

Rhode Island Consent Decree and Interim Settlement Agreement

Interim Progress Review by the Court Monitor: Assessment of the State's Quarterly Report for the Period Ending September 30, 2018

Introduction

The State prepares and submits to the Court Monitor quarterly reports documenting the status of the State's efforts to meet the requirements and performance benchmarks set by the Consent Decree, ISA and related court orders. The quarterly reports additionally describe progress the State is making on the implementation of specific programmatic actions that have been recommended by the Court Monitor following regular reviews and site visits. The information provided in these reports is discussed during regular meetings between the State, the U.S. Department of Justice and the Court Monitor. These meetings are designed to update the Parties on current activities, identify barriers to accomplishing Consent Decree and ISA objectives, and ensure a common understanding of key of performance expectations.

The reporting format for this quarterly review differs from that regularly used by the Monitor to document the State's progress on achieving Consent Decree and ISA outcomes. Quarterly reports are generated by the State to describe actions that have been taken during the quarterly reporting period to address specific benchmarks, implement changes recommended in previous reports, or to document new initiatives or activities. The State's quarterly reports include an executive summary that provides a general overview of the activities that have taken place during the previous quarter. Progress on meeting specific requirements or performance benchmarks is described by the State in several detailed appendices that are attached to the executive summary. The Monitor examines and assesses the information that is provided and may request additional materials and documentation, or issue recommended actions that need to be taken by the State to come into or achieve compliance. Quarterly reports inform the focus and direction of subsequent site visits and related program reviews.

This Interim Progress Review by the Court Monitor reports on progress achieved by the State in meeting key Consent Decree and ISA requirements during the calendar quarter ending September 30, 2018. To improve readability, the organization of this document follows the structure and format of the State's quarterly report. Major section headings reference the topical areas covered by each of the attachments included in the State's report. References are provided to individual Consent Decree/ISA provisions and benchmarks to align with the Consent Decree and ISA provisions. The review summarizes information provided by the State on the status of current activities, identifies accomplishments, barriers, and the steps that the State is taking to

address each of the various provisions and requirements. Where appropriate, recommended actions are included by the Monitor to identify particular steps that the State needs to take to comply with Consent Decree or ISA requirements.

Attachment A – Consent Decree Data Report

1. Supported Employment Placements, Career Development Planning, Benefits Planning and Weekly Hours Worked (Consent Decree/ISA Sections IV, V, VII, VIII).

Status: The Consent Decree Quarterly Data Report continues to improve, providing important information on the State’s progress on achieving key performance benchmarks.

Recommendation: As stated above, DDD is requested to expand the Quarterly Consent Decree Data Report to include additional separate sections recording the numbers of supported employment placements, career development plans, benefits plans and average weekly supported employment work hours for members of the Birch Look Back Target Population.

2. Benefits Planning (CD §IV[6]; ISA §IV[8]).

Status: The State reports that the numbers of Benefits Plans increased during the reporting quarter.¹ Progress on meeting this requirement is noted. Data from the most recent Consent Decree Quarterly report reveals increases over the previous quarter in the numbers of target population members with benefits plans overall (up by 57 individuals), as well as the numbers of individuals with benefits plans who are engaged in supported employment (up by 47 individuals). While improvements have been made, the data also indicate that benefits plans are in place for only 52% of individuals who are working in supported employment. This number is well below the 100% required by the Consent Decree.

With respect to the ISA, quarterly data on employment and related service outcomes achieved by the Birch Exit or “Look Back” Population reported in the *Original Combined Tool ISA June 2018*, reveals that only ten (10) of 89 individuals have benefits plans in place as of June 30, 2018. This data is not consistent, however, with information provided by the Sherlock Survey for Community Work Services (Easter Seals of Rhode

¹ Consent Decree Data Report for the Quarter Ending September 30, 2018.

Island) for the quarter ending March 31, 2018 which reports that 22 ISA target population members have benefits plans in place.

Recommended Actions: DDD has assumed responsibility for the provision of adult employment and day services for members of the Birch Exit or “Look Back” Target Population through an agreement with PPSD. Individuals in the Birch Lookback Target Population also are covered by the Consent Decree. To ensure information is accurately recorded for each target population under each agreement, service data pertaining to the Look Back population must be reported in the Consent Decree database and also tracked separately for the ISA.

To improve the ability to track this information consistent with the Consent Decree and ISA, DDD is requested to include additional sections in the Consent Decree Quarterly Data Report to document and record the unduplicated number of supported employment placements, benefits plans, career development plans and average weekly hours worked for members of the Birch Look Back Target Population on an ongoing basis beginning with the report for the quarter ending December 31, 2018 that will be submitted on January 31, 2019.

Note: The State completed the recommended actions described above (see Quarterly Report for the Period Ending December 31, 2019).

Attachment B - Provider Capacity Report §XI[1]&[2]

Status. Attachment B notes that two provider agencies, CWS and WORK are increasing their capacity to provide day and employment services. DDD noted in previous discussions that CWS was prohibited from serving additional individuals with supported employment services until it provided supported employment placements to all of the ISA target population members currently receiving services. Has something changed? Please describe.

Attachment B provides a comprehensive summary of the status of individuals who are active but do not have service authorizations. As referenced in CD §XI(1), the state must provide sufficient capacity of supported employment and integrated day services providers consistent with the terms of the CD. DDD must ensure that individuals receiving ADH/DHS services, home health services, or long-term care (LTC) nursing services are not choosing these options because they are unable to receive the supports they want and need through the existing DD provider system in a timely fashion.

