

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

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

JANUARY 1, 2019 THROUGH March 31, 2019

JUNE 27, 2018

Introduction

This report provides an assessment of 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, 2019 through March 31, 2019. The assessment is based on the State's quarterly Consent Decree data report (see Attachment).¹ Progress is measured against placement benchmarks to be achieved by January 1, 2020.

Target Population Census

The total unduplicated number of individuals in the Consent Decree's four Target Populations was 4,351 on March 31, 2019, slightly higher than the total reported for the previous quarter. Adjusting this total census to reflect the numbers of target population members who have died, voluntarily left services or are not eligible for developmental disabilities services yields an *active census* of 3,595 individuals. Subtracting from this active census target population members who: (a) were employed when the Consent Decree was signed in 2012, (b) are members of the Youth

¹ Consent Decree Data Reports Data for Quarter Ending March 31, 2019.

Transition Target Population², (c) have received a supported employment variance, and (d) are at least 62 years of age and have chosen to retire results in a *target population for employment* totaling 2,257 individuals across the three target remaining populations (see below). Under the Consent Decree these individuals must be provided with the opportunity to receive a supported employment placement. The number of individuals to be placed by target population (updated) is as follows:³

- a. Sheltered Workshop Target Population – 583
- b. Day Target Population – 1,262
- c. Youth Exit Target Population – 412

The active census of individuals in each of the Consent Decree Target Populations varies slightly from quarter to quarter depending on the numbers of individual who leave state services during the reporting period and the outcomes of the State's continuing efforts to identify and track target population members.

Supported Employment Placements

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, suspend or terminate their employment are considered to be inactive but continue to be credited toward the State's overall placement requirements. The total number of target population members who received a supported employment placement in an integrated competitive employment setting, including individuals previously classified as closed placements, increased from 820 on December 31, 2018 to 838 on March 31, 2019, a gain of 18 individuals for the quarter (see Table 1).

Table 1 Quarterly Placement Summary September 2016 - March 2019		
Quarterly Report	Number Placed	Total Placements
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
June 2018	42	786
Sept 2018	7	793 ⁴
Dec 2018	27	820
Mar 2019	18	838

² The Consent Decree does not include placement targets for members of the Youth Transition Target Population.

³ See Attachment, Report 1 Current Consent Decree Population, Target for Employment.

⁴ This total was adjusted to correct duplicate reporting in previous quarter data.

The Consent Decree sets annual benchmarks for the placement of members of the Sheltered Workshop and Day Program Target Populations that increase on January 1st of each year. All members of the Youth Exit Target Population were required to have received a supported employment placement by July 1, 2016.

Table 2 identifies for each Consent Decree population the annual target number of individuals required to receive a supported employment placement, the aggregated year-over-year total, and the number of placements made by January 1st of each year. The count of individuals in the “Placed to Date” column is revised quarterly.

Table 2 Consent Decree Placement Benchmarks and State Performance Through March 31, 2019								
Year	Sheltered Workshop Target Population			Day Target Population			Youth Exit Target Population	
Jan 1 of:	Annual Target	Aggregate Target	Placed to Date	Annual Target	Aggregate Target	Placed to Date	2016 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	205	50	100	346	426	235
2019	50	200	217	50	150	364	412	257
2020	100	300		75	225		412	
2021	100	400		100	325		412	
2022	100	500		200	525		412	
2023	100	600		200	725		412	
2024	100	700		225	950		412	

Youth Exit Target Population. The number of individuals in the Youth Exit Target Population has varied each quarter as a result of the State’s continuing efforts to identify and track all members of this group. DDD reported a total of 412 Youth Exit Target Population members for the quarter ending March 31, 2019, a decrease of 25 from the 437 individuals reported during the previous quarter. The number of active Youth Exit Population members who had received a supported employment placement as of March 31, 2019 was 257, approximately 62% of the placement benchmark of 412 for this population (see Table 3 below). DDD and ORS have implemented strategies to improve the employment outcomes achieved by the Youth Exit

group, and some progress has been made. However, the State was unsuccessful in achieving its goal of placing 100% Youth Exit Target Population members who are interested in pursuing a supported employment placement by September 30, 2018 as planned. DDD and ORS must take additional steps to achieve supported employment placements for all members of this population who are interested in receiving integrated competitive employment.

