

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA
Plaintiff

v.

STATE OF RHODE ISLAND and
CITY OF PROVIDENCE
Defendants

C.A. Nos. 14-175; 13-442

**COURT MONITOR'S FOURTH REPORT ON THE STATE OF RHODE ISLAND'S
RESPONSE TO THE ORDER OF COMPLIANCE WITH OUTSTANDING INTERIM
SETTLEMENT AGREEMENT REQUIREMENTS FILED JUNE 23, 2017**

Issued: October 29, 2018

I. Introduction

This fourth report examines the State of Rhode Island's progress on meeting the performance requirements specified by the Court's Order issued on June 23, 2017 and relevant sections of the Interim Settlement Agreement (ISA) and Consent Decree. This report updates the *Court Monitor's Third Review of State Activities in Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements* issued by the Monitor on April 6, 2018. It reviews and evaluates the progress made by the State and the City of Providence Public Schools relative to the completion of actions and activities included in previous compliance reports issued by the Court Monitor relative to the Court's Order issued on June 23, 2017.

Information on the State's compliance with key ISA provisions and benchmarks was gathered through regularly scheduled conference calls with the State's Consent Decree Coordinator and staff from the Division of Developmental Disabilities (DDD) and the Department of Behavioral Health Developmental Disabilities and Hospitals (BHDDH), the Office of Rehabilitative Services (ORS), the Rhode Island Department of Education (RIDE), the City of Providence Public Schools Department (PPSD) and the U.S. Department of Justice (DOJ). Data and materials were received from the Quarterly Progress Reports submitted by the State for the calendar quarter ending June 30, 2018 and by the City of Providence Public Schools for the

quarter ending August 30, 2018. Additional information was drawn from direct conversations with DDD and ORS staff and email correspondence with State and City of Providence officials regarding progress on meeting the provisions of the Court's Order. The Court Monitor additionally gathered information through two site visits. The first included meetings with state agency department heads and the executive directors and key staff of 16 provider agency to discuss systems change relative to the organization and delivery of integrated day services consistent with the requirements of the Consent Decree and the ISA. The second site visit, held during October 2-3, 2018 reviewed career development planning and the services received by a sample of TTP and Birch Target Population members and related documentation. The assessment of progress also reviewed documentation provided by DDD in advance of the State's upcoming quarterly report to the Monitor for the period ending September 30, 2018 which will be submitted on October 31, 2018.

II. Progress Review

The State has made significant progress on achieving ISA and Consent Decree related provisions and benchmarks during the past two calendar quarters. In addition to the specific accomplishments outlined below, DDD, in collaboration with the Sherlock Center's Conversion Institute (CI), ORS, and providers who offered sheltered workshop placements, have successfully transitioned all sheltered workshops programs to alternative services or closure. The last sheltered workshop was successfully closed during the reporting quarter ending June 30, 2018.

The State also is demonstrating its commitment to integrated employment through its collaboration with the Department of Labor and Training in the significant expansion of a Pathways Partnership including five projects that will enroll 127 Rhode Islanders with intellectual and/or developmental disabilities leading to competitive employment for a minimum of 77 Rhode Islanders with IDD. The partnership will involve up to 11 service provider partners and two IDD stakeholder organization partners (RI Developmental Disabilities Council and the Sherlock Center on Disabilities at Rhode Island College). The five projects will establish a CVS training center, a self-employment incubator, expanded access to supported employment through a provider collaboration, a partnership between a RI-based

small manufacturing business and a I/DD service provider, and enhanced technical assistance from the RI-based Business Innovation Factory

The City of Providence Public Schools continues to meet performance benchmarks and requirements across virtually all provisions of the Interim Settlement Agreement, establishing effective and appropriate mechanisms for achieving and maintaining ongoing compliance in key areas of the Agreement relative to person-centered career development planning, transition planning for youth, supported employment services, trial work experiences, the provision of professional development and in other areas of the Agreement.

A. Interim Settlement Agreement Provisions Applicable to Both the State and Providence Public Schools

1. Career Development Planning. *Ref: ISA §VII(4)&(5)(a)-(c); Court Order §I(2).*

- a. PPSD-Birch.** During the past year, the Providence Public School District (PPSD) has made significant progress on ensuring that all members of the Birch Target Population annually receive a career development plan based on a person-centered asset-based assessment model such as MAPS or PATH. Data reported by PPSD and reviewed by the

Table 1 Birch Transition Target Population: Career Development Planning								
	August 2018		June 2018		February 2018		November 2017	
	Number	%	Number	%	Number	%	Number	%
Total Population	65	100	65	100	62	100	63	100
Total Active	65	100	65	100	62	100	63	100
Participants w/ CDPs	65	100	65	100	62	100	63	100
Participants w/ Current CDPs	65	100	65	100	62	100	63	100
Participants w/ MAPs/PATH	65	100	65	100	62	100	60	95

Monitor for the quarters ending November 2017, February, 2018, June, 2018 and August 2018 reveal that PPSD has met the requirements for career development planning set forth in ISA §VII(5)(a)-(c) on an ongoing basis since November 2017. Furthermore, PPSD has met the requirements for the use of a MAPS style asset-based planning tool since February 2018 (See Table 1). A review of a sample of academic files of Birch Transition

Target Population members conducted by the Monitor in October 2018 found that career development plans were person-centered and met the requirements outlined by ISA §VII.

