

Questions & Answers for Individuals and Families About the Rhode Island Consent Decree

1/13/2017

Page 1

Question #1: I received a letter about the Consent Decree. What does it mean?

Answer: On January 14, 2013, the United States Department of Justice (USDOJ) notified the State of Rhode Island that it had started an investigation to see if the State had violated Title II of the Americans with Disabilities Act of 1990 (ADA), as interpreted by the United States Supreme Court in *Olmstead v. L.C.* (1999). The investigation looked into the State's administration and operation of the day activity service system, including employment, vocational, and day services for individuals with I/DD. The "Consent Decree" is an agreement between Rhode Island and USDOJ about how to resolve the lawsuit without going to trial. It details what the state must do to improve integrated day and employment services.

Question #2: What was the lawsuit about?

Answer: The lawsuit was about the state's use of sheltered workshops and facility-based day programs. The USDOJ charged that too many people with I/DD were segregated in sheltered workshops or facility-based programs and the State wasn't doing enough to help people get jobs or participate in other ways in the community. USDOJ claimed the state's employment and day services system was in violation of the ADA on the grounds that sheltered workshops and facility-based programs segregate people from their communities and that people were paid less than minimum wage for various jobs.

Question #3: Am I in some sort of legal trouble based on the Consent Decree or the letter I received?

Answer: No. The lawsuit was against the State of Rhode Island, not you, your family, your case manager, or your provider. The letter you received was just to tell you about the Consent Decree.

Question #4: Who is affected by the Consent Decree?

Answer: The "target populations" are Rhode Islanders with I/DD who may have worked in a sheltered workshop, attended a facility-based day program, or left school and entered the adult Developmental Disabilities system since 2012. If you got the letter in the mail, the State's records showed you received one of the services listed above. This makes you part of the target populations covered by the Consent Decree.

Question #5: Do I have to do anything about the letter?

Answer: No. You were sent the letter because you are part of the "target population" receiving the services that need to change. You do not have to do anything. Because you are a member of the target population, the State has an obligation to provide you with the services you qualify for in the most integrated setting possible and information to help you understand the Consent Decree. If you do not want to receive these services, you can opt out.

Question #6: What are the goals of the Consent Decree?

Answer: The Consent Decree requires the State to:

- (1) reduce the use of sheltered workshops and facility-based day programs, and
- (2) provide more employment services to help people get and keep jobs in the community.

The belief is that more people with I/DD want community jobs than are currently getting them, and that more people will want jobs or even to start their own business once they understand the benefits and opportunities of working in their communities.

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1/13/2017

Page 2

Question #7: What does “integrated employment” and “integrated day services” mean?

Answer: Integrated day services means that a person spends time in recreational, volunteer, or other social activities in their community with the opportunity to interact with people who do not have disabilities. Integrated employment is a job where a person works for a business in their community. This job provides them with the opportunity to work and interact with co-workers who do not have disabilities and earn minimum wage or better. An integrated job pays the same wages and benefits paid to people who do not have disabilities and who are doing the same type of work.

The State offers many types of services to help someone get and keep a job in the community. Some examples are:

- Discovery (Career Exploration)
- Skills Training
- Job Development
- Job Coaching
- Job Retention

Question #8: How does the Consent Decree affect me and my family?

Answer: Whether you are someone who has worked in a sheltered workshop, attended a facility-based day program, or are a transition-age student, the Consent Decree requires the State to provide you with information to help you decide if you want to work. It does not require the State to get jobs for any specific person. It does require that the State continue to improve its services that are designed to help people look for opportunities to work in the community. If you decide that you want to work, talk to your case manager about getting the employment services you need to find out what integrated jobs may be right for you. He or she can also tell you about services that may help you get a job, help you keep your job, and help you get better jobs or pursue starting your own business.

Question #9: Do I have to get a job in the community? What do I do if I want to get a job in the community?

Answer: The Consent Decree does not require any individual to get a job in the community. It sets goals for the State to help people get jobs in the community. The Consent Decree respects your individual preference and choice as criteria for selecting and planning services. If you want a job or are thinking about self-employment, the first thing to do is to let your service coordinator or case manager know your wishes and make sure your ISP team meets to discuss the services you might need. If you are a transition-age student, you should let your family and teacher know and discuss possible changes to your IEP that would help you pursue a goal of working in the community.

Question #10. Who can I call if I need any more information?

Answer: You can contact:

BHDDH

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ORS

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