

**Compliance with December 6, 2022 Court Order
Monitor’s Report
July 17, 2023**

The purpose of this report is **solely to assess compliance with the December 6, 2022 court order**. There are three parts to this report.

- Introduction and Context
- Monitor’s Overall Assessment of Substantial Compliance with each of the nine focus areas identified in the Court Order – this will include any additional recommendations the Monitor feels are necessary to implement the actions required in the Court Order.
- A table that assesses each required action specified in the Court Order. The left column lists the items from the Court Order. In May the Monitor provided the State with an additional document that detailed the materials that were needed to document substantial compliance with each required action – for clarity, some of the language from that additional document has been included in the left column. The right column briefly highlights the essential material included in the State’s June 29, 2023 filing. The right column includes Monitor’s commentary, as necessary, re: the materials filed by the State. The right column also includes the Monitor’s assessment of compliance:
 - (a) Substantial Compliance – the materials presented by the State document, in the Monitor’s judgement, compliance and implementation of the required action;
 - (b) Partial Compliance – the materials presented by the State document, in the Monitor’s judgement, that the State is addressing the required action, but some components are incomplete;
 - (c) Insufficient Compliance – the material presented by the State, in the Monitor’s judgement, do not satisfactorily address the intent of the required action;

It is important to note that a large portion of what was included in the documents presented by the State have not yet been implemented. Many actions are still in the planning stage. Although, in the Monitor’s judgment, many of those plans have the potential to substantially address the intent of the required action...ultimate assessment of compliance will be determined by the efficiency and quality of implementation.

Introduction and Context

For the past three years the Monitor has been consistent in stating that the Consent Decree benchmarks would not be attained until the underlying systemic issues were addressed. The Monitor has used several logic models to demonstrate this.

<p>First, Systemic Change:</p> <p>Administrative Process Funding System Model for Providing Supports Increased Capacity</p>
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<p>Then:</p> <p>Increased Employment Increased Community Activity Increased Community Time Expanded Personal Networks</p>
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<p>Then,</p> <p>Individual Lives Change</p>

Thus, the December 6, 2022 order was a compilation of all the systemic issues that needed to be addressed. These were to be complete by July 1, 2023. The intent being, if the systemic issues were resolved, intense efforts could then be focused on implementing effective programmatic practices that would meet the Consent Decree benchmarks and improve individual lives.

The Court's goals in ordering these systemic actions were:

- To increase the accuracy of the process for assessing individual needs and funding levels – *addressed through the three-part assessment process*;
- To ensure funding adequate to meet the needs and goals of each individual both in the current year and in the future – *addressed through rate review and inclusion in caseload estimating*;
- To provide a system that maximizes each individual's control of his/her own life and provide individuals with a process for making choices about services and supports and about how individual funding allocations would be spent – *addressed through the individual budget process, the flexibility embedded in individual budgets, the add-on services and independent facilitation*;
- To ensure each individual has the information and support needed to make those decisions – *addressed through the communication plan and independent facilitation*;
- To increase the number of transition-aged youth who exit school with a job and with three-four deep community connections – *addressed through the redesign and refocused career development plan and increased access to BHDDH, ORS, DLT resources*;
- To increase the capacity of the system to qualitatively support each individual's needs and goals – *addressed through the wage increases, rate review and the workforce initiative*;
- To increase the frequency, accuracy and quality of information and communication between the State and individuals, families, providers and other stakeholders and partners – *addressed through independent facilitation and the communication plan*;
- To simplify any/all administrative procedures that were barriers to individual access to services, to implementation of supports and services or to attainment of individual goals – *addressed through the actions to reduce administrative barriers*;
- Through the above, to meet the goals of the Consent Decree in the areas of increased individual employment and increased community participation.

Monitor's Summary Assessment of Substantial Compliance

Analysis in this narrative will begin with summative comments about the State's overall effort, followed by a discussion and general analysis of each of the nine major categories of court-ordered actions, then assessment of each item in the December 6, 2022 Court Order.