Assessment: Requirement Met

- b. **State - DDD and ORS.** Career development planning for members of the Birch Look Back Target Population and the TTP Target Population has significantly improved over the past year. DDD and ORS have worked with provider agencies to ensure that career development plans are complete and up to date for ISA target population members. Both state agencies have reviewed provider organization career development planning processes on site and are providing ongoing technical assistance and training to improve the number and quality of the plans that are developed and implemented. DDD contracted with the Sherlock Center at Rhode Island College to develop an excellent Person-Centered Thinking Guide which is being used to provide detailed person-centered training, technical assistance and support to provider organizations serving this population. During the past quarter, DDD has furnished oversight and technical assistance to ESRI/CWS and other agencies to improve the alignment of plans with the services being received and to rewrite plans that are determined to be inadequate. This quarter was focused on strengthening State-provided guidance and tools that providers are using in order to ensure quality and to effect system change in this area. As a result, improvements are evident in both the numbers of career development plans being written and the quality of those plans.

Numbers of Plans. The Court Monitor's report filed on September 7, 2017, for example, noted that career development plans were in place for only 37 of 89 (42%) members of the TTP Target Population. Data reported by DDD on the status of career development planning for this population as of June 30, 2018 indicates a significant improvement during this period in the numbers of plans being written. Acceptable career development plans were found to be in place for 94% or 77 of 89 individuals (See Table 2 below). A review of ISPs and CDPs for a sample of TTP and Birch Target Population members receiving adult services conducted by the Court Monitor and an independent

consultant on October 2nd and 3rd 2018 found that both documents had been completed and were in place for each of the individuals selected.

Plan Quality. DDD is revising its individual support planning (ISP) format to strengthen the use of person-centered planning guidelines in developing a whole life plan that includes the preparation of a comprehensive ISP/CDP/Plan of Care. The Division has shared a variety of plan templates with providers and plan writers that can be altered to encourage flexibility and greater person centeredness. During a review of provider agencies conducted by the Court Monitor in August 2018, providers gave positive feedback on the new person-centered planning process and the training being furnished by the Sherlock Center and DDD.

Although person-centered thinking training is expanding and improvements are being made, challenges continue to exist. While ISPs and CDPs were in the files, documentation that person-centered planning

Table 2 Status of ISA Target Population Members' Career Development Plans by Provider Agency on June 30, 2018					
Agency	Total CDPs	Acceptable	Not Acceptable	Not Attending	% Acceptable
ESRI/CWS	57	53	1	3	93%
PERSPECTIVES	12	12			100%
FOGARTY	5	5			100%
RE-FOCUS	5	5			100%
ABE	1			1	NA
GOODWILL	1	1			100%
RICLAS	3	3			100%
CLRI	1	1			100%
LIVING INNOVATIONS	2	2			100%
WEST BAY	1	1			100%
WOU	1	1			100%
Total	89	84	1	4	94%

had taken place was less clear. The use of person-centered planning approaches was able to be determined in less than half or 8 (47%) of the 17 plans reviewed. Evidence of person-centered planning was not found in the remaining 9 plans (53%). By provider agency, person centered approaches were apparent in 6 of 9 (67%) files reviewed at ESRI and in two of three (67%) of files reviewed at Perspectives. Indications that person-centered planning had taken place was not reflected in the plans of three individuals

served by Fogarty, nor in the plans of the single individuals reviewed at Work Opportunities Unlimited and Looking Upwards. It is important to note that our conclusions are based on reviews to determine the extent to which person-centered planning is described and referenced in individuals' ISPs and CDPs.

ISPs and CDPs included personal goals and as well as goals for employment and integrated day services. And, in the majority of cases the services being received were in alignment with the goals identified in the person's ISP and CDP (12 of 17 records, 71%). The CDPs and ISPs for many individuals referenced their service and support interests and preferences. Unfortunately, personal preferences and interests were not typically evident or reflected in the services and supports that are being received. Conversations held between the Monitor or independent consultant and individuals receiving support revealed variations between the plans reviewed and the services being provided.

In addition, the records typically did not include clear descriptions of the findings of assessments that had been performed, the services needed to address those findings, the services that were being provided, and the outcomes being achieved as a result of those services. The attached review summary, prepared by the independent consultant Dr. William Ashe, identifies findings and makes recommendations regarding strategies for advancing improvements noted in ISP and CDP person-centeredness and outcomes (see attached).

Assessment: Requirement Not Met, Progress Made. The need to improve the quality of person-centered career development planning for members of the ISA target populations receiving adult services was noted in the Monitor's Second and Third reviews of State Activities in Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements Filed on June 23, 2017 issued respectively on 11/29/2017 and 4/9/2018. Improvements have been noted but continued efforts need to be made by the State to ensure the quality of career development planning.

Actions to be Taken: DDD must address the recommendations included in the independent consultant's report to:

- a. Continue provider and stakeholder training utilizing the Rhode Island Person-centered Thinking Guide
- b. Consider publishing several ISP/CDPs that meet the State's standards for person-centeredness as examples for providers to review.
- c. Establish person-centered planning standards against which to measure the quality of ISPs and CDPs. Consider and discuss with the Court Monitor requiring that the Person-Centered Process Structural Components from the Rhode Island Person-centered Thinking Guide (page 5-8) be used as the standard.
- d. Require individual's personal preferences to be clearly identified in the person-centered planning process and be reflected in the goals and objectives that are developed and the services provided.
- e. Review training curricula to ensure training on integrated community day services addresses the need to avoid the overuse of community locations by groups of individuals from more than one agency at the same time.
- f. Ensure through the ISP and CDP process that the communication needs of each individual are adequately addressed.

2. Transition Planning for Youth. Ref: ISA §VIII(4)(a)-(e); (5)&(6).

- a. **PPSD - Birch.** PPSD has continued to make progress on assuring that all Birch enrollees begin a transition planning process at age 14 years and continues as until they exit secondary school as required by ISA §VIII(4)(a)-(e). Data reported by PPSD suggest that that PPSD is meeting the requirements of §VII(4), (5), (6), &(7):
 - i. All Birch students (65 of 65) were assigned to an employment team by age 14 years.
 - ii. All Birch students (65 of 65) received, no later than during the first year of entry to Birch, and with the assistance of the employment planning team, the formulation of employment-related recommendations of the IEP to discover and record students' personal interests and goals for postsecondary employment and/or postsecondary education.
 - iii. All Birch students received a comprehensive introduction to or enrollment in State services and the formulation of employment related recommendations in the IEP and ISP, where applicable, by age 16 years (44 of 65 individuals).

