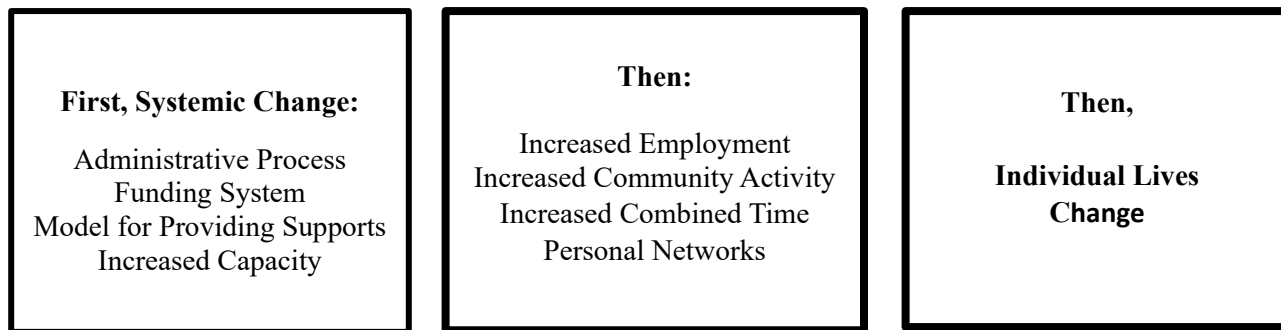


**Addendum Review and Monitor’s Report  
USA v. Rhode Island  
February-March, 2024**

**I. Introduction**

This report is aligned with the October 2, 2023 Addendum, specifically section ii that defines the actions to be completed by June 30, 2024. Illustrated by the graphic below, the Addendum defined substantial compliance into two major time periods. **First**, by June 30, 2024 **ALL** the systemic issues that were defined in the October, 2021 Action Plan and several Monitor’s Reports and Court Orders were to be addressed and all related actions completed. The Monitor has repeatedly emphasized that infrastructure needed to be in place before there would be substantial compliance with Consent Decree benchmarks and before individual lives changed. **Second**, during the time between July 1, 2024 and June 30, 2026 the State needs to document that the systemic changes and improvements are continuing and being implemented efficiently. **If that happens**, the State should achieve substantial compliance with Consent Decree benchmarks and individual lives should be better, including an increased number of individuals employed in integrated settings and participating in community activities of their choice.



This review will focus on **two levels of implementation**. First, has the State implemented the required action or has made substantial progress towards completion of the required action (**Technical Review**). This review will focus on data provided in (a) the Consent Decree Quarterly Report, (b) the Sherlock Employment and Day Activity Survey, (c) the University of Minnesota Workforce Data Summary and other reports and documents.

Second (and perhaps more importantly), has the action been implemented with quality and has the impact been qualitatively demonstrated in the lives of individuals (**Qualitative Review**). The qualitative review will focus on (a) Monitor’s review of state forms and procedures, (b) the experience of individuals who are part of the Consent Decree target populations as described in interviews with random sample of individuals who have had an annual Individual Service Plan in recent months and (c) information received directly from any/all stakeholders.

## II. Addendum Review

The required actions in Section ii of the Addendum have been grouped into eleven primary topics.

### 1. All adults will have experienced the new three-step assessment process. (*Addendum ii 3; December, 2022 Court Order*)

- SIS-A (administered on a five-year schedule)
- Additional Needs Questionnaire
- Individual Follow-Up
- Preparation of interviewers and caseworkers
- Communication to Individuals/Families

### Technical Review:

The State reports that the three-step assessment process is now operational. The SIS-A 2<sup>nd</sup> edition has been in use since mid-2023. The Additional Needs and Supports Questionnaire has been in use since March, 2023. The State reports that 703 individuals have experienced the SIS-A and the Additional Needs and Support Questionnaire (ANSQ) since March, 2023.<sup>1</sup> The follow-up which was originally implemented in September, 2023 as an additional voluntary meeting (which, not surprisingly, most declined) has been revised to be a mandatory follow-up by DD caseworkers. This revised follow-up began in November, 2023.<sup>2</sup>

State interviewers use a script to explain that responses could result in increased funding during the ANSQ and follow-up. This script was previously provided and reviewed by the Court Monitor. The SIS interviewer is expected to ask the individual when they would like the follow-up to occur and in what modality. The SIS interviewer is expected to complete the follow-up approximately two-three weeks following the SIS/ANSQ.

As ordered by the Court, DD has provided training to all SIS interviewers and other DD caseworkers and personnel re: the three-step assessment process and person-centered thinking. Similar training has been provided to the Fiscal Intermediaries. The Monitor has requested that the State focus on how to effectively communicate with individuals with IDD so that the steps are “conversations”, not rigid questions to which individuals rarely respond. The State has taken this request seriously and has scheduled a series of professional development activities focused on communication and person-centered models.<sup>3</sup>

In early November, 2023 the State developed a comprehensive document describing the changes to the assessment process, the new tier packages and changes to the SIS-A 2<sup>nd</sup> edition. This document was disseminated via several list serves, was sent to all providers and posted on the BHDDH website. The November 3, 2023 DD Newsletter described the changes and attached the document. Additional information was included in the November 17, 2023 DD Newsletter.

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<sup>1</sup> State of RI Quarterly Consent Decree Report; February 15, 2024; revised – February 27, 2024.

<sup>2</sup> RI Quarterly Consent Decree Report; op. cit..

<sup>3</sup> RI Quarterly Consent Decree Report; op. cit.

Additionally, all DD caseworkers and other personnel were directed to use this document in all communication with stakeholders – meetings, public forums, professional development activities, etc.<sup>4</sup>

### **Qualitative Review:**

52 individuals who had a new Individual Service Plan (ISP) between September-December, 2023 agreed to be interviewed. A random sample of approximately 80 individuals was selected – 52 agreed to the interview. Interviews were conducted by family members.

It is important to remember the **purpose of this three-step assessment process:**

- Each individual will have three opportunities (the SIS-A, the Additional Needs Questionnaire and the Follow-Up) to document their needs.
- Responses will be more accurate if the interviewers explain how to respond (e.g., with the SIS-A, it's not whether you can do the action, but how much support you need to do it). There would likely be increased responses if the interviewer explains that responses to each of the three components could result in increased funding.
- Individuals will be more likely to take advantage of the new rates, the new services and the expanded opportunities if interviewers, facilitators, others explain those rates and opportunities and how to access them and use them to achieve goals or interests.
- If all three steps are implemented qualitatively, individual budgets should be more personalized, larger, have greater breadth and depth and be more flexible..

The Monitor recognizes that the Additional Needs Questionnaire and the Individual Follow-up were just beginning to be implemented during this initial period. Thus, the Monitor's expectations are that the set of responses reported throughout this review for these four months will be "low". Interviews for randomly selected individuals will be repeated for each of the next six months. **The Monitor expects that the rate of positive responses will increase throughout those six months and reach 80% for the June, 2023 interviews.**

- **SIS-A.** Only 9 of the 52 interviewees have had a SIS in the prior six months. 89% reported that the interviewer explained how to respond – **the Monitor's focus is on ensuring the individual/family understands the subtle difference between performing the skill or action and how much support it takes to do so.** 89% felt that the SIS accurately reflected their needs. 67% stated that the Medical/Behavioral questions helped to clarify their support needs, but only two (22%) recalled any discussion re: how these questions were connected to their support tier.<sup>5</sup>
- **Additional Needs and Supports Questionnaire (ANSQ).** Only 9 (33%) recalled the ANSQ, Only 3 (6%) reported that the ANSQ identified additional needs or supports. Only 5 (10%) recalled any discussion re: how this questionnaire might increase their funding.<sup>6</sup>

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<sup>4</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>5</sup> Interviews conducted for the Monitor between November, 2023 – February, 2024 on a random sample of individuals who had ISP dates in September-December, 2023.

<sup>6</sup> Monitor's Interviews, op. cit.

- **Individual Follow Up.** Only 3 recalled any follow-up, none reported that the follow-up identified additional needs or supports. One of the three recalled discussion re: how this questionnaire might increase their funding.<sup>7</sup>

### **Overall Assessment:**

The three components of the three-part assessment process have now begun to be implemented. The State has made and continues to make efforts to train all SIS interviewers, caseworkers and other pertinent state personnel to understand the process and how to communicate effectively with individuals who have IDD. The interviews cited above suggest a need for increased intensity on ensuring that the broader community of stakeholders (individuals, families, providers) understand the process and how to fully access the opportunities and resources. The Monitor recognizes that these interviews occurred during the early roll-out of the Additional Needs and Supports Questionnaire. However, the State needs to ensure (1) that the ANSQ and the follow-up be **implemented with everyone**, (2) that they be implemented in a manner that **matches the individual's mode of communication** and (3) that there is effective discussion of the **connection** between these components of the assessment process and **individual budgets**.

Stakeholders have also reported that sometimes the follow-up is scheduled at the convenience of the interviewer and often too soon after the SIS to allow the individual to consider what additional funding or support is needed. There should be **sufficient time between the SIS-A/Additional Needs Questionnaire and the follow-up** to allow each individual to consider what additional funding or supports are needed. The interviewer should ask the individual when to contact and how to contact. **Time and modality should be determined by the individual.**

To better align with the Monitor's recommendations, the timeline for the follow-up has been changed to be approximately 2 weeks after the SIS-A/ASNQ. DD recommends that we allow three weeks so that tier results are received and explained...and to determine if this increases participation and information shared at these follow-ups. The Monitor agrees with this recommendation.