Sheltered Workshop Target

Population. A total of 6 Sheltered Workshop Target Population members received supported employment placements during the quarter ending

Table 3 Supported Employment Placements for Quarter Ending March 31, 2019				
Target Population	Placement This Qtr.	Total Placements	2020 Benchmark	% Benchmark
Youth Exit	8	257	412	62%
Sheltered Workshop	6	217	300	72%
Day Target	4	364	225	162%

March 31, 2019, bringing the total number of active placements achieved to date to 217 for this target population (Table 3). Quarterly placement data reported by the State for the previous 8 quarters between March 31, 2017 and March 31, 2019 indicates that on average 13 individuals from the Sheltered Workshop Target Population received a supported employment placement each quarter. To meet the January 1, 2020 benchmark, the State must achieve supported employment placements for an additional 83 individuals during the balance of 2019, or approximately 28 individuals per quarter. This rate of placement is more than double the quarterly average that has been attained during the previous two years.

Day Target Population. The total number of individuals in the Day Target Population who received a supported employment placement by March 31, 2019 was 364, a gain of 4 individuals over the previous quarter. The number of Day Target Population members receiving a supported employment placement continues to exceed the January 1, 2020 benchmark for this target population.

Average Weekly Hours and Earnings (see Attachment Report 4)

The Consent Decree requires members of the three target populations who receive a supported employment placement in an integrated setting to work an average of 20 hours per week. The average weighted number of hours worked per week by members of the three target

populations during the quarter ending March 31, 2019 was approximately 13 hours across 358 individuals, an increase of a little over one hour per week as compared to the previous quarter for 228 individuals. On March 31, 2019, 94 members of the Youth Exit Population were reported to have worked on average 15.6 hours per week; 120 members of the Sheltered Workshop Target Population averaged 13.4 hours per week; and 144 members of the Day Target Population averaged 11.2 hours per week. The percentages of target population members working more than 20 hours per week decreased significantly during this reporting quarter for the Day and Youth Exit Target Populations and showed a slight increase for the Sheltered Workshop Target Population.

The average weighted hourly wage earned by individuals across all target populations was \$11.07, a slight increase from the average of \$10.86 reported for the prior quarter.

Career Development Planning

Data reported by the State on the numbers of target population members with career development plans includes individuals whose plans are in process and expected to be completed in the near future as well as individuals who were employed in 2012. As shown in Table 4, career development plans are in place for all members of the Youth Exit, Sheltered Workshop and Day Target Populations and for 97%, of the Youth Transition Target Population (See Attachment Consent Decree Data Report 3a).

Table 4 Career Development Planning for the Quarter Ending March 31, 2019			
Target Population	Individuals w/ CDP	Benchmark	% Benchmark
Youth Transition	995	1,021	97%
Youth Exit	393	393	100%
Sheltered Workshop	672	672	100%
Day Target	1,509	1,509	100%

Benefits Planning

The number and percentage of individuals with benefits plans for the quarter ending March 31, 2019 was the same as that reported for the previous quarter ending December 31, 2018 (Table 5). The State notes that 43 benefits plans were completed during the reporting quarter but only 11 individuals were Consent Decree target population members and each of these individuals had

already received a benefits plan. As a result, the total number of individuals with benefits plans remained the same. The Consent Decree and ISA require target population members to receive benefits planning information during the year that the individual is scheduled to enter supported employment (CD §IV[6], ISA §I[8]). As noted in Table 5 however, only 53%

Table 5 Status of Benefits Planning for the Quarter Ending March 31, 2019			
Target Population	Individuals w/ BPs	Benchmark	% Benchmark
Youth Transition	NA	NA	
Youth Exit	200	257	78%
Sheltered Workshop	202	217	93%
Day Target	275	364	76%
Total	677	838	81%
Total Employed w/ B Plans	444	838	53%

of individuals who are employed have received a benefits plan. Although it must be recognized that some individuals who are employed have refused to engage in the benefits planning process, it is clear that the number of employed individuals with benefits plans falls far short of the required benchmark. DDD has increased funding provided to the Sherlock Center to continue to expand access to benefits planning services to Consent Decree and ISA target population members.

