

# UNITED STATES OF AMERICA v. STATE OF RHODE ISLAND

Case No. CA14-175

## COMPLIANCE PROGRESS REPORT

**Charles Moseley Ed.D.**  
**U.S. District Court Monitor**  
**October 31, 2016**

**Background.** The recently released Quarterly Status Report On Court Ordered Placements, amended and issued on September 16, 2016, summarizes the Court Monitor's findings with respect to the identification and placement of all members of the Rhode Island Youth Exit Population.

This Compliance Progress Report provides a review of the two documents submitted by the State on September 30, 2016 in response to the Quarterly Status Report. Both plans were resubmitted in October 2016 with revisions made in response to the Monitor's recommendations.

**Requirement.** The Court Monitor recommended that the State take the following actions to come into compliance with the Consent Decree's placement requirements for the Youth Exit Population:

1. **Identification of All Members of the Youth Exit Population.** RIDE, in consultation with ORS, BHDDH and EOHHS, develop and submit to the Monitor for approval not later than September 30, 2016 a plan and implementation strategy for identifying all members of the Youth Exit Population. Implementation of the plan should begin not later than October 3, 2016 and provide for the identification of all members of the Youth Exit Population by November 15, 2016. ☐

**Status:** RIDE, in conjunction with BHDDH and ORS, submitted the **Joint Plan for Identifying All Members of the Youth Exit Population** on September 30, 2016 See Attachment A). The Joint Plan identifies members of the Youth Exit Population who have exited school during or immediately after the 2013-14 school year, the 2014-15 school year and the 2015-16 school year. Data on the Youth Exit Population who left school following the 2015-16 school year continues to be gathered and entered into the State's Consent Decree database. RIDE will update the database as additional census information becomes available, no later than June 30, 2017. BHDDH and ORS will additionally identify members of the 2015-2016 Youth Exit Target population as they come into the service system. The Joint Plan provides a strategy for identifying all current and future all members of the Youth Exit Population.

The Joint Plan details the number of individuals receiving services from BHDDH and ORS, as well as the number of individuals who are not enrolled in adult services. The plan provides a credible strategy for identifying, contacting and following up on the 22 Youth Exit Population members who are not receiving publicly financed services; gathering information on their current status, ensuring appropriate referrals have been made and contacting them to determine their interest in receiving additional supports.

The second section of the Joint Plan outlines a strategy for identifying additional Youth Exit Members.

RIDE will report all youth with a disability, aged 14-21 who are categorized under IDEA as having an intellectual disability, autism, or multiple disabilities and will provide the names of youth ages 14-21 with autism and multi-handicaps to the Consent Decree State Coordinator by November 15, 2016.

BHDDH, in collaboration with ORS and RIDE will develop a list of members of the (2015-2016) Youth Exit group based on adult service data drawn from the Transition Target population census in the Consent Decree database. Focus will be placed on identifying individuals who turned 21 years of age after September 1, 2015. BHDDH will identify the members of the (2015-2016) exit group who are enrolled in ORS and/or BHDDH services and the individuals who are not receiving any adult services. The State will attempt to contact member of the Youth Exit population who are not receiving assistance to information of their status as a member of the protected class and potential eligibility for supported employment services. The State's plan includes relevant procedural deadlines with the objective of identifying all eligible individuals by November 15, 2016.

The third section of the State's plan outlines a strategy for improving the future identification of the Youth Exit Population. RIDE will continue its outreach to individuals scheduling presentations of an introduction to state services with each school district, inviting BHDDH caseworkers to attend transition meetings and contacting parents regarding the eligibility of their sons or daughters for BHDDH and ORS services. RIDE will continue its practice of providing correspondence to members of the Transition Exit Population about their eligibility as a Consent Decree member.