Recommended Actions: DDD must provide information or data to indicate that active individuals who do not have DD service authorizations and are receiving alternative services affirm that they: (a) understand the support options they are entitled to receive from DDD under the Consent Decree, (b) have made an informed decision not to pursue DD services, and (c) have not chosen the alternative services because they were unable to access DDD services when needed.

It is important to note that the State provided a summary reporting on 65 Consent Decree and ISA Target Population members who are receiving day or employment services from seven adult day health providers not licensed by BHDDH/DDD. Data included the average hours of services received by each individual each week. Additional steps will be taken by the Court Monitor to respond to recommended action (a) – (c) described above.

Quality Improvement Initiative Attachments C, D, E, & F Ref. Report of the Court Monitor on Rhode Island Consent Decree Compliance filed on April 6, 2018.

Attachment C - Quality Improvement Plan (§XV).

Status. Attachment C provides helpful updates on the status of ongoing quality improvement activities. These status reports indicate that several goals and objectives will be accomplished when the new regulations are promulgated. The State indicates that specific information will be provided in the upcoming quarterly report issued on January 31, 2019.

Attachment D - Quality Improvement Narrative (§XV[1]-[5]).

Goal #1. Establish an Organization Structure to Support a Quality Program within BHDDH.

Status: DDD increased the number of staff devoted to quality improvement and provider review as requested by the Monitor in the Review filed on April 6, 2018. BHDDH-DDD also confirmed that an additional 6 staff have been brought to the Division in several key areas including an operations manager, social caseworker supervisor and a data analyst. These positions will have a positive impact on the Division's ability to carry out Consent Decree and ISA related activities, as well as others.

DDD also reports on its use of data to assess service outcomes related to policy and planning, citing examples of two projects. The first report, included as Appendix U, is a collection of data points and charts related to the Person-centered Supported Employment Program (PCSEP). The report shows the array of information being gathered on service costs and utilization and is a good first step in the determination and assessment of key variables that may influence the achievement of the supported employment and integrated day services outcomes required by the Consent Decree. The second project “involves a longitudinal assessment of youth in transition timelines and trends specific to eligibility, assessment and access to services.”

Goal #2. Establish a Quality Review Program for DDO Providers.

Status: A provider self-assessment of the status of integrated day services was launched by DDD in August 2018 with 21 providers of day services. The self-assessment was designed to: (a) Gather general information on the current organization and status of integrated day services in the DD system; (b) document the actions provider agencies are currently taking to transition day services from segregated facility-based programs to integrated and individualized day services and supports, and (c) identify progress and challenges towards meeting the requirements of the HCBS Final Rule. The findings from the self-assessment are intended to be used to inform consultative reviews planned for 2019.

DDD, in collaboration with ORS, prepared a new employment review tool to replace the one used by ORS during previous reviews. The new tool was reviewed and approved by the Court Monitor. It includes key performance indicators and service requirement expectations that are in alignment with employment standards developed with stakeholders and will guide future employment reviews conducted by the two state agencies through 2020. Two DDD-ORS joint reviews were conducted during the quarter ending September 30, 2018.

DDD conducts monthly reviews of agencies participating in the PCSEP program, sampling of case records, interviewing participants and staff, contacting employer partners, and providing technical assistance where needed. During the quarter ending September 30, 2018, a total of 60 reviews were conducted of provider agencies that included the assessment of 118 ISPs/CDPs using the established rubric. DDD reports that in response to the fidelity measures developed to assess the Sherlock Center’s PCP facilitator pilot program, the Division has recognized the need to revise the current ISP/CDP rubric to more closely align with the person-centered thinking components. This will be finalized and implemented in the upcoming quarter.

Recommended Actions: Recognizing that the following may be DDD's intent, it is recommended that DDD incorporate the Quality Indicators outlined in the *Rhode Island Person-Centered Thinking Guide* (Version 1 February 2018 pp 5-8) as a part of its ISP/CDP assessment rubric.

Goal #3. Finalize New Regulations, Policies, and Standards Related to Service Design and Quality (§XV[2]).

Status: DDD's proposed certification standards and draft regulations were completed, submitted and reviewed by the Office of Regulatory Reform. A public hearing was held on September 18 and the public comment period ended on October 18, 2018. During the hearing, BHDDH was commended for the engagement of stakeholders throughout the entire process and for proposing a set of contemporary regulations that reflect and promote a person-centered system of services.

Goal #4. Improve Data Collection, Data Quality, and Reporting

Status: Implementation of DDD's case management IT system is underway. A new software release was planned for the end of November. In October, RICLAS and State social caseworkers began using the system in production for demographics, secure communications, case notes, and incident reporting. Plans call for a pilot group of 5 providers to begin using the limited system in October with full roll out to all providers in January.

Goal #5. Improve Communication with and from Stakeholders, and Improve Transparency, Quality and Availability of Information from BHDDH (§X).

Status: DDD continues to expand and improve its efforts to inform, communicate and collaborate with stakeholders regarding service related issues and concerns. The DD Advisory Council, comprising about 20 members representing consumers, advocates, family members, providers, the RIDLC, RIPIN and the DD Council, continues to meet on a bi-monthly basis. Agendas have included HCBS, transportation, self-employment, integrated day and employment standards, measuring quality in self-directed services, satisfaction surveys, person-centered planning and the ISP/CDP rubric. In addition, quarterly community forums were held to discuss a wide variety of topics. The forum held on September 11, 2018 was live streamed on Facebook and included questions from viewers, a community lead panel on informed choice and participation by the Court Monitor.