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<sup>7</sup> Monitor's Interviews, op. cit.

**2. All adults will have an individual budget based on the three-step process.** (*Addendum ii 4; Consent Decree, Section XIV; December, 2022 Court Order*)

**Technical Review:**

Every individual in the DD system has an individual budget. The State's Quarterly Consent Decree Report<sup>8</sup> states that "Notice of SIS-A" letters began to be generated the week of November 15, 2023. These letters are being revised. To better align with the Court's expectations, the revised letter will detail the budget numbers derived from each of the three steps in the assessment process. The intent is to ensure that individuals understand their budgets and understand the potential impact of each component of the process. Currently, both the "Notice of SIS-A Results" letter and the "supplemental funding request" response letter (S110) are being used. The comprehensive revised letter will be used beginning the week of February 26, 2024. The Monitor has reviewed the revised letter.

**Qualitative Review:**

As stated in the prior section, the Monitor understands that this set of interviews were conducted during the early stages of roll-out. Thus, as stated before, the Monitor's expectations are that this set of responses will be "low". Interviews for randomly selected individuals will be repeated for each of the next six months. The Monitor expects that the rate of positive responses will increase throughout those six months and reach 80% for the June, 2023 interviews.

The majority of the 52 interviewees (cited earlier) either did not receive a letter or were uncertain whether or not they received a letter. 8 of the 52 (15%) responded that the budget letter(s) they received "made sense". Only 2 reported that the budget letter(s) included detail about sources.<sup>9</sup>

**Overall Assessment:**

The Monitor's assessment is that individuals (and some families) do not understand their budgets and have not (to date) received letters that explain their budgets. Simply said, if individuals/families do not understand the connection between the three components of the assessment process and their budgets, they will be less likely to take these components seriously. The State needs to put greater effort into **ensuring the individuals/families understand the details of their budgets**. Increased understanding should increase use of resources and expanded choices.

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<sup>8</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>9</sup> Monitor's Interviews; op. cit.

3. **All adults will have an independent facilitator who will (a) provide information about employment and community activity, (b) facilitate the development of a person-centered plan, (c) explain the resources and opportunities available through the new rate structure, (d) assist the individual to use their individual budget to access employment and community services.** (*Addendum ii 5; December, 2022 Court Order*)

#### Technical Review:

**Independent Facilitation has not yet been implemented.** The original deadline for implementing “Independent Facilitation” was July 1, 2023. The primary **purpose** of independent facilitation is:

- To ensure that each individual receives sufficient information and stimulation so that they can make choices about goals and interests.
- To ensure that each individual understands the resources available through the new assessment and budget process; thus, increasing use of those resources.
- To ensure that each individual understands the opportunities for employment and participation in their communities.
- To ensure that each individual has a quality plan that is individualized and has breadth and depth.
- To check-in with each individual on at least a quarterly basis to ensure that the plan is being implemented with quality and that each individual has opportunities and choices.

These are the core functions that are essential to promoting and maintaining quality individual lives. The State’s failure to meet the July, 2023 deadline was due primarily to issues of system bureaucracy and inflexibility.

During the past few months The State has developed four documents that have reviewed by the Monitor:<sup>10</sup>

- A “User Journey Map” that visually documents, in sequential order, all of the points at which the individual and the system interact;
- A draft of “Self-Direct Independent Facilitator Roles and Responsibilities”;
- A draft of “Independent Facilitator Roles and Responsibilities” for individuals supported by agencies;
- Division of Developmental Disabilities Independent Facilitator Project Plan and Timeline.<sup>11</sup>

These documents will be disseminated and posted on the BHDDH website within 30 days. The “User Journey Map” is an excellent overview. It is the first document reviewed by the Monitor that demonstrates the interconnection of all the component parts that the Court and Monitor have ordered be implemented. The “Project Plan and Timeline” are the State’s best efforts to date to develop and implement Independent Facilitation. Simply, the plan calls for:

- Using current plan writers and others to provide independent facilitation for individuals who self-direct;

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<sup>10</sup> Presentation to the Monitor and US Department of Justice; February 8, 2024.

<sup>11</sup> Documents reviewed by the Monitor; February 27, 2024.

- Hiring sixteen new DD caseworkers EXCLUSIVELY assigned to providing independent facilitation for individuals supported by agencies;
- Assigning independent facilitators other than state personnel for those individuals supported by RICLAS;
- Implementing the plan by May 1, 2023.

**Qualitative Review:**

The 52 interviews conducted for the Monitor cited earlier provides the basis for the qualitative review. As stated earlier, the Monitor’s expectations are that the set of responses reported throughout this review for these four months will be “low”. Interviews for randomly selected individuals will be repeated for each of the next six months. The Monitor expects that the rate of positive responses will increase throughout those six months and reach 80% for the June, 2023 interview

As indicated in the technical review, none of the interviewees reported having an independent facilitator. Given the absence of independent facilitators, 50 (96%) of the 52 interviewees (cited above) reported that someone other than an independent facilitator assisted them through the preparation and development of their Individual Service Plan<sup>12</sup>

- 3 were facilitated by a parent or guardian (6%)
- 28 were facilitated by agency personnel (54%)
- 12 were facilitated by an independent plan writer (23%)
- 7 were facilitated by a service coordinator or support broker (13%).

The respondents also reported the following:

<b>Took Time to Get To Know You</b>	49 (94%)
<b>Did a Community Map</b>	<b>12 (23%)</b>
<b>Did a Relationship Map</b>	<b>9 (17%)</b>
<b>Provided Information about Employment</b>	<b>28 (54%)</b>
<b>Provided Information about Community Participation</b>	44 (85%)
<b>Provided Information about Other Opportunities</b>	25 (48%)
<b>Explained how to use your individual budget</b>	<b>17 (33%)</b>
<b>Provided Information about Add-On Employment Funds</b>	<b>7 (13%)</b>
<b>Individual is Using Add-On Employment Funds</b>	<b>0</b>
<b>Provided Information about Other Resources</b>	15 (29%)

Pertinent to the Actual Individual Service Plan, respondents reported the following:

<b>Individual Actively Participated in ISP</b>	<b>28 (54%)</b>
<b>Team included other than family/staff/caseworker</b>	<b>2 (4%)</b>
<b>Any new team members this year</b>	<b>5 (10%)</b>
<b>Goals express what you want to learn/do/change</b>	45 (87%)
<b>Specific action steps</b>	36 (69%)
<b>Timeline</b>	23 (44%)

<sup>12</sup> Monitor’s Interviews; op. cit.



Who will provide support	41 (79%)
How you will get there	29 (56%)
Talk about role of technology	31 (60%)
Discussed how often facilitator will check in	52 (100%)
<b>Do you have enough information to gain employment</b>	<b>31 (60%)</b>
<b>Do you have Enough support to get employment</b>	<b>26 (50%)</b>
Do you have enough information re: community opportunities	43 (83%)
Do you have enough support to participate in the community	37 (71%)

The items above highlighted in red are the items of most concern to the Monitor.

- Quality preparation for ISPs is limited.
- Slightly more than half of the interviewees actively participated in their ISP.
- Very few ISP teams include members other than family, agency staff or state caseworkers.
- Only 2 ISP teams included new members.
- There is insufficient discussion of available funding resources and how to use them.
- Slightly more than half report sufficient information and support for gaining employment.
- None of the 52 are using add-on employment funds.

To repeat, these interviews were conducted in the very early stages of implementation; thus, the Monitor expected “low” responses. However, **these interviews document the quality issues that need to be the focus of implementation.**

**Overall Assessment:**

Given the status of this issue, it is improbable that Independent Facilitation will be fully operational by June 30, 2024. Again, as stated earlier, the fault lies with systems bureaucracy and inflexibility. The State’s recent plan provides a path forward. The keys will be in the State’s ability to recruit and hire a sufficient number of Independent Facilitators, the knowledge and experience of those facilitators, the preparation of those facilitators and State’s ability to meet its own timelines. There needs to be extensive discussion of the action to be taken post July 1, 2024.

Additionally, as highlighted in the interviews, there are several issues pertinent to information sharing, plan development, understanding and using resources (especially employment resources) that need to be the focus for quality improvement and professional development. As stated earlier, the Monitor fully expects that these issues will improve.



**4. Employment** (*Addendum ii 6, 7, 8, 9; Addendum iv 3*)

- By June 30, 2024 125 individuals seeking employment will be employed in new individual jobs in integrated settings. (*Addendum ii 8; (Consent Decree, Section IV, 9; V, D)*)
- By June 30, 2026 at least 60% of the adults in the target population for employment will have been employed during the term of the Consent Decree. (*Addendum iv 3*)
- By June 30, 2024 the average number of weekly hours of employment will increase to 12. (*Addendum ii 9; Consent Decree, Section V, K*)
- Supported Employment Services will be provided at a sufficient quantity so that all members of the Consent Decree populations should have access to jobs that meet the criteria defined (*Addendum ii 7; Consent Decree, Section V, A-C*).
- The majority of adults in the target populations will be using the add-on employment funds to obtain or maintain employment in integrated settings. (*Addendum ii 8; Consent Decree, Sections IV, V, XIV; December, 2022 Court Order*)

**Technical Review:**

There are multiple sources that report employment related numbers.