BHDDH will refine its information describing eligibility criteria for adult DD services in order to improve the identification of future Youth Exit members. Guidance materials will be created for the LEAs to assist in identifying individuals with intellectual disabilities and individuals with developmental disabilities who will likely be eligible for BHDDH services. A new policy entitled "Eligibility Determination by 17" will establish a referral process for youth at age 16 years that will result in an eligibility determination by age 17. The new process will ensure that all individuals with disabilities enrolled in Rhode Island LEAs will be affirmatively identified as eligible for adult services long before their exit from secondary programming. LEAs will be guided to inform families of youth who are categorized under IDEA as having an intellectual disability, autism, or multiple disabilities, or are believed to have a developmental

disability, of their right to apply for BHDDH adult services by the age of 16. BHDDH will assign a Statewide Transition Coordinator to organize the department's activities and involvement in the school transition process by January 15, 2017.

**Assessment: Provision Met.** The Joint Plan provides a credible process for identifying all members of the Youth Exit Population.

**2. Development of a strategy and timeline for ensuring supported employment placement opportunities for all individuals in the Youth Exit Population.**

BHDDH, RIDE and ORS collaborate on the development of a strategy and timeline for ensuring supported employment placement opportunities for all individuals in the Youth Exit Population. The strategy and timeline must be submitted to the Monitor not later than October 1, 2016 and be designed to ensure the placement of all individuals in the Youth Exit Population by June 30, 2016.

**Status:** On September 20, 2016, the Monitor met with State administrators and staff to discuss a framework for the supported employment placement plan and to review the essential issues, components, benchmarks and evaluation points that should be addressed or taken into consideration by the State's plan, implementation strategy and timeline. The key points of the framework are addressed in the State's **Plan for Achieving Consent Decree Placement Outcomes For The Youth Exit Population** (Attachment B). The State's plan is divided into the following five sections: (a) description of the Youth Exit Target Population, (b) financial plan and rationale, (c) managing the placement process and timeline, (d) youth exit placement initiative communications strategy, and (e) progress documentation (See Attachment B).

The plan and implementation strategy provide measurable objectives for the placement initiative for the State as well as each provider organization involved in the process. The plan additionally emphasizes the use of an individualized person-centered career development planning practices that are consistent with the requirements of the Consent Decree. The proposed project management plan and timeframe identifies the individuals responsible for managing and overseeing the placement process system-wide including relationships with provider organizations, collaboration with the Conversion Institute and steps the State intends to take to ensure service quality. The communications strategy identifies communication objectives, target audiences, and the channels through which the communication is expected to occur. Finally, the plan provides for the ongoing collection of data on key placement benchmarks to document and evaluate progress and report to the Monitor and others on a monthly basis.

**Assessment: Provision Met.** The placement plan provides a comprehensive strategy for ensuring the appropriate placement of all members of the Youth Exit Population consistent with the Consent Decree by June 30, 2017.

## **Attachment A**

### **Amended Joint Plan for Identifying All Members of the Youth Exit Population**

October 26, 2016

#### **Requirement:**

RIDE, in consultation with ORS, BHDDH and EOHHS, will develop and submit to the Monitor for approval not later than September 30, 2016 a plan and implementation strategy for identifying all members of the Youth Exit Population. Implementation of the plan should begin not later than October 3, 2016 and provide for the identification of all members of the Youth Exit Population by November 15, 2016.

#### **Current status:**

There are 259 individuals in the Consent Decree (CD) Tracker who are members of the Youth Exit Population. Seventy-five exited in the (2013-2014) school year and seventy-six exited in the (2014-2015) school year. To date, 109 members of the 2015-2016 Youth Exit group have been identified. The remaining members of the (2015-2016) exit group may not yet have been captured in RIDE's census data and entered into the CD Tracker. RIDE will provide this information, as more census information becomes available, no later than June 30, 2017. BHDDH and ORS will utilize existing data to continue to identify members of the 2015-2016 Youth Exit Target population as they come into the service system.

In the analysis that has been done to date on the (2013-2014) and (2014-2015) Youth Exit members:

- Ninety-nine (99) are enrolled in BHDDH services.

