

**UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND**

**UNITED STATES OF AMERICA**

Plaintiff

v.

C.A. No. 13-442L

**STATE OF RHODE ISLAND and**

**CITY OF PROVIDENCE**

Defendants

---

**REPORT OF THE COURT MONITOR ON RHODE ISLAND  
INTERIM SETTLEMENT AGREEMENT COMPLIANCE**

**Review Period: October 1, 2015 to March 31, 2017**

**Issued: May 19, 2017**

**Respectfully Submitted**

**Charles Moseley, Ed.D.  
U.S. District Court Monitor**

## Table of Contents

|             |   |    |
|-------------|---|----|
| <b>I.</b>   | <b>Executive Summary</b>                        | 3  |
| <b>II.</b>  | <b>Introduction</b>                             | 7  |
|             | A. State Actions Regarding CWS/TTP              | 7  |
|             | B. Target Populations                           | 8  |
|             | C. Assessing Progress                           | 9  |
| <b>III.</b> | <b>Findings: Review of Progress</b>             | 9  |
|             | A. Outcomes                                     | 9  |
|             | B. Supported Employment Services and Placements | 9  |
|             | C. Integrated Day Services                      | 15 |
|             | D. Career Developmental Planning                | 17 |
|             | E. Transition Planning for Youth                | 20 |
|             | F. Training                                     | 23 |
|             | G. Outreach, Education and Support              | 24 |
|             | H. Provider Capacity                            | 26 |
|             | I. State Agency Actions                         | 28 |
|             | J. Interagency Collaboration                    | 28 |
|             | K. Funding                                      | 29 |
|             | L. Quality Improvement                          | 30 |
|             | M. Data Collection and Reporting                | 35 |
| <b>VI.</b>  | <b>Concluding Comments</b>                      | 36 |
|             | <b>Attachment</b>                               | 37 |

## I. Executive Summary

This third progress report reviews actions taken by the State of Rhode Island Department Behavioral Health Developmental Disabilities and Hospitals (BHDDH) Division of Developmental Disabilities (DDD), Department of Education (RIDE), Office of Rehabilitative Services (ORS) and the City of Providence Public Schools Department (PPSD) to meet the terms and conditions of the Rhode Island *Interim Settlement Agreement U.S. v. the State of Rhode Island and the City of Providence*, Case No. 13-442L. The report covers the period October 1, 2015 – March 31, 2017.

During the review period the State took several steps to build its capacity to meet Interim Settlement Agreement (ISA) and Consent Decree requirements in the areas of funding and resource investment, leadership and personnel, and program operations.<sup>1</sup>

### Funding and Resource Investment

- The State Legislature approved the Governor’s recommendations for additional funding during the 2017 fiscal year (FY 2017) targeted to DDD to support the expansion of integrated supported employment and integrated day service options for individuals with intellectual disabilities and individuals with developmental disabilities (IDD) consistent with the requirements of the Consent Decree and the ISA.
- DDD and ORS developed and implemented incentive and performance-based provider contracts required by the ISA (and the Consent Decree).
- Resources were made available to facilitate the ability of Training Thru Placement, the provider agency named by the ISA,<sup>2</sup> to transition from segregated facility based vocational and sheltered workshop programs to integrated supported employment and integrated day services.
- Designated funding was provided to enable provider agencies to increase the salaries of direct support staff and job coaches.

### Leadership and Personnel

- The responsibilities of the Consent Decree Coordinator were expanded across all State departments and the position was relocated from BHDDH to the Secretary of the Executive Office of Health and Human Services (EOHHS).
- DDD staffing changes improved oversight and monitoring of ISA related activities. The Division added two staff positions that had been recommended by the Monitor; one to coordinate supported employment activities across provider agencies and a second to oversee the development and operation of the Quality Improvement Initiative required by the ISA and Consent Decree.

---

<sup>1</sup> See the Report of the Court Monitor on Rhode Island Consent Decree Compliance: Issued January 25, 2017.

<sup>2</sup> The name of the agency, Training Through Placement, was recently changed to Community Work Services or “CWS” in December 2014. In this report the program will be referred to as “CWS/TTP.”

- EOHHS took steps to provide needed administrative leadership and coordination as key managers and administrators left and were replaced; assigning existing staff to assist in DDD's system change activities and securing consultants to provide advice and guidance on important areas of policy and program operations.
- A new Senior Strategy Officer was employed by EOHHS and assigned to fulfill the Transformation Officer role as the search for the new DDD Director was undertaken. The EOHHS Deputy Secretary expanded her work with the Division to ensure ongoing activities continued following the departure of the former BHDDH Director and the appointment of the new director, Rebecca Boss.
- A new Director of the Division of Developmental Disabilities was hired to lead and manage the State's efforts to carry out needed programmatic and systems change necessary to comply with requirements of the Interim Settlement Agreement and Consent Decree and to meet evolving Federal regulations.

### Program Operations

- Tangible progress was made in increasing access to training by provider agency staff across key areas related to systems transformation, the delivery of employment services and job development and skills.
- The capacity to gather, report and manage ISA performance and outcome data was significantly improved. Similar improvements were noted in the areas of information management, documentation and timely reporting.

It is important to note that during the current review period PPSD, made substantive progress in several areas related to the development and implementation of required policies and practices, staff training, quality management and oversight, as well as training. New policies and procedures were developed and implemented, consistent with ISA requirements, and additional staff were hired to build needed capacity for employment training, job development, job coaching and other ISA related activities.

The following sections highlight key findings with respect to progress the State and PPSD have made on meeting the terms, conditions and requirements of the performance benchmarks included within the ISA. Detailed descriptions of the actions that the State has taken along with a discussion of barriers, required activities and recommendations are provided in the Findings section of this report on page 9.

### **Requirements Met**

- **Resource Commitment.** The State secured additional funding to increase supported employment services and placements and implement DD system change activities consistent with the requirements of the ISA (and the Consent Decree) during FY 2017.
  - RIDE made an ongoing commitment of over \$300,000 per year for FY 2015, FY 2016 and FY 2017.

- ORS' employment services funding available for ISA and Consent Decree Target Population members was tripled for FY 2017 over FY 2015 levels.
  - Additional funding in excess of \$11,000,000 was included in the DDD budget to expand access to supported employment services by Target Population members with IDD.
  - An additional \$5.1 million (\$2.5 million from general revenues and \$2.6 million Federal Match) was provided to boost compensation for private provider direct support staff.
  - The State developed performance based contracting models and methodologies for incentivizing the expansion of employment services furnished by DDD and ORS.
- Performance Based Contracting. DDD is implementing incentive and performance based contracts with CWS/TTP and other service providers.
  - Data Sharing. DDD, ORS and RIDE completed a Data Sharing Agreement to establish new data sharing policies and practices across the three departments/agencies that remove barriers and permit information to be shared as members of the Target Populations move from one system to the next.
  - Career Planning. PPSD in collaboration with RIDE and ORS established and implemented effective career development planning policies and procedures for all members of the Birch Look Back and Birch Transition Target Populations as a part of the Individual Education Planning Process (IEP).
  - Transition. PPSD is closely following the Birch Transition Target Population to ensure each individual receives vocational assessments, trial work experiences and other necessary services and supports.
  - PPSD Staff Training. PPSD has a sufficient array of trained staff and providers for supported employment and integrated day services.
  - Quality Improvement. PPSD's quality improvement plans and activities meet virtually all ISA quality improvement requirements.

### **Progress Made**

- Data Collection and Sharing. The State's capacity to gather and report key individual and system performance data has significantly improved.
- Improving response and meeting deadlines. DDD, ORS, RIDE and PPSD have made solid improvements in meeting deadlines for requests for information and action.
- Training. The State has increased efforts to provide staff training to meet prequalification requirements and has expanded training opportunities through its contract with the Sherlock Center Conversion Institute. At CWS/TTP the number of trained staff has increased but still falls below required levels. Training at CWS/TTP needs to be expanded to reach all direct support staff, job coaches and key supervisors, as required by the ISA.

- Quality Improvement (QI). ORS and DDD performed a quality improvement review of CWS/TTP in May 2016 resulting in a Quality Improvement Plan for the agency. ORS staff meet monthly with CWS to review individual services and needed actions and summarize QI activities in quarterly reports to the Monitor.

### **Action Needed to Come Into Compliance**

- Supported Employment Birch Look Back Population. PPSD and the State have not met ISA targets for supported employment placements among members of the Birch Look Back Population.
- Supported Employment - TTP Target Population. The State and CWS/TTP have not met placement targets for members of the TTP Target Population. Focused efforts need to be placed on ensuring all TTP Target Population members receive access to integrated supported employment opportunities.
- Service Planning. Career Development Planning policies and formats utilized by CWS/TTP meet ISA requirements. However, person-centered career development planning and plans do not meet ISA quality standards and are not being provided to all TTP Target Population members as required by the ISA.
- Quality Improvement. DDD and ORS need to expand current efforts and practices to develop and implement a Quality Improvement Initiative, encompassing program standards, policies and procedures for on-site reviews, status reporting, corrective actions and remediation as required by the ISA.
- Benefits Planning. Action needs to be taken by the ORS and CWS/TTP to ensure that all members of the TTP Target Population receive benefits planning services and benefits plans as required by the ISA.

As noted above, in response to the Monitor's recommendations, EOHHS took positive steps to address shortages of needed staff expertise and management capacity by adding two positions critical to the oversight of the ISA to improve the coordination of supported employment activities statewide and to oversee quality improvement, by reassigning existing staff to address ISA and Consent Decree related activities, and by securing the assistance of external subject matter experts to provide needed administrative expertise and guidance. These actions have strengthened the State's ability to meet ISA and Consent Decree requirements but appear to be insufficient to ensure the level of program oversight, monitoring and systems improvement needed to achieve compliance with key provisions related to Quality Improvement.

Finally, it is noted that CWS/TTP, has evidenced a deteriorating physical environment and a growing number of programmatic deficiencies that have resulted in State taking licensing and regulatory actions to safeguard and ensure the delivery of appropriate services and supports to members of the TTP Target Population receiving assistance from that organization. Additional information is provided in Section II. A.

## **II. Introduction**

The Interim Settlement Agreement (ISA) resolves the United States' findings of violations by the State of Rhode Island and the City of Providence 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 services system, including employment, vocational, and day services, 46-1-14 R.I. Code R. § 43.0, for individuals with IDD. The ISA applies to individuals served by two programs, TTP and the Harold A. Birch Vocational Program (Birch) at Mount Pleasant High School in Providence, as well as any successor programs to TTP and Birch. The Agreement addresses findings issued by the U.S. Department of Justice (DOJ) on June 13, 2013 that services furnished by TTP and Birch segregated or placed at risk of segregation approximately 200 individuals with IDD across both programs. Through this ISA, the Parties make clear their intention to achieve the goal of community integration for all for individuals with IDD being served, identified for referral, or at risk of entering TTP and Birch.

### **A. State Actions Regarding CWS/TTP**

The State has determined that CWS/TTP programs and services do not meet the requirements of the ISA and the Consent Decree.

During the past five months the State identified a deteriorating physical environment and programmatic deficits at the provider agency operated as Community Work Services (CWS/TTP). In December 2016, the State issued a conditional license governing program operations between December 2016-June 2017 in response to concerns related to the safety and quality of the facility at 20 Marblehead Drive in North Providence. On March 16, 2017, the State issued an emergency order to suspend all Developmental Disabilities licenses issued by BHDDH following an inspection of the facility revealing that program participants (and members of the target populations) were being "exposed to wires, walkways obstructed by buckets collecting leaking water and lighting outages due to water damage." The order required that all licensed services immediately cease until further notice by BHDDH. The emergency order was amended on March 20, 2017 following CWS' relocation of program services to an approved site operated and currently licensed by the Fogarty Center, another developmental disabilities service provider in the area. CWS was permitted to operate community based day program services, community based support services and supported employment services from the Fogarty program site. CWS/TTP was issued a Conditional License with several operational provisions.