Additional activities included:

- DDD translated website materials and postings into Spanish
- RIPIN has updated its transition materials in response to feedback and requests.
- Advocates in Action continues to assist with alternate formats and simplifying language.
- DDD posted technical bulletins on: the variance process, retirement age, reporting requirements and the Integrated Community Employment Reporting Form, allowable costs in self-directed services, the ORS wait list, requirements for ISP-CDP, and transportation.
- DDD has developed Info Briefs, one on Assistive Technology and another on Employment. Briefs were disseminated through a consumer mailing, at the community forum, were made available to community partners and on the website.
- Advocates in Action completed its *Advocates in Action Day Dream Believers Survey* to assess day and employment supports, outcomes, and satisfaction in the second part of FY18. The survey had separate tracks for those employed and those not employed. The findings suggested that people with IDD want to be self-sufficient, competent, and fulfilled in doing work they choose, just like the rest of the population. The most common reason for dissatisfaction with a job was the desire to work more hours.
- DDD launched a bi-monthly Fiscal Intermediary workgroup to increase communication around self-directed services and begin to explore the scope and implementation requirements of Electronic Visit Verification (EVV).
- DDD's Anne LeClerc and Tracey Cunningham launched a support coordination series with the support coordinators from all DDOs. This series was in response to feedback from DDD SCWs who participate in ISPs and ISP reviews and who recognized this as a need and an opportunity. The first meeting was held in September and drew over 100 support coordinators.

Attachment E: Quality Improvement Narrative Summary - ORS (§XV[1]-[5]).

Status: ORS collaborated with DDD in the development of the Supported Employment Review Tool as described above. The two state agencies developed a joint process for conducting provider quality reviews including timeframes for requested information, and other logistical activities needed to complete reviews on a monthly basis. DDD will review areas that are addressed by DDD Certification Standards and ORS will focus on the quality of the employment services, quality of communication to both the individual and the Vocational Counselor, the provider's ability to accurately report services and bill accordingly, and whether employment outcomes reflect a variety of jobs found in the local labor market and meet the criteria of competitive integrated employment. ORS also will assess the types of employment situations being obtained

to ensure they are within the individual's interests, skills, and abilities. DDD will assess the alignment of the ISP and CDP to the employment placements attained.

ORS will take the lead on the reviews until the end of 2018 to provide the new DDD staff sufficient time to be trained on this new QI process. DDD will then be the lead agency to initiate the reviews from the first contact with the provider to submitting the final report to the Consent Decree Coordinator. The CDC will include these reports with the quarterly report to the Court Monitor to demonstrate compliance with the Consent Decree.

As of September 30, 2018, quarterly reviews had been completed with two provider organizations.

Attachment F: Birch On-Site Review Summary (ISA §XV and related as indicated)

Status: Attachment F² summarizes the results of RIDE's review of PPSD's progress on meeting select ISA requirements during the quarter ending September 30, 2018, consistent with the development and implementation of a quality improvement initiative outlined in Section XV of the ISA. This report provides a general summary of RIDE's review of activities at PPSD but does not include sufficient data to confirm that the review or reviews took place or to document the current status of PPSD's accomplishment of key activities, consistent with ISA §XV(2)(c),(d), & (e).

Recommended Actions: The following recommended actions must be taken to address the areas and issues identified. Please submit responses to items a – d below in the State's Quarterly Report for the quarter ending March 31, 2019.

- a. §VII Career Development Planning. Attachment F indicates that "All youth in Mount Pleasant High School target population currently maintain a CDP based on the RIDE special education census data (June 2018)."

Please confirm that RIDE has independently verified this data by an examination of records at PPSD and the results of that review.

- b. §VIII(6) Trial Work Experiences. Information is provided on PPSD's methods for tracking this information. It is not clear that RIDE has verified that that all youth in

² Rhode Island Department of Education Birch Quarterly On-Site Review Conducted September 27, 2018 Interim Settlement Agreement Requirements

transition have received a meaningful opportunity to experience at least two trial work experiences. ISA Target Population members may choose to receive an integrated employment placement without first participating in the two trial work experiences and have the flexibility to move from one trial work experience employer or situation to another prior to the end of the 60 day period, as appropriate to the needs and preferences of the individual.

Please provide data on the numbers of individuals who have and have not participated in two trial work experiences and any follow-up activities that are required.

- c. §VIII(4)(e). Benefits Counseling. Information is provided on PPSD's efforts to inform families of the need for benefits planning and consultation but no data is provided on the status of this requirement.

Please indicate for the Quarter ending September 30, 2018 the number of students who have received a benefits planning consultation and the number who have not received this information.

- d. §XV(1)&(2). On-Site Reviews. Attachment F Quarterly Updates notes that PPSD has reported that the information packet provided by RIPIN describing BHDDH services is not provided in other languages which may be necessary for many providence families. The report also noted that PPSD had concerns regarding communication with DDD.

Please describe the actions RIDE has taken or is taking to address these issues including relevant dates and the outcomes of those actions.