- Thirty (30) are or have been enrolled in ORS services only.
- Twenty-two (22) are not enrolled in adult services.

The plan addresses the refinement of information about the 259 known individuals, the identification of additional members of the Youth Exit Target Populations, and practices to improve the identification of the future Youth Exit members.

**Plan to refine information about the current census of Youth Exit members:**

1. BHDDH has identified from the CD Database the 22 Youth Exit members who are not receiving services. The names of these individuals have been shared with RIDE, ORS and BHDDH to gather any information available about their status. BHDDH will then notify these individuals based on the contact information available.
2. ORS will review the 22 names and cross check with their transition counselors to determine previous referrals and determine the status of those referrals. This will be complete by October 3, 2016 and ORS will continue to track these 22 individuals separately.
3. BHDDH and ORS will send a letter to the 22 individuals, reminding them that they are members of a protected class under the Consent Decree and that they may be eligible for supported employment services per the Consent Decree. BHDDH will also attempt to contact them via phone to notify them and confirm their address prior to sending the letters.

**Plan to identify Additional Youth Exit members:**

1. RIDE will report all youth with a disability, aged 14-21 who are categorized under IDEA as having an intellectual disability, autism, or multiple disabilities. RIDE has already been providing this information for the Consent Decree Database on students with I/DD.

RIDE will provide the names of youth ages 14-21 with autism and multihandicaps to the CD State Coordinator by November 15, 2016.

This additional information will help the State determine the maximum universe for individuals we will need to identify for the Youth Exit Target Population.

2. BHDDH will develop a list of members of the (2015-2016) exit group by reviewing the Transition Target population census in the CD Tracker and identifying those individuals who turned 21 after September 1, 2015. BHDDH will generate this list by October 30, 2016.
3. BHDDH will then determine which members of the (2015-2016) exit group are enrolled in services with ORS and/or BHDDH and which members are not receiving any adult services by November 15, 2016.

4. ORS, BHDDH and RIDE will review the names of those (2015-2016) Youth Exit members who are not enrolled in adult services to gather any information about their status by November 15, 2016
5. BHDDH and ORS will attempt to contact these individual families via telephone to notify and confirm address, and then send a letter to those (2015-2016) Youth Exit members informing them that they are members of a protected class under the Consent Decree and may be eligible for supported employment services.by November 15, 2016
6. BHDDH will identify all individuals new to BHDDH services since 2013 with a birth date of 1/1/92 who have not previously been identified by RIDE and add them to the Youth Exit population census by November 15, 2016.

**Plan to improve the future identification of Youth Exit Population**

1. As of September 2016 RIDE has tasked the Regional Transition Coordinators (RTC's) in assisting BHDDH and ORS in the scheduling of the "Introduction to State Services" meetings with each school district. RTC's will contact the appropriate BHDDH Social Caseworker Supervisor to invite them to the meeting at LEAs.
2. RIDE will continue its practice of providing correspondence to members of the Transition Exit Population about their eligibility as a Consent Decree member. This

correspondence includes information on the Consent Decree and literature and contact information for ORS and BHDDH. Additionally, RIDE provides a model letter for the use of local school districts in communicating with former students who entered the status of the Youth Exit Population to further reinforce the availability of adult services from BHDDH and ORS. RIDE will continue to make this information available to the Transition Exit Population and local school districts

3. BHDDH will refine its information describing eligibility criteria for adult DD services in order to improve the identification of future Youth Exit members. By November 15, 2016 BHDDH will create guidance materials for the LEAs to assist in the accurate identification of individuals who will likely be eligible for BHDDH services. To ensure that this guidance is effective BHDDH will put in place an "Eligibility Determination by 17" Policy and process by establishing a referral process at age 16 and eligibility determination by age 17. Thus all individuals with disabilities enrolled in Rhode Island LEAs will be affirmatively identified as eligible for adult services long before their exit from secondary programming. LEAs will be guided to inform families that they have a right to file an application for BHDDH adult services by the age of 16 in all cases of youth with a disability, who are categorized under IDEA as having an intellectual disability, autism, or multiple disabilities, or are believed to have a developmental disability and be eligible for BHDDH services. It is solely the family's decision whether to pursue such an application for services and guidance documents will reflect that.