Summative Comments

First, it is important to **acknowledge and commend the increased intensity of the State's efforts during the past 9-12 months**. Several stakeholders have also commented on the increased activity and on the State's increased receptivity and collaboration with providers and

other stakeholders. The 1,356 pages of documentation and supporting materials filed by the State on June 29, 2023 is an indicator of that increased intensity. Had this same intensity and clarity of focus been extent for the past nine years (given the loss of two years to COVID), the discussion would be at a very different point.

Second, in the State's voluminous documentation, there are **several domains that have substantial quality and meet the expectations of the Court**. These include:

- The work on rate review - the revised rates and service structures should increase individuals' control of their own lives and opportunities for employment and community participation. It should be noted that the Governor's budget request and the final FY24 budget passed by the legislature contributed to this outcome;
- The work to create individual budgets and to create a category of "add-on" services;
- The significantly increased flexibility in the individual budget packages;
- The State created several individual/family-oriented products and guides – Guide to the Assessment Process, Guide to Individual Budgets, Guide to Services – these are well designed and highly commendable;
- The specific efforts of DLT in implementing the Real Jobs RI partnerships;
- The funding of the two rounds of transformation grants have been impactful;
- RIDE/ORS/BHDDH efforts to refocus Career Development Plans and to increase the number of transitioning youth who are employed and have meaningful community connections prior to school exit;
- BHDDH's implementation of the technology initiative;
- ORS/BHDDH/DLT efforts around braiding and sequencing of funding;
- BHDDH's communication plan is impressive – implementing it thoroughly and efficiently is the key;
- The increased transportation rate and guidance around transportation options;
- BHDDH's efforts to reduce administrative barriers (although not complete) has been substantive.

Third, there are also **several domains that require additional focus and do not yet meet the expectations of the Court**. These include:

- Although the benchmark employment numbers are trending in a positive direction, they still are below the benchmarks stated in the Consent Decree;
- Similarly, the Community participation numbers are trending in a positive direction, but are still below the benchmarks in the Consent Decree;
- Limited compliance with the workforce benchmarks and the minimal impact of the vendor and the Statewide Workforce Initiative continues to be a major barrier – however, the most recent efforts are hopeful;
- Conflict Free Case Management continues to be a significant concern – the focus is on process, rather than purpose and outcomes. This initiative **MUST** be co-developed with stakeholders;
- There is not a coherent strategy for measuring life outcomes or for assessing the quality of services and supports;
- Although the processes defined are generally good, some are in need of detail.

Fourth, many of the actions from the Court Order have been assessed as “partial compliance”. The original intent of the various court orders was that these actions be fully implemented by July 1 – many are not. The Monitor recognizes the obstacles the State has encountered (COVID, limited capacity, the fundamental bureaucratic nature of “the system”). The Monitor also recognizes (as stated earlier) the intense effort that has gone into developing these plans. Most of the plans have quality and the potential to be impactful. Some of the plans are missing elements and need additional work. Thus, even though not yet implemented, the Monitor used the phrase “partial compliance”. As has been stated and will be stated many times throughout this narrative, ultimate compliance will be assessed by the efficiency and quality of implementation. The Monitor intends to sample individuals and families to assess implementation on each/every plan and the impact on individual lives.

Finally, given the Monitor’s frequent statement that the ultimate criterion for substantial compliance is whether individual lives change, attached to the end of this narrative is a summary of the most recent set of interviews with individuals and families. These interviews tell some interesting stories:

- Individuals/families have less specific knowledge of the Consent Decree than one might want – but they are very interested in the details of their daily lives, including employment and community participation.
- There are significant differences in the lives of younger individuals and the lives of older individuals; thus, there is a need to analyze and support services for the aging population.
- For individuals who self-direct, families are the primary support and the primary source of stimulation; thus, the need for increased focus on the quality of lives of those who self-direct.
- Most community activities are traditional daily life activities; thus, the need to increase efforts to improve the quality of community participation.
- Given the obstacles individuals encounter and the complexities of the system, 69% of those interviewed state that their lives are better than they were a year ago.

The next section of this report provides a general assessment of each of the nine major areas in the Court Order. That is followed by assessment of each individual item in the court order.