Summary

As shown in Table 2 above, the State met the January 1, 2019 supported employment placement requirements for the Sheltered Workshop and Day Target Populations. The total number of placements achieved by the State for members of the Youth Exit Target Population, however, continues to fall significantly below Consent Decree requirements. The Consent Decree calls for supported employment placements to be made available for all members of this target population interested in employment by July 1, 2016. When this goal was not achieved the Monitor requested that the State prepare and implement a plan, strategy and timeline for ensuring that all 151 of then identified Youth Exit Target Population members who choose employment be furnished with a supported employment placement by June 30, 2017. Although progress was made, this placement goal was not achieved. During this period, continued efforts by the State to identify members of the Youth Exit Population who were not receiving the supported employment services increased the total numbers of Youth Exit Target Population

members from 151 to 497 as of March 31, 2017.⁵ The State took steps to expand its capacity to fund and sustain supported employment services by developing and implementing the outcome based Person-Centered Supported Employment Program (PCSEP). The initiative did not specifically focus on members of the Youth Exit Target Population but was open to all individuals receiving IDD services. Although provider funding inducements were later added to increase Youth Exit Population participation, the initiative did not significantly impact placement numbers for this group. The afore mentioned Report of the Court Monitor⁶ required DDD and ORS to collaborate on the development of a plan to ensure the remaining members of the Youth Exit Population would be able to access supported employment within a reasonable timeframe. A revised plan was developed identifying the Youth Exit Target Population members to be placed and a timeline for ensuring 100% of those individuals who desire competitive employment would receive a placement by September 30, 2018. This goal also was not achieved. As noted above, as of March 31, 2019 only 257 (62%) of the 412 Youth Exit Target Population have received a supported employment placement.

It is noted that the State is taking important steps to rebuild the developmental disabilities service delivery system under the Consent Decree. DDD and ORS have worked to establish important links with the RI Department of Labor and Training, developmental disabilities services providers, families and advocacy organizations to achieve and sustain supported employment outcomes among individuals with IDD receiving publicly funded services. Furthermore, BHDDH-DDD is collaborating with the RI Senate's Project Sustainability Commission in its examination of the State's fee-for-service reimbursement and payment system for adults with intellectual and developmental disabilities receiving Medicaid services. Additional progress is being made in provider staff training, quality improvement and other key areas.


The fact remains, however, that the numbers of Consent Decree target population members who have received a supported employment placement and are employed in competitive jobs need to be increased to meet the terms of the Agreement. Supported employment opportunities

⁵ See Report of the Court Monitor on Consent Decree Compliance Report Period: January 25 2017-July 20, 2017, Case 1:14-cv-00175-M-PAS Document 65 Filed 7/27/17, Page 3.

⁶ Ibid

need to furnished to an estimated 155 individuals from the Youth Exit Target population plus 83 individuals from the Sheltered Workshop Target Population, 238 in total, by January 1, 2020. Past plans developed and implemented by the State to expand integrated supported employment placements have had mixed success. Given the increasing number of placements required during each of the out-years of the Consent Decree, 2021-2024 (Table 2), it is essential that immediate and tangible steps be taken to further build the capacity of both State and provider agencies to sustain the high level of training and supported employment placement activity required by the Consent Decree both now and into the future.

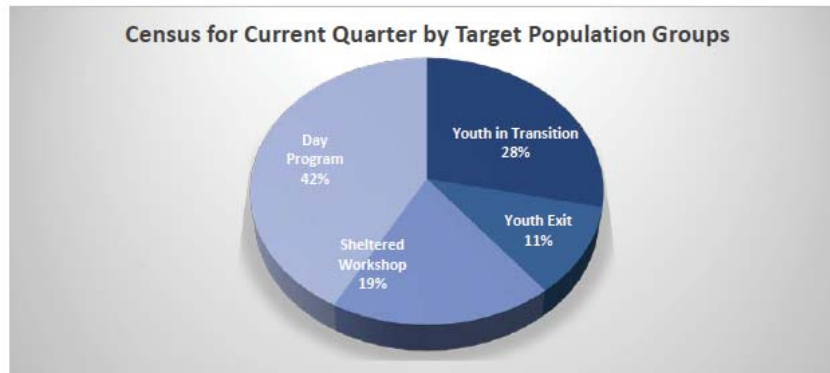
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley". The signature is fluid and cursive, with a large, stylized initial "C".

