



## STATE OF RHODE ISLAND

Department of Behavioral Healthcare, Developmental Disabilities and Hospitals  
**DIVISION OF DEVELOPMENTAL DISABILITIES**  
6 Harrington Road  
Cranston, RI 02920-3080

TEL: (401) 462-3421  
FAX: (401) 462-2775

# State of Rhode Island Policy for Supported Employment Variances

## I. Introduction

- A. On April 8, 2014, the State of Rhode Island entered a Consent Decree with the United States of America, committing itself to providing services, including competitive integrated employment and integrated community-based day services, for individuals with I/DD.

The Consent Decree established a variance process for individuals eligible for a Supported Employment Placement who make an informed choice for placement in a facility-based work setting, group enclave or other segregated setting.

The Consent Decree includes additional provisions permitting individuals to select an Integrated Day-Only Placement in lieu of a Supported Employment placement after being fully informed of their eligibility for a supported employment placement.

- B. Consistent with the Rhode Island Consent Decree, it is the policy of the State of Rhode Island that publicly financed employment and day habilitation services are furnished to eligible individuals with intellectual and developmental disabilities (I/DD), exclusively in integrated settings. This policy is based on the following guiding principles:

1. All individuals with I/DD can work in integrated settings provided they have access to individualized, person-centered supports and services necessary to obtain and maintain employment;
2. All individuals with I/DD can engage in integrated non-work activities provided they have access to individualized, person-centered services and supports necessary to allow them to participate in and gain membership in the mainstream community; and
3. Publicly financed services and supports are designed to afford persons with I/DD the same opportunities as people without disabilities for integration, independence, choice, and self-determination in all aspects of life, including in the settings in which they live, their leisure and social activities, their work, and in their access to the community.

## II. Definitions

- A. Integrated Day Services

Services and supports provided in the amount, duration, and intensity to allow persons with I/DD to engage in self-directed activities in the community at times, frequencies, and with persons of their choosing, during hours when they are not receiving employment or residential services.

B. Supported Employment Services

Employment services provided in the amount, duration, and intensity that allow persons with I/DD to work the maximum number of hours consistent with their abilities in a competitive integrated employment setting. Supported Employment Services include services necessary to place, maintain, and provide ongoing support to an individual with I/DD in an integrated employment setting.

C. Outreach, Education, and Support Services

These are services that:

- Explain the benefits of supported employment and address concerns of families and perceived obstacles to participating in integrated employment;
- Encourage individuals with I/DD and their families to seek Supported Employment Services;
- Explain the objectives of the State's Employment First Policy;
- Encourage individuals to receive benefits planning consultation;
- Link family and peer networks to learn about the benefits and experiences with employment from those who have obtained competitive integrated employment.

D. Benefits Counseling Consultation

A review conducted by a qualified professional certified in Social Security and SSI regulations of an individual's personal benefit levels, that provides information about the impact of earned income on the individual's public benefits and eligibility for the State's Medicaid Buy-in Program ("Sherlock Plan") and assistance with enrolling in that program.

E. Trial Work Experience

A "trial work experience" is the opportunity to work in a real job in an integrated employment setting alongside non-disabled coworkers, customers, and/or peers. The experience must:

- Be selected through a person-centered planning process and be individually tailored to each person;

- Include the appropriate services and supports the individual needs to be successful;
- Last for a sufficient period of time, but for no less than 60 days; and
- Establish whether an individual’s interests, skills, and abilities are well-suited for the particular job.

F. Vocational and Situational Assessments

A “vocational assessment” is an assessment that provides employment-related information essential to develop or revise an Individual Support Plan (ISP) or related document.

A “situational assessment” is type of vocational assessment done on-site in an integrated employment setting, where an individual is evaluated in the performance of work activities that are typical for that setting.

The primary purpose of all assessments is to determine an individual’s interests, strengths, and abilities, in order to identify a suitable match between the person and a competitive integrated employment setting.

**III. VARIANCE FOR EMPLOYMENT IN A SEGREGATED SETTING**

- A. Any individual eligible for a Supported Employment Placement, but who makes an informed choice for placement in a facility-based work setting, group enclave, mobile work crew, time limited work experience (internship), facility-based day program, or other segregated setting may seek a variance allowing such placement. Variances may be granted only after an individual has:
1. Participated in at least one vocational or situational assessment;
  2. Completed one trial work experience;
    - An individual may submit documentation of a medical condition that poses an immediate and serious threat to his/her health or safety, or the health or safety of others, if he/she participates in a trial work experience.
  3. Received outreach, education, and support services; and
  3. Received a benefits counseling consultation.
- B. The State shall make information and variance application forms available to service recipients and, as needed, their guardians and/or service providers to assist individuals with completing the variance.

**IV. VARIANCE FOR INTEGRATED DAY SERVICES ONLY**

- A. Individuals may select an Integrated Day Services Only Placement in lieu of a Supported Employment Placement, provided such a placement meets the following criteria:
1. Reflects the informed choice of the individual receiving support;
  2. Is tailored to the person's interests, abilities, and goals pertaining to productive and meaningful activities in the community; and
  3. Allows the individual to interact with non-disabled people in integrated settings for the maximum number of hours possible for the individual, consistent with the individual's Person-Centered Plan.
- B. Individuals may select an integrated day services-only placement after being informed of his/her eligibility for a supported employment placement and has:
1. Received information about and the opportunity to participate in:
    - At least one vocational or situational placement; and
    - One trial work experience;
  2. Received outreach, education and support services; and
  3. Received a benefits counseling consultation.

**V. Approval and Reassessment of Variances**

- A. Upon receipt of the written documentation, the Court Monitor shall determine whether a variance is appropriate for the service recipient, or whether the State and/or City must take additional steps to evaluate the appropriateness of a variance. The Monitor may request additional information regarding the request and may meet with the individual and or family/guardian requesting the variance. The Court Monitor shall communicate his decision to the Parties within 30 days of receiving the variance request and supporting documentation.
- B. Every individual granted a variance must be reassessed by a qualified professional and have his or her revised employment goal re-evaluated within 180 days from the date the variance is granted.
- C. After the first reassessment, everyone with a variance shall receive an annual review to ensure that the individual continues to have meaningful opportunities to choose to receive supported employment services in an integrated work setting. This should be done during the annual person-centered planning meeting.
- D. Any individual with a variance can elect to cancel the variance at any time and begin receiving Supported Employment Services for integrated, competitive employment.