(1) Court Ordered Actions – Employment (*Consent Decree, Sections IV, V, VI, VII*)

Compliance with the required actions connected to Employment falls into three categories – (1) the actual number of people who have been employed and who are currently employed (i.e., the Consent Decree benchmarks), (2) the supportive practices of the State in areas of employer outreach and promotion of employment and (3) the promotion and continuing support of innovative practices that will increase employment.

Regarding the numbers. The State’s filing documents decreases in the target populations due to death, voluntarily leaving service, variances, seniors opting for “retirement”, etc. The Sherlock Survey also documents population decreases. The Monitor has some hesitation about the State’s

approach to reducing the target population for employment. (a) Several sources have documented that a significant portion of the population is aging. The question is how specifically do we know what those individuals really want their lives to be. Some may want to work, some may want to volunteer. I would project that many want more stimulation in their lives than they currently have. The Monitor has long been concerned about this portion of the population. There are few quality supports targeting seniors. This is a growing issue. (b) A portion of the population was identified as “not wanting to work”. Again, the question is how was that determined. The Consent Decree provides a waiver process. Since the State knows the people who have requested waivers, the assumption is that most of the individuals identified as “not wanting to work” do not have waivers. Thus, there needs to be some process (perhaps a simpler waiver process) for documenting what these individuals want their lives to be. If not work, what else? If not work, then community involvement and/or other stimulation should become the focus. (c) The State refers to any provider paid individual or group employment as “non-competitive” work. I have observed several of these individuals – some of these jobs occur in integrated settings and individuals are paid a competitive wage, others do not meet the criteria for individualized integrated employment. How to include or not include these individuals in the target population for work merits further discussion. Bottom line – in the first few months after the August I hearing, **there needs to be determination about who is the target population for employment.....and a determination about their community participation and about what other services/supports need to be provided.**

The Monitor has reviewed the “Therap Action Plan for Employment” and considers it to be **insufficient** either as the strategy for documenting those individuals who “do not want to work” (i.e., the information each has received, the experiences each has had, or the reasons for their decision) or as an actual career plan with defined action steps leading to employment.

It is important to note that, even if the individual’s ISP states the individual does not want to work, the Consent Decree (Section VI, 7-10) clearly states that the individual should participate in “integrated day” activities (i.e., community participation).

For now, using the reduced target population numbers as the base and recognizing that the State has broadened its data sources, there has been an increase both the number of employment placements and the percent of target populations who have had placements. However, the number and percent of individuals currently employed remains low. Even using the State’s reduced numbers, only 385 (25%) of the State’s “target population for employment” are currently employed. Data from the March, 2018 Sherlock Survey (five years ago) reported 365 individual jobs.; thus, the increase has been minimal. One of the themes throughout the Consent Decree (both for adults and youth in transition) has been a focus on placements.....that focus most often does not result in long term employment.

The State’s efforts to promote employment and to outreach to employers have increased significantly in the past year. Although these efforts are commendable, most are relatively new and have not yet had real impact. Noteworthy – the Governor’s Workforce Board/DLT’s Real Jobs RI partnerships have funded IDD focused projects that have had 522 participants. 191 (37%) of the participants are currently employed and work an average of 20 hours per week. I also want to highlight the “Engaging Employers Economically” training hosted by the

Developmental Disabilities Council which facilitates provider teams to develop innovative demand-based strategies for engaging employers. Both of these indicate the potential impact of more innovative and intense strategies.

The transformation grants (requirements of the court-ordered October, 2021 Action Plan) were intended to stimulate innovative strategies that would increase employment and community participation. Many of these projects focused on targeting a subgroup of 10-12 participants. The Monitor has visited most of these projects – most of them document employment rates greater than 50% among project participants. Again, this is an indicator of what is possible with innovative support models. The State’s documentation lists the projects and the funding amounts, but has not yet culled out the most effective practices, nor has the State presented a comprehensive strategy for supporting and funding these innovative practices so that they can approach scale.

The Real Jobs RI Partnerships and the Transformation Projects have demonstrated that increasing employment is possible. The focus should now be on funding and expanding those projects. Similarly, the Cross Disability Coalition has focused on preparing individuals for self-employment (partially funded by Transformation funds) – their directory lists more than 40 businesses owned and operated by adults who have a developmental disability.