Charles Moseley EdD
Court Monitor
June 27, 2019

ATTACHMENT

Consent Decree Reports
Data for Quarter Ending March 31, 2019*
Report 1: Current Consent Decree Population
 Report Date: 4/30/2019



REPORT 1 - Current Census	Youth in Transition	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Total Individuals	1,021	568	844	1,918	4,351
- Individuals deceased since January 2013	0	5	91	276	372
- Voluntarily left services	0	84	57	97	238
- Not Attending/Limited Services	0	20	24	36	80
- Haven't Applied	0	58	0	0	58
- Not Eligible or Rescinded Application	0	8	0	0	8
Active Census for Current Quarter	1,021	393	672	1,509	3,595
Population as a % of Census	28.4%	10.9%	18.7%	42.0%	100.0%
- Individuals employed in 2012	0	0	59	153	212
- Individuals in transition	1,021	0	0	0	1021
- Variance Requests	0	2	1	9	12
- Individuals age 62+ who want to be retired	0	0	40	102	142
+ Inactive individuals with placements	0	21	11	17	49
Target Population for Employment ¹ (Census Less Those Employed in 2012 and Transition)	0	412	583	1,262	2,257

Census - Quarter to Quarter Changes

Target Population Group	Q 3/31/18	Q 6/30/18	Q 9/30/18	Q 12/31/18	Q 3/31/19
Youth in Transition	646	838	795	969	1,021
Youth Exit	425	426	417	407	393
Sheltered Workshop	700	693	688	676	672
Day Program	1,553	1,541	1,531	1,529	1,509
Unduplicated Total	3,324	3,498	3,431	3,581	3,595

Notes:

¹The 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.

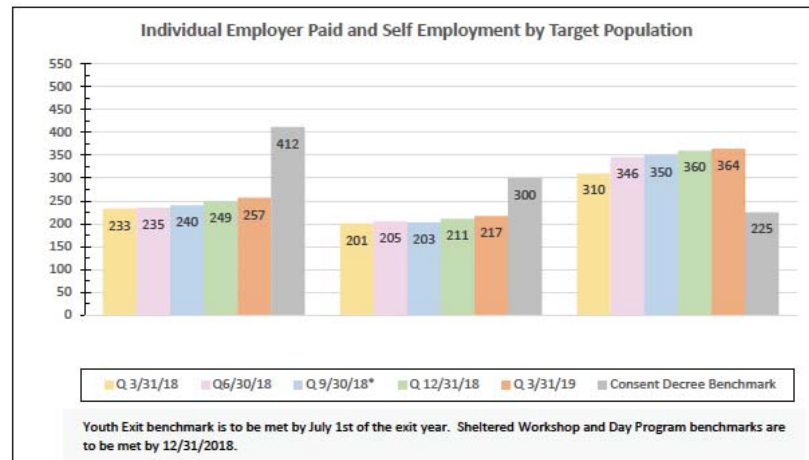
***Data Sources for Quarterly Report**

1. Sherlock Center survey completed October 2018
2. ORS cases through 3/31/19
3. DDD caseload information as of 3/31/19
4. RIDE annual census, December 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, 3/31/19
6. Integrated Community Employment Reporting Form submissions through 3/31/19

ATTACHEMENT A | March 31, 2019 Quarterly Update

Consent Decree Data Reports
Data for Quarter Ending March 31, 2019*
Report 2: Consent Decree Target Population Employment

Report Date: 4/30/2019



EMPLOYMENT BY TARGET POPULATION	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Target Population for Employment	412	583	1,262	2,257
% of Total Target Population	18%	26%	56%	100%
Benchmark for Employment	412	300	225	776
Total Individuals in INDIVIDUAL EMPLOYER PAID Employment				
Q 3/31/19	257	217	364	838
Total Competitive and Self Employment Percentages				
% of Benchmark	62.4%	72.3%	161.8%	108.0%
% of Target Population Group	62.4%	37.2%	28.8%	37.1%
% of Those Employed	30.7%	25.9%	43.4%	100.0%
Quarter to Quarter Performance				
Q 3/31/19	257	217	364	838
Q 12/31/18	249	211	360	820
Q 9/30/18*	240	203	350	793
Q6/30/18	235	205	346	786
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

Note: Includes Self-Employment.

