

Report of the Court Monitor

Progress on the
Interim Settlement Agreement
United States v. State of Rhode Island and the City of Providence

United States District Court District of Rhode Island
Civil Action No. 13-442L
June 13, 2013 as Modified July 11, 2014

Period of Review: January 1, 2015 – September 30, 2015

Respectfully Submitted

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U.S. District Court Monitor

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Table of Contents

I.	Executive Summary	3
II.	Introduction	8
	A. Background	8
	B. Definitions	8
	C. Scope and Target Populations	9
	D. Assessing Progress	9
III.	Findings: Review of Progress	11
	A. Outcomes	11
	B. Supported Employment Services and Placements	11
	C. Integrated Day Services	17
	D. Career Developmental Planning	19
	E. Transition Planning for Youth	23
	F. Training	25
	G. Outreach, Education and Support	27
	H. Provider Capacity	28
	I. State Agency Actions	30
	J. Interagency Collaboration	30
	K. Funding	31
	L. Quality Improvement	32
	M. Data Collection and Reporting	36
VI.	Concluding Comments	39

I. Executive Summary

This report reviews actions taken by the State of Rhode Island and the City of Providence Public Schools Department to comply with the terms and conditions of the Interim Settlement Agreement (ISA) during the period January 1, 2015 – September 30, 2015. The ISA resolves the United States' findings of violations by the State and the City of Providence of Title II of the ADA with respect to the provision of public services to individuals with intellectual and developmental disabilities that resulted in their unnecessary segregation or risk of segregation. The Agreement broadly concerns two populations of individuals receiving sheltered workshop services from one of two public programs in Providence Rhode Island: (a) Training Through Placement (TTP), a sheltered workshop run by a private non-profit agency; and (b) the Harold A. Birch Vocational Training Program (Birch) at Mount Pleasant High School operated by the Providence Public School Department. The relevant entities responsible for implementing the ISA regarding TTP are three State agencies including the Department of Behavioral Health Developmental Disabilities and Hospitals (BHDDH), the Office of Rehabilitative Services (ORS), and the Rhode Island Department of Education (RIDE). These three State agencies and the City of Providence Public Schools Department (PPSD) are responsible for implementing the ISA regarding Birch.

The report documents efforts taken by the State and PPSD to comply with performance benchmarks associated with each of the operational provisions of the Agreement and the extent to which corrective actions identified in previous ISA Progress Reports were taken.

During this reporting period BHDDH, RIDE, and ORS, and PPSD accomplished benchmarks associated with each of the requirements, provisions and timelines included within the Settlement Agreement. Although progress has been made in some areas, each of the three state agencies has missed reporting and performance deadlines. Necessary policies and programs have not been fully developed or operationalized across several key performance areas. Barriers to progress due to insufficient funding for employment services, the lack of resources to support state-level systems change and ineffective interagency collaboration have inhibited efforts to move forward.

Additional actions need to be taken by the State to fulfill its responsibilities under the Agreement. The following issues require particular attention:

- The numbers of ISA Target Group Members placed in integrated supported employment and integrated day programs have not reached required benchmarks.
- Required Career Development Planning policies and practices have not been implemented by BHDDH.
- The required Quality Improvement Initiative ensuring the provision of oversight, monitoring, and service improvement has not been fully implemented by BHDDH and ORS.
- State agencies, BHDDH and ORS have not provided complete and/or timely responses to the Monitor's recommendations regarding compliance related changes.
- Although not specifically required by the terms of the ISA, the limited scope and authority of the State Coordinator inhibits the ability of the State to direct, manage and implement changes and required activities across departments. *Please note that the State has reported to the Monitor that this recommendation currently is being implemented.*

- Staffing and personnel resources at BHDDH do not appear to be sufficient to carry out needed activities. *Please note that the State has reported to the Monitor that steps are being taken to address this recommendation.*

The following sections provide a summary of performance listing key areas where the State and PPSD have met requirements, demonstrated substantive progress or have not met the terms and conditions of the ISA.

ISA Provisions and Benchmarks that have been Met

- PPSD and Mount Pleasant High School took affirmative steps to meet the terms and conditions of the ISA across the majority of performance benchmarks showing marked progress across virtually all key areas including training, career development planning, quality improvement and support coordination.
 - Integrated supports and services. All members of the Mount Pleasant Birch Exit Population who chose to become engaged with PPSD are receiving the supports and services needed to introduce them to work in integrated settings as required by the ISA.
 - Supported employment. Each member of the Birch Transition Target Population engaged with PPSD received a full array of supported employment services as required by the ISA.
 - Data Analysis and Reporting. PPSD is providing detailed and comprehensive data reports on a quarterly basis as required by the ISA.
 - Career Development Planning. Person centered career development planning is being provided to all members of the Birch Transition Target Population.
 - Regulatory Reform. PPSD developed and/or revised regulations to define supported employment and related services and supports in a manner that is consistent with ISA requirements.
 - Values-based competency-based training and technical assistance. PPSD (in conjunction with RIDE and the Rhode Island College Sherlock Center) furnished training to provider staff, individuals with disabilities and their families.
 - Provider capacity. PPSD has secured additional staff to provide job development, job training and job coaching services.
 - Quality assurance. PPSD has implemented the required quality improvement activities.
- The State (BHDDH, ORS and RIDE)
 - Training and Technical Assistance. The State strengthened its contractual relationships with the Rhode Island College Sherlock Center to provide ongoing provider training opportunities, support to families, technical assistance, and policy guidance. A wide array of courses and training opportunities is being provided by the Sherlock Center to staff from IDD provider agencies and schools statewide.

- RIDE continues to strengthen its ability to meet key benchmarks in the areas of staff training, quality improvement, transition and service delivery
- Values-Based Competency-Based Training. A values-based competency-based training program was developed by the State and was approved by the Court Monitor. RIDE in conjunction with PPSD furnished training to provider staff, individuals with disabilities and their families. BHDDH and ORS established forms and methods for ensuring providers meet qualification and pre-qualification requirements.
- Provider Capacity. BHDDH has worked with TTP to improve the ability of the agency to hire and retain qualified staff.
- Regulatory Reform. The State (BHDDH, ORS and RIDE) developed and/or revised regulations to define supported employment and related services and supports in a manner that is consistent with ISA requirements.

ISA Provisions and Benchmarks with Substantive Progress Demonstrated

- Employment in Integrated Settings. The percentage of Birch Exit Population members who are employed in integrated settings increased from 14% to 31% during the past six months, but continues to fall short of the required benchmark 100%.
- Benefits Planning. The percentage of individuals in the TTP and Birch Target Populations who have engaged in benefits planning and have benefits plans in place has increased, but is still below the required benchmark.
- Expanding Capacity. The Sherlock Center in collaboration with ORS and BHDDH, prepared and submitted but not fully implemented a State Plan for Benefits Counseling and Work Incentive Information to increase the in-state capacity for benefits planning activities.
- School Transition. RIDE, ORS and BHDDH developed a detailed Transition Timeline to identify key transition milestones and guide efforts to ensure members of the protected class receive the supports they need and are entitled to during their transition from school to work and adult services. RIDE and the other departments are reviewing activities to ensure the Timeline remains current.
- Provider Qualifications. BHDDH and ORS are collaborating on the development and implementation of a uniform methodology for tracking provider qualifications and training. The format has yet to be completed and implemented.
- Data Collection. BHDDH is working with the Sherlock Center to expand the Center's annual provider survey to gather and report on a quarterly basis the specific performance data required by the ISA.

ISA Provisions and Benchmarks that have Not Been Met or Completed

- Meeting Required Deadlines. BHDDH and ORS are not responding in a timely fashion to performance benchmarks, reporting deadlines and compliance related requests for information as required by the ISA and the Court Monitor. Over half (52%) of the recommendations and

requirements included in the Monitor's ISA Report dated April 1, 2015 were not resolved within 90 days as required. Several requests for information and program changes made by the Monitor during the previous report remained unaddressed as of September 30, 2015.

- **Integrated Employment.** The numbers of Protected Class members working in integrated employer-paid jobs in typical business continues to fall short of the benchmark of 100% by December 1, 2014. Employment rates for the Birch Exit Target Population and the TTP Target Population are 31% and 36% respectively.
- **Career Development Planning.** BHDDH has not issued guidelines governing the development and implementation of individualized person-centered Career Development Planning for all members of the protected class, due on September 1, 2013.
- **Career Development Planning CWS/TTP.** Person-centered Career Development Plans for all members of the TTP Target Population are required to be reviewed annually. Annual reviews have not occurred. All are out of date and must be reviewed. Career Development Plans are not located in client files as required.
- **Average Hours Worked.** Data on the average hours worked per week across all members of the TTP Target Population show a decline over a three-year period of 31% from 16 hours in 2013 to 11 hours in 2015. This level is far short of the 20 hours per week benchmark identified in the ISA and needs to be improved.
- **Variance Policy.** A Variance Policy and Process was developed by the State and approved by the Monitor. BHDDH is working with a contractor to develop and conduct training. However, the implementation of the policy has not yet occurred and is long overdue. Training on the implementation of the policy has not been provided. Additional steps must be taken to provide training and information to providers, individuals with disabilities and families on the implementation of the policy. Evidence reported to the Monitor suggests that a number of protected class members may be interested in learning about and applying for a variance. None have been submitted to the Monitor for review.
- **Program Standards.** Program standards required by the ISA to assure and improve quality are in process in BHDDH and ORS but have not been implemented as a part of each department's quality improvement initiative.
- **Quarterly On-site Reviews.** BHDDH is not conducting quarterly on-site reviews of service quality at TTP consistent with the requirements of the ISA at this time. ORS is reviewing services received by ORS-funded individuals at TTP on a monthly basis but is not conducting quarterly on-site reviews of TTP service quality as required by the ISA. Both agencies are working to improve performance in this area.
- **Data Collection, Analysis and Monitoring.** The aggregation and analysis of the information for the purpose of improving service delivery, removing barriers and improving outcomes is not being performed in a comprehensive manner as required by the ISA. Quarterly reports with recommendations are not being prepared and provided to the directors of BHDDH and ORS. The State has not made substantive improvements in this area since the last ISA Progress Report was issued.

- Coordination of ISA Activities. The coordination of ISA related activities across State agencies and collaboration between departments needs to be improved.

