:

RIDE, in collaboration with the RTC's, developed the RI Transition Assessment Matrix to provide guidance for choosing the most age appropriate assessment in a person-centered format. The matrix is updated as new evidenced-based tools become available. The matrix was updated in October 2014 to include the most recent evidenced based assessments for youth with the most significant disabilities. A copy of the matrix was submitted to the State Consent Decree Coordinator in October 2014. Certified secondary special educators are qualified to conduct transition assessments. Many LEAs are having staff attend job coaching and job development trainings to obtain additional credentialing, although it is not required of school personnel under state educator licensure. The trainings emphasize the importance of using person centered planning, transition assessment and vocational evaluations for students.

RIDE ensures translation and interpretation services are provided to all individuals with communication or language disabilities through its authority under the IDEA. RIDE reports that no enforcement complaints were filed with the department under Sec. 300.29 in 2014-15. Sec. 300.29 Native language. BHDDH has a "Master Price Agreement" for sign language and foreign language interpreters that enables state and "quasi-state" agencies to purchase needed services and supports when required.

ORS reports that assessments and/or work experiences may be agreed to by the individual and authorized by ORS prior to the development of the IPE. All assessments are intended to help the individual and the VR Counselor identify a career and employment goal based on informed choice, information derived from assessments and/or prior work experiences and interests. The IPE identifies a specific employment goal that is developed through vocational guidance and counseling with the individual and is consistent with his/her unique strengths, resources, priorities, concerns, abilities, capabilities, interests. The IPE additionally specifies the services needed for the person to move toward his or her employment goal. Since the Consent Decree was signed, ORS has collaborated with RIDE, RTC's, and LEA's in assisting school personnel implement the obligations of the state to develop and update CDPs for transition age youth and work together on the

provision of assessments and work experiences. DDOs interested in expanding the scope of their services to include supported employment were encouraged to attend training offered through the Center for Excellence prior to applying to be a Community Rehabilitation Provider (CRP) or vendor. ORS, in collaboration with Institute on Community Inclusion at the University of Massachusetts/Boston, Dr. Judith Drew, and other VR content experts, have provided a series on Best Practices in Community Employment including vocational assessments to community providers.

BHDDH prioritized working with ORS on vocational assessments. Under ORS's policies and regulations all assessments must be conducted in non-segregated community settings. BHDDH does not currently fund vocational assessments but refers individuals to ORS for this service. ORS similarly reported increased efforts to refer individuals to BHDDH.

Summary. RIDE, ORS and BHDDH have policies and practices regarding vocational assessments and vocational eligibility criteria that require assessments and evaluations to be performed in integrated employment and community settings.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. BHDDH is requested to provide the Monitor with a copy of the new CDP format and plan for implementation by September 30, 2015.
2. ORS is requested to provide the Monitor within 60 days with data on (a) the total number of transition age youth currently receiving ORS services, and (b) the numbers of individuals in the 2014-15 Youth Exit Target population and the Youth Transition Target population who have received benefits planning services during the past year.
3. BHDDH and ORS are requested to develop a plan for ensuring a sufficient number of certified benefits counselors are available to assist members of the four Targeted Groups as required by the Consent Decree - within 90 days.

D. Transition Planning for Youth (Section VIII)

The Consent Decree requires the development and implementation of a comprehensive process for transitioning youth with IDD between 14 and 21 years of age with specific performance benchmarks regarding state policy and systems change, implementation requirements and service delivery.

Progress

Benchmark 1 – RIDE Employment First Policy §VIII(1). RIDE shall adopt an Employment First Policy, making work in integrated employment settings the first and priority service option for youth seeking transition work placements and for transition-age youth's postsecondary vocational planning objectives. RIDE's Employment First Policy will set forth values for the State's transition planning process that reflect the State's expectations for supporting youth in transition to integrated employment settings through a systemic and collaborative framework.

Status:

On September 24, 2014, Education Commissioner Deborah A. Gist approved the Rhode Island Department of Elementary & Secondary Schools Employment First Policy. This policy specifies that work in integrated employment settings is the first and priority service option for youth seeking transition work placements and for transition-age youth's postsecondary vocational planning objectives. The policy reflects the State's expectations regarding the provision of supports to youth in transition and the achievement of integrated employment through systemic collaboration with the adult service system. This is the first known Employment First Policy for a State Education Agency in the country. The RIDE Employment First Policy was submitted to the State Coordinator in October 2014.

RIDE, in collaboration with BHDDH and ORS, has issued clear Employment First policies. BHDDH has published its employment first policy. ORS' operational policies are consistent with employment first concepts. An interagency agreement between RIDE and ORS addressing the provision of services and supports to transition-age youth was signed on October 1, 2013.

Summary. RIDE, ORS and BHDDH have developed and instituted the required policies and practices.

Benchmark 2 – Interagency Agreement §VIII(2). By July 1, 2014, the State's respective agencies, including RIDE, BHDDH, and ORS, shall amend and modify their existing interagency agreement to include the following provisions:

- The joint promotion and implementation of a school-to-work transition planning process that includes specific timelines and benchmarks for all transition-age youth (14-21 years of age) with IDD, as set forth in Section VIII(4), and ensures students' access to the services and supports set forth in Sections V(A)(1)-(2).
- The designation of ORS as responsible for the trial work experience requirements of Section VIII(6) of the Consent Decree and RIDE as responsible for ensuring that the trial work experience requirement of Section VIII(6) is embedded and incorporated

into the existing IEP planning process.

Status:

RIDE, ORS and BHDDH identified transition benchmarks in the draft MOU submitted in October 2014. The RI Transition Timeline was incorporated into the draft MOU to include specific state agency responsibilities and performance objectives pertaining to services for youth ages 14 to 21 years as set forth in Section VIII(4). The document identifies the activities RIDE, ORS and BHDDH will engage in and the services that will be provided to ensure students' access to the services and supports set forth in Sections V(A)(1)-(2) (See Benchmark 3 below). The Timeline incorporates the trial work experience requirement in the existing CDP and IEP process as a responsibility of RIDE and the LEAs. The Transition timeline states that students with IDD will have at least two work experiences prior to leaving high school supported through the resources of the LEA, RIDE, ORS and BHDDH. RIDE is providing the LEAs with additional training in the development of work experiences.

Summary. The formal Memorandum of Understanding is being revised to better align with the terms and conditions of the Consent Decree. The above transition related requirements are addressed in the original draft MOU and currently are being implemented by RIDE, ORS and BHDDH. The State should review the final MOU to ensure all relevant transition related requirements are addressed.

Benchmark 3 – Transition Process §VIII(4). The transition planning process for students in the Rhode Island Youth Transition Target Population shall begin by age 14 and will include a career planning team and access to ORS and Medicaid Waiver services as appropriate. The transition planning process must be designed to ensure that each youth and his/her family has been informed about, and been given opportunities to experience, Supported Employment Services and trial work experiences and identify milestones including, but not limited to the following:

- Assignment by age 14 to an employment (career) planning team.
- No later than during the first year of entry to a Rhode Island secondary school, the formulation and annual reassessment of employment related recommendations of the IEP reflecting students' personal interests and goals for postsecondary employment and/or postsecondary education.
- No later than the year in which a student turns 16 years of age during the annual IEP/ISP planning process the development of employment-related recommendations and a comprehensive introduction to or enrollment in State services, if an individual is eligible or will be eligible.
- No later than the year in which a student turns 18 years of age, during the annual IEP planning process, a meeting with the career planning team to facilitate post-

secondary employment and ensure that eligible youth: (a) have been introduced to numerous and specific options to receive integrated supported employment services in community-based long-term placements, (b) have (or will have) experienced the opportunity to be placed and work in such a setting prior to the end of his or her participation at a Rhode Island secondary school.

- No later than during the year prior to exit from secondary school, all individuals in the Rhode Island Youth Transition Target Population shall receive benefits planning information, according to the standards set forth in Section IV(6).

Status:

In July 2014, RIDE, in collaboration with ORS and BHDDH, initiated the development of the RI Transition Timeline. The Transition Timeline outlines a school to work transition planning process, setting timelines and benchmarks for all transition-age youth with IDD (14-21 years of age) in compliance with Consent Decree Section VIII (2). The initial draft was submitted to the State Coordinator in October 2014. The Timeline sets forth actions that RIDE/LEA, ORS, and BHDDH will take to prepare youth for future competitive employment and to involve families in that process. RIDE, ORS, BHDDH and the State Consent Decree Coordinator have been in agreement that the Transition Timeline be implemented as a "living document," being modified as procedures and policies change occur over time. RIDE also developed and disseminated "Tools for Implementing the Transition Timeline" to provide educators examples and resources to operationalize RIDE/LEA actions in the Timeline (see <http://www.ritap.org/transition/transition-networks#drop>).

BHDDH/DDD social casework supervisors and the eligibility unit supervisor are attending school planning meetings for transition age youth who may be eligible for DD services. During the 2014-15 school year, a total of 50 meetings were attended; about half by staff from the DDD eligibility unit and the other half were attended by staff from the social caseworker units. BHDDH also works with transition age youth who are in DCYF custody and/or in out of district school placements. BHDDH eligibility unit supervisor works closely with DCYF to discuss youth who will be transitioning into the adult DD system. BHDDH also attends school meetings for youth who are in out of district placements, but who still live at home. BHDDH social caseworkers attend a variety of transition planning meetings for these youth who have very significant needs. The social caseworkers attend meetings at The Groden Center School, Bradley School, Bradley Hospital, Butler Hospital and out of state residential treatment centers where these youth live and attend school. Over 15 students who were classified as out-of-district placements entered the adult DD system during the 2014-15 school year.

ORS counselors ensure the provision of services and supports identified in the Transition Timeline, for students 18 to 21 years of age. They are responsible for opening new cases, attending all Career Plan Team meetings and developing an IPE that incorporates elements from the Career Planning Team. The ORS counselor

reviews transition services and assesses need for further community supports. ORS cites funding and resource issues as barriers to the provision of competent, quality Benefits Counselors for in-school youth and their families.

Summary. The Transition Timeline developed and approved by RIDE, ORS and BHDDH addresses the key areas identified by this provision of the Consent Decree. BHDDH reports that the lack of staff challenges its ability to have a presence at all transition meetings. The department is taking steps to address this issue by providing printed information on eligibility and the process of transitioning to adult DDD services. BHDDH reports that staff have been made available to answer questions when department representatives are unable to attend face to face meetings, but acknowledges that continued work needs to be done in this area to comport with Consent Decree requirements. Additional information will be gathered by the Monitor during the subsequent weeks to assess to the extent to which the identified steps and responsibilities identified by the Transition Timeline are being carried out as intended.

