

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND**

**UNITED STATES OF AMERICA**

Plaintiff

v.

**C.A. No 14-175**

**STATE OF RHODE ISLAND**

Defendant

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**QUARTERLY REPORT OF THE COURT MONITOR ON THE STATUS OF  
COURT ORDERED PLACEMENTS**

**JANUARY 1, 2018 THROUGH MARCH 31, 2018**

**July 13, 2018**

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**Background**

This report reviews the State's progress on achieving supported employment placement and performance outcomes required by the Consent Decree and Interim Settlement Agreement across all Target Populations for the calendar quarter, January 1, 2018 through March 31, 2018. The assessment is based on the Consent Decree data report issued by the State on a quarterly basis (see Attachment).<sup>1</sup> The State's report aggregates data drawn from four sources: the Sherlock Center Quarterly Provider Survey (Sherlock Survey), Office of Rehabilitation Services (ORS) case files, Division of Developmental Disabilities (DDD) caseload information, and the Rhode Island Department of Education (RIDE) annual census creating a single non-duplicated dataset that is used to track progress on a quarter-by-quarter basis. The dataset is composed of information that is gathered at different times during the quarter. Data from the comprehensive Sherlock Survey requires approximately three months to analyze and report. This information is updated quarterly by ORS and DDD caseload numbers.

**Supported Employment Placement Status**

The attached Consent Decree Data Report, dated April 30, 2018, was prepared by DDD and

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<sup>1</sup> Consent Decree Data Reports Data for Quarter Ending March 31, 2018.

reviewed by the Court Monitor. The report documents the State's progress on achieving the January 1, 2019 benchmarks and performance outcomes required by the Consent Decree across the four target populations<sup>2</sup> for the period ending March 31, 2018. The total number of target population members who received a supported employment placement in an integrated competitive employment setting increased from 617 on December 31, 2017 to 744 on March 31, 2018, a gain of 127 individuals for the quarter. Additional supported employment placements achieved during the prior 12 months expanded the total number of target population members who are working by 262 individuals, from 482 on March 31, 2017 to 744 on March 31, 2018.

Quarterly Report	Number Placed	Total Employed
Sept/2016		268
Dec/2016	95	363
Mar/2017	119	482
June/2017	62	544
Sept/2017	29	573
Dec/2017	44	617
Mar/ 2018	127	744
<b>Active Total</b>	<b>476</b>	

During this period the State averaged approximately 66 placements per quarter. Table 1 summarizes the number of individuals receiving supported employment placements by quarter. Please note that the numbers in Table 1 do not include 11 individuals across the Youth Exit (0) Sheltered Workshop (1) and Day Program target populations (10) who no longer participate in State funded employment services or have died. These numbers are counted when assessing Consent Decree compliance and are reflected in Table 2 below. The numbers of past placements are not included in the quarterly analysis of placement data, however.

Placement data for each target population is measured against Consent Decree benchmarks that must be achieved by January 1, 2019 for the Sheltered Workshop and Day Target Populations. Additional benchmarks occur in subsequent years. The benchmark date by which time all members of the Youth Exit Population were to have been placed was July 1, 2016. The State is implementing a plan to place these individuals by September 2018.

### Target Population Census

The total unduplicated number of individuals in the Consent Decree's four Target Populations was 3,324 on March 31, 2018, roughly the same total reported for the previous quarter. Adjusting the census figures to reflect the numbers of individuals who are not or are no longer

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<sup>2</sup> Consent Decree Target Populations: Sheltered Workshop Target Population, Day Target Population, Youth Exit Target population and Youth Transition Target Population.

involved with developmental disabilities services yields a total of 2,416 individuals across the four target populations who must be provided with the opportunity to receive a supported employment placement.<sup>3</sup> This number does not include members of the Transition Target Population<sup>4</sup> nor individuals who were employed during 2012, the base year for Consent Decree calculations. The number of individuals to be placed by target population (updated) is as follows:

- a. Sheltered Workshop Target Population - 629
- b. Day Target Population - 1,362
- c. Youth Exit Target Population - 425

The active census of individuals in each of the Consent Decree Target Populations varies slightly from quarter to quarter depending on individual circumstances and the State's continuing efforts to identify and track target population members.