This progress report documents the status of the efforts by the State of Rhode Island and the City of Providence Public Schools Department to meet the requirements, provisions and benchmarks included within the ISA. A short description of each provision is provided followed by a status report and summary. Each section concludes with a statement of recommendations that the State and/or PPSD should take to meet the requirements of the Agreement.

II. Introduction

This report describes the actions taken by the State of Rhode Island Department Behavioral Health Developmental Disabilities and Hospitals (BHDDH), the Rhode Island Department of Education (RIDE), the 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 (ISA) between January 1, 2015 and September 30, 2015. Focus is on assessing the State's efforts to comply with the performance benchmarks associated with each of the operational provisions of the Agreement and evaluating the extent to which recommended actions identified in the ISA Progress Report submitted by the Court Monitor on April 1, 2015 were taken.

A. Background

The 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 (ADA) by discriminating against individuals with intellectual and developmental disabilities (IDD) served by two programs, Training Thru Placement (TTP)¹ and the Harold A. Birch Vocational Program (Birch) at Mount Pleasant High School in Providence. The Settlement Agreement seeks to remedy 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.

The Settlement Agreement is intended to ensure that the State and PPSD will meet in a timely fashion the requirements of Title II of the 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) and through the administration and operation of the day activity services system for people with IDD, including employment, vocational, and day services (46-1-14 R.I. Code R. § 43.0). The agreement pertains to services furnished to people with IDD by TTP and Birch, as well as any successor programs to TTP and Birch. Through this Interim Agreement, 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.

B. Definitions.

The ISA pertains to the delivery of employment services and supports to members of the protected class by PPSD and by the State through three departments: BHDDH, RIDE, and ORS. Each of these state agencies fund and provide or arrange for the provision of employment related services and supports to members of the three Target Populations (see below) in a slightly different manner consistent with its mission, purpose and the nature and scope of services delivered. Special education services are provided to members of the target populations by the Birch Vocational School at Mount Pleasant High School. RIDE administers state educational policy including the special education services provided to children with disabilities transitioning from special education classrooms to employment and adult services. The mission of ORS is more narrowly focused "to empower individuals with disabilities to choose, prepare for, obtain, and maintain employment, economic self-sufficiency, independence, and integration into society." ORS' Rehabilitation services generally are time limited, addressing the delivery of employment related supports including vocational assessments, the development of an individual employment plan, job placements, job coaching and assisting students with disabilities transition from school to

¹ Training Through Placement has recently changed its name to Community Work Services or "CWS." Throughout this document the program will be referred to as "CWS/TTP."

integrated community employment and adult services. BHDDH's Division of Developmental Disabilities offers a comprehensive array of services to Medicaid eligible adults throughout their life span as they transition from special education classes in school to adult supports in the community. Services are comprehensive, designed to enable people with the most intensive intellectual and developmental needs to live in their own homes with family and friends, participate in integrated community activities during the day and become employed in regular jobs, working alongside nondisabled co-workers and paid at prevailing wages.

The ISA defines key operational terms, service definitions, program types and required activities to facilitate cross agency collaboration and ensure consistency in language, interpretation and understanding among the many individuals and groups who are involved in carrying out the ISA's objectives (see Section II).

C. Scope and Target Populations (ISA Section III)

Under the terms of the original Interim Settlement Agreement (Section III (A)(1)-(3.) dated June 13, 2013 the State agreed to ensure that supported employment services, integrated day services, and transition services will be provided to the following individuals:

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;
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 within the previous two years, or who will exit Birch within one year.

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.

D. 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 protected class members at worksites; and structured meetings with key stakeholders.
Specific activities involved:

- Repeated interviews of the directors and key staff of the state agencies named in the Settlement Agreement from BHDDH, RIDE, ORS, and from the Providence Public School District.
- Interviews of the Special Education Director for PPSD and the director and key staff of CWS/TTP.
- Ongoing meetings with the director and key staff of the Rhode Island College Sherlock Center who provide support to the State and provider agencies involved in carrying out the terms and conditions of the ISA.
- Visits to a sample of developmental disabilities provider organizations across the state, visits with people receiving support and interviews of the directors and key staff.
- In collaboration with an independent consultant, interviews with a representative sample of individuals with IDD receiving services from CWS/TTP and PPSD.
- Participation in meetings coordinated by PPSD staff tracking efforts to engage and reengage members of the Birch Look Behind Exit Population who had left school.
- Interviews and meetings with stakeholders on the content and pace of change in state agencies, BHDDH, ORS, and RIDE in response to the ISA.
- Individual and records reviews of a representative sample of individuals receiving support from TTP and students receiving transition and special education services at PPSD.
- On-site visits to Mt. Pleasant High School classes.
- In-depth review and analysis of state data, records and documentation of services and supports provided members of the TTP and Birch Target Groups by CWS/TTP, BHDDH, ORS, RIDE and PPSD.
- Discussions with BHDDH, providers, families and Sherlock Center staff on the use of the Supports Intensity Scale for needs assessment and individual resource allocations. Review of related documentation and the use of claims data.

Data furnished by BHDDH, ORS, RIDE, PPSD, and CWS/TTP for this review were independently validated by the Monitor to the fullest extent practicable. Additional validation was provided by an independent consultant working on behalf of the Monitor to perform a review of the records of individuals receiving services, supports, education and training from Mt. Pleasant High School and CWS/TTP. This "look behind" evaluation was conducted to determine the extent to which the services that are required to be provided by the ISA are documented in individuals' files and reports. The independent consultant's report additionally includes several important comments and recommendations aimed at improving service delivery and the support of individuals. Please note that some, but not all of these recommendations are included in the body of this report as actions to be taken by the State to meet the requirements of the ISA.²

² A copy of the consultant's report is available from the Monitor on request.

III. Findings: Review of Progress

This section describes the State's progress with respect to meeting key milestones identified for each of the relevant provisions of the Interim Settlement Agreement during the period outlined above. Subsections under each provision detail the compliance benchmarks that must be achieved and describe the status of the efforts the State and/or PPSD have made to meet performance or outcome requirements. A short summary is provided for each subsection highlighting key activities that have taken place, data that has been or needs to be provided and steps the State must take to attain the benchmark or demonstrate substantive progress on meeting the terms and requirements of the Agreement.

A. Outcomes (ISA Section IV)

The Outcomes section summarizes key performance benchmarks, systems change requirements and procedural obligations the State and PPSD must address to demonstrate compliance with the ISA. Benchmarks related to the delivery of integrated supported employment services and placements, integrated day services and placements, the provision of person-centered career development planning, individual benefits counseling and others are also found in subsequent sections of the Agreement. To improve readability and avoid redundancy, information on the progress the State and PPSD have made with respect to the various benchmarks identified in the Outcomes section is reported within the relevant topical sections of this report. For example, all information regarding the State's progress on meeting supported employment placement requirements is located in Section C of this report, Supported Employment Services and Placements and not duplicated in the Outcomes section.

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

The ISA defines and describes the nature and composition of Supported Employment Services furnished to individuals with IDD by the State and PPSD. Performance expectations, including the presumption that all individuals covered by the ISA are capable of integrated employment, are accompanied by specific operational benchmarks that must be met regarding the delivery of identified services and supports. This section additionally details a variance process for individuals in the target populations who choose not to be employed in integrated settings.

Progress

Benchmark 1 - Description of 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 requirement to define supported employment in regulations and policies in a manner that is consistent with the ISA requirements.

Benchmark 2 - Implementation §V(E)-(H). 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: The presumption that people with IDD and other disabilities are able to work in individual integrated jobs in regular businesses in the community along side co-workers

without disabilities is included in regulations and/or clear departmental Employment First policies for BHDDH, RIDE and PPSD.

Benchmark 3 – Birch Integrated Employment Placement Outcomes §IV (1)-(2). By September 1, 2013, all individuals in the *Birch Exit Target Population* and 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, and they will become eligible for a Supported Employment Placement, as provided in Section V(D), upon their exit from Birch.

Status: The total *Birch Exit (Look Back) Population* comprises 36 individuals. Members of this population have received access to the services and supports necessary to introduce them to work in integrated settings as described in Section V(A)(1). PPSD, ORS, BHDDH, and providers, including CWS/TTP and Perspectives, meet monthly to review the status of the Exit or "Look Back" population. During these meetings staff from each agency work together to coordinate activities, develop plans for removing employment barriers, and increase opportunities for integrated employment.

Table 1 summarizes the placement status of members of the 2011, 2012, 2013 and 2014 Birch Exit Populations as reported in the PPSD Quarterly Report June-August 2015. As shown in Table 1 by the end of August 2015, 11 of the 36 individuals (31%) had been placed and were working in employer paid jobs, four (11%) were engaged in trial work experiences, 11 (31%) were receiving supported employment services but were not employed, 5 were awaiting information from the State regarding possible entry to State Services, and 5 did not want to engage.

Table 1 Birch Exit "Look Back" Population Placement Status August 2015						
Population	Placed	Trial Work	Supported Employment Services	Want to Re-engage	Do not want to re-engage	Total
2011	1	0	2	2	3	8
2012	0	1	2	3	2	8
2013	5	1	5	0	0	11
2014	5	2	2	0	0	9
Total	11	4	11	5	5	36
%	31%	11%	31%			
December 2014						
Total	5	12	9	4	6	36
%	14%	33%	25%			

These numbers show improvement as compared to the previous review (April 1, 2015), which reported that 5 (14%) of the 36 individuals had been placed in employment, 9 (25%) individuals were receiving supported employment services and 12 (33%) were engaged in trial work experiences. Four individuals were waiting and 6 persons were not engaged.

The *Birch Transition Target Population* inclusive of students participating in Project Search and the Providence Transition Academy totaled 78 students as of the end of August 2015. During this report period 73 of 78 students received an array of Supported Employment Services including job discovery, career exploration, transportation services and daily living skills. Of the remaining five students, one had a baby, three were out of school due to illness or medical leave

and one student moved out of the district. Of the remaining 73 students, twenty-two (22) participated in trial work experiences.