As required by the Addendum, the State developed and maintains a census of Consent Decree class members. The original Consent Decree population included 3,327 adults. Since 2014 (the beginning of the Consent Decree), 686 individuals have died, 319 have voluntarily left service, and 85 have not applied or are not receiving service. Thus, the current adult population is 2,237 individuals.<sup>13</sup>

There has been much discussion re: how to define the “Target population for Employment”. Section iii, item 2 of the Addendum clearly defines the target population “...all adult members of the original target population minus (a) individuals who have deceased, (b) individuals who have voluntarily left services, (c) individuals with variances, (d) individuals who were employed prior to the Consent Decree, and (e) individuals who are retired. Retired individuals are defined as individuals aged 62 or older whose preference is for retirement.” As of December 31, 2023 the number of individuals in the “Target Population for Employment” is 1465<sup>14</sup>. This is the number that is the basis for all other metrics – (a) the percent of individuals in the Consent Decree population who gain employment and (b) the number of individuals in the Consent Decree population who obtain “new jobs”. The Monitor has reviewed the March 20, 2024 census and will complete an indepth analysis of the census numbers prior to his next report in May/June, 2024

The Addendum refers to two employment metrics. First, **ever employed** – i.e., 60% of the target population for employment will have been employed at some point during the Consent Decree. Again, the Addendum (section iv, Item 3, footnote 4) states “...This percentage will be calculated based on the target population defined in section iii)”. The Consent Decree target

<sup>13</sup> State of RI Consent Decree Census Report; updated March 20, 2024.

<sup>14</sup> Original Consent Decree Population (3327), minus number who have died (686), minus number who have voluntarily left service (319), minus number not receiving service (85), minus Number who have retired (335), minus number with variances or variances in process (246); RI Consent Decree Census March 20, 2024.

population for employment consists of 1465 individuals. The number of individuals who were “ever employed” is 850 (58%) of the target population).<sup>15</sup>

Second, **125 new jobs will be attained between July 1, 2023 and June 30, 2024**; 175 additional new jobs by June 30, 2025; and 200 additional new jobs by June 30, 2026 – a total of 500. There have been different interpretations of this benchmark. Although the Consent Decree is the obvious context for the Addendum, the State’s employment focus is on the entire population of individuals receiving IDD services. Given that focus, the State has asked provider agencies for a list of individuals newly employed since July 1, 2023. Providers identified 90+ individuals who have obtained new jobs between July 1, 2023 and December 31, 2023. The State has verified 69 of those jobs.<sup>16</sup> The Monitor has independently verified the lists provided by a sample of provider agencies. 27 of the verified new jobs are individuals on the Consent Decree population (as listed on the “new jobs” page of the Consent Decree census).<sup>17</sup>

As directed by the Monitor, the State will track **both** the number of never-employed individuals from the total IDD population and the number of never-employed individuals from the Consent Decree “Target Population for Employment” when considering the State’s compliance with this benchmark. The State will develop and maintain a census for the total IDD population (similar to the census developed and maintained for the Consent Decree population) as the strategy for tracking the number of never-employed individuals from the total IDD population who have attained “new jobs”. **This total IDD census will be current by the State’s next quarterly report – May 15, 2024.** The benchmark numbers apply only to unique individuals who have attained “new jobs”; thus, individuals who have attained more than one job will only be counted once. At the current time the Monitor is reluctant to assign a number or percent of “new jobs” that must be attained by the Consent Decree Target Population for Employment. The expectation is that **the majority of the 500 new jobs to be documented by June 30, 2026 should be individuals from the Consent Decree population.** The Monitor reserves the right to set a specific benchmark if the expected proportion is not demonstrated during the next two quarters.

The Monitor is also interested in the **number of individuals currently employed** – both for the total IDD population and for the Consent Decree target population for employment. The State reports 344 unique individuals from the Consent Decree Target Population are currently employed – that is 23% of the target population for employment.<sup>18</sup> This aligns with the percentage reported in the Sherlock Employment and Day Activities Survey cited below. The State Consent Decree Census is ongoing – the census referenced in this report is current as of December 31, 2023. The number of individuals currently employed for the total IDD population will be reported on the total IDD census that will be available May 15, 2024.

The Sherlock Employment and Day Activities Survey is a **semi-annual point in time survey** – data reported in the February, 2024 Consent Decree Report was collected in October, 2023. The Sherlock Survey reports the following:<sup>19</sup>

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<sup>15</sup> State of RI Consent Decree Census Report; updated March 20, 2024.

<sup>16</sup> Review of Provider Lists and State of RI Consent Decree Census Report; updated February 21, 2024.

<sup>17</sup> State of RI Consent Decree Census Report; March 20, 2024.

<sup>18</sup> State of RI Consent Decree Census Report; updated March 20, 2024.

<sup>19</sup> Sherlock Employment and Day Activities Survey; February 15, 2024, Data Collected October 15-28, 2023.

	October, 2022	April, 2023	October, 2023
<b>Total Respondents</b>	2036	1990	1870
<b>Number Receiving Employment Services</b>	1680	1587	1522
<b>Number Self-Employed*</b>	12	12	13
<b>Number in Employer Paid Individual Jobs</b>	277	260	281
<b>Number in Provider Paid Individual Jobs**</b>	39	50	43
<b>Number in Provider Paid Group Jobs</b>	43	38	25
<b>Percent in Individual Jobs</b>	20%	20%	<b>22%</b>
<b>Number New Jobs in Prior Three Months</b>	19	20	24

\*The Developmental Disabilities Council has a registry of more than 50 individuals who are self-employed....so this number is low.

\*\*The Monitor is evaluating provider paid individual jobs. The Monitor believes most of these jobs meet the Consent Decree definition of individual jobs in integrated settings.

Although limited by a decreasing number of respondents and a low response rate from individuals who self-direct, the Sherlock data documents (a) essential consistency of employment numbers across three data collection periods, (b) a slight increase in individuals in independent jobs and (c) higher numbers of “new jobs” obtained by the Consent Decree population than State data reports.

The three most common industries in which individuals are employed also continues to be consistent over the three periods. For October, 2023 these were – retail trade (119 individuals), health care and social assistance (56 individuals) and accommodations and food service (55 individuals).<sup>20</sup>

The Monitor requested an analysis of Sherlock Data by provider. Of the agencies that reported the number of individuals in either employment or day services:<sup>21</sup>

- 2 agencies reported that more than 50% of those individuals have employer paid jobs
- 4 agencies reported between 30-40% have employer paid jobs
- 8 agencies reported between 20-30% have employer paid jobs
- 7 agencies reported between 10-20% have employer paid jobs
- 8 agencies reported less than 10% have employer paid jobs
- 35% of self-directing individuals participating in employment or day services reported being in employer paid jobs.

Another required metric is the **number of individuals using add-on employment funds**. The State reports that, **as of January 30, 2024, only 86 applications for add-on employment services have been received** from the total IDD population during this initial three-month period. 68 have been approved and 18 provided with guidance to re-apply. The State reports that some individuals are waiting for their plan renewal to request Add-On funding and others are new to the system. Per the Monitor’s expectations, information is being provided to individuals and stakeholders. DD will continue to provide information on employment funding and how to access it. The number of **requests for add-on employment funding** and services

<sup>20</sup> Sherlock Employment and Day Activities Survey; February 15, 2024, Data Collected October 15-28, 2023.

<sup>21</sup> Report Prepared for Monitor; February 15, 2024

**MUST** increase. The Monitor expects that 50% of the target population for employment will be using add-on employment funds by June 30, 2024. **Beginning April 1, 2024 the State will provide monthly reports to the Monitor re: the cumulative number of requests for add-on employment funds from the Consent Decree population and the number from the total IDD population.**

The final metric addressed in the Addendum is **average weekly hours worked**. The Sherlock Survey reported:<sup>22</sup>

- Individuals in the Youth Exit populations worked an average of 10.44 hours per week
- Individuals in the Day population worked an average of 10.4 hours per week
- Individuals in the Sheltered Workshop population worked an average of 12.37 hours per week
- Overall average – 11.5 hours per week.

These numbers are on target to meet the Addendum benchmark of 12 hours per week by July, 2024.

In addition to the numbers presented above, the State has documented a number of business and employer engagement activities and is meeting individually with provider agencies to target individuals who want to work. Similarly, the RIPIN contract provides employment-related information to individuals who self-direct. ORS also continues to provide a variety of employment supports. There are two documents appended to the State's Quarterly Report that provide detail on those activities – (1) Business Engagement Tracker and (2) Supported Employment Activities Tracker.<sup>23</sup> The activities document significant activity.

The Department of Labor and Training has also supports several significant activities:<sup>24</sup>

- \$44,672 Work Accessibility Grants have been awarded through eleven contracts to nine unique employers.
- The “Rhode MAP”, in collaboration with AccessPoint, proposes to enroll 40 participants in retail training program during 2024 with projections of 36 being employed.
- A new Project Search site has been established at Bally's/Twin River with five projected participants to be employed during 2024.
- The Self Employment Business Incubator, in collaboration with the RI Developmental Disability Council and the Cross Disability Coalition, will continue to offer training and support to aspiring entrepreneurs. Projections are that 42 individuals will participate in the training and 36 will complete during 2024.
- Skills RI/Workability, in collaboration with Community Provider Network connects employers with provider agencies. Projection is that 20 individuals will participate and 10 placed in positions during 2024.