- iv. All Birch students, (39 of 65) as appropriate, met with their employment planning team not later than the year in which a student turned 18 years of age to: facilitate possible post-secondary employment placements, be introduced to Supported Employment Services in an integrated community-based employment setting, and have the opportunity to be placed in such a setting prior to the end of his or her participation at Birch.
- v. All Birch Youth in transition (21 of 65) are receiving benefits planning information, according to the standards set forth in Section IV(8). Benefits planning services have been requested from ORS for members of the 2018 and 2019 exit populations.
- vi. A person-centered career development plan has been developed and is in place for each Birch Transition Target Population member.
- vii. Trial Work Experiences. PPSD reports that 16 of 36 individuals (44%) have completed their first trial work experience, 7 of 36 individuals (19.4%) have completed their second trial work experience.

Assessment: Requirements Met.

3. Other compliance related issues – None at this time

Table 3 Employment Status of the 46 Unemployed ISA Class Members June 2018					
Placement Status	Target Population		Total	%	Services Received
	TTP	Birch			
Employer Paid Employment	10	6	16	35%	Job Coaching & Retention, Integrated Day
Employment Services	9	4	13	28%	SES, Job Development, Integrated Day
Retired	3	0	3	7%	Integrated Day
Not Seeking Employment ¹	3	0	3	7%	Integrated Day
Closed Cases	3	5	8	17%	
Not Active, No Response	3	0	3	7%	No response to contacts
Total	31	15	46		
¹ Individuals with medical conditions, requesting a variance, receiving integrated day services					

B. Interim Settlement Agreement Provisions Applicable to Only the State of Rhode Island

4. Employment Placements: Ref: ISA §IV; Court Order §I(3).

DDD and ORS continue to work with supported employment providers to place the 46 ISA target population members identified in the Court Order filed on June 23, 2017. The State's original plan called for the placement of 15 individuals by April 30, 2018, another 16 persons by July 31, 2018, and the remaining 15 persons after August 1, 2018. Table 3 provides a description of the status of the 46 individuals. As of June 30, 2018, a total of 16 target population members are receiving supported employment placements, an increase of two individuals over the previous quarter ending March 31, 2018. Employment services are being provided to another 13 individuals who are additionally receiving integrated day, pre-employment and job development services bring the total to 29 persons who are employed or are receiving supported employment services. Nineteen (19) of these 29 individuals are participating in the Person-centered Supported Employment Program (PCSEP) 2.0 with the goal of expanding the hours worked or locating a new job. ORS has open cases for 14 ISA members interested in receiving employment services.

An analysis of the remaining ISA target population members performed by the State reveals that of the 17 individuals who are not employed or receiving employment services, three (3) are retired and are receiving integrated day services, three (3) are receiving integrated day services and are not seeking employment, 8 individuals have withdrawn from services and their cases are closed, and three (3) persons are not active or have not responded to efforts to contact them.

Assessment: Requirement Not Met, Progress is being Made. The State is requested to continue to prioritize efforts to place the remaining 13 ISA Target Population members receiving employment services and report on progress through the State's Quarterly Report.

5. Day Services. Ref. ISA §VI.

Reviews of integrated day services conducted by the Monitor and the independent consultant revealed only modest improvements in the quality of integrated day services

over the findings reported in November 2017. While career development plans and the alignment of plans and services have improved, non-work integrated day services at ESRI/CWS and other providers serving this population consist of a relatively narrow range of options in which people participate on a daily basis. Target population members typically choose activities from lists or menus that have been developed by groups of participants or by staff. Activity options may vary by the day, week or month. Although some individuals select and participate in activities on their own with little assistance from staff, most access community-based events and resources in small groups of two to three or four individuals.

Those who do receive one-on-one assistance typically do so within the context of the larger group. As noted in the November 2017 report mentioned above, the activities that individuals engage in are typically non-participatory in nature and involve attending a community event, visiting a local library, going to a restaurant for coffee, or walking through stores in the mall. This pattern was noted in our most recent review conducted on October 2-3, 2018 where we found that the same locations are being used by several individuals at the same time and, in some cases, by more than a single provider agency simultaneously.

Figure 1
Integrated Day Service Characteristics

Person-Centered and Self Directed

- Selected and designed by the individual through a person-centered process.
- Individualized, flexible, purposeful and productive – designed to fit the needs and desires of the person receiving support.
- Facilitate meaningful choice and participation in an array of group and non-group, structured and unstructured activities.

Integrated, fostering Equal Opportunity and Access

- Allow individuals with disabilities to interact with individuals without disabilities to the fullest extent desired and practical for the individual.
- Offer individuals with IDD the same opportunities as non-disabled individuals to engage in non-work activities at times and frequencies of the person's

Assessment: Requirement Not Met. The State is requested to continue to provide technical assistance and direction to providers to improve the quality of day services being provided.

Recommended Actions. DDD must develop a specific review tool or rubric, or include within an existing tool, the capacity to measure the quality of the integrated day services received by ISA (and Consent Decree) target population members. The tool should be designed to evaluate and document the extent to which the integrated day services being provided reflect the goals and preferences of the individual, and address the Integrated Day Services Characteristics outlined in Figure 1 and address the recommendations outlined in the attached independent's report. The tool or description of expanded capacity is to be submitted to the Monitor for review along with the quarterly report on January 31, 2019.