Attachment L - Youth Exit Plan Narrative Summary

Status: The State's Plan to provide supported employment placements for all members of the Youth Exit Target Population who had not yet received a placement during the past year has achieved limited success. DDD and ORS provided detailed information on the numbers of target population members who received a supported employment placement by September 30, 2018, as well as on the steps that were taken to reach out to target population members who are not employed and their families to interest them in employment through mailings, phone calls and face to face visits. Progress continues to be evaluated through monthly and quarterly outcome tracking, ISP/CDP reviews, case management and data from participation in PCSEPP and Department of Labor and Training employment programs (see Attachment L). DDD reported to the Monitor their belief that current outreach and tracking efforts should continue to address the

placement needs of this target population and a new placement plan was not necessary. The status of Youth Exit placements and related services as of September 30, 2018 is included in Table 1 below.

Of the 417 individuals in the Youth Exit Target Population, a total of 257 individuals have received a supported employment placement (60%). Ninety-six (96) individuals are actively engaged in supported employment services (23%), while another 78 Youth Exit Population members (19%) are receiving a variety of community day services and supports including exploration and skills training, post-secondary education and health stabilization.

Three individuals have requested a variance to receive integrated community day services and programming and 8 individuals have chosen not to receive services.

Table 1 Youth Exit Target Population Supported Employment Placement Status Through September 30, 2018		
	Individuals	%
Total Youth Exit Census Active Census	417	100%
Individual Employment Placements to Date - Active Census	243	58%
Individuals Receiving Employment Services	96	23%
Individuals Receiving Community Day Services and Supports	78	19%
<i>Community Exploration Services</i>	26	
<i>Variance Requested</i>	3	
<i>Personal Decision</i>	8	
<i>Post-Secondary Education</i>	5	
<i>Health Stabilization</i>	36	
Total Active Census	417	100%
<i>* Non-Active Employment Placements not included in active census</i>	14	
Total Employment Placements Active and Inactive	257	60%

Recommended Actions: The Monitor concurs with the State's current approach to achieving supported employment placements for this population and requests that DDD specifically report on the placement status of this target population in each subsequent quarterly report.

Attachment M - Department of Education Consent Decree Quarterly Report Summary

Status: The report describes progress achieved by RIDE across three programmatic areas: outreach, education and support; quality improvement and data collection and reporting.

1. Outreach Education and Support (§X). RIDE, in collaboration with the Regional Transition Centers and the TLS network, provided documentation of the training and technical assistance furnished to local schools, DD providers, families, stakeholders and others on a range of topics including introduction to state services, transition planning (Dare to Dream), implementing Employment First policies and achieving Employment First outcomes, requirements of the Consent Decree and other related topics throughout the reporting quarter. It is noted that RIDE and the RTCs provided 25 consults or direct technical assistance to LEAs during the reporting quarter. Meetings of the TLS Network with adult DD service providers covered the alignment of the individual services plan (ISP) with the individual education plan (IEP) and the career development plan (CDP).

Quality Improvement (§XV). RIDE, in collaboration with the Regional Transition Centers (RTC's), continues to implement the RI Employment First Quality Review Checklist on an annual basis, identifying barriers, deficiencies, gaps and additional training needs and technical assistance needed to meet the requirements of the CD and improve services for youth with IDD or those determined eligible for the adult service system. All Employment First Quality Reviews for the 2017-2018 school year have been completed. Professional Development and direct technical assistance during the 2018-2019 school year will focus on six areas: (a) development of a travel training curriculum and strategies, (b) systematic community instruction, (c) using authentic assessments in transition, (d) job carving, (e) transition assessments of individuals with the most significant disabilities, and (e) middle school transition assessments.

2. RIDE Data Collection and Reporting (§XVI). RIDE reported the following data, consistent with Consent Decree requirements:
 - a. §XV(2)(a). *The number of career development plans in place for members of the Target Populations.*

RIDE reports that the June 2018 education census reported 515 active students aged 14-21 years with IDD. Of this number CDPs were not in place for 24 individuals. Subsequent actions by RIDE have ensured that all students with IDD now have CDPs in place. The June 2018 census revealed 393 active students ages 14-21 who were categorized as youth with autism or having multi-handicaps. All youth in these categories now have a Career Development Plan.

RIDE is collaborating with DD to also identify youth who may qualify for DD services categorized under IDEA as Other Health Impaired (OHI), Learning Disabled (LD) and Emotionally Disturbed (ED) and who have not been previously captured in the Youth Transition count. RIDE and DD are collaborating to resolve discrepancies between RIDE Special Education census data and data reported by

DDD. Both agencies are currently working to establish data sharing procedures that will improve data quality and reporting.

Note: RIDE did not report the number of individuals or programs in each category as required by the Consent Decree and ISA §XVI(2)(k), (l), (m), & (r). Information is required to be reported on a quarterly basis. Data on the numbers of individuals and programs must be reported to the Monitor for the quarters ending December 31, 2018 and March 31, 2018 not later than April 30, 2019 as indicated below.

- b. §XVI(2)(k). *The number of youth in the Rhode Island Youth Transition Target Population who have vocational objectives.*

This data point is collected through the US Department of Education, IDEA Performance Indicator 13 for secondary transition. RI is currently 100% compliant with this performance Indicator.

Recommended Actions: Please report the number of youth in the Rhode Island Youth Transition Target Population as required by this provision.

- c. §XVI(2)(l). *The number of youth in the RI 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.*

Recommended Actions: Please report the number and of Rhode Island Youth Transition Target Population members in each category as required by this provision.