In subsequent correspondence BHDDH's Licensing Administrator notified the chairperson of the CWS/TTP Board of Directors and the executive director of the program's parent corporation, FedCap Rehabilitation Services, that CWS/TTP has been providing segregated, center-based day services to the target populations. The March 22, 2017 letter states that Developmental Disability and Licensing Teams are reviewing "[c]ommunity based day program services, for which the agency is licensed, that are being provided as center based day program services" and "[s]egregated activities that are provided to participants that should be provided as integrated community activities." The letter also outlines the of the State's concerns regarding: the deterioration of the facility building resulting in unsafe and unhealthy conditions, the failure of CWS/TTP to communicate with BHDDH regarding the facility's conditions, the failure of CWS/TTP to implement its disaster plan, and the inadequate response of the program's executive director to the State's findings. BHDDH's Licensing Unit in collaboration with DDD developed and implemented a Summary of Events and a Quality Management Plan to guide the State's response to the

programmatic deficits and to oversee the delivery of services to individuals with IDD participating in CWS/TTP's programs (See attached). On April 3, 2017 the Court Monitor and representatives from the U.S. Department of Justice (DOJ) conducted a site visit to observe and evaluate services furnished to ISA Target Population members by CWS/TTP staff at the Fogarty location and in a variety of community settings. Interviews were conducted of TTP Target Population members receiving support as well as CWS/TTP staff members. Information gathered during the site visit and through communications with the State as well as CWS/TTP staff is reflected in the findings section of this report.

DDD reported that CWS/TTP provided written confirmation that all participants were notified of the license suspension and summarized the support needs of all 71 consumers:<sup>3</sup>

- 17 participants are employed and do not attend community based programming: No service disruption, CWS/TTP will continue to provide coaching, retention and case management in the community or at the employer.
- 13 participants receive a combination of employment and community based day programming. CWS/TTP will continue to provide all supported employment services (coaching, retention, etc.) without disruption.
- 41 participants are engaged solely in community based day programming.
- CWS/TTP will identify additional community based activities to provide full day programming in the community for the 41 community based day only and 13 part-time community based day participants during this period of transition.
- 10 individuals in the group continue to express a reluctance to go into the community on a regular basis. They may be most challenged by these circumstances and opt to stay at home.<sup>4</sup>

DDD staff are monitoring the services on an ongoing basis and increasing the involvement of Social Caseworkers to ensure individuals continue to receive appropriate services and supports. The Quality Management Plan for CWS/TTP is being revised as needed. DDD is reporting to the Monitor and DOJ regarding the status of the Quality Management Plan and the services and supports CWS is providing.

## **B. Target Populations (ISA Section III)**

The State of Rhode Island agreed to ensure that supported employment services, integrated day services, and transition services will be provided to individuals in the following Target Populations:

1. *TTP Target Population*. Individuals with IDD who receive day activity or sheltered workshop services at Training Thru Placement or have received services at Training Thru Placement or any successor organization in the previous year;
2. *Birch Transition Target Population*. Individuals with IDD who are transition-age youth currently attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School, and;

---

<sup>3</sup> BHDDH Quality Management Plan CWS Draft 2017-03-29 – See attached.

<sup>4</sup> This statement was provided by CWS/TTP and has not been independently verified. At least one of these individuals has expressed an interest in community participation.

3. *Birch Exit Target Population*. Individuals with IDD who are transition age youth attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School who have exited Birch at any point during the 2010-2011, 2011-2012, 2012-2013 or 2013-2014 school years.<sup>5</sup>

**Note:** The Birch Exit Population is informally referred to by the Parties as the Birch Look Back Population. To avoid confusion this report will refer to this target group as the Birch Look Back Population.

### **C. Assessing Progress**

Data for this report was gathered through a number of different sources, methods and strategies including in-depth interviews with key administrators and policymakers, advocates, families and others; on-site observations of programs and services; interviews of target population members at worksites; and structured meetings with key stakeholders.

## **III. Findings: Review of Progress**

### **A. Outcomes (ISA Section IV)**

The Outcomes section includes performance benchmarks, systems change requirements and procedural obligations the State and PPSD must address to demonstrate compliance with the ISA. Benchmarks included in this section are identified and described in more detail in subsequent provisions of the Agreement. To improve readability and avoid redundancy, information on the status of compliance with respect to the various benchmarks identified in the Outcomes section is reported within the relevant topical sections of this report.

### **B. Supported Employment Services and Placements (ISA Section IV and V)**

**Benchmark 1 - Supported Employment Services §V(A)-(D).** Supported Employment Placements are defined in the ISA as consisting of services that include a wide variety of vocational and related services as well as transitional services and supports for transition age youth with IDD.

**Status:** The State and PPSD have completed ISA requirements to define supported employment in regulations and policies in a manner that is consistent with the ISA requirements.

**Assessment: Requirements Met**

---

<sup>5</sup> On July 11, 2014 the parties agreed to modify required outcomes related to two provisions of the ISA. The first modification clarified the interpretation of Section III(A)(3) to include in the Birch Exit Target Population transition-age youth with IDD attending the Birch program or any successor program at Mount Pleasant High School who exited Birch at any point during the 2010-2011, 2011-2012, 2012-2013 or 2013-2014 school years. The second modification changed the dates specified in Section IV(9) of the ISA requiring all individuals in the TTP Target Population and all individuals in the Birch Exit Population to be provided supported employment placements by December 1, 2014.

**Benchmark 2 – Presumption of Employability §V(E)-(G).** Provisions in this section require the State to incorporate within relevant policies, rules and regulations a presumption that all individuals covered by the ISA can work in integrated employment settings including self-employment.

**Status:** Policies, regulations, and practices implemented by DDD, ORS, RIDE and PPSD reflect the presumption that people with IDD and other disabilities are able to work in individual integrated jobs in integrated employment settings including regular businesses in the community alongside co-workers without disabilities.

**Assessment: Requirements Met:** See also the Report of the Court Monitor on Consent Decree Compliance (Compliance Report) issued January 25, 2017, Section B Supported Employment Services and Placements, Benchmark 3.

**Benchmark 3 – Birch Integrated Employment Services and Supports §IV (1)-(2).** By September 1, 2013, all individuals in the *Birch Look Back Target Population* and, by September 1, 2014, all individuals in the *Birch Transition Target Population* will be provided the services and supports described in Section V(A)(1)-(2) necessary to introduce them to work in integrated settings, according to the youth transition process and milestones set forth in Section VIII.

| Table 1<br>Birch Look Back Population       |             |      |                 |      |
|---|-------------|------|-----------------|------|
|   | August 2015 |      | February 2017   |      |
|   | Number      | %    | Number          | %    |
| Total Population                            | 36          |      | 36              |      |
| Participants who do not want to engage      | 5           |      | 13              |      |
| Total Active Participants (36-13)           | 31          | 100% | 23              | 100% |
| Total Supported Employment Placements       | 11          | 35%  | 13              | 57%  |
| Total currently working                     | ND          |      | 9               | 39%  |
| Average # hours per/ week                   | ND          |      | 6.2             |      |
| Participants receiving Trial Work           | 4           | 13%  | 4               | 17%  |
| Participants receiving Supp. Empl. Services | 11          | 35%  | 5               | 22%  |
| Participants wanting to re-engage           | 5           |      | 1               |      |
| Active Participants with CDPs               | ND          |      | 19              | 83%  |
| Active Participants with Current CDPs       | ND          |      | 4               | 17%  |
| Participants with Benefits Counseling       | 8           | 88%  | 20              | 87%  |
| Employed Participants with Benefit Plans    | ND          |      | 13 <sup>6</sup> | 100% |
| ND: No data reported                        |             |      |                 |      |

**Status:** The *Birch Look Back Population* received access to the services and supports necessary to introduce them to work in integrated settings as required.<sup>7</sup> PPSD, ORS, DDD, and provider agencies including Perspectives, Fogarty and CWS/TTP meet regularly to review service data, assess barriers to employment and develop strategies to assist individuals with IDD in accessing and securing employment. As of February 2017, 36 individuals were identified as members of the Birch Look Back Target Population (See Table 1). Of this number, 13 persons indicated that they did not want to participate in services, moved out of the district or were unable to be located. The 23 remaining “active” members received a variety of services: 13 individuals received supported employment placements, 9 individuals were employed, four (4) persons were engaged in trial

<sup>6</sup> Thirteen individuals have met this requirement: 12 individuals have benefits plans, one person is not Social Security eligible and has declined to receive a plan (see below)

<sup>7</sup> PPSD Quarterly Report for the period December 2016 – February 2017.

work experiences, five (5) were receiving supported employment services, and one (1) person was awaiting DDD eligibility determination. Twenty (20) of 23 active members have received benefits training. ORS reports that 12 of the 13 individuals with supported employment placements have benefits plans in place, the remaining individual is not Social Security eligible and has declined benefits planning services. All active participants appear to be engaged in supports and services needed to engage them in employment.

As compared with data reported in August 2015, figures for February 2017 show a decrease in active participants from 31 to 23, an increase in the total number of supported employment placements from 11 to 13 and a decrease in the numbers of individuals receiving supported employment services. The numbers of individuals in Trial Work remained the same.

| Table 2<br>Birch Transition Target Population |               |      |               |      |
|---|---------------|------|---------------|------|
|   | November 2016 |      | February 2017 |      |
|   | Number        | %    | Number        | %    |
| Total Population                              | 62            |      | 62            |      |
| Total Active                                  | 60            |      | 60            |      |
| Participants with CDPs                        | 60            | 100% | 61            | 100% |
| Participants with Current CDPs                | 52            | 87%  | 48            | 80%  |
| Participants with MAPS/PATH                   | 58            | 97%  | 61            | 97%  |
| Individuals who are employed                  | ND            |      | 1             | 2%   |
| Ave # Receiving SE Services/month             | ND            |      | 56            | 93%  |
| Ave Hrs. S E Services/person/month            | 39.9          |      | 41            |      |
| Ave # Participants in Trial Work/month        | 51            | 85%  | 56            | 93%  |
| Ave # Trial Work Days /individual/month       | 5.43          |      | 5             |      |
| 1st Trial Work Experience Complete            | 21            | 35%  | 20            | 33%  |
| 2nd Trial Work Experience Complete            | 1             | 2%   | 1             | 2%   |
| Participants Exiting school in 2017           |               |      | 18            |      |

The *Birch Transition Target Population* totals 62 individuals in February 2017 (see Table 2). Of this

number, 60 individuals participated in job discovery, career exploration, transportation services, daily living skills, trial work experiences and a variety of other supported employment services. One additional individual received home schooling during this period. A total of 18 students are expected to exit from the protected population in 2017: five from Project Search, a transition program for students with disabilities operated in collaboration with Mt Pleasant High School; 12 from Mt. Pleasant Birch Academy; and one from the Transition Academy. Individuals in this population are receiving the services and supports outlined in Section V of the ISA consistent with their needs and preferences.

**Assessment: Requirement Met.** All individuals are receiving services and supports as required by this provision of the Consent Decree.

**Benchmark 4 – Provision of Benefits Counseling §IV(8).** By September 30, 2013, for all individuals in the Target Population, and all individuals in the TTP Target Population, such persons shall receive benefits planning information and counseling from a qualified professional. Benefits counseling will be rolled out consistent with when each individual in the Target Populations is scheduled to enter supported employment.

**Status:** All individuals in the Birch Look Back Population with a supported employment placement have received benefits counseling, 12 of 13 individuals have a benefit plan in place

(see above). As shown in Table 1, 20 of 23 active participants (87%) in this group have received benefits counseling as required by the ISA as of February 28, 2016.<sup>8</sup>

Thirty-nine of the 66 members of the TTP Target Population (59%) who are actively participating in the program have received benefits counseling and have benefits plans (see Table 3). ORS reports that it has paid for benefits counseling for 30 individuals. The difference may reflect additional benefits plans that were prepared for individuals as a result of actions taken against CWS/TTP following an investigation by the U. S. Department of Labor in prior years. A total of 19 of the 28 TTP Target Population members who are employed in an integrated supported employment placement have benefits plans (68%).<sup>9</sup>

**Assessment: Requirements Not Met.** Only 68% of the TTP Target Population who are employed in a supported employment placement have a benefits plan. This requirement has been met for the Birch Look Back Target Population.