Since the beginning of the program in 2017, DLT activities have resulted in **273 job placements** (many, but not all are individuals with IDD) who work 20.4 hours per week and are paid an average \$13.86 per hour.

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<sup>22</sup> Sherlock Employment and Day Activities Survey; February 15, 2024, Data Collected October 15-28, 2023.

<sup>23</sup> Appendices to RI Quarterly Consent Decree Report; op. cit.

<sup>24</sup> Addendum to RI Quarterly Consent Decree Report; op. cit.

Additionally, the State has recognized the need to intensify efforts to promote employment for adults who have more complex support needs. The Division is taking a data-driven approach to understand where Consent Decree Target Population members who have never been employed are on their employment path. This effort will follow with targeted strategies that are more relevant to an individual's context.

The Division is working with the Court Monitor to identify key pre-employment indicators, including current barriers to employment, based on the Court Monitor's Interim Settlement Agreement Review, February 2020<sup>25</sup>. The Division will engage Community Providers and Individuals who Self-Direct their services in data collection on these indicators.

Concurrently, the Division is organizing strategies, based on the Court Monitor's February 2020 ISA Review, specific to where a Target Population member is on their employment path. Strategies can include but are not limited to referral to a Supported Employment provider, sharing information about the Employment Add On budget, referral to a Supported Employment Provider who has Employment Professionals trained on Customized Employment, direct peer-to-peer or family-to-family outreach, increasing the overall capacity of our Supported Employment providers, expanding employer engagement, and increased focus on job development and job matching for individuals with more complex needs.

The Division is also reviewing applications to its Targeted Employment Funds to ensure it is funding and supporting strategies that are aligned with the strategies outlined above and will increase employment outcomes for the Target Population.

### **Qualitative Review:**

Both from review of various reports and anecdotal reports, it is evident that there is an increased statewide focus on employment. However, the Monitor interviews cited earlier suggest many individuals are not yet receiving the information and/or support they need. Most notably, the report that only 86 requests for add-on employment funds have been received is **unacceptable**. On a parallel track, stakeholders also report that there is confusion about the add-on employment services and administrative barriers that make access and use of add-on funds challenging. Those issues are discussed later in the review of rates and rate structures.

### **Overall Assessment:**

Given that the employment numbers differ somewhat depending on the source and the data collection method, assessment of employment activity and employment numbers needs to be layered. Overall, based on anecdotal reports from providers, from BHDDH and from DLT, activity re: employment seems to be increasing. The State interpreted the "125 new jobs" benchmark as applying to the whole DD population. Given that interpretation, the number of new jobs reported by providers is laudatory. However, there are four issues the need to be highlighted.

- If the interpretation of "125 new jobs" applies just to the Consent Decree population (discussed earlier), then there needs to be increased focus on that population. The State is

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<sup>25</sup> Interim Settlement Agreement Review; February, 2020.

correct in that the activities stimulated by the Consent Decree should apply to all – the Court endorses that perspective. The majority of the remaining “never-employed” Consent Decree population are individuals with more significant support needs. Thus, there needs to be a more intense focus on customized employment and person-job match strategies.

- The great variance in the percentage of individuals in employer paid individualized jobs as reported by agencies documents the variability in capacity among agencies. This is the result of some agencies having not yet recovered from the pandemic, from staffing issues and from limited capacity to support individuals with more complex needs.
- The report that only 86 requests for add-on employment services have been received is very concerning. This results from a lack of understanding of these services by many individuals and a lack of significant effort to “push” use of these resources. This was further reinforced by the Monitor’s interviews cited earlier.
- Multiple stakeholders (providers and individuals) have reporting issues with interpreting and accessing the add-on services. These are addressed in the section on rates and rate structures.

Simply said, although there has been increased positive activity re: employment by both the State and providers, efforts to increase employment (particularly for individuals with more complex support needs) need to be intensified.



**5. All adults covered by the Consent Decree will participate in community activities in integrated settings such that community activities and services will meet the criteria defined in the Consent Decree. (Addendum ii 10; Consent Decree VI, B 1-10)**

**Technical Review:**

The Sherlock Employment and Day Activities Survey<sup>26</sup> documents that 1424 (84% of the 1696 Consent Decree class member respondents receiving Supports) participate in community activities. The table below documents a progressive increase in both the percent of respondents participating in community activities and the mean weekly hours.

	February, 2023 <sup>27</sup>	August, 2023 <sup>28</sup>	February, 2024
<b>Total Respondents</b>	2036	1990	1870
<b>Respondents Receiving Services</b>	1797	1780	1696
<b>Number Doing Community Activities</b>	1482 (82%)	1464 (82.2%)	<b>1424 (84%)</b>
<b>Average Weekly Hours</b>	13.83	14.46	15.67

The settings in which community activities occur have essentially remained consistent.

	February, 2023	August, 2023	February, 2024
<b>Virtual</b>	.9%	1%	<.0005%
<b>Public Venue</b>	69.1%	67%	68.4%
<b>School/Training Facility</b>	1.2%	<1%	<1%
<b>Senior Center/Facility</b>	4.1%	2.7%	3%
<b>Employer/Business</b>	14.3%	15.8%	13.9%
<b>Member-Based Organization</b>	11.9%	12.8%	14.3%

A new question was added to the Sherlock Survey measuring (a) whether the activity was primarily for individuals with IDD or for a broader array of community/public participants and (b) who participated with/accompanied the individual. Those two factors are considered to be **indicators of integration.**

<b>Activities Primarily for Individuals with IDD</b>	1110 (23.3%)
<b>Activities for Broad Array of Community Participants</b>	3643 (76.7%)

<b>Who Else Attended/Participation With You</b>	<b>Participation by Number of Activities Percent of All Community Activities</b>
<b>I Attended by Myself</b>	368 (7.7%)
<b>One or More Family Members</b>	189 (3.9%)
<b>One or More Community Members</b>	559 (11.7%)
<b>One or More Staff</b>	3016 (63.4%)
<b>One-Two Individuals with Disability</b>	1880 (39.5%)
<b>Three-Five Individuals with Disability</b>	740 (15.6%)
<b>More than Five Individuals with Disability</b>	220 (4.6%)

<sup>26</sup> Sherlock Employment and Day Activities Survey; February 15, 2024, Data Collected October 15-28, 2023.

<sup>27</sup> Sherlock Employment and Day Activities Survey, February 10, 2024; Data Collected October 9-22, 2022

<sup>28</sup> Sherlock Employment and Day Activities Survey; August 3, 2023; Data Collected April 9-22, 2023



Technology has been demonstrated to be an effective strategy for supporting both employment and community participation. The October, 2021 Action Plan<sup>29</sup> ordered the creation of a \$2,000,000 technology fund. To date there have been 1256 applications, of which 1087 have been approved<sup>30</sup>. The total amount of funding expended is \$513,982.<sup>31</sup>

The State also reports that:

- Agency policy reviews are being done to ensure they comply with HCBS. Also, many of the DDOs are using their Transformation funding for training related to self-determination and person-centered thinking. Additionally, DD is working with a contractor to assist in providing training related to these areas to DDD staff and external agencies.
- DD is also focused on providing training on community mapping. The expectation is that, if community mapping is done well, membership and participation in community organizations will increase; number of community friends on ISP teams will increase; and the community mapping (and relationship mapping) will help greatly in preparing for the annual ISP process.

### Qualitative Review:

Participation in integrated community activities continues to grow. The Sherlock data cited above documents:

- The percent of individuals participating in community activities continues to increase.
- The average weekly hours continues to increase and is now 15.6 hours per week.
- More than three-quarters of community activities are in activities/events open to the broader public.
- The most common companion continues to be paid staff, although 11.7% of companions are community members.
- Participating in the community as a group of people with IDD is 20% - this is a decrease from earlier reports.

The Monitor Interviews cited throughout this document report the following:<sup>32</sup>

- 51 of the 52 interviewees (96%) report participating in community activities.
- Interviewees report that 50% of the community activities are their idea, 17% are a blending of their idea and someone else's idea and 33% of completely someone else's idea (most frequently staff).
- As cited in the Sherlock data, the **most common companions are support staff**.
- Only 23% belong to a community organization.
- 92% report having friends. 56% of interviewees list staff as friends, 71% list family members, 79% list other individuals with IDD and 42% list a community member as a friend.

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<sup>29</sup> Action Plan – Court Order; October 19, 2021.

<sup>30</sup> Data Query in response to Monitor's question; February 23, 2024.

<sup>31</sup> Data Query in response to Monitor's question; February 27, 2024.

<sup>32</sup> Monitor's Interviews; op. cit.