- d. §XVI(2)(m). *The number of qualified and trained individuals who develop assessments and transition plans for youth with I/DD across RI, and who participate on employment teams'-*

RIDE reports that all RI Certified Secondary Educators are trained in conducting transition assessment and developing transition plans in pre-service training.

Recommended Actions: Please report the number of RI Certified Secondary Educators are trained in conducting transition assessment and developing transition plans in pre-service training as required by this provision.

- e. §XVI(2)(r). *The number of in-reach, out-reach, and education programs and efforts offered to the Target Population(s).*

Recommended Actions: Please report the number of in-reach, out-reach, and education programs and efforts offered to the Target Population(s) as required by this provision.

Attachment N – Transition Planning for Youth §VIII – Youth Transition Activities Summary- July 1, 2018 thru September 30, 2018

Status: DDD, RIDE and ORS are collaborating in their efforts to improve the quality and coordination of transition services.

1. DDD has significantly expanded its capacity in the area of Youth Transition, securing funding for a Youth in Transition Administrator, dedicated solely to transition related activities. This position will oversee the DDD Transition Coordinator and will manage the Rhode Island Parent Information Network (RIPIN) contract. The position additionally will work with RIDE and Local Education Authorities (LEAs) to strengthen transitions from school services to adult services and advise leadership on ways to better equip the adult system to efficiently transition youth leaving school into adult supports without gaps in services. Four DDD staff focus on transition services, three DDD Social Case Work Supervisors have approximately one quarter of their positions dedicated to transition and one full-time dedicated Transition Coordinator.

The Quarterly Report documents the steps DDD and RIDE are taking to improve and expand the transition process and well as additional coordination taking place with RIPIN, ORS, LEAs, students and families. A coordinated effort between RIDE and DDD resulted in the development of a ISP-CDP crosswalk to facilitate the transfer of information on students' goals and other pertinent information to adult ISPs. The resulting guidance tool will assist adult service providers in aligning school based goals and objectives with those that are developed later in the adult system. The use of the tool is being reviewed with DDD social caseworkers and presented during monthly PCSEP strategy meetings with provider agencies.

The Quarterly Report documents the wide variety of activities DDD is engaged in to expand and improve the ability and capacity of the Division to assist target population members transition from school, to adult services. These include participation with RIDE, ORS, the Department of Health (DOH), Department of Children, Youth and Families (DCYF), RIPIN, Regional TAC Directors, LEAs, Provider agencies, and other outside organizations and departments on the State Council. Additionally, DDD is participating on Regional Technical Assistance Councils, Local Councils with ORS and RIPIN representatives and others. DDD in collaboration with RIPIN continues to

attend IEP and CDP meeting of individual Consent Decree Target Population members participating in 20 such meetings during the past quarter.

DDD has made significant improvements in the coordination and delivery of transition services to members of the youth Transition Target Population expanding the numbers of staff involved and the extent of participation with other state and private agencies and organizations. This is a very positive development and appears to be well coordinated with similar improvements taking place in person-centered planning and stakeholder outreach activities.

2. ORS currently serves approximately 4,000 Rhode Islanders with disabilities, one third of whom are Transition Age Students who are interested in exploring work. ORS has a transition counselor in every high school and is an active member of the high schools' transition teams. Referrals are made through the IEP team, and discussion about referral is recommended during the IEP of their sophomore year. ORS provides WIOA/Pre-Employment Transition Services (Pre-ETS) in accordance with Workforce Investment Opportunity Act (WIOA) and has collaborated with the Department of Labor (DOL) and RIDE on a combined state plan that will set aside 15 percent of federal funds for services to students in school around a cluster of services. ORS also funds summer work experiences and the afterschool Tri-employment Program, which is targeted for students with learning disabilities who have not worked but could be placed in a work experience independently in the community.
3. RIDE. This quarter RIDE and the RTC's have provided over twenty-five direct technical assistance activities to LEAs to support the implementation and requirements of the Consent Decree related to Youth in Transition. RIDE will be hosting a state-wide Transition Resource Fair in March. The event will include adult service agencies, community and recreational services as well as state agency providers; postsecondary and training institutions and parent and advocacy organizations. This event is intended to support families and students access resources and learning opportunities related to transition. These technical assistance activities are detailed by region and can be found in RIDEs quarterly report, Attachment M.

Recommended Actions: Section VIII Transition Planning for Youth identifies ten specific requirements that need to be fulfilled under the Consent Decree. The State is requested to describe progress on these requirements as a part of the next quarterly report for the period ending March 31, 2019 that will be submitted at the end of April.

1. Data Collection and Reporting. Ref: Consent Decree §XVI and additional Attachments Bb, S

Status: With the Monitor's approval, the complete Sherlock Survey is being administered once each year (data collected in March, reported in June/July) and a modified survey is administered mid-year (data collected in September, reported in December) The modified survey was provided as Attachment Bb. Data was entered by the provider organizations in October.

The Sherlock Center additionally is collecting and reporting data for the National Core Indicators program, in coordination with DDD and provider agencies.

The new approach appears to be an effective strategy for gathering and reporting data and reduces the data collection burden for provider agencies.