*Duplicate reporting was found in last quarter's data and corrected in this report. As a result of this finding, an examination of all of the data sources is underway to ensure data integrity.

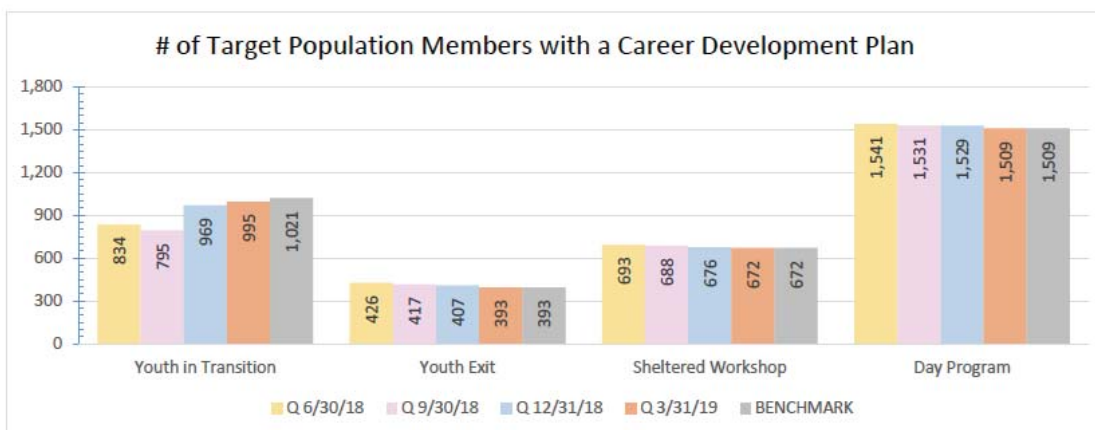
***Data Sources for Quarterly Report**

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3. DDD caseload information as of 3/31/19
4. RIDE annual census, December 2018
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ATTACHEMENT A| March 31, 2019 Quarterly Update

Consent Decree Data Reports
Data for Quarter Ending March 31, 2019*
Report 3a: Career Development Plans

Report Date: 4/30/2019



Career Development Plan (CDP) Exists

	Q 6/30/18	Q 9/30/18	Q 12/31/18	Q 3/31/19	BENCHMARK	% of Benchmark
Youth in Transition	834	795	969	995	1,021	97%
Youth Exit	426	417	407	393	393	100%
Sheltered Workshop	693	688	676	672	672	100%
Day Program	1,541	1,531	1,529	1,509	1,509	100%
Unduplicated Total	3,494	3,431	3,581	3,569	3,595	99%

Note:

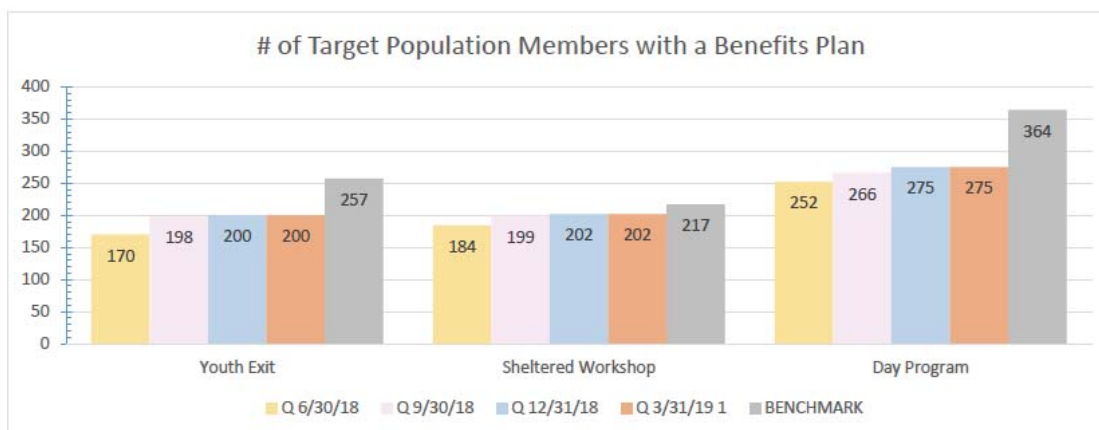
***Data Sources for Quarterly Report**

1. Sherlock Center survey completed October 2018
2. ORS cases through 3/31/19
3. DDD caseload information as of 3/31/19
4. RIDE annual census, December 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, 3/31/19
6. Integrated Community Employment Reporting Form submissions through 3/31/19