Benchmark 4 – Person-Centered Career Development Plan §VIII(3), (7). A person-centered career development plan shall be prepared by appropriately staffed career planning teams for each youth in transition to inform the development of employment related goals and recommendations.

Status:

See above, V. Findings (C) Career Development Planning, Benchmarks 5 regarding the actions taken by RIDE, ORS and BHDDH to address this provision.

Benchmark 5 – Vocational Assessments §VIII(5), (8). All youth in transition shall have an opportunity to experience one or more vocational/situational assessments in integrated employment settings. BHDDH, ORS, and RIDE, shall prohibit vocational assessments of transition-age youth in segregated work settings.

Status:

See above Section C. Career Development Planning, Benchmark 5, Vocational Assessments and Eligibility Criteria.

Summary. RIDE informed LEAs that its Employment First Policy prohibits the provision of vocational assessments of transition-age youth in segregated work settings (ie. sheltered workshops). ORS's policies and regulations state that all assessments must be conducted in non-segregated community settings. BHDDH affirms and supports this practice, and does not currently fund vocational assessments. RIDE, ORS and BHDDH staff appear to have been informed of and trained on the requirements of the Consent Decree regarding this provision.

Benchmark 6 – Trial Work Experiences §VIII(6). Before exiting secondary school all transitioning youth shall have an opportunity to experience at least two trial work experiences, each of approximately 60 days in duration, in an individualized, integrated employment setting meeting the definitions and standards set forth in Sections V(D)-(E).

Status:

RIDE. Based on the CDP data collection survey the following data on trial work experiences to date is as follows:

- RI Youth Exit Target Population 2014-2015 - 39 students have completed one or more trial work experiences; 4 have anticipated participation dates and one student is reported as employed.
- RI Youth Exit Target Population 2015-2016 - 35 students have completed one or more trial work experiences; 16 have anticipated dates for trial work experiences.
- In addition, there are 32 students who currently have completed one or more trial work experiences who are not considered part of the RI Youth Transition Target Population or RI Youth Exit Target Population but may be likely to be found eligible for developmental disability services through BHDDH; 40 have anticipated participation dates for trial work experiences.

Summary. RIDE identified the numbers of individuals who completed trial work experiences in the transition populations. ORS needs to provide similar data within 60 days.

Benchmark 7 – Services to Transition Age Youth §VIII(9). BHDDH, ORS, and RIDE shall ensure that the appropriate services and supports are available to transition-age youth who choose to work in the community before their 21st birthday rather than remaining in school. BHDDH will update its policies and administrative rules to enable eligible individuals to access State services by age 18. ORS will update its policies and administrative rules to enable eligible individuals to access vocational rehabilitation services at age 16. RIDE will issue a statewide directive to local school districts to begin the transition planning process at age 14.

Status:

To assist in meeting the requirements of Section IV of the Consent Decree (Outcomes) pertaining to services and service outcomes for the transition age youth target populations, RIDE identified the total number of students with a qualifying condition of intellectual disability through the June 2014 RI Special Education census and shared this information with the Court Monitor, ORS, and BHDDH. RIDE

additionally provided school districts with a list of those students in the census with IDD diagnoses, noting that secondary teams should be aware of the supports and services required to be provided to those students under Section V of the Consent Decree Supported Employment Services and Placements. RIDE provided a sample letter for optional use for LEAs to assist in communicating with parents of the students in the targeted populations regarding the meaning of Employment First and planning needed for successful employment outcomes. ORS and BHDDH provided contact numbers on the letter.

RIDE. The RI State Transition Council leads efforts to organize and operate a collaborative system of services to enable students and young adults with disabilities to become self-sufficient members of their community. Members of this council assist in the development, guidance and implementation of Rhode Island's State Transition Plan developed annually at the National Capacity Building Institute. To facilitate the implementation of the Consent Decree throughout the State's educational system, the State Transition Council aligned particular requirements of the Decree with goals and tasks identified within the Rhode Island State Transition Plan. (See State Plan 2014-2015). The Transition Council is chaired by RIDE and composed of state agencies, parents, students, LEA representatives, adult agency providers and advocates and provides an effective forum for distributing information and providing technical assistance.

RI special education regulations are consistent with the Consent Decree requirement that the transition planning process for a child with a disability begins at age 14, or younger if determined by the IEP team. The RI Transition Timeline identifies services and supports available to transition-age youth by RIDE/LEA, ORS and BHDDH.

RIDE's recent survey regarding the implementation of the Consent Decree revealed the following data:

1. *Has your district undergone any systems change related to the implementation of the Consent Decree?* Ninety to one-hundred percent of LEAs reported an increase in:
 - School-based preparatory experiences and community based vocational experiences;
 - Curriculum and programmatic changes with an increased focus on work readiness skills, financial literacy, and person centered planning;
 - Newly established coursework (i.e., career interest class and internship for *all* students);
 - Regularly scheduled district meetings and trainings focused on youth with IDD;
 - Re-structured summer programming; and
 - The development and use of improved data collection tools.

- One district reported changing its part-time job coach to full time status, as well as the purchase of a van to support the limited public transportation availability within this rural district.
2. *What new community vocational opportunities are available for the target population?*
 - Eighty-five percent of the districts report an expansion of community based vocational experiences ranging from Career Exploration to Community Based Work Trial Experiences;
 - Two districts reportedly have initiated and been working in collaboration with ORS in the development of two Project Search sites; and
 - Several districts report an increasing participation with adult service vendors to provide expanded community vocational services.
 3. *What benefit have you seen for the target population since the implementation of the Consent Decree?*
 - The majority of districts reported that the Consent Decree has thus far resulted in an increased expectation for youth with IDD with person centered planning becoming more systematic and inclusive of student/parent voice;
 - Increased focus on competitive employment rather than community involvement;
 - Curriculum and staffing re-design; increased parental awareness and excitement; and increased LEA comfort level in working with adult service providers.
 4. *What barriers or challenges have you encountered?* The majority of districts report that access to reliable and timely transportation is challenging; economy/job market challenges; completing graduation requirements while increasing community based vocational experiences; parent participation and shared belief that their son/daughter is capable of competitive employment; lack of BHDDH capacity/involvement; time constraints (academic needs and vocational needs); and time/training for staff to do job development.

ORS has provided extensive transition services to transition age youth with disabilities. The Assistant Administrator for Transition coordinates a monthly meeting of the 24 ORS rehabilitation counselors with transition responsibilities and their supervisors to discuss services, new initiatives and policy to enable counselors to provide consistent vocational rehabilitation services to all Rhode Island high schools. ORS, in collaboration with school districts, supports several pilot projects with this population:

- *Miriam Hospital Project Search:* Providing services to 8 students in the target populations. Two students have been hired by the Miriam Hospital. The others are participating in job development.
- *Blue Cross Project Search:* ORS has led the expansion process to open our second Project Search Site next year in collaboration with the Cranston School Department. Eight students are projected to begin in September 2015
- *Memorial Hospital Project Search:* Preliminary conversations for a third Project Search site serving Students with IDD in the Pawtucket school system to start Sept 2015 or 2016 with 8 students.
- *Summer Employment Alliance/Cumberland:* ORS has entered into a Service agreement with Cumberland High School and Northern Collaborative to offer a paid integrated summer work experience for students with IDD in their extended school year program. Cumberland staff will provide job coaching, ORS will provide funding for wages and Northern will provide the technical assistance to insure integrated community base placements based on the interests/aptitudes of the participant. Students will work for 4 weeks at summer positions. 8 students
- *Pilgrim Employment Pilot:* ORS has partnered with Pilgrim High School and West Bay Collaborative in order to provide 100 hour individualized paid internships in the community along with weekly work readiness training for 10 students with disabilities in their junior or senior year of high school.
- *Central Falls Tri-employment Program:* ORS has partnered with Central Falls High School and Goodwill Industries to provide 100 hours of individualized\ paid internships in the community along with weekly work readiness training for 10 students with disabilities in their junior or senior year of high school.
- *North West Pilot:* ORS partnered with Northern Rhode Island Collaborative to provide supported employment services to students in this rural community. The pilot project enables services to be provided in the students' home community. Services include vocational evaluations, situational assessment, summer work and job development and placement. 15 students participated
- *Planning for the Future:* DLT/ORS Pilot project to collaboratively utilize each agencies funding to provide two years of services to students at North Kingstown High school. ORS funding during the first year of summer work with DLT providing work readiness during the second year of services for six students.

Summer Work Experiences. ORS sponsored a summer work experience for 335 students with special needs, collaborating with 11 service agencies to develop integrated work sites in the community and funding for students (to work in individual jobs at minimum wage) to work for 80 hours over a four-week period. Four of the agencies work specifically with students with IDD.

Career Development Plans. ORS counselors participated in over 110 Career Development Plan Meetings for IDD students during 2014-15 (see above).

BHDDH has updated policies and practices to comply with the Consent Decree requirements concerning Transition Age Youth, and has updated its website to reflect these policy changes and distributed Transition to Adult Services brochures affirming the policy that individuals are eligible for adult services at age 18. BHDDH has completed the following additional activities:

- The construction of a web portal to track/collect information on transition age youth providing the status of an individual's application for services and needed forms and reports will be completed by July 31.
- The development and distribution of brochures for RIDE, LEAs, and relevant stakeholders on the DD Division's eligibility process and transition to adult services.
- Identification of a point of contact within DDD for all LEA's and created a transition-age-youth e-mail.
- Established working relationships with RIPIN to expand social caseworkers' outreach and assistance to transition age youth. And, in collaboration with the DDD eligibility unit, improve the accessibility and user-friendliness of informational materials and forms.
- Reached agreement with RIPIN to begin attending transition meetings for youth as young as 14 years old. Over the summer 2015, the DDD administrator, social casework supervisors and RIPIN workers will meet to discuss full implementation.
- BHDDH social caseworker supervisors and the eligibility supervisor attended the Regional Transition Council's Transition Advisory Council (TAC) meetings to present/update on DDD changes, hold case-conferences with the LEAs on specific students and share information.
- BHDDH is a member of the State's Transition Council and attended the past two Transition Institutes in North Carolina where the statewide transition plan for the upcoming school year was developed.