6. Other compliance related issues – none at this time

C. Consent Decree Provisions Applicable to the State of Rhode Island

7. Employment Placements. Ref: Consent Decree §IV Youth Exit Target Population

The State is required to have provided a support employment placement to all individuals in the Youth Exit Population by July 1, 2016 (Consent Decree §IV[8][d]). The Consent Decree Placement Data Report for the Quarter ending June 30, 2018 lists a total of 565 individuals in the Youth Exit Target Population Current Census.¹ Adjusting this number to reflect individuals who are deceased, who have voluntarily left services, are not attending, haven't applied or have been determined to be ineligible leaves 426 individuals as the "target population for employment."

As shown in Report 2 of the aforementioned Consent Decree Placement Data Report,² a total of 235 individuals received supported employment by June 30, 2018, approximately 55% of the placement benchmark. In response to the Court Monitor's request,³ DDD and ORS collaborated on the creation of a plan to ensure the placement of the remaining Youth Exit Population members within a reasonable timeframe. DDD and ORS developed and implemented the *DDD and ORS Plan for Supported Employment Placements of Youth Exit*

¹ Consent Decree Reports Data for the Quarter Ending June 30, 2018, Report 1.

² Ibid., see Report 2 Consent Decree Target Population for Employment.

³ *Report of the Court Monitor on Consent Decree Compliance for the Report Period: January 25, 2017 – July 20, 2017* issued July 27, 2017.

Population Members Identified Under the Consent Decree on August 31, 2017. The Placement Plan set a benchmark of placing 50% of the target population by June 30, 2018. The State slightly exceeded the benchmark by placing 53% of the target population by this date. The State continues to work to place the remaining Youth Exit Target Population members. The Division has developed an internal process for reaching out to all members of the Youth Exit population who have not had an employment placement, directly engaging providers serving these individuals as well as reaching out to their families and to individuals in self-directed services to ensure they have been offered options for employment services.

DDD provided updated information on the placement status of the Youth Exit Population on September 29, 2018 reporting an active census of 417 individuals and an employment census of 334 target population members

Table 4 Youth Exit Target Population Employment Status October 2018	
Active Youth Exit Census	417
- <i>Variance Requests</i>	3
- <i>Family Resistance/unsure</i>	8
- <i>1st employment goal is health stabilization</i>	36
- <i>In post-secondary or training program</i>	5
<i>In Exploration, job type to be determined</i>	45
Employment Census	334
<i>Received employment placement</i>	257 (77%)
<i>Job Development</i>	77 (23%)

(See Table 4). Of the 334 individuals, 257 (77%) have received a supported employment placement. The remaining 77 individuals are receiving job development (23%). DDD is keeping the Monitor informed of its progress on expanding the numbers of Youth Exit Target Population members receiving supported employment placements and related services through regular quarterly reports and ongoing meetings and discussions.

Assessment: Requirement Not Met. The State is requested to continue to report on the placement outcomes of the Youth Exit Target Population through regular quarterly reports on ongoing meetings and discussions.

8. Integrated Day Services. Ref: Consent Decree §VI.

The nature of the integrated day services being provided to Consent Decree target population members is consistent with the descriptions of the day services and supports

being furnished to ISA target population members by the ten organizations identified in Table 1 above. On August 7-9, 2018 the Court Monitor and independent consultant met with state agency department heads and the directors and key staff of 16 provider agencies to discuss and learn about the organization and delivery of integrated day services and the steps that each organization is taking to transform its service delivery systems to meet the requirements outlined in the Consent Decree and the CD and ISA.

The majority of the agencies visited (69%) reported that they were implementing changes to meet State and/or Consent Decree requirements, but only 4 of the 16 organizations (25%) indicated that they had developed a plan with specific goals to guide their change process. The remaining 12 agencies did not have plans. One provider organization reported that it had a plan under development. Another agency reported that it had a plan but no steps were being taken toward implementation. A couple of agency directors said that they had not prepared a plan per se but had identified and were moving forward on making changes in key areas such as closing one or more day program facilities, improving staff training, decreasing group size, etc. About half of the agencies reported that they had closed their facility-based programs.

During this review, several provider agencies described steps they are taking to improve their ability to support integrated day services. More than half (56%) are supporting or setting up small community settings referred to as “hubs” that are designed to give individuals receiving community supports a place to go during the day between activities or events to rest, have lunch, attend to medical or health needs or take care of personal duties.

Regarding individual choice of day service activities, the majority of organizations (11 of 16 - 69%) reported that they offered both individually selected and menu-driven options for people receiving support. Three agencies (19%) reported that all services were individually selected and two agencies (13%) reported all services were chosen from pre-set menus. Agency directors and staff acknowledged the improvements that state has made in direct support staff wages but significant numbers indicated that they continue to run deficits in key areas and that funding allocations for individual services are insufficient to cover the

costs of the services that must be provided. Respondents also identified major barriers to service delivery related to transportation (94%), funding allocation amounts and billing procedures (88%) and staffing turnover and retention (69%). On the positive side, provider agency directors acknowledged the support and technical assistance that the State is providing regarding integrated day services through the Conversion Institute at the Sherlock Center and the training on person-centered thinking and practices.

Consistent with the descriptions of the status of integrated day services offered to ISA Target Population members, reviews conducted by the Monitor and the independent consultant revealed only modest improvements in the quality of integrated day supports being furnished to members of the Consent Decree target populations over the past year. Service providers are aware that changes in their organization and delivery of integrated day services need to be made. Some are moving quickly to design and experiment with new models to improve their ability to deliver and support integrated day services consistent with the integrated day service characteristics identified in §VI(B)(1)-(6) (see above).