ATTACHEMENT A | March 31, 2019 Quarterly Update

Consent Decree Data Reports
Data for Quarter Ending March 31, 2019*
Report 3b: Benefit Plans

Report Date: 4/30/2019



Benefits Plan (BP) Exists

	Q 6/30/18	Q 9/30/18	Q 12/31/18	Q 3/31/19 ¹	BENCHMARK	% of Benchmark
Youth in Transition	--	--	--	--	--	--
Youth Exit	170	198	200	200	257	78%
Sheltered Workshop	184	199	202	202	217	93%
Day Program	252	266	275	275	364	76%
Unduplicated Total	606	663	677	677	838	81%
With Placements	387	434	444	444	838	53%
Declined	166	196	212	212	838	25%

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 those with a competitive integrated job placement.

***Data Sources for Quarterly Report**

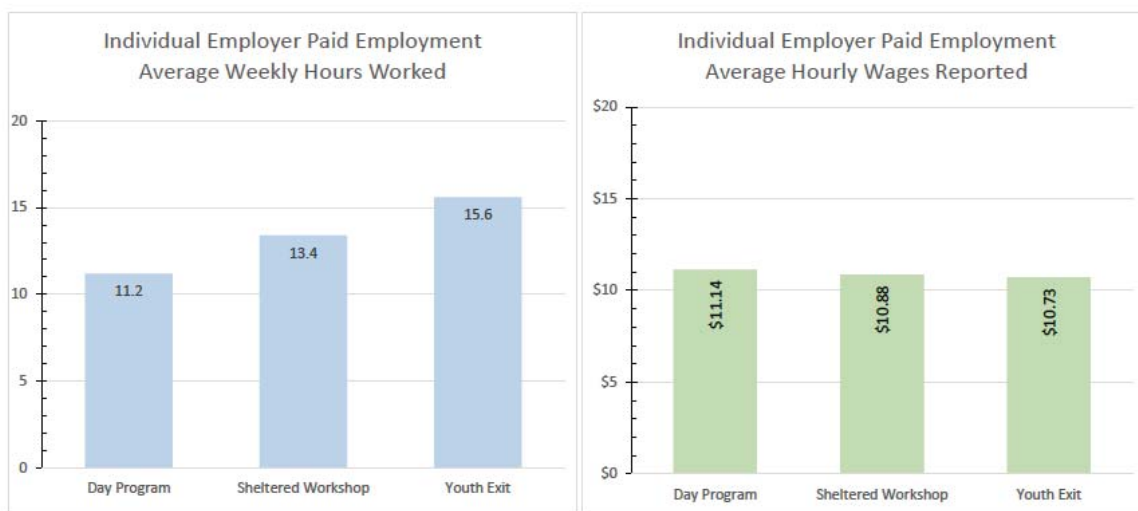
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6. Integrated Community Employment Reporting Form submissions through 3/31/19

¹ While 43 benefits were completed this quarter, only 11 were for Consent Decree members, and all had previously received a benefits plan.

ATTACHEMENT A | March 31, 2019 Quarterly Update

Consent Decree Data Reports
Data for Quarter Ending March 31, 2019*
Report 4: Average Weekly Hours and Hourly Wages

Report Date: 4/30/2019



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	144			10	6.9%
	Average		11.2	\$11.14		
Sheltered Workshop	# Reporting	120			16	13.3%
	Average		13.4	\$10.88		
Youth Exit	# Reporting	94			11	11.7%
	Average		15.6	\$10.73		

Notes:

1 # Reporting equals the count of individuals reporting hours or wages above minimum wage.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed October 2018
2. ORS cases through 3/31/19
3. DDD caseload information as of 3/31/19
4. RIDE annual census, December 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, 3/31/19
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ATTACHEMENT A | March 31, 2019 Quarterly Update