- BHDDH is a consistent panelist on the Family Employment Awareness Trainings discussing the services, systems change and answering questions.
- BHDDH attended and provided information at the Annual Transition Parenting Conference in November.
- BHDDH presented to Special Education Directors at RIDE's Transition Institute addressing DDD's commitments under the consent decree, and plans for the future.
- BHDDH presented to the Teachers of Life Skills Network, including special education teachers, transition counselors/caseworkers, special education directors, addressing DDD's commitments under the consent decree and plans for the future.

Summary. RIDE and ORS have made significant outreach to the Transition-Age Youth populations, providing direct opportunities to individuals and significant amounts of training and support to staff and stakeholders. BHDDH clearly articulates its role and responsibilities for assisting youth transition from school to employment and adult services in the Transition Timeline. The department has updated its policies, increased training and restructured responsibilities of case workers to expand information available to children and families on BHDDH eligibility and services, and increase its presence at transition meetings. These steps have enabled BHDDH to address many of the Consent Decree requirements. Additional work needs to be accomplished over the following 180 days to ensure information is available and provided at each individual's transition meeting as required by the Consent Decree.

Benchmark 8 – Transition Education and Training VIII(10). The State, including RIDE, shall take affirmative steps to ensure that all youth in transition are not excluded from the benefits and opportunities of transition academies, and other post-secondary planning, education, and employment resources in a student's assigned school district following their exit from school. RIDE will take affirmative steps to link the parents and families of transition-age youth with IDD with information about supported employment and integrated day services and parent information networks and groups during the school year that the transition-age youth is age 14.

Status:

Information regarding transition academies or other post-secondary planning opportunities is made available to all school districts through the Regional Transition Centers (RTC), ORS and RIPIN. RIDE has a contract with RIPIN to produce transition deliverables focusing on parent outreach, advocacy, information and training specifically to the families of transition-age youth. RIDE, the RTCs and RIPIN work in collaboration to provide training, technical assistance and

information sharing to parents regarding the pathway to adult services. RIDE and RIPIN host an annual Transition Parent 101 Conference; College Forum; as well as local and regional events to support families of transition-age youth.

ORS participated in the RI Transition Institute held March 12-13, 2015 at Roger Williams University to build transition capacity within the Rhode Island Schools. ORS sent 15 counselors as school team members. ORS additionally participated at the Mid-Year Check and Connect Cadre Meeting held by RIDE and the RTCs to follow up to the RI Transition Institute. ORS presented on Project Search and problem solved with the 77 district participants on ORS information dissemination and services.

ORS shared information on ORS services and supports to individuals with disabilities and families at the following events:

- *College Forum* for parents and students focusing on preparing for life after high school and post-secondary education March 7, 2015. ORS assisted with planning and sent a supervisor to assist with the 48 participants
- *Dare to Dream Conference* for self advocates. ORS participated in the planning and sent three counselors to assist the with the 900 attendees
- *Deaf Awareness Expo*. Participated in the Expo and led a financial aid forum.
- *TLS Network*. ORS presented on the ORS perspective and services available to 100 Life Skills teachers over 3 RIDE coordinated sessions.
- *Family Awareness Training*. ORS presented at four sessions to approximately 50 parents.
- *Transition Academies*. ORS funding is used for integrated community work experiences (20 weeks) and Job Readiness to prepare students for the workforce. 50 students with various disabilities participated throughout the programs at Providence, West Bay, East Bay and the Northern Collaboratives.
- *Transition 101 for Parents*. ORS participated in the conference held by the RTC in collaboration with RIPIN and provided an overview of the Transition process for parents. ORS manned a booth to disseminate ORS information and answer parents' questions and also lead a breakout session explaining ORS services. 150 parents.
- *RIPIN Conference*. ORS sponsored and attended a benefits orientation at RIPIN by a Social Security Approved Benefits Counselors on 2/11/15. 15 parents and agency representatives attended. ORS sponsored a benefits

counselor at Northern RI transition night. 18 parents and students met for mini sessions with the certified benefits specialist.

Summary. RIDE, ORS and BHDDH are making significant efforts to ensure that all youth in transition are not excluded from the benefits and opportunities of transition academies, and other post-secondary planning, education, and employment resources in a student's assigned school district following their exit from school. Parents and families are receiving access to information and support to strengthen their ability to support their family members with IDD during the transition process, consistent with the provisions of the Consent Decree.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. BHDDH, ORS and RIDE, are requested to assist the Monitor by providing information and data on the extent to which the provisions of the Transition Timeline are being followed. The Monitor will issue specific queries to each state agency with response timelines over the course of the following six months.
2. ORS is requested to provide the Monitor with the numbers of transition age youth with IDD who are currently receiving ORS services - within 30 days.

E. Training (CD Section IX)

By September 1, 2014, the State will establish competencies, and will develop and implement a competency-based and value-based training program for: (a) sheltered workshop and facility-based day program staff; (b) all members of career planning teams as defined under Section VIII; (c) youth service professionals; and (d) BHDDH, RIDE, and ORS staff.

Progress

Benchmark 1 – Training Program Focus §IX(1), (2) & (4). The competency-based and value-based training program will be provided to ensure all staff have completed the necessary training, attained the required competencies, and are otherwise qualified (as specified in Section X) to perform their respective responsibilities with respect to employment and day services. Training pertains to:

- The development of: vocational assessment/profiles, career development plans, and transition plans, job development, job coaching, employment support, benefits counseling, supported employment and integrated day services and placements, intake and vocational rehabilitation services, and service coordination.

- All persons involved in the discovery and assessment process, the preparation and implementation of career development plans and the provision of supported employment and integrated day services and placements for members of the Target Populations.

Status:

ORS, BHDDH, and the State Consent Decree Coordinator agreed that agency providers must be able to demonstrate competency in job development and job coaching using ACRE-approved, evidence-based training for Supported Employment. The competency-based value-based training program developed by the State reflected these competencies and received provisional approval from the Monitor on November 20, 2014 and final approval on June 19, 2015.

In addition to the competency and values based training curriculum that was developed, ORS ensures that the Supported Employment vendors the agency approves have demonstrated competency in providing vocational evaluations (including discovery and assessment), and are accountable for service delivery via timely, quality and accurate reports. The ORS Supported Employment QA Task Force has responsibility for reviewing the credentials of CRPs that provide ORS services to individuals with IDD with VR criteria specific to employment and assessment, consistent with the Consent Decree and the ISA.

BHDDH and RIDE are working closely with the Sherlock Center to furnish comprehensive evidence-based training to school personnel and adult services practitioners. BHDDH is receiving technical assistance from the Sherlock Center to help with competency and value based trainings for job development, job coaching and employment supports. Sherlock Center staff are working to build capacity within the IDD system as they work with providers to revitalize and restructure their organizations through the Conversion Institute.

RIDE continues to encourage LEAs to take advantage of Job Development and Job Coaching certification courses/trainings from state approved vendors including the Sherlock Center. Working in collaboration with RIDE and the Association of Administrators of Special Education, the Sherlock Center designed an initiative based on three predictors: family expectations about work, student self-determination, and experience in actual work settings. School districts were recruited to participate in the training. Training highlights include:

- Twenty-two (22) school districts and three (3) non-public special education schools committed to participate. Four (4) districts and/or non-public special education schools have committed to join in September.
- Five (5) sessions of the two-day Family Employment Awareness Training (FEAT) were conducted. There were 87 participants. Twenty (20) additional

participants were involved in an initial pilot session. Feedback has been excellent. Six (6) sessions are being scheduled for 2015-2016.

- One-hundred and twelve (112) teachers participated in two days of self-determination training. Most of these teachers have done initial instruction in the Self Determination Learning Model of Instruction (SDLMI) and collected baseline information using the Self Determination Inventory – Teacher Version (SDI)
- Sixteen (16) district self-determination coaches have met five times – refining and developing materials for next year, learning fidelity, developing examples, etc
- Thirty-eight (38) district staff participated in one and a half days of training re: the structural components of school based discovery and career development. Ten (10) sessions are scheduled for next year, each session will focus on developing one of the structural components.
- Some school personnel participated in the generic ACRE accredited Employment Specialist 40 hour training during the Spring 2015. A school-focused section of this training is scheduled for the Fall 2015. Two mini certificates (12 hours) in Job Coaching are also scheduled for the Fall.

Summary. BHDDH, RIDE and ORS have collaborated with the Sherlock Center in the development of a competency based and value based training program addressing the specific provisions of the Consent Decree. The training program was reviewed and given provisional approval by the Monitor and is being implemented. BHDDH, ORS and RIDE have provided a significant number of training opportunities to staff and technical assistance to provider agencies. Additional steps need to be taken to provide documentation that staff involved in the delivery of services and supports, as identified by Section IX (2) and (3) of the Consent Decree, are being trained to established competency levels. RIDE reports that non-public special education schools are participating in the training that is being provided. The Monitor requests that additional information is provided on the nature of these schools (see below).

Benchmark 2 – Staff Training §IX(3). The State will ensure that all persons involved in discovery, assessment, career development planning and the provision of integrated employment and day series will receive specific training.

Status:

Following the signing of the Consent Decree on April 9, 2014 RIDE took immediate steps to disseminate information on the background and content of the Consent Decree and its implications for the education of students with IDD. Presentations were held on May 23, 2014 for the RI Special Education Directors and June 6, 2014

for the Transition Life Skills Network (TLS). RIDE acknowledged school districts' needs for training and technical assistance in person centered planning, career development planning, school-based vocational experiences, and integrated community work trials in order to comply with Consent Decree requirement Section IV (Outcomes). During the summer of 2014, RIDE, in collaboration with the Regional Transition Centers, ORS and the Court Monitor, began drafting the Career Development Plan (CDP) format, which was finalized and approved in September 2014. The *RI Transition Assessment Matrix* was updated (submitted to State Coordinator in October, 2014) to include reference citations for informational tools that are useful with students with IDD complying with Section VII (2) of the Consent Decree pertaining to evidence-based and person-centered vocational assessments. In June, RIDE distributed an electronic survey to the 34 special education directors to gather data on the specific technical assistance needs for districts regarding the Consent Decree and the logistical support necessary to make information delivery more effective. Respondents identified six areas of technical assistance need, ranked below by the percentage of individuals selecting each area as a top priority:

- Career Development Planning - 78%
- Documenting vocational development - 74%
- Asset based Person Centered Planning (Discovery) - 63%
- Job Coaching 56%
- Asset based Person Centered Planning (MAPs) - 56%
- Department of Labor Wage and Hour regulations related to students & youth - 52%

Throughout early 2015, the Regional Transition Centers prioritized and delivered regional and district level technical assistance related to the Consent Decree.