Overall Assessment – Insufficient Compliance, due mostly to the low number of people currently employed, the newness of many of the outreach activities, and the absence of a comprehensive plan to fund and take innovative practices to scale.

Additional Recommendations and/or Activities That Need to Continue:

- Clearly define “the target population for work”.
- If the “Therap Action Plan for Employment” will continue to be used, supplemental detail needs to be included in the ISP.
- Develop (with the Monitor and the Department of Justice) an accurate strategy for collecting and reporting employment data.
- Increase the number of Real Jobs RI Partnerships.
- Continue funding the Transformation Projects through 2025.
- Continue and expand employer outreach – the number of employers should double in the next two years.
- Provide technical assistance to each/every provider organization and to individuals who self-direct re: how to maximize braided use of ORS/BHDDH/DLT funding and how to use the new rate structures to increase individualized employment.
- Recognizing the growth of self-employment, increase efforts to promote and support the Cross Disability Coalition’s self-employment initiative.
- A dissemination plan for getting materials to all stakeholders needs to be developed.

(2) Court Ordered Actions – – Integrated Day (i.e. Community) Supports will be provided for the time in a 40 hour week not spent in work. (Consent Decree, Section VI)

Integrated community activity is more difficult to define and measure than employment. The specific language of the Consent Decree states that “Integrated Day Services will be provided to all individuals...for the remainder of all time set forth in an individual’s ISP in a 40-hour work week in which such individuals are not in school or supported employment. Integrated day settings must:

1. Allow individuals with disabilities the opportunity to interact with individuals without disabilities in a community setting to the fullest extent possible for the individual; and
2. Offer individuals with disabilities the same opportunity as non-disabled individuals:
 - a. To engage in non-work activities that match the interests, preferences, and goals of the participant; and
 - b. To do so at times, frequencies, and with persons of their choosing during the day, when an individual is not working or receiving residential care or educational services.”

The intent is clear – to move the focus of people’s lives from the center to the community, to match individual preferences and interests, and to broaden the time for community activity to any time the individual chooses (not confined to the traditional day schedule).

The very essence of a person-driven, community-based life is that that it is uniquely individual. The “big” group metrics are (a) the number/percent of individuals who participate in community activities, (b) how much is time spent in the community, (c) what people do (i.e., variety of activity rather a narrow focus), and (d) who participates with the person. Since the end of COVID all of these variables show a positive trend. The breadth of activities, however, remains relatively narrow.

The Monitor has visited all but four of the provider organizations. In several organizations the transformation projects have stimulated some different models for identifying and/or developing interests and opportunities. Providers report (and Monitor observed) an increase in “community connectors/community facilitators” and an increased use of community mapping. ISP goals, however, continue to be narrow. Similar to employment, The State’s documentation lists the projects and the funding amounts but has not yet culled out the most effective practices, nor has the State presented a comprehensive strategy for supporting and funding these innovative practices so that they can approach scale.

Given that the response rate to any survey from those who self-direct is limited, it is hard to assess the extent to which individuals who self-direct have the information they need to access either employment or community supports. There is anecdotal evidence that many individuals who self-direct have not yet received the information they need to access employment or community supports.

While noting the positive trends, the hours spent in the community continue to be below the intent of the Consent Decree benchmarks. There is also significant confusion (and some anxiety) about how to bill for the innovative models.

Overall Assessment – Partial Compliance, due mostly to the low number of average hours spent in the community (an average of 20 should be the goal), the inconsistency of information provided to those who self-direct, confusion about how to bill for innovations, and the absence of a comprehensive plan to fund and take innovative practices to scale.

Additional Recommendations and/or Activities That Need to Continue:

- Develop (with the Monitor and the Department of Justice) an accurate strategy for collecting and reporting community participation data.
- Continue to fund the transformation projects through 2025.
- Provide technical assistance to each/every provider organization and to individuals who self-direct re: how to use the new rate structures to increase person-directed community-based lives.
- Ensure the new rate structures have the flexibility to support the range of activities, goods and services identified by individuals.