Assessment: Requirements Not Met; Progress is being made. Progress is being made in the design, development and delivery of integrated day services furnished to Consent Decree target population members. The State has issued clear and appropriate Guidelines for Integrated Day Services and is building its capacity to review, evaluate and improve the quality of services and supports being offered by provider organizations. The expansion of high quality person-centered individual support plans and career development plans, consistent with the Rhode Island Person-centered Thinking Guide, will form the foundation for the development and implementation of individualized integrated day service alternatives consistent with the requirements of the Consent Decree. The Rhode Island Senate has established the Project Sustainability Commission to review and make recommendations regarding the system of funding for individuals with developmental disabilities in Rhode Island.

Recommended Actions: See recommended actions for improving the assessment of integrated day services for ISA target population members included in Section 5 above.

9. Career Development Planning. Ref Consent Decree §VII.

The State continues to improve the number of career development plans across each target population as well as the alignment of ISP and CDPs with the services and supports provided through increased training and technical assistance. The Consent Decree Data Report for the quarter ending June 30, 2018 indicates that the State has essentially met the required benchmarks for each of the Consent Decree's four target populations (Summarized Table 5 below).

DDD and ORS have made significant progress in their efforts to ensure that every Consent Decree target population member receives a career development plan. Now that individuals have CDPs, continued and focused emphasis must be placed on improving the quality and person-centeredness of those plans, and on ensuring that individuals' goals and preferences are clearly identified and reflected in the services and supports he or she receives. As noted in Section II(A)(1)(b) above, reviews of ISPs and CDPs revealed little evidence of person-centered planning and typically did not include individual profiles as described in the RI Person-centered Thinking Guide. Also absent were clear descriptions of the findings of assessments that had been performed, the services needed to address those findings, the services actually being provided and the outcomes being achieved as a result of those services.

The need for in-depth training and technical assistance has been noted by DDD and ORS. The State has expanded the training and technical assistance being offered and is working with provider

Table 5 Career Development Planning Status for the Quarter Ending June 30, 2018			
Population	Total Plans	Benchmark	%
Youth in Transition+	834	838	99.5
Youth Exit	426	426	100
Sheltered Workshop	693	693	100
Day Services	1,541	1,541	100
Total	3,494	3,498	99.9
+ 4 Youth in Transition turned 14 by June 30 th and will be included in the next quarterly report			

organizations to improve the quality of person-centered individual support plans and career development plans as well as related planning activities. The Rhode Island Person-Centered Thinking Guide was developed and more than 250 copies were distributed to provider agencies and families. A curriculum for Person-centered Thinking Facilitator Training was developed. Five sections of facilitator training were completed with 110 participants across

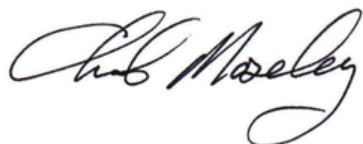
34 provider organizations, advocacy groups, families and others. The Sherlock Center is initiating a pilot project to increase person-centered thinking understanding and capacity statewide. Approximately 25 agencies have committed to pilot the model outlined in the Person-Centered Thinking Guide and Facilitator Training with a small number of people. The Center anticipates that the pilot will be able to reach 150 to 200 individuals. A measurement rubric has been developed to assess progress and provide guidance for future development and implementation. In addition, customized technical assistance is being provided to provider agencies focusing on individual agency transformation, the development of strategic plans and supporting change system-wide. Finally, a “Person-Centered Thinking Leadership” community of practice was established in March and is meeting monthly, providing assistance to provider agency staff interested in making change. Innovation is encouraged. Participating providers: Avatar, Blackstone, ESRI/CWS, Fogarty, JRI, Living Innovation, Looking Upwards, Maher, Olean, Opportunities Unlimited, Perspectives, ReFocus, West Bay.

Assessment: DDD and ORS have met the requirement that each individual receive a career development plan (§IV[5]). The State is providing ongoing training and technical assistance to providers to increase the skills and expertise of staff in person-centered thinking, planning and service design. Continued attention needs to focus on improving the quality of person-centered career development planning.

Recommended Actions: Additional actions must be taken by the State to ensure, consistent with the requirements set forth in Consent Decree §VII(5) (a)-(c), that each plan: (a) sets forth the person’s skills, interests, strengths and abilities; (b) is integrated into the person’s IPE, ISP, IEP, and ILP and summary of performance where applicable; and (c) identifies the nature and scope of services needed to remove obstacles to participating in integrated employment and integrated day services meeting the definitions and standards set forth in Sections V – VI.

10. Other Compliance Related Issues – none at this time.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley". The signature is fluid and cursive, with the first name "Charles" and last name "Moseley" clearly distinguishable.

Charles Moseley Ed.D.

Court Monitor

October 29, 2018

APPENDIX

William H. Ashe, Ed.D

Independent Consultant

870 South Barre Road
Barre, Vermont, 05641

**Privileged and Confidential Report for Use and Distribution by the
Recipient at his Exclusive Election**

October 23, 2018

Dr. Charles Moseley
Court Monitor U.S. District Court
Rhode Island Consent Decree and Interim Settlement Agreement
PO Box 544
Charlotte VT 05445

Dear Dr. Moseley;

On October 2nd and 3rd, 2018 a team of individuals that included you and me, along with representatives from the Department of Justice visited Rhode Island for the purpose of reviewing the status of a small sample of service recipients drawn from the Birch and TTP target populations. The focus of this review was to better understand the following:

1. The quality of person-centered planning that has taken place in the ISP (Individual Service Plan) and the CDP (Career Development Plan). This review was intended to be guided and informed by the Rhode Island Person-Centered Thinking Guide), specifically the sections describing the components of a complete person-centered plan (page 4) and the Quality Indicators (pp. 5-8).
2. The quality and comprehensiveness of the ISP and the CDP, as well as the alignment of the goals, objectives, preferences, and service needs outlined in the two documents.
3. The alignment of the services being provided and received with the goals, objectives and preferences that are indicated in the ISP and the CDP.