**Recommended Actions.** ORS is requested to provide to the Monitor with copies of completed benefits plans for the 30 TTP Target Population members who received ORS-funded benefits planning services as well as the 9 additional individuals with benefits plans reported by CWS/TTP by June 30, 2017.

**Benchmark 5 – TTP Integrated Employment Placement §IV(9)(a-e as revised July 11, 2014).**

The State will provide Supported Employment Placements and Integrated Day Services, as described in Sections V and VI, for all individuals in the TTP Target Population. The State and PPSD will provide Supported Employment Placements and Integrated Day Services, as described in Sections V and VI for all individuals in the Birch Look Back Target Population. Supported employment placements for all individuals in the TTP Target Population and all members of the Birch Look Back Target Population will be provided by December 1, 2014.

**Status:** CWS/TTP and PPSD Birch at Mt. Pleasant High School have not met their respective placement targets.

CWS/TTP Target Population. Data from the CWS/TTP monthly report for March 2017 reveals that of the 66 individuals actively participating in services from that agency 28 (42%) had received an integrated supported employment placement. The number and percentage of TTP Target Population members who were working in employer paid integrated employment remained essentially flat during the period December 2016 through March 2017. In March 2017, integrated day services were provided to 42 (64%) individuals in this Target Population. Integrated Day services were furnished to only 13 of the 28 (46%) individuals in employer paid employment (see Table 3 below).

Inconsistencies were noted in the monthly data reports submitted by CWS/TTP, particularly with respect to integrated employment, when compared to similar counts reported by the Sherlock Survey and by the State through DDD. While the inconsistencies need to be resolved, they are not great enough to have a tangible impact on determinations that need to be made regarding compliance with the ISA. The Monitor is working with the DDD to improve the data being gathered and reported for the services provided to members of this population.

---

<sup>8</sup> Ibid.

<sup>9</sup> CWS/TTP Monthly Report for March 2017.

**Birch Look Back Target Population.** Data from the Birch Quarterly Report for the quarter ending in February 2017 reveal that 13 of the 23 (57%) active participants have received supported employment placements in employer paid employment (see Table 1). Of this number, 2 individuals lost their jobs, one person left the country and one individual left services. Data available on the number of working individuals who were receiving integrated day services was inconclusive.

**Assessment: Requirements Not Met.** CWS/TTP provided supported employment placements to only 42% of the total Target Population members during the current reporting period. Integrated day services were furnished to only 46% of the individuals engaged in supported employment. CWS/TTP has not met the integrated employment placement targets identified in the ISA, nor has the program demonstrated any improvement over the placement numbers that were identified in the previous progress report issued January 15, 2016.

The placement rate for individuals in the Birch Look Back Population is 57%. The number of placements has increased slightly during the current reporting period. PPSD and DDD are actively working to link target population members with developmental disabilities services providers to increase the numbers of individuals who are placed in integrated employment.

**Recommended Actions:** DDD and ORS are requested to collaborate with relevant service providers as appropriate on the development of a high priority action plan to increase the number of individuals in the TTP Target Population who receive integrated employment placements. The plan should be provided to the Monitor by June 30, 2017.

DDD and PPSD are requested to review their current plans and strategies for increasing the numbers of Birch Look Back Population members receiving supported employment placements. The review should determine additional actions to be taken to increase the number of supported employment placements, provide services to the individual who wants to re-engage, and facilitate the movement of individuals receiving supported employment services and/or trial work experiences to supported employment.

| <b>Table 3<br/>TTP Target Population Status of Services<br/>March 2017</b> |          |          |
|--|----------|----------|
| <b>Participants</b>  | <b>N</b> | <b>%</b> |
| Target Population Members  | 82       |          |
| Individuals on CWS/TTP Rolls   | 70       |          |
| Active Participants  | 66       | 100%     |
| <b>Integrated Employment</b>   |          |          |
| Employer Paid Employment   | 28       | 42%      |
| Average Hourly Wage  | \$10.23  |          |
| Average Work Hours Per Week  | 12.43    |          |
| Participants Working ≥ 20hrs/week  | 7        | 25%      |
| Employed Plus Integrated Day   | 13       | 46%      |
| <b>Integrated Day Services</b>   |          |          |
| Integrated Day Services  | 42       | 64%      |
| Average Hours Per Week   | 9.91     |          |
| <b>Service Planning</b>  |          |          |
| Participants with CDPs   | 68       | 103%     |
| Participants with Current CDPs   | 57       | 86%      |
| Participants with a MAPS/PATH  | 3        | 4%       |
| Participants with Benefits Plans   | 39       | 59%      |
| Employed with Benefits Plans   | 19       | 68%      |
| <b>Situational Assessment/Work Trials (SA/WT)</b>                          |          |          |
| Participated in SA/WT  | 13       | 20%      |
| Average Hours Per Week   | 7.77     |          |
| Participants w/ SAs ≥ 60 days  | 13       |          |

**Benchmark 6 - Birch and TTP Transition to Integrated Day Services §IV(4)-(6).**

**Status:** PPSD terminated the Birch sheltered workshop program on April 12, 2013. No individuals served by Birch moved to a sheltered workshop setting, center-based day services setting, group enclave, mobile work crew, time-limited work experience (internship), facility-based day program, or other segregated setting. TTP/CWS ceased the payment of subminimum wages to service recipients with IDD by the end of October 2013 and closed its workshop program on March 27, 2014.

**Assessment: Requirements Met**

**Benchmark 7 – Supported Employment Wages and Hours §V(H) and (I).** All individuals in the TTP and Birch Look Back Target Populations who receive a Supported Employment Placement must have: (a) the support they require to work the maximum number of hours consistent with their abilities; (b) access to integrated day services in sufficient amount, duration and intensity to complement their employment; (c) an ISP that affords them the opportunity to participate in integrated settings when they are not working during a normative 40 hour work week (consistent with the individuals’ choices and preferences); and (d) access to an integrated employment setting and work averaging, across the entire population, at least 20 hours per week, as determined by a point-in-time survey.

**Status:** Nine (9) members of the Birch Look Back Population are reported as working in integrated supported employment placement during the quarter ending February 28, 2017. All individuals are receiving wages set at the minimum wage rate of \$9.60 per hour. On average, each individual works approximately 6.4 hours per week. All individuals have received benefits counseling.

As noted in Table 3 above, 28 members of the TTP Target Population are working in employer paid employment at an average wage rate of \$10.23 per hour. On average, these individuals work 12.43 hours per week. Seven individuals work 20 or more hours per week on a regular basis. A little under half (13 of 28) of these individuals receive integrated day services during the times that they are not working, averaging approximately 10 hours per week. A total of 13 (46%) of TTP Target Population members who are employed are receiving integrated day services. A review of the status of TTP Target Population members who are employed indicates that the average hours worked per week has declined since 2013 (see Table 4).

| Table 4<br>Average Weekly Hours<br>Worked by<br>TTP Target Pop Members |                |
|--|----------------|
| Month/Year   | Ave. Hrs./Week |
| Sept 2013  | 16             |
| Sept 2014  | 15             |
| Oct 2015   | 11             |
| Feb 2017   | 12             |

**Assessment: Requirement Not Met.** Individuals in the TTP Target Population and individuals in the Birch Look Back Population who are working in integrated supported employment placements are being paid at the Rhode Island minimum wage rate of \$9.60 per hour or more. Individuals in the two target populations are working on average significantly fewer than 20 hours per week. Many individuals in each of these groups are not receiving integrated day services during the times that they are not working based on a 40 hour work week as required by the ISA. Additional documentation of integrated day services being provided is needed (see Section C below).

**Benchmark 8 – Establishment of a Variance Process §V(J)-(K).** A variance process must be established by the State to accommodate individuals who make an informed choice not to work in integrated settings, provided they meet identified criteria.

**Status:** The State's Variance Policy was approved by the Monitor in June 2015, but the process was complicated and difficult to understand. As a result, implementation was delayed. Discussions were held between the Parties and the Monitor to develop a mutual understanding of the requirements of this provision and to agree upon an approach for appropriately making the option available for members of the Consent Decree and ISA Target Populations.

**Assessment: Deferred.** Progress has been made in this area. The State is currently revising its Variance Policy and discussing implementation with the Employment First Task Force. It is requested that the State complete and begin implementation of the revised Variance Policy not later than June 30, 2017. The State is requested to update the Monitor and the United States on the progress of its efforts to address this provision during regular weekly meetings.

### C. Integrated Day Services (ISA Section VI)

#### **Benchmark 1. Provision of Integrated, Individualized Community-Based Day Services**

**§VI(A)-(B).** Integrated community-based services and supports must be made available to TTP and Birch Look Back Target Populations during the hours individuals are not receiving supported employment services based on a 40-hour work week. Supports are to be provided at times and frequencies of individuals' own choosing and must not be provided in congregate centers or workshops.

**Status:** Day services for members of the Birch Look Back Population include community-based trial work experiences, supported employment services and supports to facilitate access to community activities and resources. Services are documented in transition plans, IEPs and CDPs and are regularly reviewed during ISA implementation meetings. Services are summarized in the PPSD December to February 2017 Quarterly Report. However, the extent to which members of the Birch Look Back Population participate in integrated community based day services as described in ISA Section VI(A) and (B) was not reported by PPSD and the State.

Members of the TTP Target Population participate in a variety of integrated day services individually and in relatively small groups ranging from two to ten individuals. Typically, one staff member assists five individuals (1:5 ratio). The CWS/TTP Monthly Report for the period ending December 31, 2016 indicates that 38 (56%) of individuals receiving support from CWS/TTP were engaged in integrated day services, each averaging approximately five hours per week. The monthly report for March 2017 revealed increases in the number of individuals participating in integrated day services to 42 persons (64% of the total), each averaging approximately 10 hours per week. As noted in Table 3 above, only 13 of the 28 individuals engaged in integrated employment in March 2017 were receiving integrated community based day services during the times they were not working.

Integrated day services, as described in the CWS/TTP Monthly Report for March 2017, include activities from the following general categories: athletic, community based recreational, volunteer, tour, and fitness. Weekly schedules and documentation identify a range of "community and employment" activities in which individuals are engaged. The list of 32 activities includes: 16 "tours" of various establishments such as the WPRI News Station and the Providence Police Department; participation in five health or fitness activities, such as yoga at the SHIR Center and community walks; four volunteer activities, six skill building or training activities; and one entertainment activity. Additional materials outline training opportunities furnished to individuals and include a commercial cleaning training program, computer classes,

employment exploration and community exploration. A review of CWS/TTP weekly schedules identifies a similar range of sites that are visited by groups of individuals receiving support from the organization. Absent in the reports, program materials and documentation is information describing the ways in which the services furnished to target group members enable them to access community activities in an individualized, person-centered manner consistent with their needs and preferences as documented in their person-centered plan. The extent to which the listed activities are community-based rather than segregated is unclear. For example, SHIRI Center's website reveals that the referenced yoga class is completely segregated and should not be classified as an "integrated day activity."

On April 3, 2017 the Monitor and attorneys from the U. S. Department of Justice met with CWS/TTP leadership and staff and interviewed a sample of TTP Target Population members at the program's temporary location at the Fogarty Center in North Providence RI. Discussions with CWS/TTP leadership revealed a lack of understanding of the basic goals and provisions of the State's Employment First Policy and related practices. This lack of knowledge and understanding appeared to extend to the basic concepts of person-centered planning and program operation, including the use of the MAPS, PATH and other person-centered planning formats in use by State DD systems and provider agencies across the country. The unfamiliarity with person-centered approaches and the need to emphasize integrated employment and day activities were reflected in the comments that were gathered from individual interviews of TTP Target Population members. The three individuals that I interviewed were unanimous in their desire to have a "real job" in the community and to be engaged in productive community activities that didn't involve hanging out with staff at the mall. All three persons reported that they were pleased to be out of the CWS/TTP facility and to have opportunities to go into the community more often. Two of the three expressed an interest in receiving services from a different service provider.