The Consent Decree and the ISA require the State to meet numerical benchmarks regarding the number of target population members who must receive a supported employment placement during the pendency of the two agreements. A placement is counted only once for each individual. Placements achieved by target population members who subsequently leave or suspend their services, or terminate their employment, are considered to be inactive but continue to be credited against the State's overall placement requirements. Previously placed individuals who are "re-employed" (see Consent Decree §V[H]) are returned to the "active" category.

The total number of supported employment placements is calculated by combining the number of individuals who are actively engaged in supported employment with the number of target population members who received a placement in the past and have since terminated their employment for personal reasons.<sup>5</sup> These individuals are considered to be in the inactive group and are classified, "past placements."

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<sup>3</sup> See Attachment, Report 1 Current Consent Decree Population.

<sup>4</sup> The Consent Decree does not require the State to place individuals in the Youth Transition Target Population.

<sup>5</sup> Individuals in the inactive category include target population members who are hospitalized for several months, who are recovering from surgery or injury in a rehabilitation center or with home health services, those who winter in Florida or who leave the country for several months, and those who choose to stop receiving services for a period of time for other personal reasons.

**Employer Paid Employment by Target Population**

The Consent Decree sets annual benchmarks for the placement of members of the Sheltered Workshop and Day Program Target Populations that increase on January 1<sup>st</sup> of each year. All members of the Youth Exit Population were required to have received a supported employment placement by July 1, 2016. The State was not able to fully identify all of the members of this population until late 2016. Continued outreach efforts are being made by the State to locate, contact and track all members of this population.

Table 2 identifies for each Consent Decree population the annual number of individuals required to receive a supported employment placement, the aggregated year-over-year total, and the number of placements made by January 1<sup>st</sup> of each year. The number of individuals in the “Placed to Date” column is revised quarterly. The adjusted total includes individuals placed during prior years who have since terminated services.

Table 2 Consent Decree Placement Benchmarks and State Performance Through March 31, 2018								
Year	Sheltered Workshop Population			Day Target Population			Youth Exit Population	
Jan 1 of:	Annual Target	Aggregate Target	Placed to Date	Annual Target	Aggregate Target	Placed to Date	Target	Placed to Date
2016	50	50	57	25	25	118	413	29
2017	50	100	87	25	50	167	413	109
2018	50	150	201	50	100	310	413	233
2019	50	200		50	150		413	
2020	100	300		75	225		413	
2021	100	400		100	325		413	
2022	100	500		200	525		413	
2023	100	600		200	725		413	
2024	100	700		225	950		413	
Prior Yr.	1			10			0	
Adjusted Total Placements			202				320	233
Adjusted Total includes prior year placements of individuals whose cases have closed								

**Youth Exit Population.** The number of individuals in the Youth Exit Population has increased each quarter during the past two years as a result of the State’s continuing actions to contact all members of this group and determine their interest in receiving supported employment services and placements. DDD identified a total of 425 Youth Exit Target Population members for the quarter ending March 31, 2018, an increase of 12 individuals over the 413 individuals reported during the previous quarter. The number of Youth Exit Population members working in individual employer paid employment on March 31, 2018 was 233, an increase of 56 persons over the previous quarter and approximately 55% of the benchmark for this population (see Table 3).

DDD and ORS are implementing their previously submitted and approved plan to provide supported employment placements for all remaining Youth Exit Population Members who choose competitive employment (425). The plan calls for the placement of 50% of the Target Population by April 30, 2018, and 100% by September 30, 2018. As noted in the Attachment, 233 Youth Exit Target Population members had received a supported employment placement by March 31, 2018, approximately 55% of the total. The plan calls for the remaining 192 individuals to be placed in supported employment by September 30, 2018.

The last quarterly data report indicated that DDD had identified 60 Youth Exit Target Population members who were not receiving services from DDD or ORS.

<b>Table 3</b>			
<b>Supported Employment Placements for Quarter Ending March 31, 2017</b>			
<b>Target Population</b>	<b>Individuals Placed</b>	<b>Benchmark</b>	<b>% Benchmark</b>
<b>Youth Exit</b>	233	425	55%
<b>Sheltered Workshop</b>	201	200	101%
<b>Day Target</b>	310	150	206%

An examination of the group revealed that 39 had never applied for State services. The remaining 21 individuals were found to be eligible for ORS services but had not applied to DDD. The Division sent letters to this group on September 29, 2017 to inform them of DDD service eligibility and community resources that may be available to assist them. DDD reports that it is continuing to follow up on the status of these individuals. This action will likely decrease the total number of Youth Exit Target Population members who are ready and interested in receiving supported employment services and placements. The status of the individuals in this group will be noted in future reports. The placement process continues for

the approximately 192 individuals who are receiving supported employment services but are not yet employed.