4. BHDDH will also update its application instructions, and accompanying materials by November 30, 2016 and will post on the BHDDH website and share this new “Eligibility Determination by 17” Policy and process with stakeholder groups, educators and the public by November 30,2016.
  
5. By January 15, 2017BHDDH will assign a Statewide Transition Coordinator to provide dedicated coordination of all BHDDH activities and involvement in the transition process for students exiting secondary schools. This Statewide Transition Coordinator will be dedicated to working closely with RIDE and all LEAs to facilitate the new “Eligibility by 17” process described in Section 3 above and to make continuous process improvement recommendations to the Interagency Consent Decree Implementation Team. These recommendations will focus on ongoing process improvements designed to better identify all Youth Exit Target Population members and will be coordinated and implemented in consultation with the Director of Quality Assurance and Program Improvement.

## **Attachment B**

### **Plan for Achieving Consent Decree Placement Outcomes For The Youth Exit Population**

To come into compliance with the Consent Decree, the Court Monitor recommended in the Status Report and during the Status Hearing held by the Court on September 16, 2016 that the three state departments, BHDDH, RIDE and ORS collaborate on the development of a plan, strategy and timeline for ensuring that all individuals in the Youth Exit Populations are provided with supported employment placements by June 30, 2017.

The Youth Exit Placement Plan represents a comprehensive, intensive approach to identifying and bolstering employment-related supports and services to members of the Youth Exit population through the coordinated efforts of BHDDH and ORS and with input from RIDE, where appropriate. While a lead staff member is identified for each component of the plan, the intent is to strengthen the interagency collaboration and team process to pursue very ambitious outcomes. Through the vehicles of the Interagency CD Advisory Team as well as monthly joint BHDDH/ORS meetings to review Data and Progress, the State agencies will work together to create a seamless transition to supported employment services and placements for the Youth Exit Target Members.

BHDDH will take the lead in the development of a Youth Exit Tracking and Quality Improvement System and work collaboratively with ORS, RIDE and the Sherlock Center to support these targeted individuals to maximize supported employment placements. There are five key components to this plan:

- Section 1: The Youth Exit Tracking System identifies each member and his or her services.
- Section 2: The financial plan prioritizes the Youth Exit Target Population Members in BHDDH's Person-Centered Supported Employment Program and maximizes financial participation of ORS in a braided funding arrangement where possible.
- Section 3: BHDDH and ORS will monitor progress towards employment placement. A continuous quality improvement approach will be developed and ongoing coaching and technical assistance will be available for individuals, families and providers.
- Section 4: BHDDH will partner with ORS, RIDE and EOHHS to communicate the goals and activities of the Youth Exit Placement Initiative with an array of stakeholders.
- Section 5: On a monthly basis, BHDDH will report to the Monitor on key performance benchmarks

**1. Description of the Youth Exit Target Population:**

- I. Total number and names of individuals in each of the three Youth Exit Populations (2013-2014, 2014-2015, and 2015-2016)

From the CD Database, the State will identify the names and number of individuals who are members of the Youth Exit population by Exit year. They will be broken down by:

- The names and numbers of individuals enrolled in BHDDH services
- The names and numbers of individuals served by each DD provider agency.
- The names and numbers of individuals who self-direct through a Fiscal Intermediary.
- The names and numbers of individuals enrolled in ORS only services.
- The names and numbers of individuals who are not receiving services or supports from BHDDH, ORS or RIDE, the dates they left services, and any additional information relevant to why services are not received.