DDD officials are conducting an in-depth review of day services and supports provided by CWS/TTP following the actions being taken by the State's Licensing Agency (see above). DDD identified the need for more person-centered day services and supports to be provided by the agency and to be included in the strategies CWS/TTP uses to bring about change. ORS made similar recommendations to CWS/TTP to improve person-centered planning training for staff following its quality improvement review and DDD requested that additional training be provided to CWS/TTP in person-centered thinking by the Sheltered Workshop Conversion Institute at the Sherlock Center.

The CWS/TTP Monthly report also documents the hours per week that individuals participate in the "Day Program." Services furnished under this category appear to be segregated and facility based – services that do not comply with Section IV(5) and (6) of the ISA.

**Assessment: Requirements Not Met.** PPSD and DDD have provided limited information on the nature and extent of integrated community based non-work services and supports furnished to members of the Birch Look Back population during times when the individuals are not working. Additional, more detailed descriptions of the services being provided are required.

Services provided by CWS/TTP to the TTP Target Population during the times they are not working primarily are furnished to individuals in groups. Activities are not individualized but are selected from a menu of repeating options. Many individuals appear to be spending significant amounts of time in segregated facility based programs which do not comply with ISA requirements.

**Recommended Actions:** PPSD and the State are requested to provide to the Monitor documentation of the nature and extent (hours per week) of the integrated community based supports that are being provided to members of the Birch Look Back Population, not later than June 30, 2017 for the quarter ending June 30, 2017 and quarterly thereafter. It is further recommended that the State Consent Decree Coordinator attend PPSD's regularly scheduled "Look Back Meetings."

DDD is requested to provide the Monitor with a copy of the findings of its current review of CWS/TTP day and employment services being conducted in conjunction with the State's actions regarding the program's operating license. DDD is requested to report to the Monitor on the following: (a) the validity of CWS' documentation of individualized integrated community based day services that are provided; (b) the validity and reliability of TTP's monthly report data; (c) the status of CWS/TTP's capacity to provide individualized person-centered services and person centered plans and the actions being taken to remediate areas of deficiency and expand opportunities for individualized experiences in integrated community settings. The report should be provided not later than June 30, 2017.

#### **D. Career Development Planning (ISA Section VII)**

**Benchmark 1 – Career Development Planning Policy and Procedures §VII(1):** By September 1, 2013: the State must adopt and implement policies and procedures for developing career development plans (CDP) for each individual in the TTP Target Population; the State and PPSD must adopt and implement policies and procedures for developing career development plans for each individual in the Birch Look Back Target Population. CDP 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.

##### **Benchmark 1a – Policy Adoption and Implementation: Birch Look Back Population**

**Status:** CDP policies and procedures were adopted by the State (RIDE) and PPSD for all members of the Birch Look Back Population and are being implemented by PPSD, RIDE, ORS and DDD. The Monitor's Report, issued on April 1, 2015, indicated that both RIDE and PPSD instituted a career planning process as a part of the educational planning process as required.

**Assessment: Requirement Met.** RIDE, ORS and PPSD have established CDP policies and procedures, are providing oversight and training on an ongoing basis to both ORS and school personnel, and are meeting the requirements of this provision.

##### **Benchmark 1b – Policy Adoption and Implementation: TTP Target Population**

**Status:** CDP policies and procedures were approved by the Monitor, and adopted by the State for members of the TTP Target Population. DDD began statewide implementation of new CDP policies and practices in July 2016. Provider training on the new format, policies and practices began in August 2016. CWS/TTP reports that it is using DDD approved career planning documents and staff have received some training on the new practices. DDD is providing additional training and oversight through its contract with the Sherlock Center. Additional information on the training DDD provides on career development planning is provided in the

Monitor's Report on Consent Decree Compliance Issued January 25, 2017, Section D.  
Benchmarks 1 and 2.

**Assessment: Requirements Not Met.** CWS/TTP does not appear to be implementing DDD's career development planning process as intended. Additional training, oversight and guidance is needed to bring staff to a full understanding of the purpose and mechanics of person-centered career development planning. DDD is requested to review the training and support needs of the staff who provide supported employment and integrated day services to members of the TTP Target Population and to work with the service provider to ensure the effective implementation of CDPs for this group of individuals.

### **Benchmark 2 – Career Development Plan Provision, Content and Focus §IV(7) and VII(5).**

Career development plans will be provided by the State, for members of the TTP Target Population and by the State and PPSD for members of the Birch Look Back Population developed and/or revised annually in conjunction with the ISP or IEP process with a goal of maximizing the number of hours spent working consistent with the individual's abilities. The plan shall: (a) identify the individual's skills, interests, strengths and abilities; (b) be integrated into the ISP, IEP, IPE, and ILP and Summary of Performance; (c) identify the nature and scope of services needed to remove obstacles to obtaining and maintaining integrated employment and participating in integrated day services.

### **Benchmark 2a - Birch Look Back Population.**

**Status:** The CDP and IEP forms and formats used by Birch meet the requirements in Section VII of the ISA. The CDPs are integrated within the IEPs and identify the person's skills, interests, strengths and abilities as well as the nature and scope of services to be provided to secure employment. Of the 23 active participants in the Birch Look Back Population, 19 individuals (83%) have received a CDP. However, only four of the 19 individuals had current CDPs that were written or revised within the past year (See Table 1).

**Assessment: Requirements Not Met.** CDPs were not current for 83% of the Birch Look Back Population members. PPSD and DDD are requested to develop and share with the Monitor a plan for ensuring that CDPs are in place and current for all active members of this population. The plan should be submitted to the Monitor by June 30, 2017.

### **Benchmark 2b – TTP Target Population**

**Status:** CWS/TTP uses the career development planning and individual support planning formats provided by DDD that meet the content and focus requirements of the ISA. While the key plan elements are included on the CDP form that is being used, the documentation of the planning process does not meet the expectations and requirements of the ISA with respect to a person-centered planning process. A review of a sample of CDPs for individuals served by CWS/TTP revealed several deficiencies in the quality and comprehensiveness of the plans that were in place. Career goals were not clearly defined or described and generally consisted of a short sentence or two expressing an interest in a general vocational area. Very few CDPs included information indicating that the individual receiving support had played an active role in the development of their plans or had received assistance from families or friends in the career development planning process. This suggests that Target Population members may not have access to the assistance they need to become actively involved in their service planning process.

The monthly data report completed by CWS/TTP for February 2017 indicates that CDPs were in place for all 66 active members of the TTP Target Population. Of this number, 57 (86%) of the plans were current, having been written or revised within the past year. Only three of the 66 individuals (14%) had participated in a PATH or MAPS individual planning process (see Table 3). DDD gathers and reports similar data on CWS/TTP's performance in this area.

**Assessment: Requirements Not Met.** ISA requirements for person-centered career development planning have not been achieved for this population. DDD is aware of the deficits in this area and has increased the training, and oversight and monitoring consistent with BHDDH licensing and the ISA requirements. As noted above, DDD has requested that the Sherlock Center provide targeted technical assistance in the area of person-centered thinking, planning and service delivery.

**Benchmark 3 – Benefits Counseling §IV(8).** All individuals in the Birch Look Back Target Population and all individuals in the TTP Target Population shall receive benefits planning information and counseling from an experienced, qualified professional by September 30, 2014.

#### **Benchmark 3a - Birch Look Back Target Population.**

**Status:** Twenty (20) of the 23 active members of the Birch Look Back Population have received benefits planning information and counseling. All 13 of the individuals who have received supported employment placements have individual benefits plans (See Table 1). PPSD and ORS have reached out to individuals who do not yet have benefits plans. ORS documents and reports its ongoing efforts to inform students and families on benefits counseling.

**Assessment: Requirements Not Met.** Three members of the Birch Look Back Target Population do not yet have benefits plans or information. PPSD is documenting its ongoing efforts to work with ORS to ensure this service is provided to each individual.

**Recommended Actions:** PPSD and ORS are requested to provide the Monitor with copies of the benefits plans for all members of the Birch Look Back Target Population who are employed by June 30, 2017.

#### **Benchmark 3b – TTP Target Population**

**Status:** CWS/TTP's Monthly Report for March 2017 identifies 39 TTP Target Population members as having completed benefits planning process with plans in place. This represents 59% of the 66 active program participants. Information on the numbers of individuals with benefits plans is generally consistent with unduplicated data on the status of benefits planning at CWS/TTP compiled by DDD for the quarter ending 12/31/16 from three sources; the Sherlock Survey, ORS records, and DDD client files. DDD reports that that 39 individuals had benefits plans in place. ORS officials reported that ORS provided and paid for 30 individualized benefits plans and offered 2 benefits planning information sessions at CWS/TTP during 2015.

CWS/TTP March Report indicates that benefits plans are in place for only 19 (68%) of the 28 individuals who are working in integrated supported employment (see Table 3). These individuals would be expected to gain the most from benefits plans and planning activities. ORS has made it clear that the Office will accept referrals for individualized benefits counseling from

any ORS-involved individuals placed in competitive, integrated employment as long as the wage is paid by employer. Presumably, the 10 individuals who are working and do not have benefits plans would be eligible for this service. During the past year, CWS officials reported that benefits planning activities had stopped and that they believed that they were no longer required to provide this service. The ISA requirement was clarified during subsequent meetings with DOJ and the Monitor, but it does not appear that benefits planning activities currently are taking place.

**Assessment: Requirements Not Met.** TTP Target Population members who are employed, and Target Population members generally, are not receiving access to benefits planning as required by the ISA. Furthermore, the current status of benefits planning for TTP Target Population members is unclear. ORS records document the status of individuals who have received benefits plans and planning paid for by ORS funding. CWS/TTP reports that additional individuals as having received this service. An unduplicated list of individuals who have and have not received benefits counseling and benefits plans along with relevant dates and updates does not appear to be available at this time.

**Recommended Actions:** DDD and ORS are requested to collaborate on the development of: (a) an unduplicated master list of the benefits planning status for each member of the TTP Target Population regardless of funding source, and (b) a plan or strategy for ensuring that benefits plans and planning activities are prepared, recorded and reported for each TTP Target Population member who has or is offered a supported employment placement. The plan should be submitted to the Monitor and the United States for approval not later than June 15, 2017 and implemented by June 30, 2017.

#### **E. Transition Planning for Youth (ISA Section VIII)**

**Benchmark 1 – Employment First Policy and Interagency Agreement §VIII(A)(1)-(2).** The State and PPSD are required to adopt an Employment First Policy making integrated employment the first and priority service option for youth seeking transition work placements and for transition-age youth’s postsecondary vocational planning objectives. The State and PPSD shall enter into an interagency agreement that includes timelines and specific benchmarks setting forth a school-to-work transition process for transition-age youth (14-21 years of age) with IDD in PPSD including Birch students, and providing for students’ access to the services and supports set forth in Sections V(A)(1)-(2).

**Status and Assessment: Requirements Met** The State and PPSD developed and implemented required policies, practices and agreements in accordance with ISA timelines.

**Benchmark 2 – Birch Person Centered Planning Outcomes §IV(3); §VIII(7).** A person-centered planning process will be engaged in every year that a student attends Birch, starting at age 14. The person-centered planning process will minimally include the standards and milestones set forth in Section VIII.

**Status:** In February 2017, 60 of the 62 total members of the Birch Transition Target Population were actively engaged and receiving services and supports from PPSD (Table 2 above). Career Development Plans are person centered and were provided all 61 of these individuals. Of this number, 48 (80%) of the CDPs were current, 13 individuals had CDPs that were more than one year old and needed updating. Documentation provided in the Birch Quarterly Report indicated that individuals whose plans were in need of updating had been identified and updates

scheduled. Person centered planning using the McGill Action Planning System (MAPS) was completed for 61 individuals including all of the 60 students actively engaged in the transition youth population.

**Assessment: Requirements Met.** PPSD is using person-centered planning at for members of the Birch Transition Target Population attending Mt. Pleasant High School.