According to PPSD's August report, 11 students exited from school or the Transition Academy in June 2015. This number includes two individuals who left Birch in 2013 and returned to the District to receive supportive employment services through an agreement with the State. In total, six (6) students exited from Project Search/Mt Pleasant/Transition Academy, four (4) from the Mt. Pleasant Birch Academy and one (1) from the Providence Transition Academy.

Summary: All members of the Birch Exit "Look-back" Population who chose to become engaged with PPSD are receiving supports and services needed to introduce them to work in integrated settings consistent with the requirements of the Agreement. Thirty-one percent (31%) are employed, up from 14% during the previous reporting period. PPSD is working with the State and IDD service providers to interest individuals with IDD who have chosen not to re-engage with the service system to reconsider their decision and receive supports. All members of the *Birch Transition Target Population* are receiving services and supports to introduce them to working in integrated settings consistent with the requirements of this provision of the ISA. PPSD continues to take steps to enable members of the protected class to receive the supported employment services to which they are entitled under the ISA. Comprehensive reports and data are completed and furnished to the Monitor on a quarterly basis as required by the Agreement. Although additional steps were taken to improve placement outcomes during the current reporting period, the goal of 100% employment for all members of this target group has not been met. While still short of the 100% benchmark, PPSD has made solid progress in this area.

Benchmark 4 – TTP Integrated Employment Placement §IV(9)(a-e as revised).

Status:

TTP Target Population. A total of 82 members of the TTP Target Population are on the active rolls at TTP/CWS. Of this number, 78 individuals are engaged with the service provider on a regular basis. The report entitled, *Septplacement updated sept 2015* identifies a total of 58 "placements to date" of individuals in integrated employment settings, typically in situational assessments. At the request of the Monitor, the September reports were updated to identify protected class members who are actually employed in integrated employer-paid positions.

Category	N	%
Protected Class Members	82	
Active Participants	78	100%
Participating in Situational Assessments	30	38%
Employed – Employer Paid	28	36%

Data from the *October Monthly Report 2015* corrected this reporting error, revealing that the total number of individuals who are employed in integrated settings and receiving a paycheck from the employer of record and not the service provider is 28 (36%); 30 (38%) individuals are listed in this report as being engaged situational assessments, job development, or "retention" (See Table 2) with wages subsidized by CWS/TTP. It is important to note that situational assessments do not constitute a supported employment placement as defined by the ISA. Overall, the state did not meet the placement target of 100% for December 1, 2014.

The number of individuals placed in integrated situational assessments in regular businesses who were reported as “working” in integrated employment is concerning. The discrepancy was found during a recent review of a sample of 24 client records at CWS/TTP. The evaluator noted that the vast majority of the situational assessment placements are located in one of two businesses, TJ Maxx and Marshalls, and typically, are of an extended duration, averaging 11 months. This period of time far exceeds the length of time generally expected for a situational assessment. ORS, for example, reports that it generally supports individuals in situational assessments for approximately 10 days. Dr. Ashe, who conducted the recent review, noted that the extended assessment process appears to have substituted for actual employment and may actually function to impede the placement process as employers begin to rely on subsidized workers to perform tasks that should be completed by existing paid employees.

It should be noted that placement data reported by CWS/TTP is not consistent across the two reports mentioned above for September 2015. Problems with data reporting from CWS/TTP were identified in the last report as well. CWS/TTP needs to demonstrate tangible progress on improving its process for reporting data on the performance and outcomes of individuals with IDD receiving services from the organization. ORS identified the CWS’ reporting of individuals in situational assessments as “placements” to be in error and met with the agency’s staff to correct the record. ORS also has been working with CWS/TTP to act upon job placement authorizations and more aggressively assist TTP target group members obtain jobs at minimum wage or above in integrated competitive employment settings with wages paid by employer.

Summary. CWS/TTP is serving 78 of the 82 protected class members. A total of 58 individuals are receiving supported employment services. Of this number a majority, 30 individuals (52%), are receiving services in extended situational assessments that are subsidized by TTP/CWS, while 28 persons (48%), are working in employer paid integrated employment. Performance during the current review period is below that reported during the previous period (April 1, 2015). These data show a decrease in placement outcomes over the past six months and overall performance at a level that is far short of the 100% required placement benchmark. BHDDH, ORS and TTP/CWS are not meeting their obligations under the ISA for this provision. BHDDH, ORS and TTP/CWS need to take tangible steps to meet ISA placement requirements (see below), essentially tripling the numbers of individuals in employer-paid employment during the next six months.

Benchmark 5 – Birch §IV(4). Effective April 12, 2013, by Order of the PPSD Superintendent, PPSD ceased providing sheltered work at the Birch sheltered workshop, and the program was terminated.

Status: PPSD does not provide services to individuals with IDD at Birch in a sheltered workshop setting.

Benchmark 6 – TTP §IV(5)-(6). Effective on the date of the ISA, the State will no longer provide placement or funding for new entrants to sheltered workshop or segregated day activity services at TTP.

Status: CWS/TTP ceased the payment of subminimum wages to service recipients with IDD by the end of October 2013. CWS/TTP closed its workshop program on March 27, 2014. The program’s 14(c) subminimum wage certificate was not renewed when it came up for renewal in July of 2014.

Benchmark 7 – Supported Employment Wages and Hours §V(H) and (I). All individuals in the TTP and Birch Exit Target Populations who receive a Supported Employment Placement(s) 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.

TTP Target Population. Data reported by TTP/CWS in the *October Monthly Report* indicates that 27 of the 28 protected class members³ working in integrated employer paid jobs worked a total of 255.5 hours, averaging 11 (10.7) hours per week for the month of October. This number represents a significant decrease over point in time averages of weekly hours worked that were conducted in September 2013 September 2014 (see Table 3). Data on hours worked per week reported by the 2015 Sherlock Survey suggest that the majority of protected class members at CWS/TTP (63%) worked less than 10 hours per week while one quarter of the group (24.5%) worked on average 11 to 20 hours per week. During this period protected class members at TTP/CWS earned an average wage of \$9.06 per hour, slightly over the State’s minimum wage rate of \$9.00 per hour.

Birch Exit Population. The 11 members of the Birch Exit Population who are engaged in integrated competitive employment are working on average 6 hours per week (Range 2-12 hrs./wk.). Seven (7) of the eleven individuals are working in employer paid positions and receiving minimum wage of \$9.00/hr. One individual’s wage is subsidized by CWS/TTP. Data was not reported for three individuals (see *PPSD Quarterly Report June-August 2015 Revised*).

Summary. Data on average weekly wages earned by members of the protected class during the current reporting period is slightly above the State’s minimum wage. Data on the average hours worked per week across all members of the TTP Target Population gathered by point in time surveys conducted during September 2013, September 2014 and October 2015 show a decline of 31% from 16 hours in 2013 to 11 hours in 2015. This is far short of the 20 hours per week benchmark. The State and TTP/CWS need to develop a focused strategy and plan for increasing the hours that members of the protected class work during each week. The decline in the hours worked over the past three years is concerning. The State and CWS/TTP need to take affirmative steps to reverse this trend.

Table 3 Point-in-Time Survey of Hours Worked by TTP Target Population Members	
Month/Year	Average Hours Per Week (Rounded)
September 2013	16
September 2014	15
October 2015	11

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. All variances are re-assessed after 180

³ Hourly wages for one individual working in an employer paid job were unable to be calculated.

days and annually thereafter to ensure individuals have the opportunity to make an informed and meaningful choice to receive supported employment in an integrated setting and are subject to review and approval by the Monitor.

Status: The variance process was developed and provisionally approved by the Monitor in October 2014. Training on the application process has not yet occurred. Although it appears that some protected class members could benefit from obtaining a variance, none have requested a variance. Providers report that they are unclear as to the application process and need assistance in implementing this provision. The State has not provided training or support to individuals with disabilities, families or providers on the use of the Variance Process. The State reports that discussions have taken place with a contractor to provide needed training. Training and support on the Variance Policy and Process needs to be provided without delay.

Achieving Progress on Meeting the Terms of the ISA

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

1. **Integrated Employment Placements.** CWS/TTP is requested to report to the Monitor monthly placement performance data by the 15th of the following month for the period January through June 2016. The report should include:
 - a. The total number of individuals in the TTP Target Population
 - b. Total number of individuals currently receiving services from CWS/TTP
 - c. Total number and percentage of individuals receiving situational assessments and the duration (number of weeks or months) for each.
 - d. The total number and percentage of individuals employed in employer-paid jobs.

The first monthly data report is to be provided not later than January 31, 2016 for the month of December 2015 and every 30 days thereafter for the period January through June 2016. This summary data may be provided to the Monitor as a component of the TTP Monthly Report.

2. **Placement Outcomes.** *Note: This recommendation was included in the previous report dated April 1, 2015. ORS and BHDDH did not meet the reporting deadline. No reports were provided to the Monitor regarding progress or actions taken on this recommendation.*

Placement outcomes at TTP have declined during the current reporting period. Documentation of Career Development Plans and activities is not evident in the client files of members of the TTP Target Population. The State has not developed and promulgated a new ISP/CDP process as required over the past year (see Section VII below).

For each member of the TTP Population CWS/TTP, ORS and BHDDH must:

- a. Review and revise as necessary each individual's career development plan, vocational assessments and person-centered plan and strategy for securing employment and/or integrated day supports (see above).

- b. Review each individual's support needs and, as necessary, revise the staffing plan to ensure adequate personnel and resources are devoted to integrated placement activities, including job development.
 - c. Review the perspectives of family members with respect to employment and efforts to involve them in the process of job development, placement and individual support.
 - d. Develop a new ISA/CDP plan or revise existing plans, where appropriate, with a goal of achieving a placement in an integrated employment setting within 90 days.
 - e. Complete Individual Support/Career Development Plans for all 78 individuals by February 12, 2016.
2. Supported Employment Wages and Hours. ORS, BHDDH and TTP need to develop and implement a plan for increasing the number of hours worked among TTP Target Group members in integrated supported employment. A copy of the plan and report on the status of implementation needs to be provided to the Monitor by March 1, 2015.
 3. Training on the Variance Process. BHDDH needs to provide training and support to service providers, families and persons with disabilities interested in seeking a variance from the ISA requirements regarding the receipt of services in segregated settings. The training/orientation program should be developed and implemented as soon as possible. A copy of the program and implementation plan needs to be provided to the Monitor for review not later than February 1, 2016.