- 71% report doing activities that helped them learn or do new things.
- When asked what were the best things that happened in the past year, the most common answers were attending/participating in community events, learning or doing something new, a major family event and going on vacations. One individual reported getting a debit card, another reported getting a drivers license.
- When asked about barriers or obstacles, the most common answers were health issues, family tragedies (e.g., the death of a family members), transportation and mobility issues.
- **63% reported that their life was better than it was last year**, 29% reported about the same.
- **90% reported being satisfied** with how their life was going,

### **Overall Assessment:**

Increasing participation in integrated community activities continues to be one of the most positive features of Consent Decree implementation. Although all the numbers, interviews and anecdotal reports document increased progress, the Monitor would like to see increased technical assistance and training activities focused on (a) self-determination – strategies for increasing choice and voice; (b) person-centered thinking and person-directed planning – strategies for increasing each person’s ability to direct their own lives; (c) membership and active participation in community organizations – a strategy that research has demonstrated to be effective in building community presence, relationships and employment; (d) increasing the number of community friends and members who participate on ISP teams and (e) increased use of community mapping and relationship mapping as essential components of preparation for annual ISPs.

6. **The new rates and rate structure will be fully implemented.** (*Addendum ii 2; Consent Decree, Section XIV*)

- Continued Funding for Transformation Projects. Taking effective strategies to scale.

**Technical Review:**

The State reports that the new rates and rate structure have been implemented with a few exceptions.<sup>33</sup>

- Professional Services - Working to identify new codes in the system for new services to begin on July 1.
- Remote Supports – CMS approval for remote supports is expected after 1/2025, but work to develop the service has begun. Certification standards are needed.
- Peer and Family-to-Family Supports – codes are needed as well as Certification Standards.
- Companion Room and Board and Supportive Living will not be ready as we don't have the programs in place.

In collaboration with the provider community, the State has also revised the definition for community support to allow greater flexibility.

Through discussions with stakeholder groups the Monitor has become aware of other rate-related issues that need to be resolved:

- The add-on employment rate for discovery has not yet been implemented.
- The Court's intent was that **job coaching and job retention should not be time limited**, yet many stakeholders have been told that they are. The three add-on employment services of job coaching, job retention and personal care in the workplace **should be bundled**.
- Stakeholders report that for every new service code they are required to submit a new purchase order – the Court views this as an administrative barrier that needs to be rectified. The Court's intent is to maximize flexibility; thus the PO requirements and process need to be simplified.

The State reports:

- Job coaching and job retention are **NOT** limited; however, the State is attempting to stimulate a discussion re: the appropriate use of job coaching. The Monitor's response is that the amount of hours of job coaching or job retention needed is unique to each individual. **This is an individual program decision, not a budgetary decision.** Each individual should receive as much job coaching as needed to ensure individual success and enough job retention to maintain success.
- New purchase orders are **NOT** required for each new code. One purchase order can be submitted for add-on employment funding. However, purchase orders cannot be submitted for every service in a way that cannot be provided.

The difference in understanding and interpretation of the add-on employment services between the State and several stakeholder groups illustrates the Monitor's continuing concern about the need for technical assistance and communication so that there is (a) universal understanding of

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<sup>33</sup> RI Quarterly Consent Decree Report; op. cit.

these services and associated rates, (b) maximum individual flexibility, (c) decisions based on individual need and (d) administratively simple procedures for accessing these services and modifying purchase orders as needed. The Monitor is requesting a plan (developed in collaboration with stakeholders) for addressing these issues by **April 30, 2024**.

Re: overall budget projections. In alignment with Court orders, DD Services are now included in semi-annual caseload estimating conferences. The Summary of the November Caseload Estimating Conference<sup>34</sup> projects an overall FY 2025 budget for DD services of \$462,151,000 – this an increase over the FY 2024 enacted budget of \$419,546,402 and the FY 2024 November Caseload Estimating budget of \$442,846,000. The Budget Office briefed the Monitor on these numbers in early January and committed to additional increases if the legislative budget review process determines a need.

The court order Action Plan<sup>35</sup> included a requirement that rates be indexed in some manner. The RI Budget Office reports that they are in the process of determining the procedure for doing this. The Addendum specifically requires that the Transformation Grants II be funded through 2026 and strategies developed to take innovative practices to scale. The Monitor has visited every agency who has received a transformation – there are several ongoing impactful practices. The State reports that unspent transformation grant funds and unspent targeted employment funds will meet that requirement. The Monitor recommends (a) that all transformation grant funding be extended through June, 2026 and (b) the State present a plan to the Monitor specifically identifying the funding sources and amounts that will be used for that purpose and to take innovative practices to scale statewide,

### **Qualitative Assessment**

Stakeholders (individuals and providers) report that the lack of codes for professional services, the issues cited earlier re: the add-on employment services and the administrative issues with Purchase Orders have created barriers to accessing some services, particularly employment. The Monitor interviews (cited earlier) also documented that **none** of the interviewees were using add-on employment funds. The State report that only 86 requests for add-on employment services had been received by end of December further documents these issues. The separation of employment funding from other funding was viewed, when originally presented, as highly significant in that individuals would no longer have to choose between employment and other services. However, to date, individuals have not taken advantage of the add-on funding. Similarly, as stated by the Court multiple times, the intent for all funding was to **increase ease of access and flexibility of use**. The administrative barriers cited have hindered that flexibility. Providers report that they have discussed with the State the concept of a “ball of money”. Although the Monitor recognizes the need to comply with CMS regulations and MMIS procedures, the Court strongly endorses the flexibility inherent in that idea,

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<sup>34</sup> Whitney, Reynolds-Ferland, Codega; Summary of State of Rhode Island Caseload Estimating Conference; November 20, 2023.

<sup>35</sup> Action Plan – Court Order; October 19, 2021.

## Overall Assessment:

At this point, the Monitor has no concerns with the budget numbers. However, the Monitor is waiting for the State to determine the process for indexing rates...and for the final budget allocations.

Re: service definitions and administrative process, the Monitor recommends the following:

- Codes for professional services need to be in place as soon as possible, no later than June 30, 2024 (earlier if possible). **Providers need a guarantee that they be permitted to bill for professional services at the revised rates back to July 1, 2023.**
- The add-on service “discovery” needs to be active as soon as possible, minimally no later than **April 30, 2024**. For individuals who have more significant support needs and who have never been employed, discovery is the significant first step towards employment.
- **Job coaching and job retention should not be limited.** The State reports that job retention is not limited; however, many stakeholders believe that it is – thus, the issue is one of consistent and clear messaging. The Monitor also understands that State is intending to promote discussion about when/how job coaching should be faded. As stated above, in collaboration with stakeholders, the definition for these services and the process for determining the number of hours any individual needs should be reviewed and clarified...to ensure that anyone/everyone has easy access. Thus, the number of individuals requesting and using add-on employment funding and services should increase.
- The three add-on employment services of job coaching, job retention and personal care in the workplace should be bundled into a “ball of money” or some other administratively acceptable procedure. PO for add-on employment funding should be required no more than once each year. Individuals, providers, fiscal intermediaries should project the amount of employment funding for the year and should bill against that amount. A new PO should be expected only if funding is anticipated to exceed that amount. Administrative procedures should be revised to accommodate such flexibility. The Monitor understands that there are limitations imposed by CMS and by the MMIS system. Thus, the Monitor is open to other ideas; but, as referenced above, the **Monitor requires the State to provide a plan for addressing the perceived administrative issues by April 30, 2024.**
- Similarly, for the flexible funding amount within the core budget, individuals should not be expected to submit a new PO every time services change. Similar to the recommendation for add-on employment funds, a PO should be required no more than once each year. Individuals, providers, fiscal intermediaries should project the amount of funding for all services needed for the year and should bill against that amount. A new PO should be expected only if funding is anticipated to exceed that amount. Administrative procedures should be revised to accommodate such flexibility. As stated above, the Monitor understands that there are limitations imposed by CMS and by the MMIS system. Thus, the Monitor is open to other ideas; but, as referenced above, the Monitor expects the State to develop a plan for addressing the perceived administrative issues by **April 30, 2024.**
- Again, the Monitor repeats his concern about the differences in understanding and use of rate structures between the State and stakeholders.

- The Monitor is also waiting, upon completion of the ongoing work of HMA, to review and approve the **new algorithm for translating SIS-A scores into funding tiers**.

**7. Transition** (*Addendum ii 11, 12, 13, 14, 15, 16*)

- The revised Career Development Plan for transition youth will be implemented in all LEAs and with all transition-aged students. (*Addendum ii 11; Consent Decree Section VIII, December, 2022 Court Order*)
- The State will document outreach to transition youth with IDD to facilitate application for services as early as possible. By age 20 80% of transition youth with IDD will have applied for adult developmental disability services. All who are eligible will be receiving DD funding and services sufficient to allow them a meaningful choice of integrated community activities and integrated employment. (*Addendum ii 12; Consent Decree Section VIII; December, 2022 Court Order*)
- The State will document outreach to transition youth with IDD to apply for services as early as possible. By age 20 80% of transition youth with IDD will be connected to an ORS or a BHDDH vendor and will be involved in specific job development. (*Addendum ii 13; Consent Decree Section VIII; December, 2022 Court Order*)
- The number of transition-aged youth who participate in CTE will increase. (*Addendum ii 14; Consent Decree Section VIII, December, 2022 Court Order*)
- An individual contact person for all transition youth and their families will be specified. (*Addendum ii 15; Consent Decree Section VIII, December, 2022 Court Order*)
- A network of family-to-family support and mentorship will be developed and fully implemented. (*Addendum ii 16; Consent Decree Section VIII, December, 2022 Court Order*)

**Technical Review:**

The Monitor has reviewed the three revised **Career Development Plan** formats. The revised CDPs focus on both employment experiences and developing community connections. The three revised CDPs are designed to provide a sequential map guiding youth from discovery to vocational experience to job development. All the LEAs (i.e., school districts) are now using the revised CDP. The Department of Education and the Regional Transition Centers have provided extensive training and technical assistance re: implementing the CDPs – the State Quarterly Report<sup>36</sup> provides a list of these activities.