**Benchmark 3 – Transition Planning for Birch Students §VIII(3), (4), (9), (10) & (11).** The transition planning process for students enrolled in Birch shall continue to begin by age 14, shall include an employment planning team, and shall include access to ORS and Medicaid Waiver services, if the individual is eligible for such services. The transition planning process shall include the following planning milestones for all eligible Birch youth in transition:

- a. Assignment, by age 14, to an employment planning team, as defined in this Section;
- b. No later than during the first year of entry to Birch, and with the assistance of the employment planning team, the formulation of the employment-related recommendations of the IEP to discover and record students' personal interests and goals for postsecondary employment and/or postsecondary education;
- c. No later than the year in which a student turns 16 years of age and with the assistance of the employment planning team, a comprehensive introduction to or enrollment in State services, if an individual is eligible or will be eligible, and also with the assistance of the employment planning team, the formulation of the employment related recommendations of the IPE and ISP, where applicable;
- d. No later than the year in which a student turns 18 years of age meeting with the employment planning team to facilitate possible post-secondary employment placements, and to ensure that an eligible youth has been introduced to numerous and specific options to receive Supported Employment Services in a community based long-term placement in an integrated employment setting meeting the definitions and standards set forth in Section V(D)-(E), and that the eligible youth has (or will have) experienced the opportunity to be placed in such a setting, and to begin working there, prior to the end of his or her participation at Birch;
- e. No later than during the year prior to exit from secondary school, all Birch youth in transition shall receive benefits planning information, according to the standards set forth in Section IV(8).

**Status:** The Transition Timeline developed and revised by RIDE, ORS and DDD includes the responsibilities and requirements of the three state agencies with respect to transitioning youth ages 14 through 21 years, including the individuals in the Birch Transition Target Population. The Timeline, along with PPSD's transition policies and practices addresses the milestones identified in Section VIII(4). PPSD utilizes the Transition Activity Checklist for Students with IDD to identify, align and track transition activities identified on the Timeline. The Timeline and Checklist reference the transition requirements referenced by the ISA. ORS and PPSD do not permit vocational assessments to be performed in segregated settings.

ORS has one Vocational Rehabilitation Counselor assigned to the target population at Mt. Pleasant High School. Providence School Department has hired one Vocational Rehabilitation

Counselor (Community Partner Liaison) to work with students in transition. PPSD employs one job developer whose responsibility is to find community sites for supportive employment services and/or job trial placements and 9 job coaches or Community Transition Assistant Liaisons (CTALs). Eighteen (18) students are expected to exit from the protected population in 2017 from the following programs and activities: five students from Project Search, 12 students from Pleasant Birch Academy, and one from the Transition Academy. PPSD reports that the students will participate in graduation exercises, award banquets, and school parties as appropriate.

The State's Transition Timeline, revised June 30, 2016, details the policies and practices that are employed by RIDE, ORS and DDD to ensure the provision of services and supports to transition age youth consistent with the requirements of the ISA and the Consent Decree. The Timeline describes the services and supports that are available from RIDE, ORS and DDD throughout the transition period. DDD updated its policies and procedures to make it clear that Target Population members are able to access DDD services at 18 years of age. In addition to the Transition Timeline, information regarding eligibility determination, communication with families, the scheduling of needed assessments and the organization of outreach efforts related to ISA requirements are included in DDD's newly revised eligibility determination processes. ORS updated its policies and rules to facilitate or assist individuals to access vocational rehabilitation services at age 16 years or earlier as required.

RIDE has notified school districts that transition planning must begin at age 14 years. Birch students and families are provided with information by PPSD regarding the requirements that must be met to earn a high school diploma as set forth by the RI Secondary Education Regulations during IEP meetings and through written letters. Specific actions and responsibilities of LEAs regarding the transition process are listed in the Transition Timeline. RIDE conducts on-site Employment First Quality Reviews with each district to assess RIDE/LEA actions and review evidence timeline activities are being implemented as required. An introduction to benefits planning and discussion of plans and activities take place during the CDP meetings for Birch students. Families receive a benefits planning flyer that is posted on PPSD's our transition website: <https://www.providenceschools.org/cms/lib/RI01900003/Centricity/Domain/238/Benefits%20planning.pdf>. A meeting with a benefits specialist is scheduled during the year before the student exits school.

Officials from the U.S. Department of Justice (DOJ) reported that during interviews on held on May 11<sup>th</sup> and 12<sup>th</sup> 2017, Birch students, parents, staff, and others reported that students could work only 20-25 hours per week without impact on their benefits, but could not work full time. This finding underscores the importance of individualized benefits planning for this population to ensure that students are able to take full advantage of Social Security Act work incentives that may enable them to more than 25 hours per week while maintaining their public and employer benefits.

**Assessment: Requirements Met.** PPSD's transition planning process for Birch Transition Target Population members meets the requirements of the ISA. However, while policies are in place it does not appear that data is being gathered and reported on the transition of students through the milestones identified in this section.

**Recommended Actions:** It is recommended that PPSD develop the capacity to gather and report data on the number of Target Population members who have achieved the milestones identified in this section by June 30, 2017.

**Benchmark 4 – Vocational Assessments and Trial Work Experiences §VIII(5), (6), & (8).**

All youth in transition shall have a meaningful opportunity to experience one or more vocational and/or situational assessments in an integrated employment setting prior to exit from Birch. All youth in transition shall have a meaningful opportunity to experience at least two trial work experiences of approximately 60 days duration prior to exit from Birch. Trial work experiences must be provided in typical work settings meeting the definitions and standards set forth in Sections V(D)(2)-(4) and V(E).

**Status:** An average of 56 of 60 active Birch Target Population members participated in trial work experiences during the three-month period ending February 28, 2017. The hours constituting in a particular trial work-day vary by individual depending on the person's, stamina, strengths and needs. On average each individual was engaged in trial work five days per month (see Table 2). Trial work experiences are typically accomplished over several quarters. In February 2017, 20 of the 60 active participants completed their first trial work period of 60 days and one individual had completed the second 60-day trial work experience. All trial work experiences, as well as all vocational and situational assessments are performed in integrated settings. Individuals in trial work also receive supported employment services. The 56 individuals engaged in trial work experiences received, on average, approximately 41 hours of supported employment services, as reported by the PPSD Quarterly Report for the period December 2016-February 2017 per month (see table 2). Explanatory information provided by PPSD show that individuals who are not participating in trial work had moved out of the country, had serious health conditions preventing their participation or were members of the freshman class who were experiencing job tours, guest speaker lectures and other transition related activities.

**Assessment: Requirement Met.** Data provided by PPSD and ORS show that the school district is closely following members of the Birch Transition Target Population to ensure that they receive the services and supports required by the ISA.

**F. Training (ISA Section IX)**

**Benchmark 1 – The State and PPSD Will Ensure the Provision of Necessary Training §IX(1)&(2).** Curricula must be developed and training is required to be provided to 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 for members of the Target Populations.

**Status:** The competency-based values-based training program developed for the Consent Decree and approved by the Monitor is being implemented statewide in collaboration with the Sherlock Center at Rhode Island College. See Report of the Court Monitor on Consent Decree Compliance Issued January 25, 2017 for a description of status of the State's (DDD, ORS and RIDE) compliance with this provision.

PPSD. PPSD staff participate in training furnished by RIDE and have taken additional steps to comply with requirements of the ISA. Staff have received training on a variety of topics during the current reporting period including job coaching strategies, assessments and development,

developing appropriate career development plans, accommodations and strategies to support community work experiences, the discovery process and vocational assessments. Training for the CTALs has focused on explaining the role of the job coach to employers, job seekers, co-workers and family; writing task analyses, develop workplace supports plans, identifying strategies for enhancing natural supports and creating customized fading plans for job seekers. Further professional development is scheduled for the Providence CTALs through the FedCap Center for Excellence and the Sherlock Center. PPSD has identified and is tracking key staff competencies based on transition standards from the Division of Career Development & Transition at the Council for Exceptional Children and Association of Community Rehabilitation Educator (ACRE). PPSD documents all professional training activities that are provided to staff in the Quarterly Progress Reports.

CWS/TTP. ORS initiated a Joint Continuous Quality Improvement review of CWS with DDD in 2016. The review addressed supported employment services, staff training and the program's progress on meeting other ISA requirements. Staff qualifications and training were evaluated with deficits identified in a quality improvement plan that was submitted to the agency. In addition, information on staff credentials and training was reviewed by ORS and DDD during an assessment of CWS/TTP's proposal to participate in DDD's Person Centered Supported Employment Program on 11/9/16. ORS had identified person centered planning training should be offered to CWS/TTP staff, and Sherlock Center, as part of the Workshop Conversion Institute, recently provided that training.

CWS/TTP staff have participated in statewide trainings offered by DDD on development of CDPs, the use of the variance provision and the Person Centered Supported Employment Payment system (PCSEP). Staff have received additional training from the Sherlock Center Conversion Institute as well as from ORS and RIDE.

#### **Assessment:**

**Requirements Met for PPSD.** PPSD and RIDE are meeting the requirements of this provision for members of the Birch Look Back and Transition Target Populations. Training is being provided to PPSD staff involved in discovery and assessment, career development planning and the provision of supported employment services.

**Requirements are Not Met for DDD and CWS/TTP.** DDD and ORS have been requested to provide quarterly reports to the Monitor on the number and percentage of employment and day support staff in each provider who are training and certified beginning April 30, 2017. This report has not yet been received. CWS has not provided needed information on the status of training provided to each staff member as required.

#### **G. Outreach, Education and Support (ISA Section X)**

**Benchmark 1 – Targeted Training §X(1).** The State will develop an out-reach, in-reach and education program addressing the State's Employment First Policy, benefits planning, strategies for combining integrated day services with employment in integrated settings and others. The program will provide the opportunity for individuals in the Target Populations to visit and observe integrated employment and day settings where individuals with IDD receive Supported Employment and Integrated Day Services.

**Status:** The State's Out-Reach In-Reach Education Program received final approval from the Monitor on June 14, 2016 as meeting the requirements of this provision. Over the past year DDD expanded the training and information provided on the benefits of integrated supported employment and integrated day services, including:

- Updating the BHDDH website to improve usability and include information on person-centered thinking.
- Holding six Community Forums in geographic regions of the state to provide updates discuss changes in policies and practice, provide information on integrated day services, supported employment, the Person Centered Supported Employment Program (PCSEP), Consent Decree updates, and any other relevant and timely information.
- Expanding communications with families through the bimonthly Community Newsletter.
- Utilizing contracts and contacts with Rhode Island Parenting Network (RIPIN), Advocates in Action (AiA) to support families as the student transitions from school to adult services, and increase understanding of the available services.

Birch Transition Target Population students are being provided with opportunities to observe and visit integrated employment settings during job exploration, situational assessments, trial work experiences and other opportunities.

Members of the TTP Target Population are receiving opportunities to observe and visit integrated employment settings through supported employment services, volunteer and trial work experiences. Day services additionally include mock interviews and business exploration, although the extent to which they are provided in integrated settings needs to be determined. It should be noted that some of the business exploration activities observed and described during the current reporting period appeared to consist of little more than walking through various business establishments in a local mall and were not part of an organized person-centered instructional process.

**Assessment: Requirements Met.** PPSD is fully meeting the requirements of this provision, providing organized opportunities for individuals to explore employment options and observe individuals in integrated supported employment. CWS/TTP is providing opportunities for target group members to observe worksites and individuals working in integrated supported employment but the process appears unorganized and not person-centered. DDD and ORS are requested to meet with CWS/TTP to review the extent to which day services furnished by CWS/TTP meet the requirements of this provision.

**Benchmark 2 – Networking §X(2).** The State will support personal networks, family-to-family and peer-to-peer to link individuals with IDD who obtain competitive employment with families and individuals with IDD at Birch and TTP to explain the benefits and opportunities of supported employment.