2. Person-Centered Planning Ref: Consent Decree §IV(1)(3); §VI(B)(4), §VII(2)(5)(7); and §VIII(7). Attachments P and Q.

Status: DDD is implementing a solid strategy for building the capacity for person-centered planning and thinking throughout the IDD service delivery system. The Division contracted with the Sherlock Center Conversion Institute to develop a comprehensive Person-Centered Thinking Guide in collaboration with the State, provider organizations, individuals and families. The guide outlines the philosophy, goals and anticipated outcomes to be achieved through person-centered planning as well as the benefits of involving the people receiving services in the decisions that affect their lives and the supports they receive. A Person-Centered Pilot Project was launched during this reporting quarter with 92 individuals and 15 provider agencies participating. The pilot will offer coaching sessions and tools to measure outcomes and assist in implementation of the person-centered planning process that will inform ongoing technical assistance in the areas of person-centered planning. The Division reports that it will continue to partner with the Conversion Institute to advance the policy and practice of person-centered planning system-wide. Information provided by the State in Attachment O details the assistance being provided to assist facilitators and an activity log to measure fidelity to the model as each participant implements the 15 components of the person-centered thinking process. Six months after the new plan is complete, Conversion Institute will (a) compare the current plan with the previous plan and (b) will assess impact and changes in the participant's life. The Person-centered Thinking Pilots will provide important information on the effectiveness of the strategies being used to expand person-centered practices throughout the DD system.

The Court Monitor, in collaboration with the Department of Justice, recently completed a review of the ISPs and CDPs of a sample of members of the Birch Exit Target Population (Interim Settlement Agreement) who are also covered by the Consent Decree. The review (completed October 2-3, 2018) noted improvements in the number of target population members with current ISPs and CDPs with all individuals in the sample having a ISP/CDP on file. Unfortunately, documentation that person-centered planning had taken place was able to be located in less than half of the 17 plans reviewed (47%). Furthermore, the alignment of the services received with the person's ISP/CDP goals was found to exist in 12 of the 17 records reviewed (71%).³ It is important to note that the sample was small and focused on individuals who are target population members of both the Consent Decree and the ISA.

DDD has significantly increased training and technical assistance being furnished to provider agencies on person-centered practices and planning throughout the DD system. Quality improvement activities with provider agencies currently taking place taking place through the PCSEP program scheduled to take place through the Divisions quality improvement initiative can be expected to have an impact on the quality of CDPs and ISPs being developed and implemented.

3. Training: Ref: Consent Decree §IX(1), (2), & (3). Sherlock Center Training Summary

Status: The Sherlock Center Conversion Institute reports that it is providing training and technical assistance to provider agencies across a number of key areas, continuing to offer ACRE certified employment programs and three trainings resulting in mini certificates. An online ACRE certification is also available offered in two phases to enable learners to complete the required on-line coursework and fulfill the fieldwork and other ACRE requirements. Mentors are assigned to learners during phase 2. It is noted that registration for these sessions has continued to decrease over the past several months. Additional trainings are being offered in the following areas: family employment awareness training (FEAT), public benefits, person-centered thinking facilitation, and a certificate program for direct support professionals (DSP I). In addition to the ACRE training referenced above, the Conversion Institute offers training opportunities through the College of Direct Supports. The first cohort completed the training and was awarded certificates this summer. Four agencies use the CDS modules for all their staff.

The Sherlock Center has provided technical assistance to provider agencies in a

³ See the Court Monitor's fourth Report on the Status of Rhode Island's Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements Filed June 23, 2017.

number of key areas. The Institute is engaged with the Business Innovation Factory (BIF), a high caliber business design firm, to support organizational transformation from legacy services to person-centered supports, provided within a sustainable business model. Support is provided through a grant from the state's Department of Labor and Training that provides the opportunity for five provider agencies (COVE, Looking Upwards, Perspectives, West Bay and Whitmarsh) to participate in a multi-faceted learning immersion and focused design process guided by BIF. Mary Madden and Maya Colantuono from the Sherlock Center are working with the BIF team, to provide on-going coaching, inter-BIF session group meetings, and weekly check-ins with the participating agencies.

Additional direct technical assistance was provided during the past quarter to Access Point, Avatar, Perspectives and Spurwink. The Institute also facilitated meetings with the Community of Practice currently involving 10 agencies, provided leadership training with 6 provider agencies and participated with DDD and 6 provider organizations in the integrated day services self-assessment process. Benefits planning services were also provided (see above at Attachment A).

The Sherlock Center in collaboration with DDD is furnishing training and technical assistance across a wide variety of topical areas consistent with the requirements of the Consent Decree.

Attachment R – Participant Survey

Status: Advocates in Action completed a survey of the services and supports received by individuals with IDD in RI (Attachment R). The state reports that the survey included 132 unique responses finding 48 individuals were employed and of those employed, 34 were in competitive employment placements. Of the individuals employed, 96 percent reported being satisfied with their job and of those receiving supported employment services, 97.0 percent indicated they felt their service/support needs were being met. Seventy-six percent of the survey respondents who were not working were receiving employment services. Of those individual receiving services, 87.0% reported being satisfied with their services.

The participant survey was developed by individuals with IDD receiving support. It is administered by people with disabilities in a peer-to-peer format that is designed to gather the perspectives of individuals participating in developmental disabilities services. DDD reports that the survey provides valuable information that will be used to inform service quality improvement strategies. Participant surveys of this type are not

required by the Consent Decree. The State is commended for its support of this very important initiative.