RIDE and the LEAs utilize existing regional committees to disseminate the information, professional development and technical assistance needed to support the implementation of the Consent Decree requirements. Originally established to assist the LEAs in meeting IDEA secondary transition requirements, four Regional Transition Centers (RTCs) supported by RIDE offer direct, regional and statewide consultation to LEAs, students, parents and adult service providers on a variety of transition areas. RTC coordinators organize and facilitate local Transition Advisory Committees (TAC) consisting of educators, administrators, RIPIN liaisons, ORS representatives, vocational rehabilitation counselors, and BHDDH supervisors within the region. These committees provide a forum for districts to be informed of current information, best practices, resources and professional networking opportunities. The Teachers of Life Skills (TLS) Network, which is primarily

composed of teachers who support youth with intellectual and developmental disabilities, continues to be an effective means to deliver supports to educators and students related to Consent Decree obligations. The TLS Network provided a full day of training on implementation of the Consent Decree to 16 of 34 school districts at the beginning of the 2014-2015 school year on September 26, 2014. The attendees received information regarding the RI Employment First Policy and RIDE's Employment First Policy. Additional trainings focused on "Using Discovery to Improve Transition Employment Outcomes" and on "Infusing Self Advocacy and Self Determination into the Core Curriculum and the IEP." Additional training on the Making Action Plans (MAPS) process was provided by the TLS Network during the summer 2014.

Person-Centered Career Development Planning. RIDE developed a Person Centered Planning approach for LEAs that organizes services and supports around a self-determined, self-directed future for individuals with IDD based on the person's skills, preferences, strengths and abilities. Training was provided by content experts who were engaged to provide professional development to LEAs on MAPS, Discovery, and PATH starting in the summer of 2014.

RIDE shared the Career Development Plan (CDP) format with all school districts as well as the full TLS membership. Sixty educators representing 29 districts, plus over 40 private and charter school educators attended technical assistance sessions about CDP implementation on October 9th, and 28th 2014 and again on November 3rd 2014. The sessions introduced the document section by section, defined the language and described its purpose as a process document for students with IDD transitioning from school to employment. The CDP provides the format for documenting the services and supports described in Consent Decree Sections V (1)-(2) (i.e., soft skill development, career exploration, self-determination, community experiences and integrated work trials, etc.). Forty educators representing 22 districts and over 30 private and charter school educators participated in "Documenting Community Based Experiences" trainings on 11/18, 12/2, and 12/14, 2014. These trainings were developed to compliment the CDP by training educators in ways to quantify the vocational expectations and development plans for youth with IDD. On April 27, 2015 school educators received additional training and materials on the Consent Decree, including technical assistance with implementing the Transition Timeline and connecting youth to adult services through ORS and BHDDH.

RIDE in collaboration with the RTCs developed a sharing website offering forms, methods, and practices relating to the Career Development Plan implementation and documentation. The RTCs received TLS and Consent Decree updates at their monthly TAC meetings and in individual districts throughout 2014-2015. This allowed for information to be provided to all special education transition professionals within the districts, including not only educators of the Youth Target populations but also those who work with other youth. In the spring of 2015, BHDDH assigned social workers from the DD Unit to become TAC members to increase opportunities for collaboration between educators and BHDDH. Twenty-two educators representing

16 districts participated in "Exemplary CDPs and 2014-2015 Planning," the last full TLS session of this reporting period, on April 12, 2015. On June 1, 2015 RIDE initiated a survey to collect information from LEAs regarding the "RI Youth Exit Target Population" progress on the implementation of Career Development Plans and status of meeting Consent Decree Section IV Outcomes. Survey data collection to date is reflected in the specific benchmarks throughout this report.

ORS provided a combination of training sessions and individualized technical assistance to all ORS-approved IDD service providers. Focused technical assistance was provided to seven ORS-approved DD providers. The director of Salve Regina University Rehabilitation Counseling program, and the ORS Assistant Administrator for Supported Employment are working to reinforce Employment First principles, explore business model options to maximize fee for service funding through ORS, and identify needs and barriers that must be addressed to increase capacity for quality integrated, community-based employment services.

Summary. RIDE, ORS and BHDDH are providing or ensuring the provision of a significant number of training opportunities. The approved competency based values based training program identifies the competencies that are required. Some of these competencies may be determined by provider agencies while others may be left to the State to assess.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. It is requested that BHDDH, RIDE and ORS provide the Monitor with a brief description of the mechanisms used to ensure that provider or vendor agency staff have reached established competency levels. Requested by September 30, 2015.
2. RIDE is requested to provide information to the Monitor on the number of non-public special education schools serving young adults with IDD and the services provided.

F. Outreach, Education and Support (CD Section X)

By September 1, 2014, the State will develop an outreach, in-reach, and education program that: (a) explains the benefits of supported employment, (b) addresses concerns of families and perceived obstacles to participating in supported employment programs, and (c) encourages individuals with IDD in day activity service programs, sheltered workshops and facility-based day programs, and their families to seek Supported Employment Services. The program additionally will explain the objectives of the State's Employment First Policy, benefits planning and other related initiatives.

Progress

Benchmark 1 – Program Development §X(1), (2). Develop the Outreach-In reach and Education Program as described in this section and receive the approval of the Monitor.

Status: A draft program description of the plan developed in collaboration with BHDDH, RIDE, ORS, the Employment First Task Force and the Sherlock Center was has received provisional approval by the Monitor and is being implemented. The final version of the program must be submitted to the Monitor for approval by September 15, 2015.

Benchmark 2 – Employment First Task Force §X(3). By May 1, 2014, the State will create an Employment First Task Force that will include, but will not be limited to, representatives of the technical assistance entities discussed in Section XII, the Community Provider Network of Rhode Island, the Paul V. Sherlock Center on Disabilities at Rhode Island College, the Rhode Island Disability Law Center, the Rhode Island Developmental Disabilities Council, the Rhode Island Parent Information Network, the Rhode Island Business Leadership Network, individuals with I/DD, and parent and family representatives.

The Task Force will meet with the meet with the Monitor and State officials on a quarterly basis to discuss the successful implementation of the Consent Decree and produce policy recommendations, research and information pertaining and have a role in providing in-reach, outreach, education , transition and linkage activities.

Status:

The Employment First Task Force (EFTF) was established and is meeting on a regular basis. BHDDH has consistently had a presence on the Employment First Task Force and participates on the pre-qualifications and training joint workgroup. The newly appointed BHDDH Director, Maria Montanaro, attended an Employment First Task Force Meeting during her first day as director, and key administrative staff have attended Task Force meetings in the past. RIDE had been participating in the Employment First Task Force meetings on a regular basis and has not been informed of recent meetings or the upcoming schedule. ORS reported that it is not a member of the Employment First Task Force and has not been informed of recent meetings or upcoming schedule.

The Employment First Task Force was created by the State in accordance with Consent Decree requirements and, in response to stakeholder requests, operates as an independent entity. While the Monitor has attended a few meetings, meeting minutes and schedules for future meetings are not routinely received. Recent conversations between the Monitor and the Task Force chairperson are addressing this issue.

Task Force members are meeting with state officials to discuss barriers to the successful implementation of the Consent Decree as well as best practices. The Task Force was instrumental in developing the value-based, competency-based training program and the In-Reach, Outreach, and Education program and has made other policy recommendations. The Task Force has encountered barriers that have impeded its ability to carry out its responsibilities, and reportedly regular attendance has declined. The group has met and revised its agenda to focus on one issue at a time rather than attempting to address the entire Consent Decree. Currently, the group is working on Transition Age Youth. RIDE noted that it was unaware of this focus. Although the group has encountered challenges in carrying out its mission, its chairperson reported that key members believe it can play a valuable role in assisting the State to meet its Consent Decree obligations.

Summary. The Employment First Task Force has provided constructive input to the State on meeting the terms of the Consent Decree in the area of Training. Members of the Committee report that the most effective approach for carrying out their roles and responsibilities is to focus on one systems change issue at a time. Current focus is on Transition Age Youth. Meeting attendance has declined over the past several months. The Consent Decree requires that the EFTF meet with the Monitor and relevant State officials on a quarterly basis but not necessarily within the context of the EFTF's regular meetings. RIDE and ORS reported that they have not received regular announcements of meetings or requests to attend. The Chairperson is addressing this issue.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. The final version of the In-Reach, Outreach, and Education program must be submitted to the Monitor for approval by September 15, 2015.
2. The Monitor needs to meet with the Task Force on a quarterly basis. This meeting can be in conjunction with the Task Force's regular meetings or alternative arrangements can be made. It is recommended that the Employment First Task Force chairperson establish a schedule for meeting with the Monitor and State agency representatives well in advance to ensure participation as required by the Consent Decree.

G. Provider Capacity (Section XI)

The State, including BHDDH and ORS, will ensure that it supports and maintains a sufficient capacity to deliver Supported Employment and Integrated Day Services to individuals in the Rhode Island Sheltered Workshop, Rhode Island Day Program, and Rhode Island Youth Exit Target Populations, including qualified supported employment providers and

integrated day providers, consistent with the terms of this Consent Decree.

Progress

Benchmark 1 - Developing Provider Capacity §XI (1-8). Accomplishment of key deliverables and policy changes regarding staff qualifications [XI(1-2)]; prequalification requirements [XI(3)]; incentives [XI(4)]; monitoring, oversight and technical assistance [XI(5)]; promotion of supported employment at state and federal levels through public and private initiatives [XI(6-7)]; and provider incentives to convert to supported employment [XI(8)].

Status:

BHDDH has launched a number of initiatives and activities to strengthen the ability of provider agencies to meet the goals and outcomes identified by the Consent Decree, launching initiatives addressing system redesign, rate redesign, responding to departmental funding requests, provision of technical assistance to provider agencies and departmental reorganization that are described in the sections listed above.