**Status:** DDD and ORS participated in the Family Employment Awareness Trainings (FEAT) offered by the Sherlock Center at Rhode Island College. These training discussed employment services and supports for individuals and families. Parents and School Transition Counselors attended these trainings, which provided detailed information around employment. No additional information has been furnished to the Monitor on the development or support of personal and family networks.

**Assessment: Requirements Not Met.** DDD and ORS are requested to provide information and data documenting for members of the TTP Target Population and members of the Birch Look Back Population: (a) visits to integrated employment sites and (b) family and peer-to-peer networks currently receiving support not later than June 30, 2017.

## H. Provider Capacity (ISA Section XI)

**Benchmark 1 – Provider Capacity §XI(1) & (2).** The State and PPSD will ensure a sufficient capacity to deliver supported employment and integrated day services at CWS/TTP and Birch. Providers will have a sufficient array of trained staff, adequate staff supervision, appropriate policies and procedures, a quality improvement program and the capacity to deliver supported employment and integrated day services consistent with the terms of the ISA.

**Status:** CWS/TTP and PPSD appear to have sufficient numbers of staff to provide supported employment and integrated day services to members of the TTP and Birch Target Populations. CWS/TTP and Mt. Pleasant High School have increased the number of staff. DDD and ORS have provided additional resources for direct support staff salaries, have increased funding for services and have increased staff training requirements. PPSD has the staff necessary to ensure the achievement of the program related objectives outlined in the ISA.

The quality improvement review of CWS/TTP issued by ORS and DDD on May 31, 2016 identified several staffing deficiencies reporting that three of the 15 CWS/TTP job coaches did not hold the necessary certifications to provide job coaching services and the two job developers on staff did not have the appropriate training to offer job development and placement services. The review also reported that none of the 7 CWS/TTP staff providing vocational services to participants had the capacity or necessary training to provide vocational evaluations. ORS and DDD required CWS/TTP to ensure all staff have completed the necessary competencies and certifications by October 1, 2016. Information was not available as to the outcome of this requirement.

### **Assessment:**

**Requirements Met by PPSD.** PPSD has a sufficient array of trained staff, adequate staff supervision, appropriate policies and procedures, a quality improvement program and the capacity to deliver supported employment and integrated day services consistent with the terms of the ISA as required.

**Requirements Not Met by CWS/TTP.** CWS/TTP does not appear to have sufficient capacity to deliver supported employment and day services as required. The program does not appear to have the necessary numbers of adequately trained staff, appropriate policies and procedures, an internal quality improvement program or appropriate staff supervision that it needs to meet ISA requirements.

**Recommended Actions:** CWS/TTP currently operates under a conditional license and a State enforced plan of correction. BHDDH and DDD are requested to include among the corrective actions being required of CWS/TTP provisions to ensure that: (a) all staff providing integrated employment and day services meet the qualification and prequalification requirements set forth by this ISA; (b) staff currently not meeting training and certification requirements will do so within 60 days; (c) during the 60 day period that any staff who has not met training or certification requirements will work under the direct oversight and supervision of a trained and

qualified staff member; and (c) CWS/TTP will develop and implement an internal quality improvement program designed to promote high quality services, identify and remediate program and service related deficiencies. DDD is requested to report to the Monitor on the status of these activities not later than June 30, 2017.

**Benchmark 2 – Prequalification Requirements §XI(3).** The State will establish, implement and enforce pre-qualification requirements for all Supported Employment and Integrated Day Services providers offering services to individuals at TTP/CWS and Birch.

**Status:** Pre-qualification requirements, as described in the State’s Competency Based and Value Based Training Program, have been established and are being implemented by DDD and ORS and are required for CWS/TTP and other providers serving the ISA Target Populations. Providers must complete either an ACRE approved program or a training program aligned with ACRE standards and/or APSE competencies and endorsed by DDD and ORS. All programs must include a minimum of 12 hours of coaching/mentoring by an experienced employment specialist within three months of completing the training program and will receive ongoing coaching/mentoring as needed. Additional requirements and provisions are identified in the Competency Based and Value Based Training Program. CWS/TTP maintains a list of staff and their qualifications and DDD has worked with CWS/TTP to address staffing concerns, organizational supports and supervision. Additional job development staff have been hired.

Similar prequalification requirements are in place for Mt. Pleasant High School for Birch students. As noted above, PPSD tracks professional development activities at Birch and has developed a series of competencies that are used to ensure staff receives professional development and training that enhances school transition services, effective instruction and enables students to achieve their post-secondary goals. Competencies are the measurable or observable knowledge, skills, abilities, and behaviors critical to successful job performance.

**Assessment: Requirements Met.** The State and PPSD have developed prequalification requirements for providers of supported employment and integrated day services. PPSD in collaboration with RIDE provides ongoing oversight to ensure staff are meeting qualification and prequalification requirements. DDD and ORS have established mechanisms for ensuring that CWS/TTP staff meet qualification and prequalification requirements and are enforcing these standards with CWS.

**Benchmark 3 – Incentives through Public-Private Partnerships §XI(4) & (7).** The State and PPSD will create incentives to encourage the transition of individuals from TTP and Birch to integrated employment settings. Incentives are to be implemented through public-private partnerships with persons with IDD, family members, employers, employment providers and community organizations.

**Status:** The State has implemented performance-based financial incentives to stimulate provider organizations to increase the number of individuals receiving supported employment services through the Person-Centered Supported Employment Program at both DDD and ORS performance based funding. Additional changes to policies and practices have been implemented to reduce or eliminate barriers to the expansion of supported employment and integrated day services. BHDDH/DDD, ORS, the Department of Labor and Training and the Governor’s Workforce Board are working to stimulate public-private partnerships to increase

integrated employment placements.<sup>10</sup> While these activities may produce positive outcomes in the future, no specific public private partnerships have been established to date that impact the TTP Target Population or the Birch Target Populations.

**Assessment: Requirements Not Met.** The State has made progress on this provision generally, and have reached agreements with individual employers to support trial work experiences and vocational assessments but no public-private partnerships or public-private initiatives have been established with private employers that have resulted in supported employment placements for the TTP or Birch Target Populations.

**Benchmark 4 – Monitoring, Oversight and Technical Assistance §XI(5).** The State will provide monitoring, oversight and technical assistance to ensure supported employment providers have adequate staffing, organizational support and supervision and use effective business models to meet the goals and outcomes of the ISA.

**Status:** ORS and DDD have provided oversight, monitoring and technical assistance to CWS/TTP to improve the organization’s ability to meet the requirements of the ISA. CWS/TTP has received additional technical assistance and staff training from the Rhode Island Conversion Institute at Rhode Island College. Although assistance has been provided, CWS/TTP continues to have difficulty meeting ISA requirements. Recent actions by the BHDDH Licensing Unit and DDD have identified key deficiencies in the program’s ability to furnish services and supports to members of the ISA Target Population as required.

RIDE is providing oversight and technical assistance to PPSD (see Section L Quality Improvement (§XV) below).

**Assessment: Requirements Met.**

#### **I. State Agency Actions (ISA Section XII)**

**Benchmark 1 – Contract with a Technical Assistance Provider §XII(1)(2).** The State and PPSD must contract with new or existing technical assistance providers to furnish needed training and technical assistance to staff from the State, PPSD, TTP and Birch to plan and provide day services and transition programs from sheltered workshops to integrated employment opportunities.

**Status:** DDD has established contracts to provide needed technical assistance and training through the Sherlock Center, the National Association of State Directors of Developmental Disabilities Services and other entities. Additional technical assistance is provided to provider agencies through the Conversion Institute at Rhode Island College. ORS has contracts with consultants and subject matter experts to furnish training and technical assistance. RIDE assists all LEAs with statewide training and technical assistance funded by RIDE. PPSD has accessed RIDE funded training and technical assistance and reports on training and assistance that is provided in the Quarterly Report.

**Assessment: Requirements Met.**

#### **J. Interagency Collaboration (ISA Section XIII)**

---

<sup>10</sup> See Report of the Court Monitor on Consent Decree Compliance issued January 25, 2017, Section H Benchmark 4.

**Benchmark 1 – Agreements between state agencies: BHDDH, RIDE and ORS §XIII(1).**

**Status:** The Interagency Agreement was signed with an effective date of July 11, 2013 addressing the three areas identified above.

**Assessment: Requirements Met.** The State is effectively addressing the requirements of this provision of the ISA.

**Benchmark 2 – Agreements between the State and PPSD §XIII(2).** Agreements will address funding, ORS involvement, the engagement of trained transition specialists, supported employment, referral relationships and policies assuring compliance with the Americans with Disabilities Act.

**Status:** The signed Interagency Agreement addresses each of the provisions identified in the ISA. The State and PPSD appear to be meeting the general provisions of the Interagency Agreement. Progress on implementing the ISA, which is fully incorporated within the scope of the Interagency Agreement, is described in the sections of this report.

**Assessment: Requirement Met.**

**K. Funding (ISA Section XIV)**

**Benchmark 1 – Ongoing Funding Allocations §XIV(1), (2), &(4).** The State and the PPSD will ensure that individuals in the TTP and Birch Target Populations with a career development plans receive ongoing funding allocations to support them in gaining, maintaining and/or improving employment outcomes and for participating in integrated day services.

**Status:** Individuals from the TTP Target Population and the Birch Target Populations are receiving ongoing funding allocations as required. Funding for integrated supported employment and day services was increased substantially during the current 2017 fiscal year to meet service related requirements of the ISA and Consent Decree.<sup>11</sup> The State's funding methodology and reimbursement practices have the flexibility necessary to ensure that resources follow Target Population members as they receive supported employment placements and their service needs change.

**Assessment: Requirements Met.** ISA Target Population members receiving State services receive an individualized allocation of funding for the supports provided. Current funding allocations from BHDDH and PPSD are adequate to support services and activities required by the ISA. The reimbursement model for integrated employment and integrated day services appears sufficiently flexible to allow CWS/TTP and PPSD to furnish necessary individualized supports consistent with the requirements of the ISA. Providers may request changes in an individual's funding allocation that are necessary to adequately fund services based on the individual's identified needs.

**Benchmark 2 – Performance Based Contracts §XIV(3).** The State shall develop and implement performance-based provider contracts for the provision of supported employment services to individuals in the Target Populations, linking funding to the provider's achievement of numerical targets and implementation timelines.

---

<sup>11</sup> Ibid, Section K Benchmark 1.

**Status:** BHDDH launched the Supported Employment Services Package – Person Centered Supported Employment Program (PCSEP) as a pilot initiative in September 2016. CWS/TTP is participating in the program along with other IDD service providers. The incentive based funding program directly ties reimbursement rates and incentives to provider performance, as required. ORS has also developed and introduced a new performance based service pilot with seven agencies to help with increasing capacity to the providers to provide supported employment services through employment teams and in a manner that the “money follows the person.”

**Assessment: Requirements Met.** The funding methodology addresses the requirements of this provision.

#### **L. Quality Improvement (ISA Section XV)**

The quality of services and supports furnished to members of the ISA Target Populations is assessed separately for each group. DDD and ORS collaborate on assessing the quality of services and supports furnished to members of the TTP Target Population. RIDE and PPSD manage quality improvement activities for members of the Birch Look Back and Birch Transition Target Populations.

#### **Benchmark 1 – TTP Quality Improvement Program §XV(1)(a)-(e).**

**Benchmark 1a – Quality Improvement Initiative §XV(1)(a).** The State will develop and implement a quality improvement initiative to ensure that individual, integrated Supported Employment Placements and Supported Employment and Integrated Day Services, as defined and described in Section V, are developed in accordance with the ISA. The initiative will (a) evaluate the quality and quantity of Supported Employment and Integrated Day Services provided to persons with IDD under the ISA, and (b) ensure that the individuals who receive Supported Employment Placements and Integrated Day Services under the ISA receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.