C. Integrated Day Services (ISA Section VI)

The ISA requires the State to furnish to TTP and Birch Exit Target Populations with community-based recreational, social, educational, cultural, athletic and other non-facility based activities of the person's choosing in integrated settings. Such services must be available during the day at times when the individual is not in school or in supported employment for the remainder of all time set forth in an individual's ISP in a 40-hour workweek, consistent with the individual's needs, preferences and choices.

Progress

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 Exit Target Populations during the hours individuals are not receiving supported employment services based on a 40-hour workweek. Supports are to be provided at times and frequencies of individuals' own choosing and must not be provided in congregate centers or workshops.

Status.

TTP Target Population. Members of the TTP Target Population are receiving services during the day to access integrated community activities during times when they are not receiving employment services. Using the TTP facility as a base, "small" groups of 2 to 10 individuals, averaging about 5 persons, venture out into the community with staff to participate in a range

of activities, returning to the facility at lunch and different times during the day. Activities include attending recreational programs at the YMCA, the knitting club, art classes and programs at the North Providence Recreational Center. Educational activities include attending computer classes at the local library, English as a Second Language classes and attending adult reading and writing classes. Such day supports are identified in individual support plans but do not appear to extend throughout the day, five days per week. Although such group activities do provide opportunities for TTP target group members to leave the CWS/TTP program site at times during the day, large group sizes of more than two or perhaps three individuals rarely offer the level of individual choice and personalized community access required by the ISA. The State and CWS/TTP need to develop effective strategies for increasing options for individualized community participation and limiting the numbers of persons served in the community in large groups.

Day supports are classified into two categories, day habilitation services and pre-vocational services. The external reviewer in his analysis noted that work focused activities were recorded as pre-vocational, and other non-vocational activities were considered day-habilitation although the records themselves did not always clearly identify the specific type and intent of the program.

The *September Monthly Report* indicates that virtually all protected class members at CWS/TTP received access to one or more of the following integrated services to complement their employment: Integrated Day Activities, Community Based Day Activities and/or Prevocational Services. A review of the total hours provided to each of five randomly selected individuals at TTP across all services found that three of the five persons exceeded 40 hours per week, in one case significantly (L.C = 34 hrs.; R.B. = 43.75 hrs.; P.A. = 45.5 hrs.; M.A. = 56 hrs.; I.A. = 20 hrs.). The fact that one or more individuals may have a combination of work and support hours that exceed 40 hours per week is not necessarily a problem, particularly if the person is receiving a combination of both paid and unpaid "natural" supports. Indeed, for some individuals this would be a very positive and successful outcome. The numbers do raise questions however, regarding the accuracy of the hours being reported. The State and TTP/CWS are requested to review the hours being recorded to verify that they accurately represent the services being received. Furthermore, the descriptions of the various integrated non-work day services listed in the monthly are unclear and make it difficult to distinguish one from another.

Birch Exit Target Population. Members of the Birch Exit Group hours are engaged in integrated employment and day activities. Programs and services are reviewed at weekly ISA implementation meetings and reported monthly. IEPs are reviewed annually and students are integrated according to their needs and desires. Day services for this group emphasize community-based trial work, supported employment services and community activities. Services are included in transition plans and CDPs.

Summary. Day services furnished by CWS/TTP to members of the TTP and Birch Exit Target populations consist of a variety of individual and small group (less than 10 individuals) community based activities. Small groups generally should not exceed three individuals. CWS/TTP needs to receive training and technical assistance from the State to develop strategies for reducing the group size for community activities.

Many non-work community based activities are classified by CWS/TTP as prevocational activities but the difference between prevocational and non-prevocational is not clear. It is recommended that CWS staff review the Core Service Definition of prevocational services

provided by CMS in the 1915(c) HCBS Waiver Application Version 3.5 (see Section 10, page 150-151) for the purpose of better defining the differences between integrated day services and prevocational services (see <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/downloads/technical-guidance.pdf>).

Achieving Progress on Meeting the Terms of the ISA

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

1. Integrated Day Activity Weekly Hours. CWS/TTP is requested to review the documentation of the hours of integrated day activities furnished to individuals who are employed in integrated jobs to ensure that they are being accurately recorded and report findings to the Monitor by February 1, 2016.
2. Prevocational Services. It is recommended that CWS/TTP staff review the Core Service Definition of prevocational services provided by CMS in the 1915(c) HCBS Waiver Application Version 3.5 (see Section 10, page 150-151) and clarify the differences between integrated day services and prevocational services for reporting purposes.
3. Technical Assistance. It is recommended that BHDDH provide technical assistance to CWS/TTP staff on support and funding strategies to reduce the numbers of individuals in "small" groups who are provided with integrated community services to no more than 4 persons. CWS/TTP is aware of BHDDH's funding appeals process. If CWS/TTP determines that an individual's funding allocation is not sufficient to support the services needed to accomplish the outcomes identified by the ISA an appeal can be made to BHDDH. BHDDH and CWS/TTP are requested to report to the Monitor on the technical assistance that has been provided to resolve this issue by March 31, 2016.

Note: This recommendation was included in the previous report dated April 1, 2015. The BHDDH and ORS did not meet the reporting deadlines. No reports were provided by the State to the Monitor regarding progress or actions taken on this recommendation.

D. Career Development Planning (ISA Section VII)

The State and PPSD are required to prepare policies and procedures for the development and implementation of Career Development Plans (CDP) for members of the TTP Target Population and the Birch Exit Target Population by September 1, 2013. Policies will be based on the assumption that all individuals are capable of working in an integrated employment setting and will take an active role in their own career planning process. The CDP must be: (a) revised at least annually in conjunction with the ISP or IEP person-centered planning process, (b) identify the individual's interests, skills, strengths and abilities, and (c) describe the nature and scope of services to be provided to enable the person to acquire and maintain an individual job in an integrated employment setting and participate in appropriate integrated day services.

Progress

Benchmark 1 – Birch Person Centered Planning §IV(3). 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: PPSD continued to provide person centered planning for Birch students during this reporting period. Person centered planning using the McGill Action Planning System (MAPS) was completed for 76 of the 78 students in the transition youth population. The process was not completed for two students who were out of school due to medical illness. Additional training on the use of effective MAPS planning strategies was provided by the Northern Rhode Island Collaborative to PPSD supervisors, Teacher Leaders, and Intervention Specialists in July 2015.

Summary: The use of person-centered planning is occurring at Birch Mount Pleasant as required.

Benchmark 2 – Implement Career Development Planning Policies and Procedures by September 1, 2013 §VII(1)-(9) and §IV(7).

Status. The Monitor's Report, issued on April 1, 2015, indicated that both RIDE and PPSD instituted a career development planning process (CDP) as a part of the individual educational planning process (IEP) as required. This process has continued. ORS and BHDDH were collaborating on the development of a single process for both agencies. Due to BHDDH's lack of progress on its career development planning process, ORS reports that it is now using its own CDP format, where applicable. BHDDH continues to work on a new person-centered process with the goal of integrating individual support planning with career development planning in a manner that meets ISA and CD requirements, as well as recently issued federal regulations concerning Medicaid funded Home and Community Based Services. The process of redesigning the individual support plan (ISP) has taken well over a year and still is not complete. BHDDH has not met the terms of the ISA for this provision.

TTP Target Population. CWS/TTP's September Monthly Report, identifies 78 of 80 protected class members as having CDPs. One of the two individuals without CDPs is described as living at home due to significant medical issues and lacking the motivation to work. CWS reports that it is educating this individual about opportunities in the community. A variance has not been requested for this person. The second person is reported as being 78 years of age and not currently using CWS services. Of the 78 individuals at CWS with CDPs, 75 (96%) of the plans had been written in 2013, three (3) had been written or revised in 2014 and none (0) had received the required annual review in 2015. The ISA requires that all CDPs be revised annually.

An on-site review of individual records at CWS/TTP was completed for the Monitor by Dr. Bill Ashe on October 15, 2015. Files of 26 individuals drawn randomly from the total of 78 persons served (33%) were examined to determine the extent to which members of the protected class received the services and supports required by the settlement agreement. Dr. Ashe reported that while individual support plans (ISP) were in place, he found "no evidence of a Career Development Plan" in any of the records that he reviewed. Since career development planning is typically conducted during the ISP or individual person-centered support planning process, it would not be unusual to find the components of career development planning within the ISP, but no such components were found in individual's ISPs. Additional concerns were noted regarding the individual assessment process. It is suggested that CWS/TTP, in collaboration with ORS and BHDDH, develop guidelines to ensure assessments are: (a) person centered and directly linked to the individual's strengths and needs as identified in the person's ISP and CDP, (b) include a variety of job trial options (at least two), (c) be focused on skill evaluation and development rather than long term placement, and follow established parameters and expectations. It is recognized that some of this structure may be found in existing service

definitions or requirements issued by ORS, RIDE or BHDDH which can effectively be used to establish in-house policy and practice at CWS/TTP.

The April 2015 report from this Monitor references a previous finding that the ISA requirement for a CDP for each member of the protected class was substantially met on 11/20/2013. While the requirement was apparently met in 2013, CWS/TTP and the State continue to be responsible for ensuring each individual's CDP is annually reviewed and updated. No documentation of career development planning or annual review was evident in any of the files of the persons receiving support. At the Monitor's request the State and CWS/TTP performed an in-depth search to locate the missing records. The CDPs were ultimately found at CWS/TTP. (Note: ORS has requested CDPs completed in 2013 be updated and reports that as of 12/31/15, 21 are completed. ORS noted that CWS/TTP staff are working to ensure all CDPs are updated by 1/31/16.)

Birch Exit Target Population. PPSD has met the requirements of this provision. All members of the Birch Target Group attending Mount Pleasant High School for the 2013, 2014 2015 school year had Career Development Plans when they left school.

Summary. Individual service plans (ISP) for members of the TTP Target Population have been completed. The ISPs do not, however, include a MAPS, PATH or other person-centered planning process, nor do they include the components of the Career Development Plan. Documentation of career development planning activities with members of the CWS/TTP Target Population was unable to be verified during the recent external review of client records. These records subsequently were found in another location. Neither copies of the CDPs nor annual updates were evident in any of the client files that were examined. BHDDH, ORS and TTP are not meeting the terms and conditions of the ISA in this area. The BHDDH, ORS and CWS/TTP must take immediate action to remedy this deficiency (see below). CDPs for members of the Birch Exit Target Population were in place when they exited school.