The Community Provider Network of Rhode Island (CPNRI) has been working with the newly appointed BHDDH Director and key staff to provide input on the revision, development and implementation of State policies and practices necessary to meet the Consent Decree's requirements. Providers report that as a group they support the focus on improving employment outcomes among individuals receiving support and the changes that the Consent Decree brings to Rhode Island's IDD system. CPNRI identified a number of barriers providers believe are preventing the system from moving forward and offered recommendations on needed changes in resource allocation, regulatory relief and outcome-based service delivery.

Summary. BHDDH has started the process of developing infrastructure within the IDD service delivery system to support and sustain the capacity of provider agencies to implement the broad scope of system change activities identified in Sections XI(1)-(8). The review and evaluation of the State's progress in this area will be presented during the forthcoming Consent Decree Report.

Benchmark 2 – Establish a Sheltered Workshop Conversion Institute §XI(9)

Status: A contract was established by BHDDH acting on behalf of the State with the Sherlock Center at Rhode Island College to administer the Conversion Institute on October 1, 2014. The Sherlock Center, in collaboration with the providers and stakeholders, developed a plan to assist qualified providers of sheltered workshop services to convert their employment programs to include Supported Employment Services. The Sheltered Workshop Conversion Institute will provide individual analysis, technical assistance, and support to each qualified provider of sheltered

workshop services, and will work together with the technical assistance entities discussed in Section XII to support individual providers in a process of conversion and transformation of service options. The Sheltered Workshop Conversion Institute will operate in accordance with the authority and guidelines that were mutually agreed upon by the Parties and the Monitor.

The roll out and funding of the Conversion Institute was delayed but several accomplishments have been made as the process of setting up the institute has moved forward. Information on the Conversion Institute has been shared with the providers and a community meeting was held at Rhode Island College to discuss other states' strategies for funding the conversion of sheltered workshops to integrated employment activities. Discussions were meant to inform the providers and other stakeholders, and to answer questions about the work the state is engaged in.

The second phase was to determine the areas of need and was accomplished through the Sherlock Center's survey of provider agencies. Ten focus groups with leadership and other key staff (in some instances, families) of the "sheltered workshops" were held - approximately 40 hours in total. Major themes from these focus groups were discussed with the "Developmental Disability System Redesign Group," the leadership of the Community Provider Network of RI (CPNRI) and others. These themes formed the conceptual basis of the proposal to redesign the BHDDH DD rate structure. The themes also will be used as the basis for (a) the application for Trust Fund dollars and (b) the development of a five-year plan by each of the sheltered workshops. Focus group participants identified a wide range of key themes and content areas that agencies would need to address in their plans to convert services to integrated person-centered alternatives. This information will be used along with data gathered through the Sherlock Employment Surveys of provider agencies to inform the process of system change and the design and delivery of technical assistance.

Additional phases of Conversion Institute implementation involve developing a process for soliciting, accepting and reviewing applications for support from the provider agencies (Phase 3), providing technical assistance and training to service providers (Phase 4), and developing a format for gathering data on process and outcomes at regular intervals throughout the year, consistent with Section XVI of the Consent Decree. Nine provider agencies have indicated that they will be applying for support.

Summary. The basic structure, financing, and operational principles of the Conversion Institute were agreed upon by the Parties in October 2014. The Sherlock Center has held public forums, focus groups, trainings, and other related activities as the Conversion Institute for the past 9 months since the agreement in October 2014. The Conversion Institute has been established and is proceeding with its plan for implementation.

Benchmark 3 – By October 1, 2014 establish and begin distributing a Sheltered Workshop Conversion Trust Fund in the amount of \$800,000 to provide upfront start up funding for providers to convert their sheltered services to supported employment services §XI(10). Establish an application process for providers and parameters regarding distribution of funding, outcomes to be accomplished, services to be provided, oversight and evaluation.

Status: The Legislature approved the Governor’s request for \$800,000 to establish the Sheltered Workshop Conversion Trust Fund. The Trust Fund will provide resources to enable nine sheltered workshop provider agencies to defray some of the initial costs incurred during the conversion of their sheltered programs to integrated day and employment supports. Plans call for the State and the Conversion Institute to distribute applications for provider agencies to request Trust Fund dollars in September, 2015. A Review Committee will approve requests for funding by September 30, 2015. The Sherlock Center reports that they have designated two part time staff, both with extensive experience with the provider agencies, to act as coaches to assist provider agencies in developing applications and five year plans based on a standard template.

Summary. After initial delays related to the need to secure funding for the Trust Fund, the application process is being implemented in September.

H. State and Other Agency Actions (CD Section XII)

Benchmark 1 – Securing Technical Assistance §XII(1). By July 1, 2014, the State, including BHDDH, ORS, and RIDE, will identify and pursue a contract with a technical assistance provider, or access the services of an existing technical assistance provider, to provide leadership, training, and technical assistance to employment providers and to the State staff involved in assessing, planning, and providing Supported Employment Services, in order to support the goals and outcomes of this Consent Decree.

Status:

Under the leadership of the new BHDDH Director, funds earmarked for technical assistance were repurposed and used to purchase assistance and services from organizations with particular expertise in key content areas needed to fulfill the requirements of the Consent Decree. BHDDH contracted with the Sherlock Center at Rhode Island College for provider and staff training, Advocates in Action to furnish training and support to self-advocates throughout the state, and RIPIN to strengthen the involvement of parents in policy related activities. An additional contract with the Sherlock Center to conduct the National Core Indicators annual survey will permit Rhode Island to compare IDD system performance and support related outcomes with other states and over time from one year to the next.

In 2014 BHDDH received technical assistance from the Center on Excellence and Advocacy. The contract was not renewed by the new administration, resulting in changes to the schedule of planned trainings. BHDDH continues to work with the State Employment Leadership Network (SELN) and the National Association of State Directors of Developmental Disabilities Services (NASDDDS) to receive ongoing information and direct technical assistance on the development and operation of effective employment services and supports for people with IDD.

RIDE entered into a contract agreement with the Paul V. Sherlock Center on Disabilities to offer training to LEAs in a demonstration project focusing on three components: (a) Family Employment Awareness Training (FEAT), (b) self-determination and (c) discovery/employment. RIDE is supporting the LEAs by providing funding for substitute teachers to enable regular teachers to access training and activities. Twenty-one school districts are participating in the demonstration project as well as one state run school and two non-public special education schools. A number of training sessions have been provided:

- Five sessions of the FEAT training have been completed with 87 participants;
- 112 teachers participated in a two day Self-Determination training
- 16 district coaches continue to meet to refine and develop materials for the upcoming year;
- Regarding the Employment component, 32 district staff participated in a one and a half days training on discovery and career development and ten monthly sessions are scheduled for next year. Some school personnel participated in ACRE accredited Employment Specialist training and a school-focused section of this training is scheduled for Fall 2015. Additionally, two mini certificates (12 hours) in Job Coaching are also scheduled for Fall 2015.
- RIDE has supported LEAs in providing access and resources from additional content experts to support the goals and outcomes of the Consent Decree.
- RIDE has contracts with the three educational collaboratives that support and maintain the four Regional Transition Centers that provide support to LEAs in the implementation of the Consent Decree.

ORS reports that it utilizes Title I funding to secure content experts in the field of VR on a fee for service basis to provide technical assistance to ORS staff and its provider community.

Summary. BHDDH, ORS and RIDE are ensuring that training and technical assistance is being provided through an expansion of contracts with the Sherlock

Center and working with other training and technical assistance providers to meet its requirements under the Consent Decree. Contracts are in place with technical assistance providers consistent with the requirements of the Consent Decree.

Benchmark 2 – Providing Technical Assistance §XII(2)-(5). The contract with one or more entities to furnish technical assistance will address the following areas: the development of new supported employment providers, assisting day service providers in the development and operation of integrated, community based day services and day only placements for members of the target groups, and assisting providers transition from sheltered work to integrated employment as described by the Consent Decree.

Status:

BHDDH is receiving technical assistance from the Sherlock Center across a wide range of areas. The Sherlock Center conducts an annual Employment Survey, which informs the State's efforts to improve and expand integrated employment services and integrated day services in community settings. BHDDH also receives assistance from SELN, which provides information on key research findings and activities being conducted by other states that are working to improve employment outcomes among people with IDD receiving support. Burns and Associates is under contract with the state to provide technical assistance with the SIS scoring process.

Technical assistance is additionally furnished through RIPIN and Advocates in Action. BHDDH has a contract with RIPIN to provide family training and to ensure that In-Reach and Outreach materials are family friendly and provide information on policies and practices. RIPIN additionally works with the BHDDH eligibility unit, providing input on ways to make the application process more accessible and easier to understand.

A new contract with Advocates in Action will provide technical assistance by making sure individuals with IDD are involved when decisions about systems change are being made by participating as members of the person centered planning workgroup and the HCBS Committee. Advocates in Action will also put out a Frequently Asked Questions (FAQ) document and will poll individuals with IDD to identify the issues of greatest concern to self-advocates.

Summary. As noted above, BHDDH, ORS and RIDE are securing needed training and technical assistance through contracts with technical assistance providers consistent with the provisions and requirements of the Consent Decree. The Sherlock Center is providing training and support to service providers on service delivery issues such as person-centered and career development planning, as well as on workshop conversion and other areas through the Conversion Institute.

I. Interagency Collaboration (CD Section XIII)

Progress

Benchmark 1 - Memorandum of Agreement §XIII(1). By October 1, 2014, the State will develop and implement one or more interagency agreements or memoranda of understanding between BHDDH, ORS, and RIDE designed to ensure the full implementation of this Consent Decree.

Status:

Following the signing of the Consent Decree, BHDDH, in collaboration with ORS and RIDE, accessed U.S. Department of Labor Vision Quest technical assistance to support the agencies' developing an MOU. The agencies included the RI Department of Labor as part of their discussions. The State also brought in the State Employment Leadership Network to facilitate a meeting with BHDDH, ORS, and RIDE to address issues associated with transition-age-youth and the braiding and blending of funding, in furtherance of the MOU. A draft MOU was prepared by the three departments and shared with the Monitor. Following feedback and discussion with the Monitor, the agreement is being reorganized and rewritten to reduce redundancy and specifically address each of the five topical areas identified by the Consent Decree. The State agreed to take the following actions to come into compliance with Consent Decree Section XIII:

- Identify the specific provisions that must be addressed in the MOU, per Section XIII where agencies' obligations are already explicit within the Consent Decree. The MOU will then refer specifically to the relevant Consent Decree sections as opposed to having agencies agree to make operational via an MOU what they have already agreed to make operational via the Consent Decree. This will reduce 'redundancy' within the MOU and allow it to more effectively focus on issues where the Consent Decree is less prescriptive.
- Identify the specific provisions that must be addressed in the MOU, per Section XIII, where agencies' obligations are not otherwise indicated by other provisions of the Consent Decree (e.g. braiding and blending of funds).
- Develop MOU language to describe how the agencies will collaborate on meeting these responsibilities.
- Include within the MOU language describing the strategies the State agencies will use to identify, analyze and resolve future barriers to the delivery of services and supports that are consistent with the terms of the Consent Decree.