- II. For each Youth Exit Target Group Member the State will identify:

- The array of supported employment services an individual has received – including vocational assessments, trial work experiences, benefits counseling and outreach and education on the State’s Employment First Policy and the Consent Decree.
- The status of the individual’s career development plan and/or individual support plan with respect to the identification of employment-related goals and individual support planning. (CDP/ISP/IPE) This data will be gathered from a review of the individual plans by BHDDH.
- For each Youth Exit Target Group Member, the Consent Decree Coordinator and Employment Specialist will provide information and education about the variance process as appropriate in order for the individual to make an informed choice about whether to pursue an integrated day services placement in lieu of supported employment.
- BHDDH will work with each Youth Exit Member, his or her family and provider to project a timeline with respect to achieving a supported employment placement.

**2. Financial Plan and Rationale**

- I. The design of the funding plan is to be person-centered, flexible and structured to support individuals in a variety of situations.
  - BHDDH authorizes a spending package based upon an individual's residential placement and SIS Tier. Within the authorized package, the individual has the ability to allocate resources towards particular services (such as job coaching and other employment supports). In addition, a process is in place to allocate additional resources to individuals when it is determined that additional supports are needed. Under the Person-Centered Supported Employment Services Program additional resources are made available to ensure that individuals have supported employment programs that support their individual needs.
  - The service design reflects the need for additional funding for individuals with complex and challenging needs or persons in temporary crisis who need additional staffing or support for a period of time. BHDDH has an established system in place to allow for additional funding to be made available when an individual needs more supports than are available within their authorized spending package. Additional financing may be requested to support an array of activities including respite, transportation, supported employment, and other community based activities.
  - Written materials will be developed by October 3<sup>rd</sup> in a format that can be easily shared with and understood by providers, families and other stakeholders to clarify the funding process.
  - The Division will update materials that explain funding allocations and spending packages and ensure appropriate placement on the BHDDH website by October 15<sup>th</sup>. These materials will be designed to ensure that they will be appropriate for providers, families, and other stakeholders.
  - In order to address provider's appropriate needs for training, support and additional resources the Division will assess the needs for training, support, and additional resources for providers when changes occur with funding packages and other financial authorizations. Members of the DD team will continue to communicate on a regular basis with providers to troubleshoot issues as they arise.

### **3. Managing the Placement Process and Timeframe**

In order to ensure that each member of the three Youth Exit Population annual cohorts is provided with an integrated supported employment or day service placement, BHDDH will take the lead in managing the placement process system-wide. Anne LeClerc, Associate Director of Program Performance at BHDDH, will oversee this effort, with assistance from

Tracey Cunningham, Associate Director of Employment Services at BHDDH and Joe Murphy, Assistant Administrator, Vocational Rehabilitation/Supported Employment at ORS. This team will work with providers, families, and individuals to address the specific placement needs and requirements of the Youth population.

A targeted approach to managing the Youth Exit population placements is being implemented through the following activities.

- I. Providers received a list of the individuals they are currently serving who are members of the Youth Exit group to ensure that these individuals are being prioritized and accurate data is being reported.
- II. The Person-Centered Supported Employment Services Program application sets a priority for Providers to target the Youth Exit population and build capacity specific to this population. Applications are due in October.
- III. As part of the Supported Employment Services Program process goals and timelines are developed with provider agencies to project the numbers of individuals to be placed by each agency each month throughout the remainder of the fiscal year. Youth Exit population members will be prioritized in all Supported Employment Services Program agreements.
- IV. BHDDH will meet with providers and ORS monthly, in coordination with the Sherlock Center, to actively manage, monitor, and evaluate the placements being made to ensure that goals and targets are met or modified as necessary to meet emerging challenges and opportunities.
- V. In preparation for this meeting, Providers will be required to submit a monthly progress report (see Attachment A) for each individual and report on progress towards the goals and objectives in the individual's career development plan. Tracey Cunningham, Employment Specialist, will be working with providers to identify and problem solve any barriers within the program.
- VI. The State will work with the Conversion Institute to identify and provide needed training and technical assistance specific to the Youth Exit population, for providers, families, and the youth themselves.
- VII. The State will take the following approach to assess and improve the quality of services provided through this initiative:
  - Outcomes will be assessed using data gathered from the monthly progress reports and the quarterly Sherlock Center survey.