Benchmark 6 – Benefits Counseling §IV(8). All individuals in the *Birch Exit 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.

Status.

TTP Target Population. CWS/TTP identified 90 members of the TTP population in need of benefits counseling services. Of this number, 34 individuals (38%) have completed benefits plans. Another 44 individuals (49%) are engaged in benefits planning activities, 5 persons refused to participate in benefits planning and 7 individuals could not be located (see Table 4).

CWS/TTP staff noted that the benefits planning process takes a great deal of time and the number of individuals with completed plans increases on an ongoing basis. An external review of a random sample of records of 26 protected class members at CWS/TTP, however, revealed that less than half, 10 individuals (38%), had received individual benefits counseling from a certified benefits counselor while the majority, 16 individuals (62%), had not. The

Table 4 CWS/TTP Benefits Planning Summary	
Total Target Group Members	90
Individuals with Completed Benefits Plans	34
Number Engaged in Benefits Planning	44
Refused to Participate	5
Cannot be Located	7

reviewer noted that CWS has two certified benefits counselors on staff who work with protected class members on the development of individual strategies to protect income received.

ORS has a contract with the Sherlock Center to build the State's capacity to provide benefits counseling services over a three-year period. Deliverables include increasing the number of Social Security approved benefits counselors, expanding local training and developing diverse funding streams to pay for Benefits Counseling. The Sherlock Center will coordinate eight regional benefits counseling orientations, four directed toward students, families and educators and four focusing on the adult population and providers. An additional session will target non-English speaking customers and their families.

Birch Exit Population. The Monitor's Report issued on April 1, 2015, indicated that 100% of the 2014 and 2015 Birch Exit Populations and 77% of the 2013 Birch Exit Population had either received or been authorized to receive benefits planning. Lower penetration rates were reported for the 2011 and 2012 Birch Exit Populations at 25% and 20%, respectively. The majority of individuals in the 2013 and 2014 Birch Exit Populations have received benefits counseling at 77%, 91% respectively. Participation rates in the 2011 and 2012 target populations remain at very low levels, 27% and 0%.

Summary. CWS/TTP has service contracts with two certified benefits counselors to furnish benefits planning information and services to all TTP Target Group members when each individual is scheduled to enter supported employment. The numbers of persons with completed benefits plans are increasing, but the overall percentage of individuals with completed benefits plans, 38%, must be improved to meet the 100% benchmark. Benefits counseling rates for the Birch Exit Population during the current reporting period show a slight decline in comparison to those reported previously for the 2014 population. ORS, and PPSD, to the extent it is providing services to this population, need to develop and share with the Monitor a plan for ensuring all members of the Birch Exit Population receive benefits counseling, consistent with the requirements of the ISA.

Achieving Progress on Meeting the Terms of the ISA

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

1. **Career Development Planning.** Documentation of required career development planning activities with members of the TTP Target Population was unable to be verified by an external review of files and documentation. BHDDH, ORS and CWS/TTP are not in compliance with the terms and conditions of the ISA in this area. BHDDH, ORS and CWS/TTP must take immediate action to remedy this deficiency.
 - a. Past Career Development Plans and planning documentation must be placed in each individual's file at CWS/TTP not later than January 30, 2016. ORS and BHDDH are requested to review TTP client files to verify that past CDP plans have been placed in client files and report to the Monitor by January 30, 2016.
 - b. Evidence that updated CDPs have been completed for all members of the TTP Target Population must be provided to the Monitor by ORS not later than February 12, 2016.

- c. It is recommended that CWS/TTP, in collaboration with ORS and BHDDH, develop guidelines to ensure assessments are: (a) person centered and directly linked to the individual's strengths and needs as identified in the person's ISP and CDP, (b) include a variety of job trial options (at least two), (c) be focused on skill evaluation and development rather than long term placement, and follow established parameters and expectations. It is recognized that some of this structure may be found in existing service definitions or requirements ORS, RIDE or BHDDH which can effectively be used to establish in-house policy and practice at CWS/TTP. Draft operational guidelines need to be provided to the Monitor not later than April 15, 2016 (See Attachment A Independent Consultant Review Recommendations 3-5 page 9-10).
2. Benefits Planning/Counseling. Members of the TTP Target Population and the Birch Exit Target Population do not appear to be receiving full access to benefits counseling services as required by the ISA. To meet the terms and conditions of the ISA the following actions need to be taken:
 - a. CWS/TTP, ORS and PPSD are requested to prepare an action plan or timeline for ensuring all members of the TTP and Birch Exit Target populations receive benefits counseling services by March 31, 2016.
 - b. CWS/TTP must ensure a copy of each individual's benefits plan and summary of planning activities is placed in each individual's file at TTP.
 - c. CWS/TTP is requested to provide to the Monitor a monthly summary of benefits planning activities beginning with the month of December 2015 and including:
 - i. Total number of TTP Target Group members.
 - ii. Total number of individuals with completed benefits plans.
 - iii. Number of individuals engaged in benefits planning activities.
 - iv. Number of individuals who refused to participate.
 - v. Number of individuals who cannot be located.
 3. CWS/TTP should identify training in person-centered planning and career development planning as a high priority and obtain assistance from an individual/organization that can train CWS staff in these two areas by March 1, 2016.
 4. It is recommended that CWS/TTP (in collaboration with ORS and BHDDH) develop its own internal guidelines and expectations for developing Career Plans including the identification of the staff responsible for completing and monitoring CDPs and timelines for completion, updating and review consistent with ISA requirements by April 1, 2016 (See Attachment A Independent Consultant Review Recommendation 1 page 8).

E. Transition Planning for Youth (ISA Section VIII)

The State and PPSD are required to develop and implement a comprehensive process for transitioning youth with IDD between 14 and 21 years of age from the Providence Public Schools District to state funded adult services.

Progress

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 Providence Public School District, including Birch students, and providing for students' access to the services and supports set forth in Sections V(A)(1)-(2).

Status. PPSD has developed and implemented required policies, practices and agreements in accordance with ISA timelines.

Benchmark 2 – Employment Planning § VIII (3)-(8). The ISA requires the development of a transition process for each student enrolled in Birch that requires transition services to be furnished to youth according to key age related milestones.

Status. The State has developed a comprehensive Transition Timeline detailing the specific responsibilities and requirements of RIDE, ORS and BHDDH for transitioning youth ages 14 through 21 years. PPSD employs a Transition Activity Checklist for Students with I/DD by age and grade to identify, align and track transition activities identified on the Timeline. The Timeline and Checklist reference the transition requirements referenced by the ISA. The State and PPSD report that vocational assessments are not permitted to be performed in segregated settings.

PPSD reports that 77 of 78 members of the Birch Transition Target Population received CDPs or revised plans during the past year that were prepared in collaboration with all parties including ORS, BHDDH, family, student, PPSD personnel and outside vendor representation, when applicable. Seventy-six (76) of 78 Target Group members received an individualized person-centered education plan using the MAPS process. Two of the 78 individuals were out of school due to medical reasons. Forty-two (42) of 78 individuals participated in trial work experiences. RIDE and PPSD conducted a joint service review on July 9, 2015 to assess progress on CDP planning, the provision of supportive employment services and trial work experiences, and progress on meeting the provisions of the ISA. 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.

Summary. PPSD is providing services and supports to the Birch Transition Population as required by the ISA. Data on each student's involvement with Trial Work Experiences indicates that students are not routinely receiving two trial work experiences of approximately 60 days in length each (see below).

Benchmark 3 – Policy Directives (§VIII(7)-(11)). The State and PPSD will update policies and issue directives to facilitate the ability of eligible individuals with IDD to access State services at age 18 years and to ensure youth in transition are "...provided all opportunities to earn credentials based on the RI Secondary Education Regulations 2011 and not be unnecessarily or unjustifiably

excluded from the opportunity to receive a high school diploma as a result of their participation in the Birch program.”

Status. The State and PPSD are working to ensure that appropriate services and supports are available to Birch transition-age youth who choose to work in the community prior to their 21st birthday through weekly ISA implementation meetings and regular reports in the State Memo. BHDDH has issued a policy directive affirming the department’s commitment to providing services as individuals with IDD transition from school to the adult system between the ages of 18 and 21 years. 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. This communication ensures that all students at Birch Academy are not inappropriately excluded from the opportunity to receive a diploma as a result of their participation in the Birch program.

Achieving Progress on Meeting the Terms of the ISA

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

1. The State and PPSD are meeting ISA requirements with respect to the provision of person centered career development planning for Birch youth in transition but do not appear to be ensuring that each student receive two trial work experiences of approximately 60 days in length. PPSD is requested to document the number of work trials Birch transition-age students receive in the regular quarterly reports provided to the Monitor not later than February 28, 2016.

F. Training (ISA Section IX)

The ISA requires the State and PPSD to develop and implement a competency-based and value-based training program for TTP and Birch staff, members of employment planning teams and youth service professionals. The training program must address the development of vocational assessment/profiles, career development plans and transition plans; job development, job coaching, employment support, benefits counseling, supported employment, integrated day services, intake and vocational rehabilitation services; and service coordination.

Progress

Benchmark 1 – Develop and Implement the Training Program by October 1, 2013 §IX(1).

Status. Curricula for the various components of competency-based values-based training program have been developed for the Consent Decree and the program has received approval by the Monitor. The State is working with the Sherlock Center at Rhode Island College to implement the program.

Benchmark 2 – The State and PPSD Will Ensure the Provision of Necessary Training §IX(2).