In preparing this brief report I had access to information from this review on 17 people, 8 of whom are members of the Birch population, and 9 who are members of the TTP population. As a guide for these reviews we all used an Individual Review Form which you had prepared specifically for this visit. I am attaching a copy of this document to this report for easy reference. In developing this report I used the completed review forms, along with a review of selected ISPs and CDP's. I also relied upon my personal visits with, and observations of, 8 individuals who I was able to spend time with during this visit.

Data Summary

The data that were collected during this review were organized into a table that reflected the observations made about the quality and content of the ISP's and CDP's. The data are summarized across these 17 categories and are summarized in Table 1.

Data Categories

- Initials of the Recipient
- Initials of the Reviewer (CM- Charles Moseley; WA-William Ashe)
- Provider Name
- Employment Status
- Current Weekly Hours Worked
- Hours in Community Inclusive Day Supports per Week
- Hours per Week in Segregated Settings
- Status of How Integrated Activities are Organized
- Career Development Plan Up to Date
- Career Development Plan Include Employment Goals
- Overall Plan Includes Both Employment and Community Integration Goals
- Do the Goals Appear Consistent with What is Actually Happening
- Did the Participant Receive Benefits Plan Information
- Is There a Written Benefits Plan on Record
- Were the Plans Developed as Part of a Person-centered Process
- Did the Participant Receive a Vocational Assessment
- Did the Participant Receive a Trial Work Experience

Table 1: October 2-3 Survey Results

Reviewer		Employment		Hours	Hours in	Hours in	Integrated
	Initials	PROVIDER	Status	Worked	CIDS	Segregated	Status
Case #							
1	CM	perspectives	working	6	15	0	REPEATING WKLY SCHEDULE
2	CM	perspectives	working	3	30	0	REPEATING WKLY SCHEDULE
3	CM	wou	working	2	UNKN	0	CAN NOT DETERMINE
4	CM	perspectives	working	UNKN	UNKN	0	CAN NOT DETERMINE
5	CM	fogerty	working	12	4	12	CAN NOT DETERMINE
6	CM	fogerty	working	4	24	0	CAN NOT DETERMINE
7	CM	fogerty	N	0	8	0	ALL INFO FROM 2017
8	CM	ESRI	working	18	10	0	ONLY INFO ON EMP
9	WA	ESRI	N	0	UNKN	0	REPEATING WKLY SCHEDULE
10	WA	ESRI	N	0	UNKN	0	REPEATING WKLY SCHEDULE
11	WA	ESRI	working	8	12	0	REPEATING WKLY SCHEDULE
12	WA	ESRI	N	0	UNKN	0	REPEATING WKLY SCHEDULE
13	WA	ESRI	working	8	30	0	REPEATING WKLY SCHEDULE
14	WA	ESRI	working	9	UNKN	0	REPEATING WKLY SCHEDULE
15	WA	ESRI	N	0	UNKN	0	REPEATING WKLY SCHEDULE
16	WA	ESRI	working	UNKN	UNKN	0	REPEATING WKLY SCHEDULE
17	WA	LIVING INN.	N	0	UNKN	0	NOT REFELCT STATUS-DAY CTR

Table 1: October 2-3 Survey Results (con't.)

Reviewer			CDP	CDP goals	CIDS /EMP	Goals are	Benefits	Benefits	PCP	VOC	Trial Work
	Initials	PROVIDER	Current	Y/N	Goals?	In line/Status	Info rec'd	Plan y/n	Evident	Assess y/n	Exp y/n
Case #											
1	CM	perspectives	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	CM	perspectives	N	N	Y-ISP	Y	Y	N	Y	Y	Y
3	CM	wou	Y	Y	Y	Y	Y	Y	N- EVID	Y	Y
4	CM	perspectives	N-NOT CUR	Y	N	UNKN	Y	Y	UNKN	Y	UNKN
5	CM	fogerty	Y	Y	Y	Y-EMP;N-DS	Y	N	UNKN	Y	Y
6	CM	fogerty	N-NOT CUR	Y	Y-EMP	N	Y	N	UNKN	Y	Y
7	CM	fogerty	N-NOT CUR	Y	Y	N	N	Y	N- EVID	Y	Y
8	CM	ESRI	Y	Y	Y-EMP; N-DS	UNKN	Y	N	UNKN	Y	N
9	WA	ESRI	Y	N	N-EMP; YDS	Y	N	N	Y	N	Y
10	WA	ESRI	Y	Y	Y	Y	N	N	Y	Y	Y
11	WA	ESRI	Y	Y	Y	Y	N	N	N-EVID	Y	Y
12	WA	ESRI	Y	Y	Y	Y	N	Y	Y	Y	Y
13	WA	ESRI	N- NOT CUR	Y	Y	Y	N	N	N-EVID	Y	Y
14	WA	ESRI	Y	Y	Y	Y	Y	Y	Y	Y	Y
15	WA	ESRI	Y	Y	Y	Y	N	N	Y	Y	Y
16	WA	ESRI	Y	Y	Y	Y	Y	Y	Y	Y	Y
17	WA	LIVING INN.	N- NOT CUR	Y	Y	N-ADULT DAY CTR.	N	N	N-EVID	Y	Y

As can be seen in Table 1, not all of the information we were seeking was contained in the documents we reviewed. However, the absence of information does not necessarily mean that the Provider does not have this information. It means that this particular information was not contained in the documents that reviewers had available to them at the time of our review.

As can be seen in Table 1, of the 17 people that were reviewed 11 people (65%) were working at the time of the review while 6 (35%) were not working. Of the 11 people who were employed, it was possible to determine the number of

weekly hours of employment for 9 of them. For these 9 individuals, the average weekly hours of employment was 7.8 with a range from 2 hours per week to 18 hours per week).