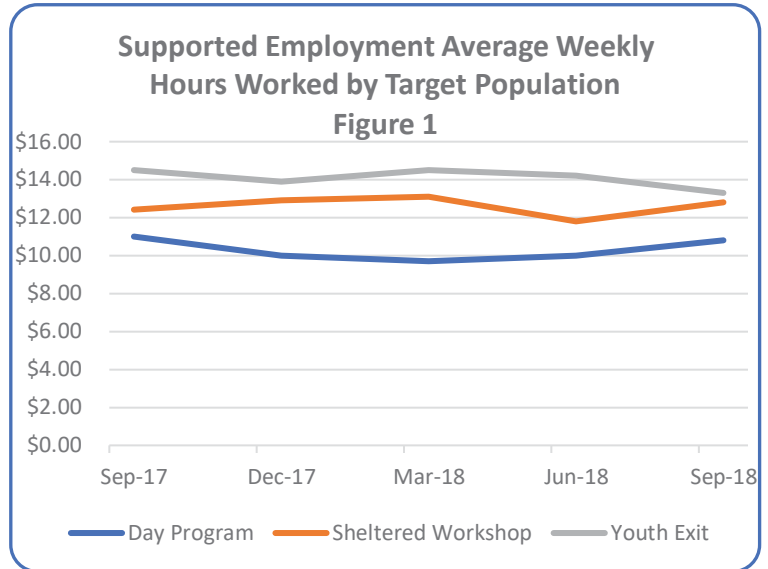
Attachments A, T – X: Supported Employment Ref. Consent Decree §V; §XIV(4) & (5).

Status: The State summarized progress on meeting Consent Decree requirements regarding supported employment and the delivery of supported employment services and supports across DDD and ORS. A total of 54 Consent Decree target population members were placed during the reporting period ending September 30, 2018. The total number of placements achieved during the first three quarters of 2018 was 223, a slight increase over the number of individuals placed during the first nine months of 2017, 210. Overall, the total number of placements that have been achieved to date is 840 individuals.

1. DDD. The Division has launched the Person-Centered Supported Employment Placement Program (PCSEPP) to increase the number of target population members with supported employment placements through an incentive-based program. The placement initiative achieved 169 placements in 2017 and, slightly fewer, 141 in 2018, totaling 310 placements. Altogether, 479 individuals are currently enrolled in the program.
2. ORS. ORS reports that 85 individuals received supported employment placement by September 30, 2018. The agency launched a Performance Based Service Agreement (PBSA) initiative in 2017 with 7 provider organizations. A total of 45 individuals received services from the PBSA Pilot. Of this number, 15 individuals received supported employment placements, about 33% of the total. Participants worked an average of 14.2 hours worked per week. The remaining 24 individuals continue to receive ORS/DDD services with the goal of employment. Six have chosen to leave the employment program but still continue to receive DDD services. ORS performed a review of the program. After discussions with the federal Rehabilitation Services Administration, and BHDDH-DDD, ORS decided to discontinue pilot, and return to standard fee for service model. ORS will not be modifying its funding structure at this time.

Improving Hours Worked §V(I)&(K) – Attachment X. The Consent Decree requires that all individuals in the Youth Exit Target Population and all individuals in the Sheltered Workshop and Day Target Populations who receive a supported employment placement to work an average of 20 hours per week by May 1, 2016 and May 1, 2018 respectively (§V[J] and [K]). To date, these employment goals have not been met.

To address this requirement, the Court Monitor requested to DDD and ORS to collaborate with provider agencies on the development and implementation of a plan and strategy for increasing the average hours worked per week across all individuals in the



Youth Exit, Sheltered Workshop and Day Target populations by March 1, 2017. The State prepared and began implementing the plan and strategy as requested but the results of this initiative have not been successful. Information published in the Consent Decree Quarterly Data Reports from September 2017 to October 2018 indicates that no progress has been made in increasing the weekly hours worked by Consent Decree target population members during the past 18 months since the plan was put into action (See Figure 1 above and Table 2 below).

DDD and ORS recognize the lack of progress in this area noting in the current quarterly report that number of activities have been and continue to be conducted to gather information on hours worked and provide technical assistance. The two agencies state that they will discuss lessons learned to date and the challenges that they have encountered in their efforts to expand the hours that target population members are working and indicate that they will develop new strategies to

Quarter Ending	Day Program	Sheltered Workshop	Youth Exit
September 2017	11	12.4	14.5
December 2017	10	12.9	13.9
March 2018	9.7	13.1	14.5
June 2018	10	11.8	14.2
September 2018	10.8	12.8	13.3
Average/Quarter	10.3	12.6	14.1

move forward on this issue and will provide details in the January 31, 2019 Quarterly Report.

DDD and ORS DDD report that they contracted with Advocates in Action to conduct a survey of participants to gather information about hours worked, job satisfaction, and day supports and that follow-up discussions will take place in the next quarter to identify lessons learned and review alternate ways to reach out to participants for feedback on various topics, not just hours worked. It is important to note that data from the Participant Survey does indicate that the most common reason for not being entirely satisfied with a job was the desire to work more hours.

DDD and ORS have taken steps to attempt to incentivize providers to work with individuals receiving support to increase the hours they are working. DDD has included performance payments in the PCSEP program tied to increases in work hours, and has enrolled individuals who have been working but want additional hours and supports through job retention services to maintain employment. Monthly meetings with providers are continuing to identify obstacles and solutions. ORS continues to promote increasing hours worked through regulation and policy. One example of this is the promulgated Self-Employment Regulations which requires that individuals are able to substantially perform the tasks of the job, work at least 10 hours a week at least at minimum wage, with integration in the community and earning a comparable wage to individuals who are not disabled. The State indicates that the strategies in place will be reviewed and the details of the new strategies will be provided in the January 31, 2019 Quarterly Report.