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. RIDE has provided a training and technical assistance calendar identifying completed trainings June through August. Training sessions addressed job development, job coaching,

transition services, supported employment services, vocational assessment, job development and career development planning to name a few. Additional trainings have included topics on inclusion and collaborative teaching, IEP development, and the special education process. Participants included Special Education Administrators, Teachers of the Life Skills Network (TLS), and staff from the Regional Transition Centers as well as to students and families. Training was additionally provided at local, regional, and statewide transition events and direct technical assistance was provided to teachers and education staff by the regional transition coordinators. PPSD staff attended these trainings along with teachers and staff from other LEA's and schools. PPSD staff additionally attended trainings in self-determination, job development, job retention and teaching skills, task analysis and person-centered MAPS training. PPSD has provided a significant number of training opportunities to staff. It does not appear, however, that PPSD has developed explicit professional competencies that must be demonstrated by staff following the training they receive to show that they have learned the task or understand the material well enough to be assessed as "competent." A competency based training program should include the criteria by which the learner will be determined to be competent in the application of the skills or concepts being taught. Over the past year several training opportunities have been provided to service providers and educators by the Sherlock Center BHDDH's technical assistance contractor, RIDE and others.

BHDDH implemented a form for providers to document the qualifications of their staff. A Prequalification Policy and tracking form was developed and implemented with orientation and training requirements addressing individual service plans, career development planning, job development, employer negotiations, job training, benefits planning and other topics.

BHDDH, RIDE and ORS met in September 2015 to coordinate documentation of training for the purpose of quality improvement. The agencies agreed on the development of a joint team to review the credentials of providers that furnish services to individuals with IDD with criteria specific to employment and assessment.

Summary. A values based competency based training program has been developed by the Employment First Task Force and approved by the monitor. RIDE and PPSD implemented the program and furnished training to provider staff, as well as families and individuals with disabilities. BHDDH and ORS established forms and methods for ensuring providers meet qualification requirements. A wide array of courses and training opportunities have been provided by the Sherlock Center to staff from IDD provider agencies and schools statewide. BHDDH has established a form for tracking provider prequalification and qualification requirements. BHDDH and ORS are collaborating on the development and implementation of a uniform methodology for tracking provider qualifications and training. The format has yet to be completed and implemented.

Achieving Progress on Meeting the Terms of the ISA

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

1. PPSD should provide the Monitor with information on the professional competencies established in its competency-based values based training program.

Note: This recommendation was included in the previous report dated April 1, 2015. The State did not meet the reporting deadlines. No reports were provided by the State to the Monitor regarding progress or actions taken on this recommendation.

2. BHDDH, ORS and, as appropriate, RIDE are requested to report to the Monitor on the status of the Joint Provider Review Team that was to be developed to review provider credentials, and the documentation gathered from providers by March 30, 2016.

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

The State and PPSD must develop by September 1, 2013 an outreach, in-reach and education program explaining the benefits of supported employment and designed to encourage individuals with IDD at TTP and Birch and their families to seek Supported Employment Services.

Progress

Benchmark 1 – Targeted Training §X(1). The ISA requires the State to 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.

Status. A draft Outreach In-reach and Education Program has been developed by the State in collaboration with BHDDH, RIDE, ORS, the Employment First Task Force and the Sherlock Center and has received provisional approval by the Monitor. The Consent Decree Report issued in August 2015 required the State to submit the final version of the program to the Monitor for approval by September 15, 2015. The document was not submitted to the Monitor as required and has not received final approval. The Education Program must be submitted to the Monitor for final approval not later than January 30, 2016.

PPSD continues to provide regular training and outreach to families of members of the Birch Transition and Exit populations.

Summary. Training programs were developed by the State and PPSD and received provisional approval by the Monitor. BHDDH has not provided the final version of the program for approval and must do so by January 30, 2016.

Benchmark 2 – Observing Integrated Employment §X(1). 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 benchmark was reported as being met in the previous Monitor’s report dated 11/20/2013. The State reports that members of the target populations continue to receive opportunities to observe and visit integrated employment settings during assessments, trial work experiences and other opportunities. BHDDH reported that it had worked with CWS/TTP to set up a Job Club to link individuals who are working with other who are seeking employment. However, no information has been furnished on the status or outcomes of the effort. Data from the PPSD Quarterly Report June – August indicates that Birch Target Group members are being offered opportunities to observe individuals in integrated employment and integrated day program activities.

Summary. Members of the TTP and Birch Target Populations are receiving opportunities to meet with individuals who are working in integrated placement situations and taking part in

integrated day activities and programs. Establishing a Job Club at TTP is a good idea and should be implemented by CWS.

Benchmark 3 – Networking §X(2). The State will support personal networks, family-to-family and peer-to-peer to link individuals with IDD and their families to individuals with IDD in the Birch and TTP populations.

Status. BHDDH 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.

Achieving Progress on Meeting the Terms of the ISA

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

1. BHDDH is requested to provide information and data documenting (a) visits to integrated employment sites and (b) family and peer-to-peer networks currently receiving support within 90 days.

Note: This request was included in the previous report dated April 1, 2015. BHDDH did not meet the reporting deadlines. No reports were provided by the State to the Monitor regarding progress or actions taken on this recommendation.

H. Provider Capacity (ISA Section XI)

The State and PPSD have agreed, “to ensure that sufficient capacity exists among State IDD provider organizations to deliver supported employment and integrated day services to individuals at TTP and Birch, consistent with the terms of the ISA.”

Progress

Benchmark 1 – Provider Capacity §XI(1) and (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 and Birch. Supported employment providers will develop relationships with employers to identify and promote integrated employment placements in state and federal agencies and in private industry.

Status. BHDDH has written and implemented a prequalification policy for provider agency staff and related tracking forms. The department’s Prequalification Agency Tracking Data Sheet provides information on the number of staff trained, training type, certification and Lead Job Specialist of each provider agency. ORS reports that prequalification requirements have been completed and given to providers for feedback.

BHDDH and ORS provided the Monitor with a description of prequalification requirements and the Values-Based and Competency Based Training Program as required.

Summary. BHDDH and ORS have met the requirements for this provision of the ISA.

Benchmark 2 – Provider Staff Qualifications §XI(2). The State will ensure that providers have a sufficient array of trained and supervised staff, adequate supervision and related policies and procedures necessary to furnish supported employment and integrated day supports to TTP and Birch populations.

Status: The State has assured the Monitor that CWS/TTP and Birch have sufficient numbers of qualified staff to provide the employment and transition services required by the ISA. CWS/TTP maintains a list of staff and their qualifications. PPSD tracks professional development activities at Birch. BHDDH worked with CWS/TTP to address staffing concerns, organizational supports and supervision. A plan was developed to assist the agency in hiring additional staff and utilizing existing personnel to fill key positions and roles. Focus was on strengthening the agency's ability to provide integrated community day services by discussing what community integration should look like, brainstorming ideas related to community activities, and developing strategies to engage individuals who may not want to participate in certain integrated community activities. Provider agency administrators continue to report to the Monitor that low funding rates from BHDDH present a major barrier to their ability to hire and retain qualified staff to ensure the provision of needed integrated employment and day services as required by the ISA.

Summary: BHDDH has worked with TTP to improve the ability of the agency to hire and retain qualified staff. PPSD has secured additional staff to provide job development, job training and job coaching services.

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

Status: The DD Redesign group has discussed incentives focusing on identifying new funding streams to support the initiatives and the utilization of performance based contracts and its plan for ISS system redesign. ORS provides a Quality Incentive Bonus fee for service to incentivize Providers to increase the overall number of hours that individual's work. Rates for the Bonus Fee are currently being reviewed by ORS' Quality Assurance Team.

Summary: Discussions have taken place at ORS and BHDDH and reportedly plans are being made to incorporate incentives in both policy and practice. However, incentives to encourage the transition of individuals from TTP and Birch to integrated employment settings through public-private partnerships have not been established.

Benchmark 4 – Quality Assurance §XI(5). The State will provide ongoing review, oversight and technical assistance to ensure supported employment providers: (a) have adequate staffing, organizational support and supervision, (b) use effective business models to meet the goals and outcomes of the ISA, (c) provide incentives and support to qualified providers of sheltered workshop services at TTP to convert their sheltered employment programs to integrated employment options.

Status: See Section L Quality Improvement (§XV) below. ORS reported plans to establish a joint provider review team to assess provider credentials, agency competency and certification. Progress on this effort will be reported in subsequent reports.

Achieving Progress on Meeting the Terms of the ISA

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

1. ORS and BHDDH are requested to submit to the Monitor documentation that incentives to encourage the transition of individuals from TTP and Birch to integrated employment settings have been developed and are being implemented through public-private partnerships as described in Benchmark 3 above. Documentation needs to be provided not later than March 30, 2016.
2. The State (BHDDH, ORS) provide a copy of the most recent provider quality assurance report it has completed for TTP addressing the benchmarks noted above within 90 days.
Note: This request was included in the previous report dated April 1, 2015. BHDDH and ORS did not meet the reporting deadlines. No reports were provided by the State to the Monitor regarding progress or actions taken on this recommendation.

I. State Agency Actions (ISA Section XII)

Progress

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. BHDDH 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. ORS has contracts with a number of consultants and subject matter experts to furnish training and technical assistance on a wide array of topics and systems change issues. RIDE has assisted all LEAs with statewide training and technical assistance funded by RIDE. PPSD has accessed RIDE funded training and TA and reviews training and TA needs on a quarterly basis.

Summary. The State is effectively addressing the requirements of this provision of the ISA.

Achieving Progress on Meeting the Terms of the ISA

Actions are not required for this provision at this time.

J. Interagency Collaboration (ISA Section XIII)

The State is required to develop and implement one or more interagency agreements between BHDDH, RIDE and ORS and with PPSD to implement the ISA.

Progress

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

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

Summary. 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 agreement has not been revised to reflect the change of Monitors. 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.

Achieving Progress on Meeting the Terms of the ISA

Additional actions are not required for this provision at this time.

K. Funding (ISA Section XIV)

The State and PPSD must fund the services and supports necessary to comply with the Interim Settlement Agreement for all eligible members of the TTP and Birch Target Populations according to the standards and timelines set forth in the Interim Agreement.

Progress

Benchmark 1 – Ongoing Funding Allocations §XIV(1)-(2). 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 in the TTP and Birch Target Populations are receiving ongoing funding as needed. However, as noted above, the majority of Target Group members (53%) participating in integrated work settings are engaged in extended trial work experiences and not employer-paid employment. CWS/TTP, as well as BHDDH and ORS, need to ensure individuals in such situations are able to receive the services and supports they need to move to integrated employer-paid supported employment placements.

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.