**Sheltered Workshop Target Population.** Thirty-three (33) Sheltered Workshop Target Population members received supported employment placements during the quarter ending March 31, 2018 bringing the total number of placements during this reporting quarter to 201 (Table 2). Adjusting these data to reflect the prior year placement of one individual who is no longer receiving state services increases the total number of placements among this population to 202, slightly exceeding the benchmark of 200 persons who needed to receive supported employment placements by January 1, 2019.

**Day Target Population.** The number of individuals in the Day Target Population who received a supported employment placement by March 31, 2018 was 310, an increase of 38 individuals over the previous quarter. Ten individuals were placed during prior years bringing the total number of individuals who have received a supported employment placement to 320. This represents more than double the Consent Decree requirement that placements be provided to 150 individuals from this target population by January 1, 2019.

**Average Hours Worked Per Week.** The average number of hours worked per week by members of the three target populations during the quarter ending March 31, 2018 was 12.48 hours. This is largely unchanged from the weekly hours worked reported during previous quarters and remains below the 20 hours per week benchmark. On March 31, 2018, 128 members of the Youth Exit Population worked on average 14.5 hours per week; 92 members of the Sheltered Workshop Target Population averaged 13.1 hours per week; and 113 members of the Day Target Population averaged 9.7 hours per week. The average hourly wage earned individuals across all target populations was \$10.19, a slight increase from the prior quarter. Finally, the percentages of target population members working more than 20 hours per week improved for each target population as compared to the prior reporting quarter (see Attachment, Report 4). This suggests that the State's efforts to increase the weekly hours worked among individuals receiving supported employment is having an impact.

### **Career Development Planning**

Each target population member is required to receive a Career Development Plan, updated annually and Benefits Planning consultations during the year that they obtain a supported employment placement or, for members of the Youth Transition Target Population, not later than the year prior to exiting secondary school. Information on the status of career

development planning is reported by the State and can be found in the Attachment, Report 3a in the table, titled Career Development Plan Exists. Data reported in this table combines the number of individuals who have completed plans with the numbers of individuals whose CDPs are incomplete (pending) and

<b>Table 4 Career Development Planning for the Quarter Ending March 31, 2018</b>			
<b>Target Population</b>	<b>Individuals w/ CDP</b>	<b>Benchmark</b>	<b>% Benchmark</b>
<b>Youth Transition</b>	578 (+71)	646	90%
<b>Youth Exit</b>	424 (1)*	413	103%
<b>Sheltered Workshop</b>	699 (1)**	705	99%
<b>Day Target</b>	1550 (3)*	1,562	99%
* Incomplete / Pending - 4		** Refused - 1	

individuals who have refused to participate in the planning process. To clarify the status of career development planning, Table 4 on the right separates the data on the numbers of individuals with completed CDPs, from information on individuals with incomplete or pending plans and persons who have refused to participate in the CDP planning process. Overall, the numbers and percentages of individuals with CDPs during the current reporting quarter are basically unchanged from the previous quarter ending December 31, 2017. As noted in previous reports, the 71 members of the Transition Target Population who were identified as not having a CDP are primarily new students who will receive their CDPs during the school year. The status of CDPs for Youth Transition Target Population members is reported twice each year in December and June and is filed in RIDE's quarterly reports and will be available in July 2018. RIDE will provide additional information on this group during the next two quarters. If plans are completed as scheduled the benchmark for this population will be met.

### **Benefits Planning**

The State continues to demonstrate solid progress on increasing the number of Consent Decree target population members with benefits plans. As shown in Attachment Report 3b, across all target populations the unduplicated total number of individuals with benefits plans increased by 163 individuals from 367 on June 30, 2017 to 586 on March 31, 2018. Table 5 provides a

breakdown of the status of benefits planning for each target population as well as the percentage of the benchmark that is required to be met under the Consent Decree.

Table 5 - Status of Benefits Planning for the Quarter Ending March 31, 2018			
Target Population	Individuals w/ BPs	Benchmark	% Benchmark
Youth in Transition	NA	NA	
Youth Exit	167	233	72%
Sheltered Workshop	176	201	88%
Day Target	243	310	78%
Employed w/ B Plans	369	695	53%

An individual benefits plan is required for each individual who has received a supported employment placement. Benefits plans are in place for 369 of 695 or 53% of target population members working in supported employment (Table 5).