The three departments recognize the need for an MOU and the need to collaborate

on the development and delivery of services to members of the target populations, improving the ability to track individuals as they move during transition from one department to another. The lack of a signed MOU between agencies has not prevented active and ongoing interagency collaboration. In fact, the agencies meet on a bi-weekly basis to update each other, coordinate activities, and respond to barriers. However, a clearer mechanism by which agencies respond and resolve barriers will support more efficient and effective resolution to identified barriers (e.g. data sharing, benefits counseling). The State Coordinator is writing the introduction and outlining the framework for the document's organization. BHDDH, ORS and RIDE will add their materials to the MOU based on the new framework.

Questions regarding the Family Educational Rights and Privacy Act (FERPA) laws related to the sharing of personally identifiable information between schools and state departments have complicated the development of state agency data sharing agreements on individual students as they transition to adult services (see Section J. Interagency Collaboration below).

Summary. Operationally, there appears to be a clear delineation of responsibility, funding commitments and authority for ensuring quality among the three state agencies with respect to the delivery of supported employment and integrated day services. Service provision, staff training and outreach/in-reach efforts toward the Target Populations are coordinated between departments where appropriate and all are using a wide variety of supports and resources from the Sherlock Center and other sources. While the intent of this provision is being met, the need for interagency collaboration continues to exist in key areas related to: (a) data collection, sharing and reporting; (b) adult services funding through BHDDH; and (c) the integration of key processes, such as person centered planning and career development planning. Steps are being taken by BHDDH, ORS and RIDE to address these barriers. The State must additionally ensure that the MOU appropriately references the Consent Decree provisions described above at Section D Transition Planning for Youth, Benchmark 2 Interagency Agreement §VIII(2).

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. BHDDH, RIDE and ORS are requested to complete the draft agreement and submit the document to the Monitor not later than September 30, 2015.

J. Funding (CD Section XIV)

Progress

Benchmark 1 - Ongoing Funding Allocations §XIV(1), (3), (5), (6). The State shall

ensure that all individuals in the Rhode Island Sheltered Workshop, Rhode Island Day, and Rhode Island Youth Exit Target Populations with a career development plan have ongoing allocation that is dedicated to supports for gaining, maintaining, or improving employment outcomes and for integrated day services and meets the timelines of the Consent Decree.

Status:

Individuals are receiving funding from available budgets as required. However, IDD service providers report that the amount of funding allocated by BHDDH does not meet individuals' needs for employment training and support and does not permit provider agencies to expand options for supported employment services and achieve placement goals as required by the Consent Decree. In the years before entry of the Consent Decree, BHDDH received several significant funding reductions that have decreased the ability of the department to fund services and supports as required by the Consent Decree. The BHDDH Director established the DD Redesign Committee to review funding allocations and rate setting practices and make recommendations regarding changes that need to be made to the funding system to enable the state to achieve the integrated employment and integrated day program placement outcomes detailed in the Consent Decree. The Sherlock Center, in collaboration with the leadership of Community Provider Network of Rhode Island and Chief Financial Officers from four provider agencies, participated in the development of a proposal for a new rate structure that is outcome based (employment is one of the outcomes) and recognizes the breadth of domains in which adults need support. The BHDDH Director has requested and received in the Governor's budget increased allocations for IDD services to enable the State to meet the terms and conditions of the Consent Decree.

BHDDH is working to make sure each individual receives an appropriate level of funding by reviewing the algorithm currently used to determine individual allocations. The department also is reviewing the SIS administration process and developing a more efficient appeals process. Reportedly, appeals are moving through on a much shorter time frame.

BHDDH has been providing funding for the services and supports necessary to comply with the Consent Decree. BHDDH has informed individuals, families and providers through meetings, speaking engagements and direct contact with individuals receiving support that they can always appeal for any additional funding required to meet their needs. BHDDH reports that it is planning to change the SIS notification process in the near future to ensure individuals receiving support will receive more timely notification of reassessments or any changes that might impact their calculated tier level following the administration of the assessment. Currently, computer generated notifications are sent out 90 days before an individual's anniversary date. The anniversary date is the date their new plan year starts. BHDDH is currently working on rate redesign and the department continues to work on the resource allocation.

In June 2015, the Legislature approved the Governor's recommended budget for IDD services. The Governor's budget addresses the severe underfunding of the DD program that occurred prior to the signing of the Consent Decree. The measure provides an additional two million dollars in State funding for Medicaid services for people with IDD. When matched with Federal funds, these resources will generate a total of four million dollars to expand integrated employment and day service options for people with IDD consistent with the requirements of the Consent Decree. Although not required by the Consent Decree, the State funded an additional \$250,000 annually to the Sherlock Center to perform technical assistance, data gathering, and other work in support of the Consent Decree.

ORS reports that it has reviewed its fee for service structure outcomes and deliverables and intends to make adjustments to the fee structure to maximize vendor commitment to integrated, community-based work experiences and employment outcomes consistent with the Consent Decree. ORS has provided a combination of training sessions and individualized technical assistance to all of the ORS-approved DD providers.

Ending Sheltered Workshop Funding [§IV(4)]. BHDDH terminated the funding and placement of individuals with IDD in sheltered workshops, and will not approve interim Individual Support Plans for new entrants to sheltered workshops on March 1, 2013. BHDDH has not approved any new entrants to the sheltered workshops within this past year. ORS has been prohibited by RSA from funding sheltered workshop placements for over fourteen years.

Summary. The BHDDH director and key administrative staff have taken steps to improve funding for Target Group members with IDD consistent with the requirements of the Consent Decree. Internal efforts have taken place within BHDDH to set up a committee and process for reviewing the strengths and weaknesses of the current system with respect to funding, resource allocations and rate setting. The department recognizes that its past funding system and resources have been inadequate to support the level of services and supports needed to ensure the changes necessary in the IDD system to accomplish the goals and outcomes of the Consent Decree. Efforts are being made to educate key elected officials of the necessity of providing the funding required for the State to be able to meet the requirement of the Consent Decree. The Governor included increased resources in her planned budget for 2015-16 fiscal year, and the State Legislature approved her budget in June 2015.

Benchmark 2 - Reallocation of Resources from Sheltered Workshops to Integrated Employment and Day Services §XIV(2). The State will reallocate resources expended on Rhode Island sheltered workshop programs and segregated day programs to fund supported employment and/or integrated day services as individuals in the Target Populations transition from sheltered workshops to supported employment and/or integrated day only placements, in order to have funding "follow the person."

Status: BHDDH funds are being transferred as people move from sheltered and segregated setting to integrated employment and day programs. However, IDD provider agencies report that current funding allocations, which have been in place for years, are not sufficient to furnish the services and supports individuals need in integrated employment and day program settings that require higher staff to person levels of supervision. BHDDH has convened a committee to review and make recommendations to improve and redesign the current system of funding and rate setting. As noted above the Governor's request to increase funding to BHDDH was approved by the Legislature in June 2015. ORS does not fund sheltered workshop services.

Summary. The State is making progress on implementing this provision by improving relationships with providers and actively working to develop more effective and efficient funding strategies for IDD services that will enable the State to accomplish the placement goals outlined by the Consent Decree. The Monitor requests monthly updates from the Consent Decree Coordinator on the progress of BHDDH's efforts to redesign funding allocations and rates.

Benchmark 3 Supports Intensity Scale §IV(7) - By September 1, 2014, BHDDH will issue a directive to ensure that the Supports Intensity Scale ("SIS") assessment process, set forth under Project Sustainability, is administered with the presumption that individuals with the most severe disabilities can work in integrated settings and receive the services and supports necessary to do so. BHDDH shall: (a) ensure family members and guardians have an active role in the SIS administration process for individuals in the Target Populations; (b) require that individuals administering the SIS assessment are knowledgeable about, and have experience working with individuals with IDD, and have received an appropriate level of training and certification, consistent with Section IX of this Consent Decree; (c) ensure that resource allocation decisions are made by BHDDH staff in a manner that is consistent with individuals' support needs; (d) ensure BHDDH staff who administer the SIS assessment work in a separate, autonomous unit from the BHDDH staff who administer the resource allocations; (e) ensure resource allocations are annually reviewed by an external consulting group and (f) furnish to the Monitor any and all written reports, including those authored by Burns & Associates, pertaining to BHDDH's administration of the SIS tool, resource allocation decisions and documentation of the level of training and certifications for surveyors.

Status (a)-(f):

- a. Active Role of Family Members. BHDDH states that it has listened to the feedback received from the community and is implementing changes:

To ensure that families feel they are a part of and comfortable with the SIS administration, all SIS administrators are required to ask every person participating in the SIS assessment to sign an "Attestation by SIS Interview Respondents" form following the completion of the interview. This form

requests the individual to affirm whether or not: (1) the interview was conducted face-to-face; (2) at least two respondents were present for the entire interview; (3) each interview question was explained prior to being scored; (4) each question was asked and discussed during the interview; and (5) the final score of each question was shared with the respondent or was incomplete pending follow-up information to be collected. Respondents are requested to sign the form and note their relationship to the individual who was assessed.

An additional form signed at the conclusion of the SIS interview process is read to the respondents and requires the SIS interviewer to indicate whether the SIS interview was cancelled or conducted and provides a checklist of reasons for each condition. The various checklist questions seek to determine whether parents or guardians were informed of the process, choose to participate, objected to or cancelled the interview and the reasons for such actions. After this is read to the respondents, the SIS interviewer initials the appropriate statements and both the SIS interviewer and the individual being assessed signs off on the attestation statement. The DDD Redesign workgroup established a SIS feedback form that is distributed to providers and stakeholders.