Status: BHDDH's contract with TTP identifies a scope of work that includes tasks to be performed with respect to: fiscal management and oversight, hiring and training staff, benefits counseling, assessment and evaluation, individualized service planning, supported employment services and a number of additional areas that are also identified by the ISA. Payments to CWS/TTP are made on a fee for service basis. ORS reports that its fee-for service payment system is performance based.

Fee for service payment systems may or may not be a part of a performance based contract. BHDDH and ORS approaches provider reimbursement do not incorporate provisions that are generally associated with "performance based contracting." Such provisions include: (a) a clear set of outcomes, performance benchmarks or deliverables for each of the specific provisions listed in the Scope of Work in terms of numbers of staff trained, numbers of individuals placed, numbers of ISPs and benefits plans written, etc.; (b) a description of the measures to be used to assess performance against the required outcomes; (c) contract language linking the achievement of outcomes or performance benchmarks with funding rates or levels of reimbursement; and (d) methods of performance evaluation.

Summary. BHDDH reports that a template for a performance based contract is under development and will be used for CWS/TTP. Both BHDDH and ORS utilize fee for service payment mechanisms to pay service providers. While such systems can be tied to the delivery of a particular service that meet identified outcomes and requirements, performance based contracts typically include provisions to evaluate and take action based on the ability of provider agencies to meet established performance goals. This capacity does not appear to be in place. BHDDH and ORS have not fully met the requirements of this provision. It is recommended that BHDDH and ORS review current contracts with providers to ensure they are performance based (see below).

Benchmark 3 – Funding Post Placement Follow-along Supports §XIV(4). Funding furnished by the State to CWS/TTP for supported employment will continue to be available to each individual following placement to provide ongoing support as needed.

Status: Funding is available for individuals receiving support from TTP following placement. BHDDH provides job coaching and job retention services to all individuals in the protected populations who are eligible for BHDDH funded services. CWS/TTP staff report that ORS is willing to re-open cases for Target Group members to receive additional training or placement assistance as needed.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following step be taken to meet the terms of the ISA:

1. BHDDH is requested to provide a copy of the performance based contract format that it will be using with CWS/TTP to the Monitor not later than February 16, 2016.
2. ORS is requested to review its current funding design to ensure fee for service payments are furnished and administered to encourage providers to achieve performance based outcomes and milestones. ORS is requested to report on the results of this review to the Monitor not later than February 16, 2016.

L. Quality Improvement (ISA Section XV)

The State, for TTP Target Populations, and the State and PPSD for Birch Transition and Exit Populations are required to develop and implement quality improvement (QI) initiatives for each population.

Progress

Benchmark 1 – TTP QI Program §XV(1). The State will develop and implement a quality assurance initiative to ensure individual, integrated supported employment placements and services and integrated day services as defined and described in Section V of the ISA are: (a) developed and provided in accordance with the ISA, (b) evaluated to ensure quality and quantity, (c) adequate and sufficient to enable people receiving support to achieve integration, increased independence and increased economic self-sufficiency.

Status: BHDDH, ORS and RIDE/PPSD have developed and implemented separate initiatives designed to evaluate the quality of services and supports furnished to members of the Target Groups by each of their respective agencies and departments.

PPSD's *Quality Assurance Plan for Implementation of the DOJ Interim Settlement Agreement* is designed to ensure: the ISA is managed and implemented in a sound, reasonable and effective manner, services are of high quality and identified outcomes are being met. A four-point scale is used to evaluate performance against key standards across 5 key areas: career development implementation, person centered processes, supported employment services, job trials and transition planning. The plan will be implemented in November 2015. Currently, PPSD monitors each 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.

ORS reports that two ORS Supported Employment Vocational Rehabilitation Counselors are assigned as co-liaisons to TTP and have been meeting on a monthly basis with the staff at TTP to review the status of ORS funded client supported employment services. Regional ORS supervisors and other administrative staff attend these meetings periodically. The purpose of these meetings is to review progress, barriers to job development/placement and relevant issues among the individuals in the ISA Target Populations receiving ORS funded services. The focus is on improving the quality of service delivery at CWS/TTP, consistent with RSA Title I regulations and requirements. ORS reports that it monitors quality in compliance with RSA regulations, "... in lock-step with the tenets of the ISA and Consent Decree in the provision of services leading to quality, community-based, integrated employment at wages/benefits consistent with those available to non-disabled individuals." ORS has not, however, provided any documentation to support this assertion such as an analysis "cross-walking" RSA quality guidelines with equivalent ISA provisions and requirements.

ORS developed a Quality Improvement Plan addressing vendor capacity, prequalification requirements for supported employment providers, and the need to develop a provider monitoring and oversight plan, provider incentives and improvements in data collection and reporting. But the plan does not address ISA provisions ensuring the delivery of person centered career development planning, benefits counseling, assessment, job trials, and others. Reports of on-site quality reviews of TTP have not been provided to the Monitor that identify program standards against which services are measured, evaluate the extent to which the services provided by TTP meet those standards, identify deficiencies and the steps that need to be taken to remediate identified problem areas through a plan of correction, as required by the ISA.

BHDDH developed and provided to the Monitor a Quality Assurance/Quality Improvement plan that addresses quality across four policy and program areas: service providers, service

provision, training and data. Goals are identified under each area, along with key objectives, strategies, and general timelines for accomplishment. While some activities have been and are being carried out by BHDDH staff and in collaboration with ORS and TTP, full implementation dates are set in the future. The plan does not include specific program quality standards or criteria against which system and individual outcomes will be measured, nor a clear process for conducting reviews to discover program related strengths and weaknesses, areas in need of remediation and improvement, the provision of technical assistance, plans of correction, monitoring or ongoing review.

Summary. RIDE/PPSD have outlined, but not fully implemented, a quality improvement strategy that addresses most of the key areas identified in the ISA and reviews are occurring. Quality improvement initiatives from ORS and BHDDH are beginning to be implemented. Information was furnished to the Monitor on reviews conducted by the ORS and BHDDH to evaluate provider qualifications and training. But the documentation was not sufficient to determine the extent to which the services and supports furnished to members of the target populations were adequate and sufficient to enable them "to achieve integration, increased independence and increased economic self-sufficiency" as required by the ISA.

Benchmark 2 – Birch Transition and Exit Target Population QI Program §XV(2)(a)-(b). The State and PPSD will develop and implement a quality assurance initiative to ensure individual, integrated supported employment placements and services and integrated day services as defined and described in sections V–VI are: (a) developed and provided in accordance with the ISA, (b) evaluated to ensure quality and quantity, (c) adequate and sufficient to enable people receiving support adequate to achieve integration, increased independence and increased economic self sufficiency.

Status: PPSD reviews and analyzes information to determine the extent to which services are being provided in accordance with the provisions outlined in Section XV(2)(a)-(b).

Summary. Monitoring activities are being carried out in a manner that is consistent with the ISA.

Benchmark 3 – Program Standards §XV(1)(a)-(b) and §XV(2)(a)-(b). Development of supported employment and integrated day service program standards that incorporate provisions of ISA Sections V and VI by the State for TTP service recipients and Sections V, VII and VIII by the State and PPSD for Birch students.

Status: Evidence that program standards have been developed has not been furnished to the Monitor as required. It appears clear that BHDDH is using the ISA requirements as a guide to perform oversight and program monitoring as a part of its quality initiative at TTP. ORS maintains that it follows RSA Title I regulations with respect to quality assurance and that these provisions can substitute for the ISA requirements but has provided no information to support its assertion. RIDE reports that it has developed and launched an Employment First Quality Review Checklist to comply with the Consent Decree which will be added too quarterly monitoring of PPSD ISA implementation.

Summary. Program standards required by the ISA have not been developed and implemented as a part of each department's quality improvement initiative.

Benchmark 4 – Quarterly On-site Reviews §XV(1)(c)-(e) and §XV(2)c)-(e). The State shall conduct quarterly on-site reviews of TTP and of Birch and will issue reports identifying program deficiencies and, if necessary, a plan of correction. Follow-up reviews will be conducted to ensure identified deficiencies have been corrected and reports will be issued documenting the results of follow-up reviews.

Status:

BHDDH did not furnish evidence to the Monitor documenting that routine on-site reviews and monitoring visits were conducted to evaluate service quality at CWS/TTP during the current reporting period. As noted in the last report, formal quality reviews need to be conducted and reported on a quarterly basis and organized within the framework outlined by Section XV of the ISA that includes: (a) on-site review schedule, (b) on-site review reports or findings, (c) follow-up actions required of TTP, or (d) follow-up reviews documenting that required actions were taken by TTP.

ORS developed a Quality Improvement Plan that includes provisions for provider monitoring, oversight, and technical assistance. Two ORS Supported Employment Vocational Rehabilitation Counselors are assigned as co-liaisons to TTP and have been meeting on a monthly basis with the staff at TTP to review the status of individuals receiving ORS services including service plans, supports needed, and other issues. Supported employment placements and barriers to job development are also discussed. As noted in the previous report, formal quality reviews are not being conducted and reported on a quarterly basis. The existing Quality Improvement Plan needs to be organized within the framework outlined by Section XV of the ISA that includes: (a) on-site review schedule, (b) on-site review reports or findings, (c) follow-up actions required of TTP, or (d) follow-up reviews documenting that required actions were taken by TTP.

RIDE/PPSD have implemented a *Quality Assurance Plan for Implementation of the DOJ Interim Settlement Agreement* to evaluate services, remediate problem areas and improve quality over time. On-site monitoring takes place on a quarterly basis and reports are submitted to the State Coordinator. Follow-up actions or any technical assistance needs, concerns, or issues are noted in the report and follow-up occurs at the next quarterly monitoring visit. RIDE/PPSD are performing quarterly reviews that effectively address the terms and conditions of the ISA.

Summary. BHDDH is not conducting quarterly on-site reviews of service quality at TTP consistent with the requirements of the ISA at this time. ORS is regularly reviewing services received by ORS-funding individuals at TTP but is not conducting quarterly on-site reviews of TTP service quality as required by the ISA. PPSD/RIDE has developed and implemented a quality improvement program that comports with the requirements of the ISA and is conducting and reporting service quality reviews on a quarterly basis.