- Individuals' satisfaction with the employment services received and the job obtained will be assessed using surveys of the Youth Exit population.
- The correlation between resources used and outcomes achieved will be evaluated for each provider. This data will then be compared to the feedback from the individuals served regarding the employment services received and outcomes gained.

#### **4. Youth Exit Placement Initiative Communications Strategy**

The State will develop a targeted communications strategy to communicate the purpose, goals, objectives, activities and outcomes of the Youth Exit Placement Initiative to a variety of audiences and stakeholders. This strategy will align with the objectives and key messages included in the Consent Decree Communications Plan.

##### I. Target audiences:

- Primary: Members of the Youth Exit Population and their families
- Secondary:
  - Developmental disability providers
  - Secondary education districts, special educators, teachers and staff
  - State employees, including social caseworkers
  - Community stakeholders including developmental disability service organizations
  - Legislators
  - Members of the media
  - General public

##### II. Communication objectives:

- Ensure that members of the Youth Exit population and their families are aware of the supported employment services they are eligible for and the process for achieving supported employment placement.
- Raise awareness of the State's Employment First policy.
- Explain the benefits and opportunities of supported employment and encourage individuals and families to seek supported employment services.
- Promote success stories that validate the outcomes of supported employment services for individuals, families and employers.

- Raise awareness of the variance process as appropriate to help individuals to make an informed choice of whether to pursue an integrated day services placement in lieu of supported employment.
- Raise awareness of how supported employment services are funded.
- Raise awareness of how the Youth Exit Placement Initiative aligns with the State's work to achieve the terms of the Consent Decree and improve the quality of services for individuals living with intellectual and developmental disabilities.
- Provide clear, accurate, transparent data on progress towards achieving the goals of the Youth Exit Placement initiative.
- Provide opportunities for individuals, families and other stakeholders to provide feedback and express concerns.

IV. Communication channels and vehicles. The State will leverage the following communication channels to achieve the communication objectives outlined above.

- Members of the Youth Exit population and their families:
  - Direct communication (letters, phone calls, and/or family meetings at developmental disability agencies, as appropriate)
  - Employment First Task Force Meetings
  - Quarterly Developmental Disability Family Forums
  - Outreach through the Rhode Island Parent Information Network
  - Other community stakeholder meetings
  - Transition events
  - BHDDH Website
  - BHDDH Community Newsletter
  - State agency social media accounts
  - Advocates in Action Statewide Conference
- Providers:
  - Outreach through the Community Provider Network of RI
  - Developmental Disability Provider Council Meeting
- Secondary education districts, special educators, teachers and staff
  - Direct communication with:
    - Superintendents
    - Special Education Directors

- State employees, including social caseworkers:
  - Regular staff meetings
  - Staff emails
- Community stakeholders
  - The Employment First Task Force
  - Other community stakeholder meetings
  - BHDDH Website
  - BHDDH Community Newsletter
  - State agency social media accounts
- Legislators:
  - Legislative briefings, as requested and appropriate
- Members of the media:
  - Direct engagements with reporters covering this topic area
- General public:
  - BHDDH Website
  - State agency social media accounts
  - Media engagements

### **5. Progress Documentation:**

In order to assess the ongoing progress of this effort, on a monthly basis BHDDH, in collaboration with RIDE, ORS, the Sherlock Center and other partners, will identify key performance benchmarks and provide summary data regarding outcomes, including but not limited to:

- The numbers of individuals receiving supported employment or other integrated services as appropriate to the needs and desires of the individual.
- The numbers of individuals requesting a variance or integrated day only services.
- The extent to which provider placement goals are being met.
- The quality of placements and individual satisfaction with placements.
- Barriers encountered.



- Opportunities identified.
- Job retention, reasons for job loss, and amount of time unemployed.