- b. SIS Administrator Training and Certification. All SIS interviewers have been informed of the State's Employment First Policy. A memorandum issued by the DDD Director dated August 19, 2014 was provided to all SIS Interviewers and describes the State's Employment First Policy, the meaning of integrated supported employment to the individuals with IDD receiving support, and the importance of employment as the first priority option for service planning for people with IDD receiving state funded services.

All SIS interviewers received training and passed the American Association of Intellectual and Developmental Disabilities (AAIDD) training program in September 2013. SIS interviewers are re-evaluated and re-certified by an AAIDD trainer on an annual basis. BHDDH plans to schedule new AAIDD trainings of SIS administrators by October 1, 2015.

- c. Ensuring Needs-Based Allocation Decisions. BHDDH is restructuring the department's allocation and rate setting process to allow for more flexibility within an individual's funding allocation (see Section K Funding). Contact has been made with Burns and Associates regarding funding allocations.
- d. Separating SIS Administration from Resource Allocation. SIS administrators work in a unit that is separate from finance and have no involvement with the resource allocation process.
- e. Annual Review. Resource allocations are determined and annually reviewed by the Human Services Research Institute on the basis of each individual's SIS score.
- f. Relevant documents have been provided to the Monitor.

Summary. BHDDH has reviewed and is addressing provider and consumer concerns with the administration of the SIS and the methodology for determining individual service funding allocations. The department is taking steps to change the administration of the tool and the process for appealing allocations or tier-level scores that have been determined as outlined by the Consent Decree. Necessary progress has been made in this area.

Benchmark 4 – Performance Based Contracts §XIV(4). By January 1, 2015, the State shall develop and implement performance-based contracts for Supported Employment Services to individuals in the Target Populations, linking funding to the provider's achievement of numerical targets and implementation timelines.

Status: BHDDH's provider contracts identify a scope of work that includes tasks to be performed with respect to: fiscal management and oversight, hiring and training staff, benefits counseling, assessment and evaluation, individualized service planning, supported employment services and a number of additional areas that are also identified by the Consent Decree. The contract does not, however, incorporate provisions that are generally associated with "performance based contracting." Such provisions include: (a) a clear set of outcomes, performance benchmarks or deliverables for each of the specific provisions listed in the Scope of Work in terms of numbers of staff trained, numbers of individuals placed, numbers of ISPs and benefits plans written, etc.; (b) a description of the measures to be used to assess performance against the required outcomes; (c) contract language linking the achievement of outcomes or performance benchmarks with funding rates or levels of reimbursement and (d) methods of performance evaluation. It is recommended that the state consider including these provisions in its contracts with providers.

In January 2015 BHDDH solicited information from provider organizations regarding the development and implementation of pilot programs to test, "... innovative approaches to develop, implement and sustain integrated employment opportunities" with the apparent intent of identifying performance outcomes to inform the development of performance based contracts with providers. A review of descriptions of the pilot projects suggest that while some of the initiatives could provide information on the ability of some provider agencies to achieve certain outcomes, no information was provided regarding the relationship of project deliverables to the development or implementation of performance based contracts. BHDDH reports that it intends to develop performance-based contracts with the provider agencies. But no information has been furnished to the Monitor on the implementation of this goal to date.

The ORS Supported Employment fee structure supports a flexible array of individualized support, assessment and placement services funded on a fee-for-service basis. ORS will only fund integrated competitive employment outcomes. The fee schedule includes incentives based on the number of hours per week that an

individual works in an integrated competitive work setting with a paycheck generated by the business not a provider. Additional incentives are available based on client participation in a company sponsored health insurance program and access to vacation and sick time. The fee-for-service payment structure provides a means of evaluating and monitoring the quality of deliverables as long as agency generated authorizations to CRPs and vendors are directly linked to the accomplishment of identified performance outcomes. ORS has developed and implemented a revised approval process for new vendors or existing vendors who request to expand into a new service provision area.

Summary. BHDDH's current contracts with providers identify several key operational and performance issues but are not yet designed to be outcome based. The BHDDH director has informed the Monitor of her interest in addressing this issue, possibly through the adoption of managed care or managed care principles. However, no additional information has been provided to the Monitor on the department's activities or planned activities in this area. ORS' current payment structure appears to meet the intent of this provision if specific outcomes are identified and provider reimbursements are contingent upon the providers' achievement of those outcomes. ORS states that this is the case.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. It is recommended that BHDDH provide the Monitor with a description of its plans to implement outcome based contracts with providers including an identification of the employment outcomes to be achieved, and the manner in which funding is linked to the provider's achievement of numerical targets and implementation timelines within 90 days.
2. The Monitor requests monthly updates from the State Consent Decree Coordinator on BHDDH's efforts to redesign the current process for allocating service funding and setting rates until the new system is established.

K. Quality Improvement (Section XV)

Benchmark 1 - QI Program §XV(1). The State will develop and implement a statewide quality assurance initiative to ensure individual, integrated supported employment placements and services and integrated day services and integrated day-only placements as defined and described in Section V – VI of the Consent Decree are: (a) developed and provided in accordance with the Consent Decree, (b) evaluated to ensure quality and quantity of supported employment and integrated day services provided, and (c) adequate and sufficient to ensure that individuals in the Rhode Island Sheltered Workshop, Rhode

Island Day, and Rhode Island Youth Exit Target Populations who receive supported employment placements and integrated day services under the Consent Decree achieve integration, increased independence, and increased economic self-sufficiency.

Status:

On December 30, 2014 BHDDH issued a Quality Management and Improvement Strategy (Strategy). The published document outlines the purpose, context and background of the Strategy and includes reference to the Consent Decree. Four key components include: key quality improvement projects to be completed; description of the roles and responsibilities of the parties involved in discovery, remediation and improvement activities; the processes for information gathering, remediation and systems improvement; and the performance measures which will be used to assess performance. The Strategy is designed to accomplish its goals, and presumably those of the Consent Decree through the implementation of 8 quality assurance projects. Some but not all of the quality improvement projects have been implemented to date. The projects are not a part of a statewide initiative.

ORS continues to utilize its established process for evaluating the quality and responsiveness of services through its Continuous Quality Improvement (CQI) Team for the VR Program. The CQI Team utilizes Federal RSA Title I regulations for oversight and monitoring. ORS created a Supported Employment Quality Assurance Task Force to focus on services furnished to individuals with IDD provided by DD vendors with funding from federal Title I fee for service dollars via ORS. ORS reports that this committee will be reviewing the credentials of Community Rehabilitation Providers that furnish ORS services to individuals with IDD utilizing a review criteria specific to employment and assessment.

Summary. Currently, the State is assuring quality separately through the three state agencies, BHDDH, ORS and RIDE. While separate practices can be more easily tailored to meet the regulations and policies of the individual agencies, without careful alignment across agencies a compartmentalized approach can present barriers to implementing the provisions of this section of the Consent Decree in a coordinated and effective manner across the state.

The various quality improvement projects included in BHDDH's Quality Improvement Strategy address some but not all of the provisions of Section XV of the Consent Decree. ORS's quality assurance program defaults to federal RSA Title 1 regulations and guidelines. ORS must comply with RSA regulations but this responsibility is separate from its obligations to follow and meet the requirements of the Consent Decree. ORS needs to provide additional information to the Monitor that "cross-walks" the federal Title I regulations and guidelines regarding the assurance of service quality with each of the provisions of Section XV of the Consent Decree.

Benchmark 2 – Program Standards §XV(2). By November 1, 2014, the State will establish detailed program standards for transition planning and services, career development planning, benefits planning, Supported Employment Services, Integrated Day Services, and Supported Employment and Integrated Day-Only Placements, that at least incorporate the definitions, standards, and processes set forth in Sections V, VI, VII, and VIII.

Status:

The RI Transition Timeline was developed in collaboration with RIDE, ORS and BHDDH to address transition planning standards and milestones, but has not yet been converted to program standards for each department.

BHDDH reported that detailed policies currently are not in place regarding all of the aforementioned programs and services. BHDDH staff are working to address this issue and progress is being made, particularly in the areas of transition planning, career development planning and clarifying eligibility requirements for individuals with IDD beginning at age 18 years.

Summary. BHDDH, RIDE and ORS are approaching quality improvement in slightly different ways but quality improvement activities are taking place in many areas. Clear program standards specifically addressing the requirements of this section of the Consent Decree do not, however, appear to have been developed. Regardless of the approach used to monitor and improve quality, BHDDH, RIDE and ORS need to develop clear standards, or show evidence of standards have been developed and put in place that address transition planning and services, career development planning, benefits planning, Supported Employment Services, and each of the other services and activities identified in Benchmark 2 above.

Benchmark 3 – Regular On-site Reviews, Reports and Follow-up Reviews §XV(3), (4), (5). Through its quality improvement initiative, the State will regularly conduct on-site reviews of day activity service programs, including of integrated community-based employment and day programs, to evaluate the services provided to individuals with IDD against the program standards described above. Findings reports, including plans of correction, will be published and follow-up reviews will be made to ensure compliance with program standards and the timely correction of deficiencies. The State will issue reports of any follow-up activities.

Status:

RIDE is in the process of collecting data on the components within the career development plan, which will assist in determining the quality, effectiveness and additional technical assistance of services for students with IDD.

BHDDH reports that it has a contract with The Sherlock Center to provide quality improvement services and technical assistance out of the Conversion Institute and that part of its contract with The Sherlock Center focuses on data reporting of provider outcomes. BHDDH along with The Sherlock Center will conduct follow up reviews.

ORS reports that the Committee on Quality Improvement Supported Employment Task Force will be developing a protocol and schedule for annual reviews of IDD agency providers. These reviews may include site visits, review of reports, study of authorization history, and satisfaction surveys of client participants as determined appropriate by the task force. In addition, VR liaison staff will be interviewed for feedback. Each agency has a VR Counselor liaison who, at least monthly, discusses participants and steps moving forward. These liaisons also act as monitors/mentors in that they review services and reports, consult on cases, and assist with employment planning.

Summary. As noted above, Quality Improvement activities, including on-site reviews, are taking place by each of the three state agencies, RIDE, BHDDH and ORS. The Monitor has received copies of some of the quality assessments that are being accomplished but the documentation is not sufficient to fully evaluate the extent to which BHDDH, RIDE and ORS are making progress in this area. Quality improvement and assurance activities need to be based on a reference point or standard against which current practice can be measured. As noted above in the summary of Benchmark 2 Program Standards, BHDDH, ORS and RIDE do not appear to have clear standards in place. It is recommended that the three state agencies reviewing current practice standards and quality improvement activities to ensure alignment with the provisions of the Consent Decree.