**Status:** The Report of the Court Monitor on the State’s Progress on the Interim Settlement Agreement issued January 15, 2016 noted that ORS and DDD had each developed a quality improvement plan covering, among other topics, provider capacity and service provision, prequalification requirements, provider monitoring and oversight and other issues. The report additionally noted that neither plan addressed the requirements of the ISA Section XV. Not identified or discussed were: program standards against which system and individual outcomes would be measured, the establishment of a process for discovering strengths and weaknesses, or a description of procedures for notifying providers of program deficiencies and remediating programs and services in need of improvement. DDD was requested to revise its quality management system to reflect or incorporate the organizational format of ISA section XV(1)-(5). To date, a single Quality Improvement Initiative has not been implemented.

ORS and DDD have made progress in this area. ORS organized a QI unit within the Office of Rehabilitation Services to review and monitor the quality of services offered by ORS vendors. Six central office staff devote a portion of their time to organize site visits, conduct quality improvement reviews and document findings and recommendations. Approximately three to four agencies are reviewed each year. At this rate it would take approximately nine years to review all 36 agencies. Additional information on provider agency performance is gathered by

ORS field staff and reviewed by administrators on an ongoing basis. Vocational Rehabilitation Counselors are assigned to liaison with DD provider agencies, meeting on a monthly basis to review administrative activities, discuss individual and systemic barriers, service quality and Consent Decree related activities.

In March and April 2016, ORS led a joint QI review with DDD of CWS/TTP. A follow-up review was conducted on May 5, 2016. The report identified required outcomes, summarized the review discovery process, identified necessary changes, included strategies for change and improvement, named the provider and state agencies responsible for making necessary changes and set target dates for assessing completion of the changes to be made. The final report was issued on May 31, 2016 addressing participant access, person-centered service planning and delivery, provider capacity and capability, participant safeguards, rights and responsibilities, participant satisfaction, and system performance. As a part of its Continuous Quality Improvement Activities, ORS conducts Quarterly Review Meetings with provider agencies and monthly Liaison Review meetings with provider agencies that focus on individual cases and “provide oversight on Consent Decree demands.” Monthly meetings were held with CWS/TTP in November 2016, January, February and March of 2017.

In June 2016, DDD hired an Associate Director for Quality Improvement to organize, manage and monitor quality improvement activities throughout the DD Division and to coordinate with the QI efforts of all agencies involved in the implementation of the Consent Decree as well as the ISA. Responsibilities include the implementation of the QI initiative required by the ISA and the Consent Decree, as well as quality assurance and improvement activities that must be carried out for Medicaid funded home and community based services of all types. No other staff are assigned to conduct quality reviews at DDD on a full time basis. A separate Quality Improvement Office within BHDDH is fully staffed and routinely conducts investigations on complaints filed by those who receive services from BHDDH contracted agencies. This unit also assesses provider qualifications and the extent to which provider agencies meet general licensing and operational requirements. The State reports that the Associate Director for Quality Improvement within DDD is working closely with other QI staff from BHDDH, ORS and RIDE on to improve quality of Consent Decree related services. As with ORS, responsibility for reviewing the quality and responsiveness of services furnished by provider agencies is shared by the employment specialist and staff in the department who each have other duties and responsibilities.<sup>12</sup>

**Assessment: Requirement Not Met.** ORS has regular contact with CWS to review the services and supports received by members of the ISA Target Population. Quarterly updates are filed. DDD is in regular contact with CWS/TTP regarding the services and supports that provides and the extent to which those services meet ISA requirements. While the ongoing oversight provides information on the quality and responsiveness of the services being provided, the review and monitoring does not constitute a fully functioning quality improvement program or initiative as envisioned and required by Section XV(1)(a-e) of the ISA.

In December 2016, the Monitor secured the assistance of a subject matter expert to review and evaluate the State’s quality improvement and management programs for integrated employment and integrated day services furnished to members of the ISA and Consent Decree Target Populations. A report of the review findings and recommendations was shared with the

---

<sup>12</sup> Ibid Section L Quality Improvement Benchmark Benchmarks 1-3

State and filed with the Court in January 2017.<sup>13</sup> The State was requested to begin implementation of all recommendations included in the report.

**Benchmark 1b - Establish Detailed Program Standards §XV(1)(b).** The State will establish detailed program standards for supported employment and integrated day services that incorporate the definitions and standards set forth in the ISA.

**Status:** As noted by the expert reviewer, with the exception of standards for supported employment services recently incorporated into the BHDDH Rules and Regulations for the Licensing of Developmental Disability Organizations, the regulations lack a set of clear standards with respect to transition planning, career development planning, benefits planning, and integrated day services, as required by the ISA and the Consent Decree. The current regulations also lack a set of foundational principles that apply to all services and supports furnished by DDD.

**Assessment: Requirements Not Met.** DDD and ORS identified outcomes to guide the assessment of the quality of CWS/TTP services during the review conducted in March 2016 but clear standards against which service quality can be assessed have not been developed and implemented as required by this section.

**Benchmark 1c - Quarterly On-site Reviews §XV(1)(c).** Through its quality improvement initiative, the State will conduct on-site reviews of TTP at least monthly for the first year of this Interim Agreement and quarterly thereafter to evaluate the services provided to individuals with IDD against the program standards described above.

**Status.** Quarterly on-site reviews have not been conducted on a routine basis of CWS/TTP during the current reporting period. ORS VR counselors meet with CWS staff on a monthly basis to review cases and identify changes that need to be made in VR services. DDD conducts monthly reviews of the individuals and provider agencies participating in the PCSEP program and provide CWS/TTP with on a regular feedback on program operations, services and areas of concern. However, no formal QI review process has been developed and implemented as required by the ISA.

**Assessment: Requirements Not Met.** Current actions by the BHDDH Licensing Unit and DDD regarding CWS/TTP programs and services demonstrate the State's commitment to ensuring the quality of services provided and the health and safety of individuals receiving supports from this agency. However, DDD and ORS have not met the requirements of this ISA provision.

**Benchmark 1d - QI Reports and Follow-up Visits §XV(1)(d)-(e).** The State will issue reports from each review describing its findings and recommendations, program deficiencies, and the need for a plan of correction. The State will conduct appropriate follow-up reviews to determine if plans of correction have been implemented to ensure that any identified deficiencies have been corrected in a timely manner. The State will issue reports pertaining to any follow-up reviews.

**Status:** With the exception of the QI review of CWS/TTP that was performed in March 2016 by ORS and DDD, and the recent quality improvement activities related to the findings and actions of DDD and the BHDDH Licensing Unit, DDD and ORS have not provided the Monitor or issued

---

<sup>13</sup> See Addendum to the Court Monitor's Report on Consent Decree Compliance Issued January 25, 2017.

QI review reports, plans of correction or summaries of follow up reviews of CWS/TTP as required by the ISA.

**Assessment: Requirements Not Met.**

**Benchmark 2 – Birch Transition and Exit Target Population Quality Improvement Program.**

**Benchmark 2a – Quality Improvement Initiative §XV(2)(a).** The State and PPSD will develop and implement a quality improvement initiative to ensure that individual, integrated Supported Employment Services and Supported Employment Placements, and Integrated Day Services, as defined and described in Sections V-VI, are developed in accordance with the ISA for students at Birch. The initiative will (a) evaluate the quality and quantity of Supported Employment and Integrated Day Services provided to persons with IDD at Birch under this Interim Agreement, and (b) ensure that individuals from Birch who receive Supported Employment Placements and Integrated Day Services under the ISA receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.

**Status:** PPSD continues to utilize its *Quality Assurance Plan for Implementation of the DOJ Interim Settlement Agreement Year 2015-2016 Providence School Department* (Quality Assurance Plan). The initiative is designed to ensure that the ISA is managed and implemented in a sound, reasonable and effective manner, that services are of high quality and that individual outcomes are being met. A four-point scale is used to evaluate performance against key standards across five key areas: career development implementation, person centered processes, supported employment services, job trials and transition planning. Currently, PPSD monitors each transition student quarterly. Joint RIDE/PPSD on site monitoring reports are submitted on a quarterly basis to the State Coordinator. Follow-up actions, technical assistance needs, program concerns, etc. are noted.

RIDE uses the RI Transition Timeline to evaluate the quality of the transition process for PPSD as well as other schools. RIDE collaborates with the Regional Transition Centers in the implementation of the RI Employment First Quality Review Checklist to assess quality through on-site support visits to assist in identifying barriers, deficiencies, gaps and additional training needs and technical assistance to meet the requirements of the ISA and improve services for youth with I/DD. Reviews document the LEA's barriers/challenges and technical assistance/actions to support the resolution of identified barriers. The City of Providence participated in two reviews utilizing the QA process- one on February 22, 2016 and the other on April 6, 2017. RIDE's Quality Assurance process is aligned to the requirements of both the Consent Decree and the ISA. RIDE's quarterly monitoring of Birch is specific to the ISA since the quarterly monitoring of Birch/Mt. Pleasant High School is an expectation under the ISA.

**Assessment: Requirements Met.** Quality improvement initiative of the State and PPSD are in place and are being implemented.

**Benchmark 2b - Establish Detailed Program Standards §XV(2)(b).** The State and PPSD will establish detailed program standards for supported employment and integrated day services that incorporate the definitions and standards set forth in the ISA.

**Status:** PPSD's Quality Assurance Plan states that the plan is designed to ensure that: the ISA is being managed, developed, and implemented in a sound, reasonable and effective way; the implementation of ISAs provisions are of acceptable quality for implementation; and the PPSD

is achieving successful outcomes in relation to ISA provisions. The plan and quality review process identifies standards, and evaluates on a quarterly basis, the following areas of development: person-centered process, supported employment services, job trials, and transition planning.

**Assessment: Requirements Met.** PPSD and RIDE have established detailed quality improvement standards and are using them to assess services and service delivery.

**Benchmark 2c – Quarterly On-site Reviews §XV(2)(c).** Through its quality improvement initiative, the State and PPSD will conduct on-site reviews of Birch at least monthly for the first year of this Interim Agreement and quarterly thereafter to evaluate the services provided to individuals with IDD against the program standards described above.

**Status:** Documentation provided by RIDE and PPSD indicates that quarterly monitoring reviews were conducted by PPSD with the involvement of ORS staff during April, July and November 2016 and March 2017. The Quarterly Progress Updates addressed person-centered planning, career development planning, trial work experiences, and benefits counseling. On-site visits included student observations and a visit to the Project Search site. RIDE’s monitoring activities address areas of the ISA requiring technical assistance from the department. Quarterly summaries of QI activities are included in the *Rhode Island Department of Education Birch Quarterly Monitoring- ISA Requirements* report. Progress Updates included in the report document progress and issues with respect to several ISA provisions including quality improvement. The reports identify deficiencies, gaps and needs for technical assistance. RIDE also provided quarterly summaries of review activities for the Consent Decree for the months during 2016 and the first quarter of 2017 but this information did not, for the most part, address the ISA quality requirements for Birch.

**Assessment: Requirements Not Met.** PPSD’s Quality Assurance Plan for Birch QI reports documenting quarterly on-site reviews do not include site visit reports and related quality improvement activities during 2016-2017 school year. This provision will be met when PPSD provides documentation of QI activities in the Quality Assurance Plan for the Birch Target Population during the 2016-2017 school year.

**Benchmark 2d – QI Reports and Follow-up Visits §XV(2)(d)-(e).** The State and PPSD will issue reports from each review describing its findings and recommendations, program deficiencies, and the need for a plan of correction. The State and PPSD will conduct appropriate follow-up reviews to determine if plans of correction have been implemented to ensure that any identified deficiencies have been corrected in a timely manner. The State and PPSD will issue reports pertaining to any follow-up reviews.

**Status.** As noted above, PPSD’s Quality Assurance Plan summarizes quality improvement activities conducted quarterly at Birch. The plan rates performance across key areas of development, such as career development planning, standards areas of strength, areas of need, and next steps identifying any remedial actions to be taken (see Benchmark 2a above). RIDE additionally reviews quality improvement needs and activities at Birch along with actions that need to be taken. These as well as other summative reports documenting quality assurance and improvement activities are being prepared on a quarterly basis and include findings, recommendations and the identification of actions to remediate deficiencies.

**Assessment: Requirements Not Met.** This provision will be met when PPSD provides documentation of QI activities in the Quality Assurance Plan for the Birch Target Population during the 2016-2017 school year.

