

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Case No. CA 14-175
)	
STATE OF RHODE ISLAND,)	
Defendant.)	
)	

ORDER

The United States and the State of Rhode Island have jointly determined that, in order to facilitate compliance with the Consent Decree in this matter, the parties would benefit from a court ordered remedial action plan.

IT IS HEREBY ORDERED:

1. That the parties appear before the court on Friday, April 8, 2016 at 9:30 AM in Courtroom 3, for an evidentiary hearing that will establish Defendant’s current level of compliance with the Consent Decree.

2. The agency heads of the State’s Office of Management and Budget (OMB), Department of Human Resources/Office of Rehabilitative Services (ORS), Department of Behavioral Health, Developmental Disabilities & Hospitals (BHDDH), and the Rhode Island Department of Education (RIDE), will appear and produce evidence to show Defendant’s current progress in the following key areas under the Consent Decree:

- a . funding,

- b. placement of individuals in the target populations in supported employment and integrated day services, and
- c. leadership that ensures compliance.

3. If the court finds that the State of Rhode Island must take further action to progress on compliance, the court will issue an order listing remedial actions.

4. To assist the court in evaluating Defendant's current level of compliance in the above listed areas, the State of Rhode Island will, one week before the evidentiary hearing (on April 1), provide the court with a single written compliance status report, agreed to by ORS, BHDDH and RIDE. The compliance status report will contain the following information:

- a. The current status of funding for the Consent Decree as required by Section XIV. The status report shall identify the amount of funding allocated to the State (BHDDH and ORS) during the current fiscal year (FY 2016: July 1, 2015-June 30, 2016) to provide supported employment placements and integrated day services to Consent Decree target group members as specified in sections IV(8)(a-d) and section IV(9)(a). The report shall include the numbers of individuals who should have been placed in integrated employment and day services from the beginning of the Consent Decree through the end of FY2016, the total funds already allocated for that purpose, and the total funds not yet allocated but projected for that purpose in FY2016. The report shall also include the total anticipated cost of future placements of target group members required to occur in FY2017 consistent with the Consent Decree. The report shall identify the implementation of resource reallocation strategies consistent with the Consent Decree. This shall include resource reallocation to ensure that funding "follows the person" as individuals in the target populations' transition from sheltered workshops to supported employment and/or integrated day only placements.
- b. Evidence that the State has developed and is implementing performance-based contracts for supported employment services that links funding to the provider's achievement of numerical targets and implementation timelines. The State shall also produce evidence that it is utilizing a flexible reimbursement model that incentivizes integrated employment placements and comports with Section XIV(5) of the Consent Decree. The State shall further produce evidence of an ongoing allocation for transportation services as required by Section XIV(6) of the Consent Decree.
- c. An unduplicated list, to date, of all members of the target populations identified in the Consent Decree, with personally identifiable information, such as

names, replaced with letters (e.g., a-z, aa-zz). These identifiers shall be used consistently in future hearings so the parties and the court may identify progress of specific individuals. The list should indicate whether, if applicable, each individual has received a career development plan and annual review and benefits planning information and counseling services as required by Sections V(A)(1)-(2), VIII(4)-(10), IV(3), and IV(5)-(6) of the Consent Decree. The list should also indicate which individuals have received supported employment placements and who is participating in integrated day services as required by Sections IV(8)-(9) of the Consent Decree. If any individual in any of the target populations has not received the required placements or services, the State shall present evidence, including individual level data regarding barriers, to assist the court in determining what resources are needed in order to achieve the required employment placements for consideration in future court orders.

- d. Unduplicated totals that reflect the total numbers and percentages of individuals in each target population who have been placed in employer-paid jobs and integrated day services.
- e. For individuals in the target populations who have been placed in supported employment, the following information for each placement: (a) a copy of the individual's person-centered benefits planning information as well as a career development plan; (b) the wage earned by each individual and the name of the employer payor; (c) the number of hours worked by each individual and, if the number of hours worked is less than 40 hours per week, a description of the integrated day activity opportunities afforded to fill the remaining time; and (d) the physical location of each job.
- f. The numbers and percentages of members of any target group who the State deems "unemployable" or otherwise not able to receive vocational or employment services, the reason for that determination for each individual, and a description of the evaluations that precipitated those decisions.
- g. Whether the State hired a permanent Consent Decree Coordinator with the appropriate enforcement authority to carry out compliance.

5. The status conferences on March 14, 2016 at 10 AM and May 2, 2016 at 1:30 PM remain.

6. This Order does not modify or supersede the Consent Decree in any way.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "John J. McConnell, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

John J. McConnell, Jr.
United States District Judge

March 3, 2016