### Summary

The total number of Consent Decree target population members who received a supported employment placement by March 31, 2018 is 755. During this quarter an additional 127 individuals became actively employed across all three target populations. The number of placements to date exceeds the benchmark requirements for the Sheltered Workshop and Day Program target populations and represents approximately 55% of the Youth Exit target population benchmark of 425 individuals (Table 3).

As noted in previous reports,<sup>6</sup> DDD and ORS are implementing a plan to ensure all members of the Youth Exit Target Population who choose to receive a supported employment placement become employed by September 30, 2018. The State met its first placement goal on March 23, 2018 and appears to be on track for meeting upcoming targets at the end of June and September 2018.

Respectfully Submitted,



Charles Moseley EdD  
Court Monitor  
July 13, 2018

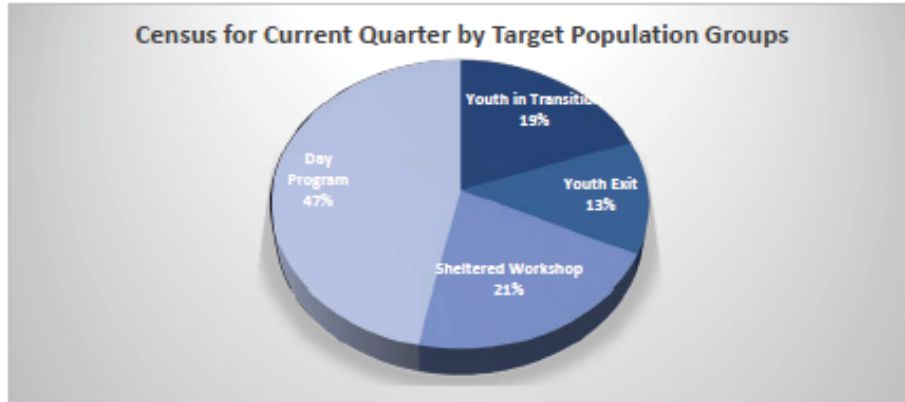
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<sup>6</sup> Report of the Court Monitor on Rhode Island Consent Decree Compliance Issued April 6, 2018 ECF Document 72.



ATTACHMENT

Consent Decree Reports  
 Data for Quarter Ending March 31, 2018\*  
 Report 1: Current Consent Decree Population  
 Report Date: 4/30/2018



REPORT 1 - Current Census	Youth in Transition	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Total Individuals	674	565	844	1,918	4,001
- Individuals deceased since January 2013	0	2	64	228	294
- Voluntarily left services	0	61	50	87	198
- Not Attending/Limited Services	0	15	30	50	95
- Haven't Applied	0	62	0	0	62
- Not Eligible or Rescinded Application	28	0	0	0	28
Active Census for Current Quarter	646	425	700	1,553	3,324
Population as a % of Census	19.4%	12.8%	21.1%	46.7%	100.0%
- Individuals employed in 2012	0	0	59	157	216
- Individuals in transition	646	0	0	0	646
- Variance Requests	0	0	0	1	1
- Individuals age 62+ who want to be retired	0	0	12	33	45
Target Population for Employment <sup>1</sup> (Census Less Those Employed in 2012 and Transition)	0	425	629	1,362	2,416

Census - Quarter to Quarter Changes

Target Population Group	Q 3/31/17	Q 6/30/17	Q 9/30/17	Q 12/31/17	Q 3/31/18
Youth in Transition	539	707	656	644	646
Youth Exit	496	497	442	413	425
Sheltered Workshop	718	718	688	705	700
Day Program	1,690	1,699	1,632	1,562	1,553
Unduplicated Total	3,443	3,621	3,418	3,324	3,324

Notes:

<sup>1</sup>The Target Population for Employment is tracked for reporting of newly obtained employment. Individuals employed in 2012 are excluded from the Consent Decree targets for new employment. All other reports are based on the Census for Current Quarter.