(3) Court Ordered Actions – Address 16 Administrative Barriers Identified in July, 2020 Court Order (*Consent Decree, Sections XI, XII, XIV, XV*)

The State has documented the actions that have been taken to address the 16 administrative barriers identified in the July, 2020 Court Order and has provided multiple supporting documents. Although many of the actions described are noteworthy and should increase efficiency, interviews with individuals and families document that the “system” is still overwhelming to many. Complex application procedures and repetitive overlapping applications continue to be an issue for many individuals and families. There is also some concern in the stakeholder community about implementation.

Overall Assessment – Substantial Compliance.

Additional Recommendations and/or Activities That Need to Continue:

- Implement! Implement! Implement!
- Documents like “Your Guide to Individual Budgets” are needed for all major procedures and initiatives.
- Develop a plan (action steps, responsibility, timelines) for developing and simplifying the overlapping application processes.....develop a common data base.
- Too many people have limited lives because they are unaware of the opportunities and resources available. Although challenging, the State must broaden its communication efforts (Court Ordered Actions #9) and use multiple modalities to reach every individual supported by the Division.

(4) Court Ordered Actions – Process for Needs Assessment, Independent Facilitation, Individual Budgets, Measuring Individual Outcomes (*Consent Decree, Sections IV, V, VI, VII, IX, X, XV*)

This section is the crux of all the required actions. How efficiently and accurately needs are assessed, how individual budgets are constructed, how comprehensive those budgets are, how

individuals receive information and develop quality plans, how individual outcomes are assessed and monitored.collectively these components will determine the quality of individual lives, including access to employment and community participation.

Although there is still a significant amount of work to be completed (thus, partial compliance) and the Monitor has additional suggestions and recommendations, **the State should be commended on the effort, the comprehensiveness, and the level of detail in these materials.** Ultimate compliance will rest in the quality and efficiency of implementation.

The State has developed plans for the three components of the assessment process – completion of the SIS-A, supplemental questions to determine additional needs and supports and an individual interview. Criteria for determining how both the SIS supplemental questions and the “Additional Needs and Supports Questionnaire” will increase funding needs to be defined and a script for the individual interview that allows for open-ended discussion about any/all needs the individual may have also needs to be developed. The “Guide to the Assessment Process” is a quality plain language tool.

The process for developing individual budgets is well defined and explained in plain language in “Your Guide to Individual Budgets”. Both the individual budget guide and the draft “Guide to Services” effectively provide guidance for individuals and families.

The Monitor’s greatest area of concern is Independent Facilitation and/or Conflict Free Case Management. In several earlier Monitor Reports the need to provide individuals and families with information that has depth and breadth has been documented. Similarly, a review of plans has documented that many (clearly not all) plans are limited to traditional services and, in some cases, have not changed in years. The Consent Decree section on Outreach (Section X) further emphasizes this effort. Providing information about resources and opportunities and assisting individuals to map their communities and to develop wholistic quality plans that include employment and integrated community activity are two of the most critical functions of an Independent Facilitator or a Conflict Free Case Manager. The material presented by the State outlines a broad approach and options for roll-out and implementation. The Monitor is aware of the State’s efforts to identify a vendor(s)...but that has not yet happened. Simply said, this component of the process needs detail. The Monitor has also been very clear that, given the controversy around CFCM, the details need to be **co-developed with stakeholders** – there is minimal evidence that has occurred.

The State also has a need to finalize plans to monitor life outcomes. The State refers to the monitoring done by the Conflict Free Case Managers and discusses using a sample of the National Core Indicators. Although both have a place, they do not measure individual life outcomes or whether individual lives are improving.

A significant issue is roll-out and implementation. The Monitor recognizes that there are multiple things being implemented at the same time – the new assessment process, individualized budgets with increased flexibility, revised rates and billing procedures, new services, independent facilitation and/or Conflict-Free Case Management and other components. All of these need to be effectively implemented during the next year. Collectively, these

components represent a major culture change and a major shift in how services and supports are provided to individuals. The State needs to be as precise as possible in specifying how all of these components will be integrated in a well-planned and well-implemented roll-out. The Monitor intends to sample individuals who have experienced the process to assess the efficiency and quality of implementation.