The State Quarterly Report describes the strategies employed by BHDDH to **outreach to transition youth**. Specifically, in collaboration with ORS, RIDE and the Regional Transition Centers, BHDDH transition staff have presented information to school personnel at 57 schools across the state. Additionally, letters were sent to youth aged 19+ providing information about the transition process, resources and contact information for DD transition staff.<sup>37</sup>

The table below documents the number of transition **youth who have applied for DD services** and the number and **percent who have received funding authorizations**. The Court's directive

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<sup>36</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>37</sup> RI Quarterly Consent Decree Report; op. cit.



was to increase both the number of applicants and the number of transition youth with funding authorizations.<sup>38</sup>

	FY2022	FY2023	FY2024 to date
<b>Number of Applications</b>	144	176	98
<b>Number/Percent of Eligible Youth with Service Authorizations</b>	5 (3%)	44 (25%)	77 (79%)

These numbers document a positive progression in numbers of youth applying for eligibility while still in school and a significant increase in the number of transition receiving and using service authorizations.

ORS has provided a variety of pre-employment and transition services (pre-ETS) to 1348 youth in transition, 864 of whom are over the age of 18. ORS has a counselor in every high school. Once a student has been identified, the ORS counselor registers them and employment services begin.<sup>39</sup>

RIDE collects information quarterly from a randomly selected sample of students. During the October-December quarter 31 students from 7 school districts were surveyed re: **vocational experiences**.

- 100% of students participated in either a short term or long term vocational experience.
- 29 of the 31 students (94%) participated in at least one long term vocational experience, 20 (67%) participated in 2 or more long term experiences, 5 of those experiences were paid.
- Long term experiences are prioritized for students during the two years prior to school exit. 100% of these students participated in at least one long term experience.<sup>40</sup>

RIDE also reviewed the CDPs of 145 students in the 7 school districts surveyed during the quarter. 36 students aged 17-19 “informally” **participated in CTE programs**. 10 students ages 20+ “informally” participated in CTE programs.<sup>41</sup>

The Consent Decree requires transition youth to participate in **trial work experiences in integrated settings**. 43 (of the 145 students sampled) completed at least one trial work experience, 32 have completed two or more trial work experiences. RIDE reports that these numbers typically are lower in the first quarter of the school year and are expected to increase in later quarters.<sup>42</sup>

RIDE also surveyed 7 school districts (as explained earlier) re: the number of students who **exited school with paid employment**.

- 25 students aged 17-19 exited school in the past 12 months, 16 of those students (64%) exited with paid employment.

<sup>38</sup> Data Query in response to Monitor’s question; February 23, 2024.

<sup>39</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>40</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>41</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>42</sup> RI Quarterly Consent Decree Report; op. cit.

- 22 students age 20+ exited school in the past 12 months, 11 of those students (50%) exited with paid employment.<sup>43</sup>

**Family Contacts and Support.** BHDDH reports that the DD Transition Coordinator is the primary contact for students ages 14-19, caseworkers are assigned to students ages 20+. ORS reports that there is a counselor assigned to every high school. All three state agencies (RIDE, ORS, BHDDH) have a service contract with Lazo to implement “charlas”. Charlas are small group informal meeting with families (in a family member’s home). They have proven to be a very effective tool in informing families and assisting through various transition processes. They have been particularly effective with families from diverse cultures. Between January-October, 2023 charlas were implemented in seven districts. 46 families participated, 25 applied for DD services, 16 were found eligible and are in the process of going through the assessment and ISP process. 35 of the 42 are not active with ORS. Three additional districts are beginning implementation in the current quarter.<sup>44</sup>

### **Qualitative Review:**

As the Monitor has noted in prior reports, there has been a significant culture shift in school’s perception and expectations for transition youth with IDD. Employment and community participation have become a major focus. The revised CDPs have changed the approach from simply providing vocational experiences to guiding youth through the process of discovery, job exploration and job development. The percent of youth exiting school with paid employment, as reported, is higher than the Monitor expected. Charlas are very effective in assisting and supporting families – the Monitor would like to see the model expanded to every school district. Although there are students “informally” participating in CTE, the Monitor will converse with CTE personnel at RIDE and in the districts to deepen that participation.

### **Overall Assessment:**

The recommendations made by the Monitor in prior reports have been implemented. The transition data presented highlights the impact and can be projected to increase. Transition services, in the Monitor’s opinion, meet the expectations of the Consent Decree and the Addendum. The Monitor is looking forward to the outcomes achieved during the remaining term of the Addendum.

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<sup>43</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>44</sup> RI Quarterly Consent Decree Report; op. cit.

**8. Training and Technical Assistance** (*Addendum ii 17, 18, 23, 24, 26*)

- As specified in the Monitor’s July, 2023 report, the organizational development, technical assistance to provider organizations and trainings for targeted audiences on specific topics will continue. (*Addendum ii 17; Consent Decree, Section IX*)
- The State will continue to provide technical assistance and oversight to agencies re: use of evidence-based employment practices, staffing capacity, business models that align with the goals of the Consent Decree. (*Addendum ii 23; Consent Decree, Section XI, 5*)
- The State will develop and provide competency-based and value-based training to all providers who support individuals who self-direct their own employment and/or community services. (*Addendum ii 18; Consent Decree, Section IX, 2-3*)
- The State will develop a contract(s) with organizations that have credibility and capacity to assist providers and others to effectively use the new rates and rate structures to develop program models that promote the goals of the Consent Decree. (*Addendum ii 24; Consent Decree, Section XII*)
- Although the State has developed a Quality Improvement System, these activities should continue throughout the duration of this Addendum with specific focus on translation of the new rates and services into program models that increase employment and community activity in integrated settings. (*Addendum ii 26; Consent Decree, Section XV*)

**Technical Review:**

The State Quarterly Consent Decree Report documents a variety of training activities.<sup>45</sup>

BHDDH appended a DD Training and Outreach Tracker<sup>46</sup> that lists a variety of training and outreach activities. Also referenced are the activities implemented through the RIPIN contract for individuals who self-direct, the contracted training re: person-centered thinking and communication conducted by Mary Madden and the individual agency meetings conducted as part of reviewing the Transition II projects.

ORS lists multiple trainings on job coaching and job development as well as inter-agency cross trainings. ORS also supports the Supported Employment Council, a community or practice for agencies implementing supporting employment.

RIDE and the Regional Transition Centers have provided extensive training on various transition topics including job coaching, job development, PATH, evidence-based transition services, transition assessments and other topics.

Other trainings (not referenced in the Quarterly Report include (1) the Self-Employment Incubator hosted by the RI Cross Disability Coalition, (2) Employer Engagement Strategies hosted by the RI Developmental Disabilities Council, (3) Supporting People in Communities and

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<sup>45</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>46</sup> Appended to RI Quarterly Consent Decree Report; op. cit.

Developing Friendships, (4) Person-Centered Thinking Facilitator Training offered through the Sherlock Center.

Early in the Consent Decree, the State adopted ACRE competencies and ACRE certification as the “competency based and value based” training curriculum for employment staff. The Sherlock Center has offered free “Supporting Meaningful Employment” training since the beginning of the Consent Decree. The ACRE certification modules are offered as a complete course or as three stackable modules – vocational assessment and employment planning., job development, job coaching and job retention. Other options for attaining ACRE certification are also available. The Statewide Workforce Initiative has continued and expanded the efforts to recruit, prepare and retain a quality workforce.

A specific focus of the Addendum was to provide technical assistance and support to provider agencies to (a) assist them in understanding the new rates and rate structures so that the innovative practices developed through the Transformation Grants can be efficiently billed and taken to scale. The DD Coordinator of Integrated Community Services has met with 18 of the 30 grantees to provide that assistance. That work needs to continue and be expanded. The agency employment percentages reported earlier highlight the need to increase the capacity of all provider agencies and individuals who self-direct to assist individuals to gain employment.

### **Qualitative Assessment**

The State documents an extensive array of training and technical assistance activities. The Monitor is aware (and has reviewed) most of these activities. The State has contracts or service agreements with several quality organizations and consultants.

### **Overall Assessment:**

Collectively, the activities reported offer the breadth and depth needed to meet the requirements of the Consent Decree and the Addendum. However, the Monitor is aware that each provider agency and most individuals who self-direct have some unique needs. The Monitor recommends, as he has before, that a cross-agency team of staff and consultants meet with each agency to identify those needs and target technical assistance and training activities.

**9. Communication and Outreach** (*Addendum ii 19, 20*)

- The State’s Communication Plan, as filed with the Court, will be fully implemented. (*Addendum ii 20; Consent Decree, Section X*)
- Plans to outreach to individuals who self-direct and individuals in segregated settings will be fully implemented . Adults in segregated settings will use employment resources to obtain integrated employment in addition to their current day activities. (*Addendum ii 19; Consent Decree, Section X*)

**Technical Review:**

The State’s Quarterly Consent Decree Report details the outreach and communication activities conducted during the past quarter. The “Communications Team-Task Tracker”<sup>47</sup> appended to the Quarterly Report lists all communication (and other) actions completed by the State Communication Team. The Monitor has reviewed most of these documents and is satisfied with the quality and content. Also appended to the quarterly report is a powerpoint from a presentation made to State leadership describing the work of the Communications Team.