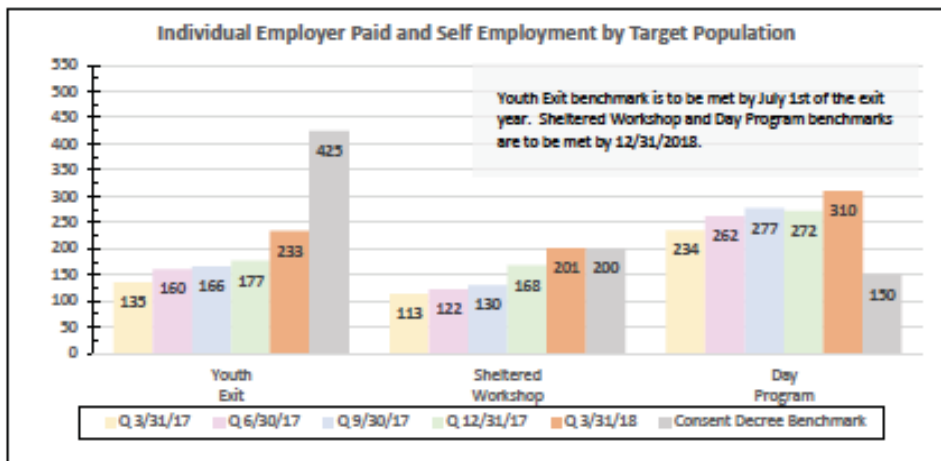
Increase of closed Youth Exit members is due to counting the closures of those who opened to ORS only

\*Data Sources for Quarterly Report

1. Sherlock Center survey completed December 2017
2. ORS cases through 3/23/18
3. DDD caseload information as of 3/26/18
4. RIDE annual census, January 2018

## Consent Decree Data Reports Data for Quarter Ending March 31, 2018\* Report 2: Consent Decree Target Population Employment

Report Date: 4/30/2018



EMPLOYMENT BY TARGET POPULATION	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Target Population for Employment	425	629	1,362	2,416
% of Total Target Population	18%	26%	56%	100%
Benchmark for Employment	425	200	150	775
<b>Total Individuals in INDIVIDUAL EMPLOYER PAID Employment</b>				
Q 3/31/18	233	201	310	744
Past Placements Now Closed		1	10	11
<b>TOTAL PLACEMENTS</b>	233	202	320	755
<b>Total Competitive and Self Employment Percentages</b>				
% of Benchmark	54.8%	100.5%	206.7%	96.0%
% of Target Population Group	54.8%	32.0%	22.8%	30.8%
% of Those Employed	31.3%	27.0%	41.7%	100.0%
<b>Quarter to Quarter Performance</b>				
Q 3/31/18	233	201	310	744
Q 12/31/17	177	168	272	617
Q 9/30/17	166	130	277	573
Q 6/30/17	160	122	262	544
Q 3/31/17	135	113	234	482
Q 12/31/16	109	87	167	363
Q 9/30/16	36	75	157	268
Q 6/30/17	29	57	118	204

*Note: Includes Self-Employment.*

*Past Placements Closed/Deceased are those previously reported placements who are now excluded from the active counts.*

*Percentages are based on the active population and placements only.*

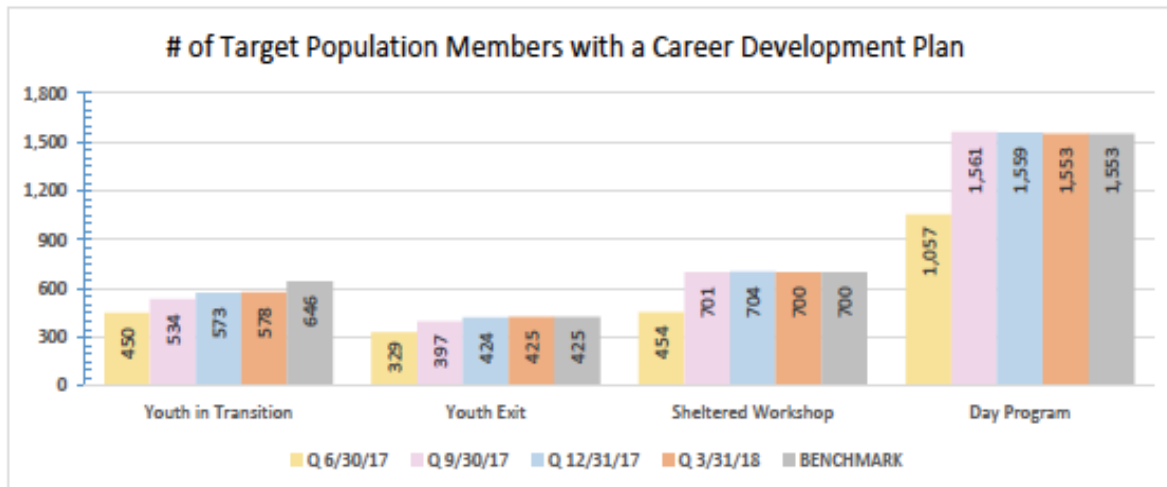
*Day Population decreases are due to correcting miscategorization of some TTP individuals to the Sheltered Work Population.*