Achieving Progress on Meeting the Terms of the Consent Decree

The Monitor recommends that the following steps be taken to meet the terms of the Consent Decree:

1. It is recommended that BHDDH carefully review its quality improvement strategy to ensure that it includes key activities and outcomes that meet the requirements of Section XV of the Consent Decree. It is further recommended that the department revise or restructure the format of the current quality management system to reflect or incorporate the organizational format outlined in Section XV (1)-(5) and submit the final process to the Monitor within 90 days.
2. ORS's quality assurance program defaults to federal RSA Title I regulations and guidelines. ORS' need to comply with RSA regulations is separate from its obligations to meet the requirements of the Consent Decree. ORS needs to provide additional information to the Monitor on the ways in which its current Quality Assurance program addresses each of the provisions of Section XV(1)-(5) and

submit its report to the Monitor within 90 days. This report should describe ORS' plans to incorporate any Consent Decree requirements that are not addressed by the RSA Title I quality improvement guidelines.

3. The Monitor will schedule a meeting with BHDDH, RIDE and ORS directors and relevant staff to discuss the implementation of Section XV by each of their respective agencies. Focus will be place on the structure and functioning of each agency's quality improvement plan, the existing and planned program standards against which service quality is measured and the current and planned review process during the next state site visit in September.

L. Data Collection and Reporting (Section XVI)

Progress

Benchmark 1 – Data to be Collected and Reported §XVI(1), (2), (3). The State will report on a monthly basis from October 1, 2014 through October 1, 2015, and quarterly thereafter, the progress of implementation of this Consent Decree. Between the date of execution of this Consent Decree and October 1, 2014: (a) the Monitor and the State will jointly develop reporting protocols and processes for reporting; and (b) upon the request of the Monitor, the State will provide the Monitor with access to data and reports, as set forth in Section XVI(2), reflecting progress under this Consent Decree.

Unduplicated data will be gathered relative to the progress and outcomes achieved by the State and members of the Target Groups on the activities and outcomes required by §XVI(2)(a-r), including the number of CDPs, readmissions to sheltered workshops, the number of variances granted, and information identified by other data related provisions.

Status: Monthly data on some of the data points listed at (a)-(r) above was gathered and reported sporadically during the past year. The State initially planned to record and track this information and data through current Medicaid claims reports and began working with a contractor to document this information, but the newly appointed director of BHDDH abandoned this approach. The Monitor secured the assistance of an external expert on state IDD data systems and reporting practices to review current data systems within each of the three state agencies and make recommendations on the steps that need to be taken to develop an effective system or systems for gathering and reporting the data required by the Consent Decree. In collaboration with state officials, the external expert, the Monitor and subject matter experts from the Sherlock Center, a new data collection format was recommended that builds on the existing provider surveys being annually conducted by the Sherlock Center. The new format will include quarterly reviews of the Section XVI(2)(a)-(r) data points listed above along with targeted surveys to collect information that is unable to be reported through this mechanism.

It is anticipated that the new format will be able to be implemented effective

January 1, 2016. This format will, on a quarterly basis, permit the regular collection, aggregation and analysis of performance outcomes, service delivery barriers and gaps to be addressed.

RIDE submitted a plan for meeting the data collection requirements (a), (k), and (l) on September 25, 2014 and updated to the state coordinator on May 5, 2014:

- Section (a), the number of career development plans in place for members of the Target Populations.
- Section (k), the number of youth in the Rhode Island Youth Transition Target Population who have vocational objectives. Data will be collected through the RIDE special education census (as reported in the state performance plan Indicator 13). The RIDE special education census collection for June 2014 reported 526 youth ages 14-21 with intellectual disabilities. RIDE will analyze and verify this data element in September 2015.
- Section (l), the number of youth in the Rhode Island Youth Transition Target Population who are exiting or graduating, or otherwise expected to exit or graduate each year, their career planning goals, and where they transition to following their exit. RIDE has been able to identify and provide the number of youth who have an IDEA qualifying condition of intellectual disability through the RIDE special education census who have exited or graduated, or projected to exit or graduate for those students in the RI Youth Exit Target Population. Students' career planning goals, and where they transition to following their exit, would be indicated in their individual Career Development Plans. In addition, RIDE may provide results of the Transition Outcome Survey (Indicator 14) as it pertains to youth with intellectual disabilities.

The Section (a)-(r) requirements identify 44 individual data points. Not all of these data are routinely collected by each of the three departments. RIDE, for example does not offer or track adult services and ORS does not fund sheltered workshops and is required to collect only a limited amount of the information needed. BHDDH gathers some of the required information but much of the data resides in individuals' files or in case notes and is able to be obtained only through a person-by-person search. ORS gathers quite a bit of needed employment information on the people receiving their services. As noted above, RIDE reports that FERPA requirements prevent the agency from sharing individually identifiable information with ORS or BHDDH to enable them to identify and track new referrals to adult services. However, ORS and BHDDH may obtain consent from eligible youth or guardians to obtain the necessary information.

An examination of the capacity of BHDDH, RIDE and ORS to routinely gather and report the 44 data points required to be collected by the Consent Decree in Section

XVI (2)(a)-(r) reveals a systemic problem. BHDDH routinely gathers and reports on only 2 of the 44 data points. Additional information can be found in individual recipient files and extrapolated from Medicaid claims data, but not on a routine basis. RIDE, which does not provide adult services, currently collects information on 6 of the 44 data points. ORS, which has the most developed data management capacity, collects information on 22 data points. It is important to note that ORS and RIDE do not provide nor do they collect information on several of the data points that are listed.

The most promising data is gathered by the Sherlock Center through its annual employment survey of provider agencies. This survey does, in fact, collect much of the information needed to report on this provision, and can be used as the basis for the development of an effective and cost efficient strategy for meeting this provision of the Consent Decree. BHDDH reports that the Sherlock data system offers an effective and promising approach for gathering the data required by the Consent Decree and is working with the Sherlock Center to develop implementation strategies and plans. ORS and RIDE have expressed a willingness to collaborate with BHDDH in this effort.

A full report of the data findings, trends, implications and recommendations is deferred until the new data system has been implemented.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Charles Moseley EdD
Court Monitor
August 17, 2015

Attachments

Attachment 1 Consent Decree Provisions

The Consent Decree details required activities, documentation, progress benchmarks and individual and support related outcomes associated with each of the four Target Populations. Additional provisions address the broad scale systems change actions that are necessary to shift the structure and functioning of the state's IDD service delivery systems away from traditional segregated models to person-centered systems of support in integrated work and community settings. The current report addresses key provisions and benchmarks of particular relevance to the first year of Consent Decree implementation and defers others for consideration during subsequent reviews. As noted in the report, particular emphasis is placed on activities and outcomes related to two target populations; the *Rhode Island Youth Transition Target Population* and the *Rhode Island Youth Exit Population*:

- Outcomes (CD Section IV). The identification of a timeline with specific benchmarks related to key integrated employment, person-centered planning, career development planning and other outcomes for each of the four Target Populations. Summarizes progress on the achievement of key Consent Decree provisions [*N.B.* Progress on benchmarks in this section is reported under each of the operational provisions included in Sections V – XVI].
- Supported Employment Services and Placements (CD Section V). The Consent Decree defines supported employment and the criteria to be used to determine the acceptability of supported employment services and integrated supported employment placements made under the Agreement.
- Integrated Day Services (CD Section VI). Under the terms of the Consent Decree, the State is obligated to make available to individuals in the four Target Populations integrated community-based recreational, social, educational, cultural and athletic activities, as well as other non-facility based activities of the person's choosing, in integrated settings during the day with appropriate services and supports. [*N.B.* Documentation of progress on meeting the benchmarks in this section is deferred to subsequent reports].
- Career Development Planning (CD Section VII). Requires policies and procedures regarding the provision of career development planning, integrated within an individualized person-centered planning and service delivery process.
- Transition Planning for Youth (CD Section VIII). Requires that the State ensure transition planning and related activities occur for youth transitioning from school to work or adult services. This includes the development and adoption of an Employment First Policy and revisions to existing interagency agreements that

include timelines and benchmarks for a school-to-work transition process for protected class members beginning at age 14 years.

- Training (CD Section IX). Activities that must be completed by the state with respect to the development and implementation of a competency-based and value-based training program for supported employment staff in provider agencies including employment planning teams and youth service professionals.
- Outreach, Education and Support (CD Section X). The development and implementation of an outreach, in-reach and educational program explaining the benefits of supported employment and addressing the concerns of families.
- Provider Capacity (CD Section XI). The steps the State must take to ensure a sufficient number of qualified providers and provider agency staff are in place to carry out the objectives and requirements of the Consent Decree. Additional provisions in this section require the State to establish a Sheltered Workshop Conversion Institute, in collaboration with the Sherlock Center at Rhode Island College as well as a Sheltered Workshop Conversion Trust Fund.
- State and Other Agency Actions (CD Section XII). Specific actions the State must take to secure the assistance of a technical assistance provider via contract to furnish leadership, training and technical assistance to employment providers.
- Interagency Collaboration (CD Section XIII). Requirements related to interagency collaboration and the development of meaningful and effective memoranda of understanding between BHDDH, RIDE and ORS addressing key areas of mutual or distributed responsibility regarding funding, operational responsibility, quality and other aspects of the Consent Decree.
- Funding (CD Section XIV). Requirements that the State shall ensure that funding allocations and budgets ensure each individual in the target populations receive an allocation that enable the individual to improve his or her employment outcomes, be successful on the job and access integrated day services.
- Quality Improvement (CD Section XV). The steps the state must take to ensure that individual integrated supported employment placements, supported employment and integrated day services are developed and operated in accordance with the Consent Decree. This provision requires the state to develop detailed program standards, conduct on-site reviews and monitor plans of corrections.
- Data Collection and Reporting (CD Section XVI). A listing of specific data that must be gathered and reported by the State across 17 key outcomes to assess performance and change associated with the full implementation of the agreement.

Final sections of the Consent Decree address monitoring and enforcement (Section XVII), general provisions (Section XVIII) and construction and termination (Section XIX).