One of the Monitor’s focuses has been to increase the number of products and communication activities that use plain language. Appended to the Quarterly Report are three documents that provide guidelines for increasing accessibility – (1) Notes for Designing Accessible Content, (2) Communications Accessibility Guidelines and (3) Internal Implementation Plan – Communication Standard Operating Procedure.<sup>48</sup> The Monitor has reviewed these documents and finds that, if followed, will increase the accessibility of DD products and communication. The Communications Team has also developed a plain language document, “Your Life, Your Rights: DD Services Bill of Rights”<sup>49</sup>, that was developed for the purpose of increasing accessibility.

The State continues to implement the routine communication activities – quarterly forums, biweekly DD News, others.

Outreach. RIPIN is the vendor for the contract to provide information to individuals who self-direct. Again, the Quarterly Report lists the outreach activities implemented by RIPIN and other members of the State Team. Additionally, the State has issued a technical bulletin on “Self-Directed Allowable Costs” and a “Guide to Goods and Services”.

Although the State has begun outreach to individuals in segregated health settings, future outreach needs to focus on ensuring that individuals in those settings understand that they have the right and opportunity to participate in employment and/or other community activities in addition to their time in the health settings. Given that a percentage of individuals in these health settings are in SLA homes, similar information needs to be part of the outreach to SLA providers.

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<sup>47</sup> Appended to RI Quarterly Consent Decree Report; op. cit.

<sup>48</sup> Appended to RI Quarterly Consent Decree Report; op. cit.

<sup>49</sup> Appended to RI Quarterly Consent Decree Report; op. cit.

Others reside in RICLAS homes; thus, the State needs to develop alternative community-based activities for individuals residing in RICLAS residences.

**Qualitative Review:**

Feedback from stakeholders is that Communication from/with the State has “never been better”.

**Overall Assessment:**

The Monitor is impressed with the work of the Communication Team and the increase in accessible products and materials. These efforts fully address the intent of the Addendum. Outreach to individuals in segregated health centers, to individuals in SLA homes and in RICLAS needs to increase.

**10. Workforce - The State will fully implement the activities of the statewide workforce initiative** (*Addendum ii 21, 22; Consent Decree, Section XI, 1-2; May, 2022 Court Order; December, 2022 Court Order*)

- The State will fully implement the activities of the Statewide Workforce Initiative.
- Direct Support Staff vacancies will decrease.

**Technical Review:**

In July, 2023 responsibility for implementing the Statewide Workforce Initiative has been assumed by the University of Minnesota. The State Quarterly Report summarizes the activities connected to this initiative.<sup>50</sup>

- Focus includes ALL employers, both provider agencies and individuals who self-direct. UMN staff have met with Fiscal Intermediaries to discuss strategies pertinent to individuals who self-direct.
- The Coordinating Council is now active and has engaged in a series of planning meetings..
- The five workgroups are progressing through defined agendas – (1) Selection and Retention Workgroup; (2) Policy Guidance and Worker Voice Workgroup; (3) Training and Professional Development Workgroup; (4) Marketing and Recruitment Workgroup; (5) Data and Reporting Workgroup. Recent meetings and accomplishments of these workgroups are summarized in the Quarterly Report.
- A second cohort of five provider organizations have begun the process (guided by UMN) to review, evaluate and revise their employment-related practices. Additional provider organizations will be recruited.
- In collaboration with the first cohort of organizations that completed the process, a variety of materials have been developed – (1) a series of five workforce webinars, (2) a RI specific “Realistic Job Preview”, (3) a Comprehensive Workforce Consultation Model for self-directing employees.

In collaboration with CPNRI, UMN and the Statewide Workforce Initiative have developed a RI specific portal for data collection and monitoring Support Wide Data Portal). This portal replaces the workforce data collection that was done by the Monitor for the past two years. Workforce data will be collected and summarized for the Monitor, the State and providers and individuals who self-direct every six months through June, 2026. The Table of the next page summarizes workforce trends from July, 2022 through December, 2023.<sup>51</sup> These data document several positive trends:

- The number/percent of agencies who needed to turn away referrals because of DSP staffing issues has decreased.
- The turnover rate has decreased.

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<sup>50</sup> RI Quarterly Consent Decree Report; op. cit.

<sup>51</sup> Pettingell, S. L., Bershady, J., & Barcikowski, H.C. (2024). *Rhode Island SupportWise Workforce Data Summary for Reporting Period July 1, 2023 – December 31, 2023; Report for RI Court Monitor*. University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.



- The number of vacancies and the vacancy rate have decreased.
- The average starting wage has increased.
- The average hourly wage has increased.
- The number of DSPs eligible for and enrolled in health insurance has increased.
- The use of overtime has decreased.

Although there is still a direct support staff shortage, these data documents that the actions ordered by the Court (e.g., wage increases) and implemented by the State and by provider organizations are having a positive impact.

	Historic data (collected via direct submission to court monitor)		Current time period (collected via SupportWise Data Portal)
	July – Dec 2022	Jan – June 2023	July – Dec 2023
# Agencies reporting	32	32	<b>34</b>
Number of agencies that turned away referrals because of DSP staffing issues	20 (63%)	13 (41%)	<b>12(35%)</b>
Total number of DSPs	NA	3,015	<b>3,058</b>
Number of separations	573	503	<b>518</b>
Turnover ratio (separations/number of DSPs)	22.3%	16.6%	<b>16.9%</b>
Total full-time DSP positions	2,328	2,464	<b>2,592</b>
Total part-time DSP positions	903	1,136	<b>962</b>
Full-time DSP vacancies	324	389	<b>303</b>
Part-time DSP vacancies	152	242	<b>193</b>
Total vacancies	476	631	<b>496</b>
Vacancy rate (vacancies/number of DSP positions)	NA	17.5%	<b>14.0%</b>
Average starting wage	\$18.87	\$18.43	<b>\$20.25</b>
Average hourly wage	\$18.94	\$18.97	<b>\$20.82</b>
% of total salary overtime	6.7%	10.8%	<b>7.7%</b>
% of DSPs receiving overtime	63%	64%	<b>58%</b>
DSPs eligible for health insurance	1,966	NA	<b>2,657</b>
DSPs enrolled in health insurance	1,089	NA	<b>1,293</b>
Total number supervisors	326	323	<b>310</b>
% supervisors receiving overtime	59%	47%	<b>49%</b>

**Qualitative Assessment:**

Reports from stakeholders (providers and individuals) indicate that the quality and scope of Statewide Workforce activities has dramatically improved since UMN assumed responsibility for the initiative. The Monitor agrees with that.

**Overall Assessment:**

Workforce trends are moving in a positive direction. Actives of the Statewide Workforce Initiative are now progressing. Although there is a continuing workforce shortage, the Monitor believes the Workforce Initiative is addressing the intent of the Consent Decree, the Addendum

and various court orders....and is anticipating continued positive outcomes. The Monitor recommends developing stronger connections with institutions of higher education to an increased focus on recruiting undergraduate students in majors that do not result in a license or certificate, develop internship programs across several disciplines and collaboratively developing professional development opportunities that provide college credit.

11. **Data** (*Addendum ii 25, 27, 28*)

- By January 1, 2024 the State will develop a methodology for annual assessment of life outcomes for each/every individual member of the Consent Decree population. (*Addendum ii 25; December, 2022 Court Order*)
- The state will provide data and reporting as detailed in Addendum section iii. (*Addendum ii 27; Consent Decree, Section XVI*)
- By January 1, 2024 the State (in collaboration with the Monitor, the Department of Justice, others) will develop a comprehensive methodology for data collection and reporting. (*Addendum ii 28; Consent Decree, Section XVI*)

**Technical Review:**

The State meet with the Department of Justice and the Monitor in November, 2023 to review the data needed to assess compliance with the Addendum. Post that meeting, the Monitor reviewed several drafts of a data plan and offered suggestions to increase clarity and accuracy. The Monitor approved the “final” draft of the data plan<sup>52</sup>. For each of the primary outcomes identified in the Addendum – Employment, Community Participation, Increased Self-Determination and Choice, Overall Quality of Life, Workforce – the plan specifically provides (a) the data to be collected, (b) how it will be collected (method, schedule, responsibility, how reported) and (c) the strategies that will be used to achieve those outcomes. Additionally, the plan provides for process measures to assess if the strategies are being implemented and how effective they are.

The State (with support from the Monitor) developed a strategy for annual assessment of individual life outcomes<sup>53</sup>. The purpose is to conduct an annual informal assessment of the participants whole life to determine if the person is maintaining or increasing the quality life across a variety of life domains and to determine if the person needs or wishes any additional services or supports or requires an intervention to address a barrier to quality or to address an issue of substance in the person’s life. A short list of indicators were developed for each of the following life domains:

- Health
- Employment
- Community Participation
- Relationships
- Safety and Security
- Rights and Choice
- Goal Attainment
- Communication

The intent is that, in the weeks prior to the annual ISP meeting, the caseworker or independent facilitator should have one or more informal discussions with the person (and, if needed, one or two others who know the person best) to talk about these life domains. These questions should **NOT** be asked as a rigid impersonal assessment, but should be discussed in an informal casual

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<sup>52</sup> Data Plan – Final; January 30, 2024

<sup>53</sup> Annual Qualitative Review Draft; January 26, 2024

manner. After the discussion the facilitator will record the responses and note needs or interventions. In preparation for the annual ISP, this discussion should be paired with community/resource mapping and relationship mapping to gain a thorough qualitative understanding of the person's whole life.