Overall Assessment – Partial Compliance

Additional Recommendations and/or Activities That Need to Continue:

- The “Guide to the Assessment Process” should include a timeline for when the approval letter is sent to the participant.
- The “Additional Needs and Support Questionnaire” should include questions about significant life transitions.
- The criteria for increasing funding based on the SIS-A medical/behavioral questions and the “Additional Needs and Supports Questionnaire” need to be more clearly defined.
- The draft script for the Individual Interview needs to be approved by the Monitor and should reflect the Court’s intent that the interview address both a pre-determined set of questions and an open-ended opportunity for individuals and families to describe any perceived need.
- Interviewers also should receive additional training (in addition to the training provided by AAIDD) on (a) how to ask questions to individuals with limited verbal language, (b) how to ask questions to individuals with cognitive disabilities and (c) how to interpret responses.
- Ensure that the rates for plan writing and monthly monitoring to allow for sufficient time to qualitatively complete the tasks.
- Finalize training and implementation details for Conflict Free Case Management **jointly with stakeholders.**
- Training for CFCM personnel should focus more heavily on all aspects of person-centered thinking.
- Develop a procedure or tool for annually assessing life outcomes for every individual.
- The State has developed many high quality, plain language materials for stakeholders. Develop a common site(s) where these materials can be available. Use translation services to make them available in any language needed by the individual. Consider multiple formats and modalities with the intent of reaching all individuals.
- Develop a detailed plan for roll-out and implementation. Disseminate to all stakeholders. During the coming year provide multiple opportunities for stakeholder input and for revision.
- Implement! Implement! Implement!

(5) Court Ordered Actions – Sufficient Funding (*Consent Decree, Section XIV*)

Several sources, Monitor’s reports and budget analyses have documented the underfunding of the Developmental Disabilities System since Project Sustainability in 2011 and the impact of that underfunding on services and supports. The rate review (court-ordered in the October, 2021 Action Plan) was intended to address that underfunding and to lay the foundation for a revised

system of services and supports and for increased employment and community participation, as agreed to in the Consent Decree. The State and its contractor (Health Management Associates) completed the core work of the Study in a timely manner. **The Governor’s budget request and the final budget passed by the legislature resulted in an increase of approximately \$75,000,000** for the DD system. The rate study also resulted in several other positive actions – these are highlighted in the documents filed by the State and summarized in the analysis later in this report. Although there is still work to be completed (revising service definitions, revising the draft billing manual, work connected to the re-normed SIS, others), the **State and all the stakeholders who participated in the process are to be commended** for their efforts and the resulting outcomes,

The materials on braiding and sequencing of funding provides necessary guidance to individuals and providers. It is important to note that ORS funding provides approximately \$16,000 in funding for each individual for employment supports that could lead to a job in an integrated setting. Braiding ORS funds with DLT funding and BHDDH funding – and recognizing the potential impact of employment funding being an “add-on” service, **there should now be no fiscal barriers to increasing employment**. It is important to recognize that the State does not develop jobs – this is the role of providers and individuals who self-direct. The Monitor again stresses the need to provide each/every provider and all individuals who self-direct with information, technical assistance and support that will assist them in translating the increased resources into individualized jobs.

The State also provided guidance on how to access funding for transition-aged students, a list of alternative funding sources and grants and the DLT/Governor’s Workforce Board Community Resource Guide. The materials are useful; however, a plain language guide should be developed to assist individuals to understand and use these resources.

As stated earlier, given the number of new systems components being roll-out at the same time, implementation is a significant issue. The State needs to be as precise as possible in specifying how all of these components will be integrated in a well-planned and well-implemented roll-out. The Monitor intends to sample individuals who have experienced the process to assess the efficiency and quality of implementation.