Recommended Actions: DDD has not met the requirements of this provision, nor has demonstrable progress been made on achieving this requirement during the past two years. The State has identified a number of actions that it intends to take to review past efforts to increase the numbers of hours worked by target population members and develop new strategies for moving forward. This is a positive step forward and clearly is needed. But, as noted by the Plaintiffs, the requirements of the Consent Decree must be met. The Consent Decree Coordinator is requested to set up a meeting or conference call between the Monitor, the Department of Justice and representatives from DDD, ORS and provider agencies to discuss its plans and strategies for improving the hours worked by Consent Decree target population members not later than February 15, 2019 following the completion of its report.

Attachment Z – Interim Settlement Agreement

Status: The ISA Status Update focuses on ISA requirements and related activities as included in and referenced by the Order of Compliance issued on June 23, 2017. Key updates include the following:

1. **Person-Centered Career Development Planning.** DDD reports that the Division continues to provide oversight and technical assistance to ESRI and other agencies to improve the alignment of plans, rewrite plans that are inadequate, and work on implementing plans for employment and integrated day activities. This quarter focused on improving State-provided guidance and tools that providers are using in order to ensure quality and to effect system change in this area. DDD shared additional alternative formats for plans, developed a technical bulletin outlining expectations and flexibility in plan writing, and hosted a meeting for support coordinators and plan writers to answer questions and provide some technical assistance around plans, person-centeredness, variances and retirement, and employment. DDD reports that its approach to the ISP is being revised to enable providers to use the person-centered planning guidelines to develop a whole life plan, which will then be used to inform a comprehensive ISP/CDP/Plan of Care detailing how waiver funds will be used in support of the person-centered plan. DDD reports that it has shared a variety of plan templates with providers and plan writers that can be altered as wanted, encouraging flexibility and greater person-centeredness in plan writing. There has been favorable feedback from various stakeholders. Providers were apprehensive about the change due to prior directives for standardized goals in a set format. The quality of plans has noticeably started to improve with the opportunity to use more creative and flexible formatting.

Recommended Actions: DDD has shared the Person-centered Thinking Guide with all provider agencies and is offering technical assistance and guidance to provider agencies on the implementation of the person-centered approach for planning and support delivery. The determination of the State's substantial compliance with the provisions and requirements of the ISA will be completed over the next several months. It is strongly recommended that the Division communicate to provider agencies the importance of addressing the structural components of person-centered planning, as described on pages 4 through 8 of the Guide to ensure their plans and planning processes address the key components of the person-centered planning process.

2. **Prioritizing Placements through the Person-centered Supported Employment Program.** DDD state continues to work with its provider partners and consumers to meet the employment and other service needs of the 46 ISA TTP and Birch target population members identified in the June 23, 2017 court order. Only 18 of the total 46 have received integrated supported employment placements to date. An additional 12 individuals are receiving employment services with the goal of achieving integrated

employment at a later date. The Division reports that of the remaining 16 individuals, 3 have chosen to retire, 3 do not wish to become employed at this time, 7 cases have been closed and 3 individuals are not actively receiving services due to personal reasons.

The Court Order of June 23, 2017 required the State to place all 46 individuals described. The State developed a plan to place these individuals that included an assessment of the needs and preferences of each individual. As noted above, 16 individuals are not actively interested in pursuing supported employment at this time and legitimately can be removed from the list – provided, of course, that the State ensures that employment services will be provided to any of these individuals if and when they express a desire to receive them. Data provided by the State indicates that 12 individuals are receiving employment services. This number has remained unchanged for the past several months.

Recommended Actions: DDD is requested to review the status of each of the 12 target population members and provide a brief report to the Monitor on the status and employment prospects of each individual. This report must include any additional ISA target population members who begin receiving supported employment services and must be submitted in conjunction with the State's Quarterly Report for the period ending March 31, 2019. The status of these individuals will be reviewed by the Monitor in the upcoming substantial compliance review of the ISA in the Fall 2019.

3. CWS/ESRI Quality Management Oversight. DDD continues to provide oversight and technical assistance to the program. ESRI has achieved a reinstatement of its full operating license from BHDDH and progress is being made in the following areas:
 - Staffing and personnel – Five new staff have been hired and the starting salary has been increased.
 - Staff training is being provided across a wide range of relevant areas including 5 Service Accomplishments, Job Coaching and Breaking Down a Job, Community Mapping, PATH development, ISP, CDP, and Person-Centered Plan development and implementation. All employment staff are also enrolled in the Supporting Meaningful Employment ACRE training, and one staff is also a Certified Rehabilitation Counselor.
 - Case managers are working with direct support staff on person-centered planning and implementation.
4. Quality Improvement Initiative. DDD-BHDDH continues to develop its capacity to ensure quality improvement activities take place on an ongoing basis as required by ISA §XV with the

assistance of a nationally recognized contractor. Current activities focus on reorganizing to support a centralized quality management division, and developing the capacity to assess provider program performance, complete investigations, furnish protective services and provider licensing. DDD-BHDDH is expanding its capacity in this area in accordance with its Quality Improvement Plan.

Recommendation: DDD is urged to initiate full quality improvement assessments, consistent with Consent Decree/ISA §XV, of provider agencies serving ISA target population members as soon as possible.

Respectfully Submitted,

Charles Moseley EdD
Court Monitor
February 18, 2019