**\*Data Sources for Quarterly Report**

1. Sherlock Center survey completed December 2017
2. ORS cases through 3/23/18
3. DDD caseload information as of 3/26/18
4. RIDE annual census, January 2018
5. DLT Data for Quarters 2016-03 through 2017-03

**Consent Decree Data Reports  
Data for Quarter Ending March 31, 2018\*  
Report 3a: Career Development Plans**

Report Date: 4/30/2018



**Career Development Plan (CDP) Exists**

	Q 6/30/17	Q 9/30/17	Q 12/31/17	Q 3/31/18	BENCHMARK	% of Benchmark
Youth in Transition	450	534	573	578	646	89%
Youth Exit	329	397	424	425	425	100%
Sheltered Workshop	454	701	704	700	700	100%
Day Program	1,057	1,561	1,559	1,553	1,553	100%
<b>Unduplicated Total</b>	<b>2,290</b>	<b>3,254</b>	<b>3,255</b>	<b>3,256</b>	<b>3,324</b>	<b>98%</b>

**Those Without CDP**

	Active - No Plan Yet	Plan Is Pending	Individual Refused	Total Without CDP
Youth in Transition <sup>1</sup>	71	0	0	71
Youth Exit	0	0	1	1
Sheltered Workshop	0	1	0	1
Day Program	0	3	0	3
<b>Unduplicated Total</b>	<b>71</b>	<b>4</b>	<b>1</b>	<b>76</b>

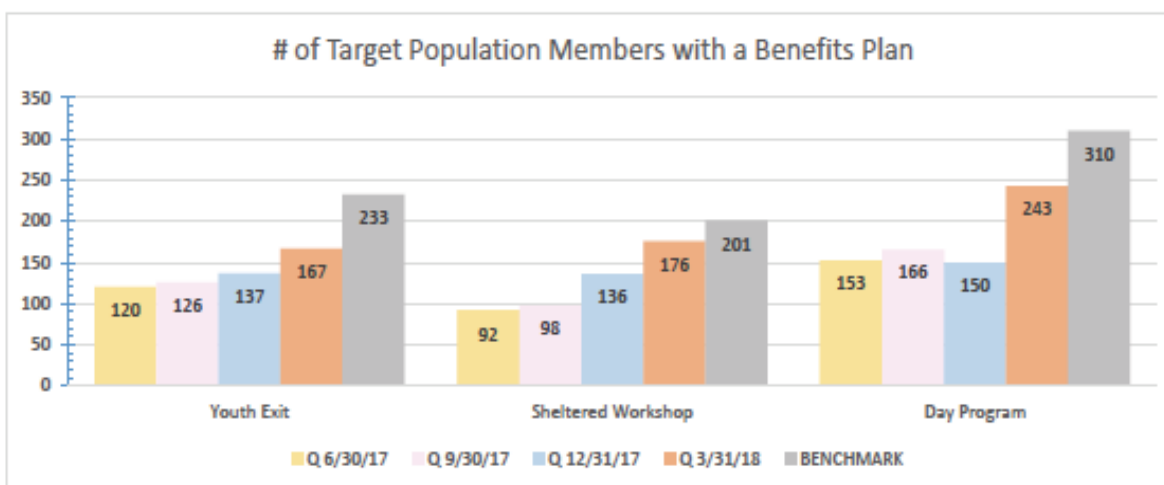
<sup>1</sup> Youth In Transition will not be 100% due to the new entries into high school who will receive their first CDPs during the school year.