## **M. Data Collection and Reporting (ISA Section XVI)**

**Benchmark 1 – Data to be Collected and Reported §XVI(1)-(3).** The State and PPSD agreed to collect unduplicated data on individuals with IDD in the Target Populations and report on a quarterly basis. The ISA identifies 17 data categories that need to be gathered encompassing approximately 44 individual data points.

**Status:** The DDD, ORS and RIDE have made significant progress in the development of the capacity to gather and report unduplicated data on individuals with IDD in the TTP Target Population, as well as the services they receive and the outcomes they achieve. Data on the TTP Target Population is being reported on a quarterly basis by DDD as required. Data and ISA related information being generated and reported by CWS/TTP, however, is inaccurate and unreliable and requires significant review, recalculation and correction in order to be of use. CWS/TTP has not demonstrated the ability to gather and report data as required.

While the State is beginning to implement strategies for using the information being gathered, DDD and ORS need to strengthen the use analysis and reporting of employment and integrated day services data to improve program operations, document progress, remove barriers and implement improvements in policy and practice.

PPSD continues to gather and report key performance data on a quarterly basis as required by this section. While data is being collected as required, the information is not being analyzed and summarized in a format that facilitates its use to ensure the achievement of ISA outcomes and requirements.

**Assessment Requirements Not Met.** The full assessment of this provision is deferred to the next report.

**Recommended Actions:** It is strongly recommended that DDD and ORS develop and implement effective strategies for gathering and reporting valid and reliable data on TTP Target Population members receiving services from CWS/TTP. It is recommended that actions on this provision begin on June 1, 2017 and be completed by July 15, 2017, and that the new format be provided to the Monitor for review and approval.

PPSD is requested to develop two comprehensive data tables summarizing ISA related outcome and output information on a quarterly basis; one table for all members of the Birch Look Back Target Population, and a second table summarizing outcome and output information on all members of the Birch Transition Target Population. It is further requested that the two tables be available to summarize all data on the two Birch Target Populations for the quarter ending May 31, 2017 and PPSD review the table formats with the Monitor prior to implementation.

#### **IV. Concluding Comments**

Progress on meeting the terms, conditions and requirements of the ISA has been mixed during the current reporting period. The State has improved funding, developed and implemented key policies and practices related to funding, performance based contracting, staff training, data gathering and reporting. The State and PPSD have continued to improve levels of compliance across key areas related to quality improvement and staff training for the Birch Target Populations. By contrast, progress on meeting the requirements of the ISA for members of the TTP Target Population appears to have plateaued and possibly regressed. BHDDH-DDD is aware of the problem and is acting aggressively to address the situation. As noted in the body of this report, Substantive efforts need to be placed on addressing the following ISA requirements:

1. Supported Employment Placements for Members of the TTP Target Population. All placement deadlines have been passed and the number and percentage of integrated supported employment placements has remained essentially flat for the past four years. Concentrated efforts need to be made to develop supported employment placements and integrated day service placement for every member of the TTP Target Population, consistent with the provisions of the ISA.
2. Quality Improvement. DDD, and ORS need to develop and implement a Quality Improvement Initiative consistent with the provisions of ISA Section XV(1)-(5) Covering services and supports furnished to the TTP Target Population as required by the ISA.
3. Person Centered Career Development and Benefits Planning. DDD needs to continue current efforts to expand and improve staff training and increase monitoring and oversight of career development planning activities to ensure all members of the TTP Target Population have current and appropriate person-centered career development plans and current and appropriate benefits plans.
4. Personnel and Human Resources. DDD's current capacity to meet the requirements of ISA Section XV Quality Improvement are seriously hampered by the lack of sufficient numbers of staff to implement an effective and appropriate quality assurance and management program as required by the ISA, the Consent Decree and Federal Medicaid Regulation. Additional staffing resources are needed to assure and improve service quality, provide appropriate system oversight, improve and ensure provider training.

## ATTACHMENT

### Quality Management Plan – CWS

#### Summary of Events:

- 12/2016 CWS was issued a conditional license (December 2016-June 2017) following reported concerns related to the safety and quality of the physical site at 20 Marblehead Drive.
- 3/16/17 Office of Quality Assurance/Quality Improvement received report related to the safety of the physical site. This report resulted in an onsite review by BHDDH Licensure staff and the issuance of an emergency order to suspend all Developmental Disability licenses issued by BHDDH. CWS was directed to notify all participants/families/providers of this suspension and program closure until an alternate location could be confirmed.
- 3/16/17 CWS provided written confirmation to DDD of successful notification to all participants and additionally summarized the support needs of all 71 consumers which identified the following:
- 17 participants are employed and do not attend community based programming – no disruption to services as CWS will continue to provide coaching, retention and case management in the community or at the employer.
  - 13 participants receive a combination of employment and community based day programming. CWS is able to continue to provide all supported employment services (coaching, retention, etc.) without disruption.
  - 41 participants are engaged solely in community based day programming.
  - CWS has begun identifying additional community based activities to provide full day programming in the community for the 41 community based day only and 13 part-time community based day participants during this period of transition.
  - 10 individuals in the group continue to express a reluctance to go into the community on a regular basis. They may be most challenged by these circumstances and opt to stay at home.

*Note: As of 3/26/17, only 25 individuals are shown working on the weekly schedule.*

- 3/17/17 CWS staff, Jack Haughey, Shannon Teles and Serena Powell met as scheduled with BHDDH Licensure and DD staff regarding manifestation of both facility and program concerns and were alerted that the following areas are going under review:
- The need to identify an appropriate permanent location to conduct community day programming and other licensed services;
  - Community based day program services, for which the agency is licensed, that are being provided as center based day services;
  - Segregated activities that are provided to participants that should be provided as integrated community activities.
- 3/17/17 CWS notified BHDDH Licensure that they secured temporary space at the Fogarty Center for pick up and drop offs to resume community-based operations for Tuesday 3/21/17. They additionally reported coordination efforts underway re: transportation changes and scheduling.
- 3/20/17 DDD updated SCW supervisors and Division management staff of the status of the suspended license and the identification of temporary space. SCW supervisors briefed re: notifications and transportation efforts in process and to provide ongoing supports to consumers and families through this transition including identification of needed/desired referrals to alternate programs.
- 3/21/17 Weekly schedule for all program participants submitted to BHDDH. This schedule provided weekly activities and work schedules for 69 of the 71 participants, including one labeled “on leave, and additionally identified 2 consumers as ‘temporarily not attending’. Follow-up underway re: these reported statuses as related to the move or unrelated.
- 3/22/17 Letter sent to CWS Board Chair from Kevin Savage, Licensing Administrator regarding the situation
- 3/24/17 BHDDH caseworkers asked to reach out to consumers who have limited community participation interest and may be interested in leaving CWS in order to support referrals to alternate programs.
- 3/26/17 Weekly schedules for 69 of 71 program participants submitted to BHDDH. Seven are not currently attending. Caseworkers spoke with one of the seven who isn’t certain he will go back. One of the two participants without a schedule was in the process of switching to another agency. One of those listed as attending has told a caseworker he wishes to retire from CWS and a meeting is scheduled for next week to discuss moving to another agency.

### Quality Management Response Plan

Anne LeClerc, Associate Director of Program Performance, identified as Quality Manager/lead on the identified quality management response and monitoring plan as detailed below:

| Deficiency Description                           | Actions to be taken (Prospective & Preventative)  | Monitoring Plan  | Indicator the Deficiency is Resolved   | Frequency   | Planned Complete Date | Completion Confirmed Review Date |
|--|---|--|--|---|-----------------------|----------------------------------|
| 1. Unsafe, unhealthy and hazardous facility/site | Identify permanent local, accessible location to serve as a safe and supportive hub for community based supports and services   | A. Communications with Licensing Administrator   | A. Non-conditional licensure   | A. Ongoing  | A. 6/30/17            |                                  |
|  |   | B. Consumer interviews of at least 50% attendees by DDD QM staff.  | B. Consumer satisfaction with new location   | B. Beginning April 3, 2017 and again following 2 weeks after relocation to permanent location | B. 4/28/17            |                                  |
| 2. Interim services                              | A. Ensure that consumers are provided with the supports and information they need until a permanent location is secured or a model for providing fully community-based services is implemented. | A. DDD QM and related staff will 1. be onsite at the Fogarty Center temporary location at least once a week, and 2. will visit at least one community activity/ employment location to monitor services. | A. A permanent, local, accessible hub is secured and opened or service model is changed to solely community based. | A. Staff visits to CWS activities at least twice per week.                                    | A. 6/30/17            |                                  |
|  | B. Ensure that BHDDH is kept informed of progress   | B. Weekly conference calls between DDD QM, Licensing, and CWS  | B. Permanent services are restored.  | B. Weekly   | B. 6/30/17            |                                  |
| 3. Insufficient Communications                   | A. Detailed participant schedules/ participant rosters to be submitted to Anne LeClerc/QM   | A. Ongoing schedule submissions for all program participants to QM with a description of activities  | A. Schedules demonstrate individualized and integrated activities consistent with PCP/ISP/CDP goals                | A. Weekly   | A. Ongoing            |                                  |
|  | B. Notice of any consumer disinterest/ withdrawal/refusal of participation in community based activities to be reported to SCW with cc to Anne LeClerc/QM                                       | B. Oversight of CWS response and remediation to identified consumer concerns, and reports from SCW on consumer plans to move or stop services.   | B. Shift response and collaboration with SCW to ensure consumer preferences and interests are being met            | B. Ongoing as reported  | B. Ongoing            |                                  |
|  | C. Written communication sent by DDD to all participants and families explaining events and supports available through and after transition re: options and monitoring efforts                  | C. n/a – Division action to enhance communication to participants  | C. n/a   | C. One mailing  | C. 4/7/17             |                                  |

| Deficiency Description   | Actions to be taken (Prospective & Preventative)  | Monitoring Plan   | Indicator the Deficiency is Resolved  | Frequency                               | Planned Complete Date | Completion Confirmed Review Date |
|--|---|---|---|---|-----------------------|----------------------------------|
|  | D. CWS will put in place policies and procedures for notifying BHDDH Licensing and QM as well as consumers and families regarding incidents, emergencies, or other conditions of concern. | D. Review of CWS policies and procedures regarding notification of BHDDH Licensing and QM, families and consumers regarding incidents, emergencies, or other conditions of concern. | D. Acceptable policies and procedures and a record of following them.                               | D. Ongoing                              | D. Ongoing            |                                  |
| 4. Non-compliance with community-based day service                                     | All programming and supports to be community-based, integrated and reflective of person-centered planning and goals   | A. <ul style="list-style-type: none"> <li>Oversight of schedules</li> <li>Review of ISPs and CDPs</li> <li>Review of billing practices</li> </ul>                                   | A. Schedules demonstrate individualized and integrated activities consistent with PCP/ISP/CDP goals | A. Weekly                               | A. Ongoing            |                                  |
|  |   | B. Consumer interviews of at least 50% attendees by DDD QM staff  | B. Consumer satisfaction with community-based day supports  | B. Consumer interviews beginning 4/3/17 | B. 4/28/17            |                                  |
| 5. Segregated community-based activities   | All activities to be integrated and reflective of person-centered planning and goals  | A. <ul style="list-style-type: none"> <li>Oversight of schedules</li> <li>Review of ISPs and CDPs</li> </ul>  | A. Schedules demonstrate individualized and integrated activities consistent with PCP/ISP/CDP goals | A. Weekly                               | A. Ongoing            |                                  |
|  |   | B. Consumer interviews of at least 50% attendees by DDD QM staff  | B. Consumer satisfaction with community-based day supports  | B. Consumer interviews beginning 4/3/17 | B. 4/28/17            |                                  |
| 6. Ongoing improvement and compliance with areas for improvement from 3/30/2016 review | Revisit 2016 review findings for current status of areas for improvement  | Monthly reviews of areas needing improvement  | Necessary changes made and sustained  | Monthly                                 | 6/30/17               |                                  |