While we understood that everyone in the sample engaged in Community Integrated Day Services, we could only determine the number of weekly hours for 8 (47%) of these individuals. Again, this does not mean the provider did not have this information just that it was not included in the information we had during our review. For the 8 individuals we had information on, the average weekly hours was 13.5 with these hours ranging from a low of 4 hours per week to a high of 30 hours per week. Only one individual was found to be spending day services hours (12 per week) in a segregated setting (Person 5).

The majority of the individuals (N=10/59%) were participating in community integrated activities through a repeating weekly schedule. There was evidence that the selection of the particular activities in most instances resulted from a person-centered process that enabled individuals to choose what they wanted to from a menu of options. In 4 instances (24%) it was not possible to determine how the activities were chosen. In one (6%) instance (Person 8) there was information only available for the employment portion of his weekly schedule. In another instance all the information reviewed was from 2017 so it was not possible to determine the current status from these documents. In one additional instance the record indicated that the recipient (number 17) was receiving employment services while we found her attending an Adult Day Center. In this case what this person seemed to be doing did not correspond to what was being suggested in her record.

A Career Development Plan was found in all records except for participant SP. In 5 other instances (29%) Career Development Plans were present but they were out of date. In the other 11 records (65%) there were Career Development Plans that were complete and up to date. There were employment goals in the Career Development Plans for 15 (88%) of the 17 files reviewed. Overall when looking at the ISP's and the CDP's together employment goals were found for 16 (94%) with only one person (person 9) not having an employment goal. There were 2 instances (12%) where Community Integrated Day Service goals were lacking.

Regarding Benefits information and planning, 9 recipients (53%) had received benefits information while 8 (47%) had not. Written benefits plans were identified for 7 of the recipients (41%) with the remaining 10 recipients (59%) not having written benefits plans in their records.

There were fairly wide differences in the way individual plans were developed. The goal is for everyone to have plans that are clearly developed through a person-centered planning process. The guidelines for these plans are identified in the Rhode Island Person-centered Thinking Guide which was created by the

Sherlock Center in February of 2018. As this guide is fairly new it is very reasonable to assume that plans being developed in the future will more clearly evidence a person-centered approach. This being said, during this present review we found no real evidence in 9 of the 17 plans (53%) that person-centered approaches were actually being used. Person-centered approaches were clearly evident in 8 (47%) of the plans reviewed overall. By provider agency, person centered approaches were evident in 6 of 9 (67%) files reviewed at ESRI and in 2 of 3 (67%) of files reviewed at Perspectives. Person-centered planning was not evident in the three files reviewed at Fogarty, or in the single files reviewed at Work Opportunities Unlimited and Looking Upwards. It is important to note that these conclusions are based on reviews to determine the extent to which person-centered planning is evident in individuals' ISPs and CDPs.

With respect to vocational assessment and planning only a single individual (person 9) had not had a vocational assessment, however this individual did have a trial work experience identified in his record. Only one instance was noted of a recipient (person 8) not having a trial work experience. In one other instance (person 4) the presence or absence of a trial work experience could not be determined.

Overall Impressions

1. What is the quality of the person-centered planning that was taking place in the development of the Individual Service Plan and the Career Development Plans of the recipients reviewed during this visit?

As mentioned above, we were unable to find clear evidence of person-centered planning in 53% (N=9) of the plans we reviewed. For the remaining 47% (N=8) with person-centered plans there were wide variations in the details that these plans provided. This observation was true when looking at plans between agencies and within the same agency. Nevertheless, the movement in the direction of using person-centered planning is a significant step forward from what has been seen in previous visits. The newly created Rhode Island Person-centered Thinking Guide has identified the desired components (page 4) of a person-centered plan as follows:

- Indicators that the person is prepared to actively participate in planning;
- Knowledge of community opportunities and experiences that would expand the person's life experiences and match strengths, interests, preferences, and needs;
- A personal profile;

- Plan details for each area included in the plan (current experiences, statement of goal or life domain expectations, action steps, and implementation details);
- Measurement strategies;
- Description of strategies and supports to keep the person safe (if needed);
- Schedule for review.

None of the person-centered plans we reviewed contained all of these elements. For example, no plan included a personal profile so it was not really possible to understand who the participant really was. When our review of the record was paired with the opportunity to actually meet the participant, this overall understanding became a little easier. The written plans should be far more robust in terms the type and degree of detail provided in the plans. As an example, in several of the plans a PATH document was included in the record. Where this was the case, there was rich information about the person often displayed through the pictorial representation of these discussions. However, it was not possible to understand how the recipients' programs were designed or modified to capture the essence of these discussions through any new program directions. It seemed as though the individual's program after the MAPS planning process often remained unchanged as a result of this planning. Despite these observations, it is fair to say that the implementation of person-centered planning remains a work in progress where there has been significant but uneven advances in the development of person-centered planning practices. There remains a significant amount of work yet to be done.

2. What is the quality and comprehensiveness of the ISPs and the CDPs?

As mentioned in number 1 above, there is very inconsistent quality in these plan documents although overall, they seem to be moving in the right direction. The same can be said about the comprehensiveness of these plans. Often questions posed by the ISP process are being answered with one or two sentences. Such limited responses to important program areas provides little depth to develop an appropriately responsive plan. In some instances, the answers to questions did not appear to be coming from the perspective of the individual. For example, some actual responses to the ISP question of what I need to work on were:

- (name) needs to work on broadening his choices for activities within the community.
- (name) needs to work on money management skills. (name) also needs to work on communication skills by learning to express his wants and needs verbally as opposed to opening his wallet and showing community advocate that he has money as a means to communicate that he wants to go to the store.

- (name) needs to continue to work on moving his body and strengthening his arms, hands and legs through controlled exercises.
- (name) would like to work on making medical and dental appointments. (name) also wants to work on training for a cook's position at his current place of employment.