Overall Assessment – Substantial Compliance

Additional Recommendations and/or Activities that Need to Continue:

- Given that some of the service definitions are being interpreted in diverse ways, continuing to **collaborate jointly with stakeholders** to revise as needed;
- Given that there is also interpretation and confusion about select items in the draft billing manual, continuing to **collaborate jointly with stakeholders** to revise as needed;
- Provide the Court with revised service definitions and billing manual by December 31, 2023.
- The court-ordered October, 2021 Action Plan ordered that the revised rates be “indexed” to prevent the underfunding that occurred after Project Sustainability – the methodology for doing this needs to be made clear.

- Complete the continuing work done with the SIS-A so that any changes can be included in the budget requests and discussions for FY25.
- As the Monitor has noted in several documents, there continues to be confusion and anxiety about the new rate structures. The State needs to provide intensive technical assistance to each/every provider organization and to individuals who self-direct to ensure maximization of employment and community participation.
- The process for access to “goods and services” for agency-supported individuals should be simplified and not be required to go through a fiscal intermediary.
- Although the braiding/sequencing documents provide guidance and clarity, the State should develop a product similar to “Your Guide to Individual Budgets” (cited in the previous section) to assist individuals to maximize use of resources.
- Develop a detailed plan for roll-out and implementation. Disseminate to all stakeholders. During the coming year provide multiple opportunities for stakeholder input and for revision.

(6) Court Ordered Actions – Transition (*Consent Decree, Sections VII, VIII*)

During visits to 40 high schools during the 2021-2022 school, the Monitor noted that transition services (as they were being implemented) were in substantial compliance with the requirements of the Consent Decree. All the students had career-related placements. The ORS Pre-ETS services offered a broad menu of opportunities. The issue, as is also true in the adult service system, is that the focus is on providing placements, rather than on developing sequential plans for moving from discovery to focused work placements to job development to identifying post-school supports that will maintain the job without interruption. Same for community participation. The goal is to refocus transition planning and efforts so that transition youth are employed and have three-four community connections prior to school exit. The other issue that was well documented is the need for families to receive the information and support they need (preferably through family-to-family interactions) to make decisions and to develop plans for a smooth transition to adult services.

The RIDE/ORS/BHDDH transition team has made significant effort to design and implement the new Career Development plan process and to refocus transition activity to increasing the number of youth who are employed and have meaningful community connections prior to school exit. RIDE has provided (and will continue to provide) training and technical assistance re: implementation. BHDDH has provided guidance re: how students can access BHDDH funding while still in school. ORS and BHDDH have made efforts to increase their presence in schools. RIDE has defined strategies for collecting the data necessary to document progress.

There is still work to be done (a) to increase the capacity of schools to effectively implement the new focus, (b) to connect LEAs to ORS vendors, (c) to increase participation in CTE both for discovery and exploration and for career development and (d) to fully implement the family support initiatives.

Overall Assessment – Substantial Compliance...however, the refocused career development plans, the targets of increasing employment and community connections prior to school exit, the

increased outreach to families and the access to CTE programs are new initiatives that, although anticipated to produce positive outcomes, will begin to be implanted during the 2023-2024 school years. Thus, these new initiatives will take time to reach substantial compliance.

Additional Recommendations and/or Activities That Need to Continue:

- LEAs need to understand which ORS vendors can provide job development and placement for transition-aged youth in their district. The goal should be that the majority of IDD youth are connected to an IRS vendor for job development and job placement by age 20.
- Aggressively outreach to each/every student to facilitate DD application and eligibility and access to funding. The goal should be that the majority of IDD youth are found eligible and participating in DD services by age 19.
- Provide professional development for CTE instructors re: discovery and exploration (which can be done without violating industry standards) and accommodations aligned with industry standards for youth participating in CTE programs.
- Increase efforts to incentivize adult providers to become involved with transition youth – preferably by age 19.
- Fully implement the family support strategies and promote family mentors.
- Although several plain language materials have been developed, a similar product does not exist for transition. Develop a plain language, comprehensive step-by-step transition guide.

(7) Court Ordered Actions – Capacity and Workforce (*Consent Decree, Section XI*)

Several Monitor’s Report and other sources have documented workforce capacity as one of the primary barriers to increased employment and community participation. Providers have reported that the wage increases and the transformation grants have had positive impact. Although workforce numbers appear to be trending in a positive direction, there are still a large number of vacancies and recruitment efforts tend to be narrowly focused.