**\*Data Sources for Quarterly Report**

1. Sherlock Center survey completed December 2017
2. ORS cases through 3/23/18
3. DDD caseload information as of 3/26/18
4. RIDE annual census, January 2018

**Consent Decree Data Reports  
Data for Quarter Ending March 31, 2018\*  
Report 3b: Benefits Plans**

Report Date: 4/30/2018



**Benefits Plan (BP) Exists**

	Q 6/30/17	Q 9/30/17	Q 12/31/17	Q 3/31/18	BENCHMARK	% of Benchmark
Youth in Transition	--	--	--	--	--	--
Youth Exit	120	126	137	167	233	72%
Sheltered Workshop	92	98	136	176	201	88%
Day Program	153	166	150	243	310	78%
<b>Unduplicated Total</b>	<b>367</b>	<b>390</b>	<b>423</b>	<b>586</b>	<b>744</b>	<b>79%</b>
<b>With Placements</b>	<b>NA</b>	<b>NA</b>	<b>255</b>	<b>369</b>	<b>695</b>	<b>53%</b>
<b>Declined</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>13</b>	<b>695</b>	<b>2%</b>

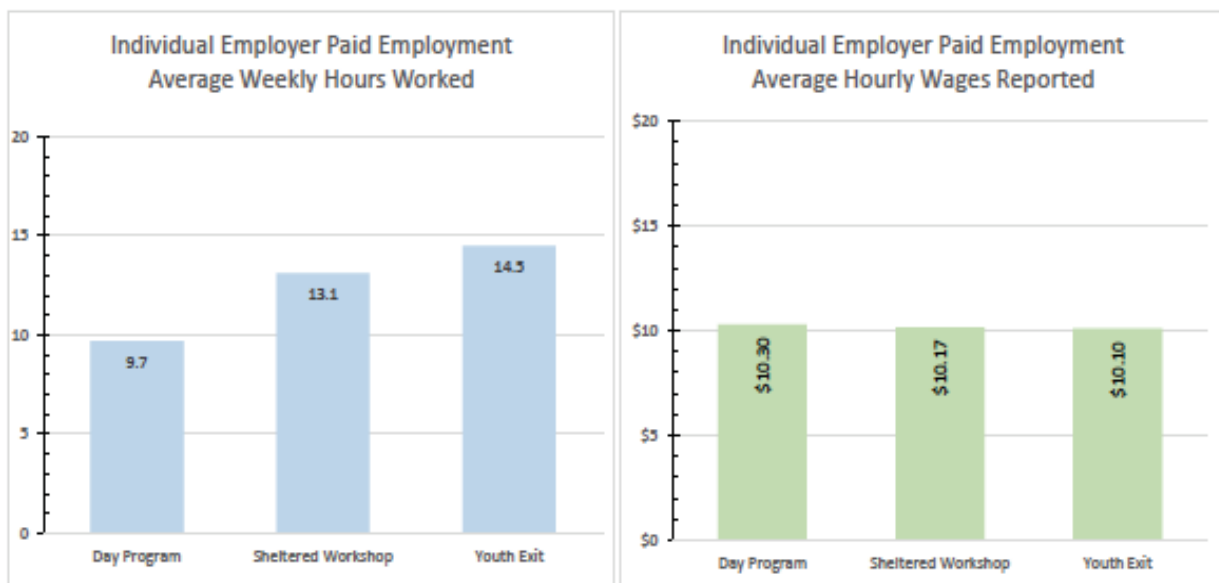
*Note: Benefits Plans can be done for those not yet employed, in segregated employment, or in a competitive integrated job placement. The Unduplicated Total includes all those with a benefits plan. The With Placements total includes only*

**\*Data Sources for Quarterly Report**

1. Sherlock Center survey completed December 2017
2. ORS cases through 3/23/18
3. DDD caseload information as of 3/26/18
4. RIDE annual census, January 2018

**Consent Decree Data Reports**  
**Data for Quarter Ending March 31, 2018\***  
**Report 4: Average Weekly Hours and Hourly Wages**

Report Date: 3/31/2018



Individual Employer Paid Employment						
Target Population Unduplicated Counts	Measure	Total Population	Weekly Hours Worked	Hourly Wage	Worked 20+ Hours	% With 20+ Hours
Day Program	# Reporting	113			14	12.4%
	Average		9.7	\$10.30		
Sheltered Workshop	# Reporting	92			24	26.1%
	Average		13.1	\$10.17		
Youth Exit	# Reporting	128			34	26.6%
	Average		14.5	\$10.10		

**Notes:**

- 1 # Reporting equals the count of individuals reporting hours or wages above minimum wage.
- 2 Hourly Wage data was obtained in December 2017, before the minimum wage increase to \$10.10 was effective on 1/1/2018

**\*Data Sources for Quarterly Report**

1. Sherlock Center survey completed December 2017
2. ORS cases through 3/23/18