As can be seen these responses are quite variable in the degree to which they reflect the opinions of the service recipient. This question is one of the questions under the major ISP/CDP heading of "WHAT IS IMPORTANT TO ME". This is a very person-centered question which is asking for an answer that reflects what the person views as important. In the first three bullets above, the responses to this question feel like they came from the perspective of staff and not the individual. The fourth bullet seems to show a response that clearly comes from the person and not the staff. It is brief but much more in line with a person-centered process. Even though the response in the fourth bullet is person-centered, there is no goal in this plan that directly addresses either of these stated desires making the overall plan less person-centered than it could be.

Another observation about comprehensiveness can be seen in the scope of these plans. As an example, there are a number of individuals in this sample who have significant communication issues. There does not appear to be any focused response on how such significant needs will be addressed. There are also a few individuals in the sample where it is unclear the extent to which English is the primary language. There are statements to this effect, however, nothing in the records reviewed explained how these judgements were made. Overall the identification of barriers seems to be a weakness across many of the plans that were reviewed.

3. Are the services actually aligned with the goals, objectives, and preferences identified in the ISP and CDP?

As with one and two above, there is wide variation between the plans reviewed and what is actually occurring. There are certainly instances where plan goals are in alignment, at least partially. In referring back to Table 1 we saw four instances (24%) where we felt alignment was absent in the plans we reviewed (for Community Integrated Day Services). Frequently however, there were clear instances of personal preference identified in the planning process that did not appear to be reflected in the services that were actually happening. Just one example of this is a gentleman who clearly indicated he wanted to learn how to read and how to use a computer. There are five goals identified in his plan with none of these responding to this individual's stated desires.

It is very important for provider agencies to improve their ability to adjust the way programs and services are designed and delivered to respond to the stated preferences of participants. Without this follow through the person-centered planning process will fall short of its goals. It is very easy for someone other than the individual to inject his or her own priorities in instances where personal preferences are really being called for. Good strategies need to be in place to minimize the extent to which the priorities of someone other than the individual are substituted for personal preferences. Personal preferences need to be validated through the person-centered planning process and incorporated into the implementation of the individual's overall plan.

Recommendations

Provider agencies should be reinforced for the degree of change that they have made towards moving the system closer to an individualized and person-centered model. Certainly, the changes that are evident at Easter Seals of Rhode Island (ESRI) are very substantial. There is little resemblance of this organization today then was the case just a year ago. However, there are still very substantial steps that need to be taken in order to get this organization to an acceptable level of "person-centeredness". Based on the review we have just completed this need goes beyond ESRI and extends in some respect to all of the plans we reviewed. With this in mind the following recommendations are made:

- a. Continue training efforts that follow the Rhode Island Person-centered Thinking Guide as developed by the Sherlock Center. The list of contributors to this document encompass many stakeholders in the Rhode Island system. For this reason, stakeholder buy in to develop plans that meet the requirements articulated in this guide should be very attainable.
- b. Consider publishing for training purposes several ISPs that meet the person-centeredness standard suggested in this guideline. Service Coordinators/Case Managers should be expected to demonstrate their understanding of person-centeredness by having their ISP's reviewed against these standards.
- c. Require that personal preferences identified in the person-centered planning process are reflected in the goals and objectives that are developed, and that these goals are addressed and integrated into the services and supports that an individual is receiving.
- d. Agencies should diversify the way that community integrated day services are being provided. Based on observations, the same locations are being used for several individuals at the same time. From our observations it did not seem like groupings were being organized based on existing friendship connections. Beyond this,

some of these locations are being used by more than a single agency simultaneously. Examples of this are the Bowlarama where several staff from other agencies were sitting together with their clipboards watching the people they brought to bowl at the same time that the person being visited was bowling. The YMCA was another example. There is nothing wrong with friends going places together. However, it felt a little like these community resources were themselves becoming a little bit like a day program.

- e. Among the people visited were some individuals who had complicated issues who would benefit considerably from more aggressive planning and intervention. Communication was perhaps the largest issue among this group. This included people where English may or may not be their primary language, as well as individual's whose speech was very limited. Additionally, there are people who may benefit from alternative communication methods. Current staff are very familiar with these individuals and develop communication strategies that are not easily transferred to the community at large. Having the input of specialists (communication, behavioral, etc.) in these types of circumstances would likely enhance service delivery.

Summary

This visit to Rhode Island was for the purpose of reviewing the extent to which ISPs and CDPs were being developed in a person-centered fashion. To do this a small sample of records were chosen from individuals who are members of the Birch or TPP target populations. Visits with these individuals were scheduled to coincide with times when they were participating in community integrated day services. The goals and objectives identified in the plan documents were assessed to the extent possible with what the reviewer was able to glean from the observation and conversation with the individual during these site visits. The results of these reviews are displayed in Table 1 above, and are discussed in the body of this report.

In general we saw a person-centered planning system that was in the process of being implemented. There was clear evidence that significant progress has already been made to move the services to a more individualized and integrated service model. While the foundations for person-centered planning have been laid, there remains a lot of work ahead to move this process to meet the standards that are identified in the Rhode Island Person-centered Thinking Guide. Some recommendations to move this process forward have also been included in this report.

Based on the documents reviewed during this visit, coupled with direct observations that were made, there is a significant ongoing need for continued training on person-centered planning with an emphasis on how to take a plan

and put it into action. A good person-centered plan by itself does not produce good person-centered outcomes. How to individualize and implement these plans needs to be a focus for training.

I very much appreciate the opportunity to be part of this review process in Rhode Island. The ability to meet and spend a little time with some of the individuals who were selected for this review was particularly rewarding. I also want to state that all of the staff I met with were very helpful. I was also very impressed with their level of commitment to the people that they are working with. If I can provide you with any additional information I would be happy to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "William Ashe". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Ashe, Ed.D.
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