The Quarterly Report will be the primary tool for reporting on Consent Decree and Addendum benchmarks and requirements. The Quarterly Report will include (a) specific reporting on each item in section ii of the Addendum, (b) an updated census and dashboard, (c) data tables (same format as in previous reports), (d) optional reports from each of the State agencies (BHDDH, ORS, RIDE, DLT) and (e) pertinent appendices.

**Qualitative Assessment:**

The State has a significant amount of data. The effort in recent months has been to organize that data and present it in a manner that accurately reports on the Addendum requirements and is "easier" to understand. For the adult IDD population, the census and data dashboard incorporate most of the needed data re employment. The Sherlock Survey, at least for now, is an effective way for assessing community participation. The Quarterly Report narrative reports on activities, products, etc. For the transition population, RIDE's strategy of collecting information on a random sample of transition youth in a quarter of the school districts...getting to every district over a set period of time...is an effective approach.

**Overall Assessment:**

The Monitor applauds the State's efforts to more effectively organize and present both outcome and process data...and to assess the quality of each individual life. If implemented effectively, the data plan and the annual review will meet the reporting requirements of the Addendum.

## II. Summary of Recommendations:

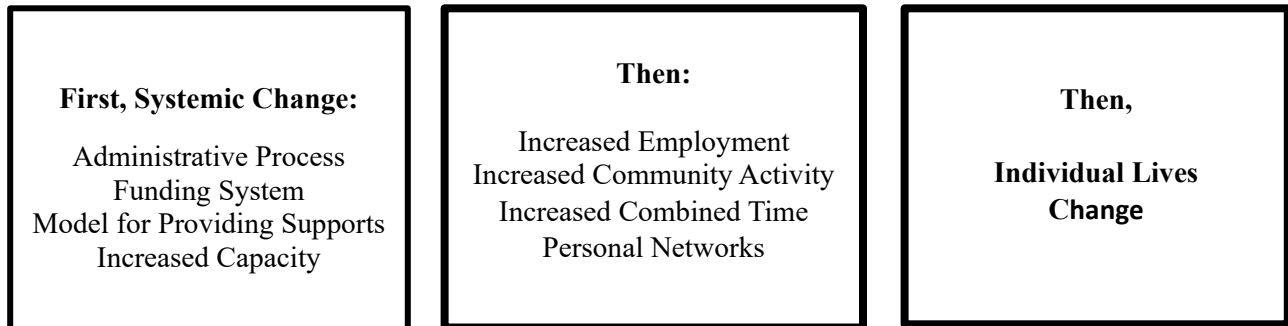
1. The State should continue refine the process for qualitative implementation of each of the three components of the assessment process....to ensure (1) that the ANSQ and the follow-up be **implemented with everyone**, (2) that they be implemented in a manner that **matches the individual's mode of communication** and (3) that there is effective discussion of the **connection** between these components of the assessment process and **individual budget**.
2. The **new algorithm** for translating SIS-A scores into funding tiers must be approved by the Monitor and be implemented by July, 2024. There are two components to this – (1) The SIS unit has completed 324 of the 500 SIS assessments needed to finalize the funding tiers; (2) the Monitor expects that the algorithm will be based on the **total SIS score**, not just a selection of sub-domains. If the July, 2024 date cannot be met, the State needs to inform the Court with an explanation and provide a completion date.
3. There should be **sufficient time between the SIS-A/Additional Needs Questionnaire and the follow-up** to allow each individual to consider what additional funding or supports are needed. The interviewer should ask the individual when to contact and how to contact. **Time and modality should be determined by the individual**.
4. Inform all stakeholders and disseminate the plan for Independent Facilitation (and all related documents) no later than **March 30, 2024**.
5. Beginning April 1, 2024 the State will provide monthly updates on implementation of Independent Facilitation.
6. Preparation of any/all Independent Facilitators should address the issues identified in the review of Independent Facilitation earlier in this document.
7. The number of **requests for add-on employment funding** and services **MUST** increase. The Monitor expects that 50% of the target population for employment will be using add-on employment funds by June 30, 2024. **Beginning April 1, 2024 the State will provide monthly reports** re: the cumulative number of requests for add-on employment funds from the Consent Decree population and the number from the total IDD population.
8. New job development for the “never employed” Consent Decree members must intensify. There needs to be a more intense focus on customized employment and person-job match strategies. The Monitor expects that **half of the new jobs reported in future quarterly reports will be for Consent Decree members**.
9. Provide increased **statewide technical assistance and training** activities focused on (a) self-determination – strategies for increasing choice and voice; (b) person-centered thinking and person-directed planning – strategies for increasing each person’s ability to direct their own lives; (c) membership and active participation in community organizations – a strategy that research has demonstrated to be effective in building community presence, relationships and employment; (d) increasing the number of community friends and members who participate

on ISP teams and (e) increased use of community mapping and relationship mapping as essential components of preparation for annual ISPs.

10. **Codes for professional services** need to be in place as soon as possible, **no later than June 30, 2024**. Providers need a guarantee that they be permitted at the revised rates back to July 1, 2023.
11. The add-on service “**discovery**” needs to be active as soon as possible, minimally no later than **April 30, 2024**. For individuals who have more significant support needs and who have never been employed, discovery is the significant first step towards employment.
12. **Job coaching and job retention should not be limited**. As stated earlier, the Monitor recognizes the State’s report that job retention is not limited and the State’s intent to prompt discussions about when/how job coaching should be faded. In collaboration with stakeholders, the definition for these services and any pertinent administrative procedures should be reviewed and clarified...to ensure that anyone/everyone has easy access. Thus, the number of individuals requesting and using add-on employment funding and services should increase.
13. The service definitions, rates and administrative procedures for accessing and using the three add-on employment services of job coaching, job retention and personal care in the workplace should be clarified and simplified. Administrative procedures should be revised to accommodate maximum flexibility.
14. Similarly, for the flexible funding amount within the core budget; service definitions, rates and administrative procedures for accessing and using ALL flexible should be clarified and simplified. Administrative procedures should be revised to accommodate maximum flexibility.
15. The State should submit a **plan for addressing the administrative issues** raised above in recommendations 12-14 re: add-on employment services and flexible spending by **April 30, 2024**.
16. All **transformation grant funding** be extended through June, 2026. The State present a plan to the Monitor by **April 30, 2024** specifically identifying the funding sources and amounts that will be used for that purpose and to take innovative practices to scale statewide,

## Conclusion

In conclusion, let's return to this graphic.



In preparing this review, the Monitor was reminded of the amount of activity and the systemic changes that have occurred in the past three years. The State and all Stakeholders (Individuals, Families, Providers, Partner Organizations) should be lauded for their efforts. Much has changed.

As the Monitor noted in his first report in 2020, the goals of the Consent Decree would not be achieved until the supporting systems changed. **Systemically**, new rates and service structures are in place (although there remain some items that need adjustment). Many of the administrative barriers have been addressed (although a few still need correction). A new assessment process that allows for more individual choice is in the early stages of implementation. Individual budgets are in place (but are not fully understood and used by individuals). Transformation grants generated several innovative practices (they still need to be taken to scale). Transition services are now more focused on outcomes, rather than activities. Communication from/with the State has increased and become more accessible. Workforce issues are beginning to trend in the right direction. In short many of the needed systems are in place – the exceptions being Independent Facilitation and strategies for increasing employment for individuals with more significant support needs. What is needed and should be the goal for this year is **comprehensive implementation and quality**.

The **benchmarks** have begun to move. In professional literature there are several potential models and strategies cited for determining progress towards the benchmarks. The Monitor's approach is focused on **progress over baseline**, rather than on attainment of pre-defined targets. There are more individuals employed (although not yet enough). There are more individuals participating in community activities for more time; however, connections with community members and social role valorization need to be expanded and deepened. There is an increasing number of transition-aged youth who are attaining employment prior to school exit. It is important to remember that the collective intended outcome of sections IV, V, VI of the Consent Decree is a community-based life consisting of both employment and a breadth of community activities chosen by self-directing individuals.

The 52 **individuals** interviewed for the Monitor that (at least through the end of 2023) document that many individuals have not yet experienced all the systemic changes and are not yet using the



available resources and opportunities. Increasing individual understanding, access and use of resources and opportunities continues to be a priority. Despite these documented limitations, the majority of individuals interviewed report that life is better than it was a year ago and that they are satisfied with how their life is going.

Much has changed. Most of the actions required in sections ii and iv of the Addendum are in process, but need to be implemented with efficiency and quality in order for the State to reach substantial compliance with the Consent Decree and the Addendum.

Scheduling Notes:

- The Monitor will develop an interim report after the State's next quarterly report (May 15, 2024) and after the next several months of individual interviews conducted for the Monitor.
- A public status conference will be scheduled during June, 2024.