Achieving Progress on Meeting the Terms of the ISA

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

1. It is recommended that BHDDH review its quality improvement strategy to ensure that it includes key activities and outcomes that meet the requirements of Section XV of the ISA. It is further recommended that the department revise or restructure the format of the current quality management system to reflect or incorporate the organizational format outlined in

Section XV (1)-(5) and submit the final process to the Monitor not later than March 31, 2016.

2. ORS's quality assurance program defaults to federal RSA Title I regulations and guidelines. ORS' need to comply with RSA regulations is separate from its obligations to meet the requirements of the ISA. ORS needs to provide additional information to the Monitor on the ways in which its current Quality Assurance program addresses each of the provisions of Section XV(1)-(5) and submit its report to the Monitor by March 31, 2016. This report should describe ORS' plans to incorporate any Consent Decree requirements that are not addressed by the RSA Title I quality improvement guidelines.
3. The Monitor will schedule a meeting with BHDDH, RIDE and ORS directors and relevant staff to discuss the implementation of Section XV by each of their respective agencies. Focus will be place on the structure and functioning of each agency's quality improvement plan, the existing and planned program standards against which service quality is measured and the current and planned review process.

M. Data Collection and Reporting (ISA Section XVI)

The State and PPSD agreed to each collect and analyze relevant data and quality improvement activities in order to monitor the monthly implementation of the ISA.

Progress

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: A broad based assessment of the State's ability and capacity to gather and report the employment outcome data required by Section XVI of the ISA (and the Consent Decree) was conducted by the Monitor during the summer of 2015. A national subject matter expert was engaged by the Monitor to work with relevant State agency and department heads, as well as experts from the Sherlock Center at Rhode Island College, to: (a) identify the data that must be collected by the State and PPSD to meet ISA and Consent Decree requirements; (b) determine the extent to which the identified data points are currently being reported and gathered BHDDH, ORS and RIDE; and (c) develop a comprehensive strategy or approach to ensure that required data is being reported, analyzed and used to improve policy and practice. The assessment revealed that none of the three state agencies were gathering all or a majority of the approximately 44 data points that are identified by the ISA and Consent Decree. And furthermore, that the most comprehensive system for collecting information on employment related services and outcomes is the annual survey of service providers that has been completed by the Sherlock Center for the past several years.

Data on the categories identified at ISA §XVI(2)(a-i) are, for the most part, being gathered and reported by BHDDH, ORS, CWS/TTP and RIDE on a monthly or quarterly basis. Each agency uses a different form and format. BHDDH is contracting with the Sherlock Center at Rhode Island College to revise and expand its current electronic survey of provider agencies' employment services. The revised format will gather and report employment information annually with quarterly updates to document progress and change across a number of key

trigger variables, consistent with the ISA and Consent Decree. A short supplemental provider agency survey will be developed and implemented to gather data on staff training and other key outcomes. Plans call for the revision of the current survey and the development of online data collection tools to be completed in January. Data "collectors" will be trained in February and March in preparation for the actual data collection to be completed in April and May 2016. Data analysis and reporting are to be completed in June and July.

BHDDH reports that it has requested Technology Infrastructure Funding from the State to implement an electronic record keeping system for case management services that will be able to gather some of the required information as well. ORS collects data on the individuals at CWS/TTP and Birch who are receiving ORS services through its current information system. The data is reviewed to ensure individuals receive the supports they need consistent with each person's employment plan and to identify and remove barriers to employment. BHDDH and ORS are developing the capacity to collect and report data on the number of qualified employment personnel working in provider agencies. RIDE reviews the data that is gathered by PPSD on a quarterly basis. PPSD collects data identified in §XVI(2)(a-k) on all Birch Transition and Exit Population members and reports the data on a quarterly basis. Additional data is gathered on the numbers of qualified and trained staff, vocational counselors and in-reach out-reach education programs (§XVI(2)(n-q)). CWS/TTP gathers and reports individual data on §XVI(2)(a-i) outcomes in a monthly spreadsheet. The information is used primarily to meet reporting requirements and track individual services.

The Monitor met with BHDDH, ORS and RIDE to discuss the need to collaborate on the development and implementation of ISA related data gathering activities across the three state agencies. Agency administrators agreed on the importance of the need for a data sharing agreement to facilitate the data sharing process but have not been able to mutually agree on the structure and functioning of such an arrangement.

Summary. Data on ISA related services and outcomes is being gathered and reported by ORS, CWS/TTP and RIDE. BHDDH does not appear to be gathering and reporting the required data at this time. PPSD collects information on each individual served and uses the data to improve service delivery and planning.

Benchmark 2 – Data Collection, Analysis and Monitoring §XVI(3). The State will regularly collect, aggregate and analyze data described above and will:

- Identify problems or barriers to placement in or retaining jobs in individual, integrated employment settings.
- Recommend to the Directors of BHDDH, RIDE and ORS remedial actions to resolve the problems or barriers.
- Review this information on a monthly basis for the first year of this Interim Agreement and quarterly thereafter and develop and implement effective measures to overcome the problems and barriers identified.
- Analyze service data, monitor services and service gaps, report on any service gaps and identify and address any obstacles to the implementation of the goals and outcomes of the Interim Agreement.

Status: As noted above, data is being gathered and reported separately by PPSD, ORS, RIDE, and CWS/TTP. PPSD records and analyzes employment information on an ongoing basis, using the data to review programs and services during administrative meetings and to assist teachers with individual service planning. Work plans are developed to identify gaps and improve outcomes and results. Staff at ORS review TTP data to ensure appropriate and effective service delivery. RIDE collects the required data and reports quarterly. The information is reviewed and shared among administrative staff. BHDDH gathers some information through caseworker visits but does not perform systematic analysis and review of the data. Moreover, the case management system does not have the staff or capacity to gather and report data as required. To address this issue BHDDH has contracted with the Sherlock Center to gather the required data.

An external review of the individual records of TTP Target Group members conducted by the Monitor revealed inaccuracies in the employment data being reported by CWS/TTP. These inaccuracies resulted in the misrepresentation of the numbers of protected class members who were employed in employer-paid jobs. ORS staff also noted the error and informed CWS/TTP that long-term situational assessments in which individual's wages were paid or subsidized by the vendor agency does not meet ORS standards. CWS/TTP corrected the reporting error.

Summary. CWS/TTP gathers individual information on a number of the key data points required by Section XIV of the ISA for TTP Target Group members receiving services and supports from that agency. The information is used to track performance and identify barriers to employment that may need to be addressed by the vocational rehabilitation counselor. ORS gathers information on TTP Target Group members receiving ORS funded services at CWS/TTP. BHDDH collects some information on the services and supports furnished to individuals at TTP, but does not generally use the data for the purposes outlined by this section of the ISA.

As noted in the previous ISA Progress report, the aggregation and analysis of the information for the purpose of improving service delivery, removing barriers and improving outcomes is not being performed in a comprehensive manner. Required quarterly reports with recommendations are not being prepared and provided to the directors of BHDDH and ORS as described in this section. The State has identified the lack of a coordinated data gathering capacity as an issue and is working to improve its performance in this area. The State has not made substantive improvements in this area since the last ISA Progress Report was issued.

Achieving Progress on Meeting the Terms of the ISA

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

1. The State is requested to provide the Monitor with (a) evidence of policies or practices used to regularly review, analyze and monitor data listed in section XVI(2)(a)-(q) above for the purpose of identifying barriers related to job placements and job retention in integrated employment settings and (b) recommendations that have been made to the directors of BHDDH, RIDE and ORS regarding remedial actions to remove identified barriers by February 16, 2016.

Note: This request was included in the previous report dated April 1, 2015. The State did not meet the reporting deadlines. No reports were provided by the State to the Monitor regarding progress or actions taken on this recommendation.

2. CWS/TTP, BHDDH and ORS are requested to collaborate with the Monitor in the development of a standard report form and format to accurately document and tabulate individual services and support outcomes consistent with the ISA data requirements at Section XVI (a-i).

IV. Concluding Comments

This report describes the nature and status of the changes that are taking place within the three state agencies, BHDDH, ORS and RIDE, and the Providence Public Schools Department to comply with each of the provisions and benchmarks of the Agreement. Progress has been made in some areas. But key objectives have not been accomplished, agreed upon timelines have not been followed and many deadlines have not been met. It is recommended that the State address the following key issues, needs and barriers:

1. Improving responsiveness of state agencies to the ISA (and Consent Decree) requirements and the Monitor's requests for documentation, information and policy implementation, consistent with the timelines outlined by the two agreements. State agencies, BHDDH, and ORS have not provided complete or timely responses to the Monitor's recommendations for necessary actions or changes. RIDE, for the most part has met response deadlines. The most recent ISA Progress Report (April 1, 2015) identified 27 actions the state needed to complete within approximately 90 days to meet the terms and conditions of the Agreement. A progress review on September 21, 2015 revealed that five months following receipt of the report only 7 (26%) of the issues and recommendations had been resolved, 6 (22%) were pending resolution and the majority, 14 (52%), of the recommendations had not been initiated. Steps must be taken by the State to respond to requirements and requests in a timely fashion.
2. Strengthening staff resources. The ISA requires the State to change the structure and functioning of the developmental disabilities system to ensure members of the protected class receive the supports and services they need to access integrated paid employment and participate in integrated community activities alongside people without disabilities to the fullest extent possible. The majority of the Agreement's requirements fall on BHDDH which is required to implement policy and program changes, coordinate mandatory expansion of supported employment and integrated day services and assure and improve service quality and responsiveness. Personnel resources and staffing at BHDDH remain at pre-ISA levels and do not appear to be sufficient to meet the increased demands on the department to meet the requirements of the ISA. Please note that it is acknowledged that BHDDH is taking steps to address this issue.
3. Coordinating ISA activities across State agencies. It is strongly recommended that the authority and role of the State Consent Decree Coordinator be strengthened to ensure that BHDDH, ORS and RIDE meet reporting and systems change deadlines and take necessary actions as required.
4. Addressing key ISA outcomes: (a) the number of ISA Target Group Members who have been placed in integrated supported employment and integrated day programs have not reached required benchmarks; (b) required career development planning and practices policies have not been implemented by BHDDH; and c) the required Quality Improvement Initiative providing oversight, monitoring, and service improvement has not been fully implemented by BHDDH and ORS.

Respectfully Submitted,

Charles Moseley EdD
Court Monitor
January 15, 2016