The overriding failure has been the length of time that it has taken to get to a comprehensive plan for developing a workforce infrastructure and the limited impact of the vendor. At least partially because of those issues, the benchmarks of the May, 2021 court order (restated in the December 6, 2022 court order) have not been met.

Overall Assessment – Insufficient Compliance

Additional Recommendations and/or Activities That Need to Continue:

- Continue to fund the transformation projects through 2025.
- Fully implement the scope of work in the University of Minnesota contract. Incentivize EVERY provider to participate.

(8) Court Ordered Actions –Communication and Support (Consent Decree, Sections IX, X)

Communication between the State and stakeholders has been identified as limited and challenging. **The State has made significant positive improvements in the past year.** The State’s Communication Plan is an impressive document – if fully implemented, this plan should address many of the historical communication issues. The State has recently increased its communication capacity with additional staff – this should help.

The State has developed several plain language tools – Guide to the Assessment Process, Guide to Individual Budgets, Guide to Services. If used effectively, those tools can be used to answer many questions and provide understandable guidance and information to individuals and families.

An ongoing issue raised by individuals and families is the lack of a consistent contact person. This is typically the role of the Social Caseworker. However, caseloads have increased and made that a challenge. Families also report receiving inconsistent information from different BHDDH staff – thus, the required action to provide professional development re: the new refocused services to all caseworkers and any BHDDH staff who have contact with individuals and families.

Overall Assessment - Partial Compliance

Additional Recommendations and/or Activities That Need to Continue:

- Implement the Communication Plan – this is one of the keys to ultimate compliance.
- Develop a strategy for assigning a consistent caseworker to each individual – beginning during transition and continuing through adult life. Mandate a schedule for caseworker contact with individuals. Ensure that every caseworker participates in the professional development referenced above.
- The State has developed several quality products and guides. Develop a strategy for “storing” these products in a consistent, easily accessible place(s) – the BHDDH website, every stakeholder website, etc.
- As the communication plan is implemented, attempt to identify “who is not being reached”. Develop a strategy for outreach to those individuals.

(9) Court Ordered Actions – Outreach and Education (Consent Decree, Sections IX, X)

As indicated above, there is a need for consistent information and message from all BHDDH staff. The State has described topics, but minimal detail. This needs more focus.

The State referenced several trainings that already exist and are provided through stakeholder partners. Given the intense focus that is anticipated, the State needs to ensure that all employment personnel receive training re: strategies (e.g., customized employment) that have proven to be effective.

Outreach and engagement with all individuals and families should increase, especially with individuals who self-direct.

Although there are existing activities in each of these areas, there needs to be comprehensive plan.

Overall Assessment - Partial Compliance

Additional Recommendations and/or Activities That Need to Continue:

- Develop and implement a detailed professional development curriculum for caseworkers and BHDDH staff.
- Provide targeted training to all employment personnel.
- Aggressively use strategies identified throughout the State's documentation to engage ALL who self-direct and anyone in a segregated facility:
 - (a) The "charlas" targeted for families of transition youth,
 - (b) The peer mentors, also referenced for families of transition youth can be effectively used with those who self-direct;
 - (c) The new peer support service;
 - (d) The new family-to-family training service;
 - (e) The Conflict Free Case Managers.
 - (f) The strategies referenced in the Communication Plan;
 - (g) Aggressive Outreach by Caseworkers assigned to these individuals.

General Recommendations Re: Implementation Applicable to All Components

- (1) Nine years into the Consent Decree, the three target populations have changed due to many factors. It is important (a) **to determine the members of each target population**; (b) to **specify employment outcomes** (as currently defined in Section IV of the Consent Decree); (c) to **specify the community participation outcomes** (as currently defined in Section VI); and (d) to **specify outcomes for “retirement-aged adults”** (as currently defined in Section VI, 7).
- (2) Similarly, section XVI defines the **data** by which compliance with Consent Decree benchmarks will be assessed. Some of these data are no longer meaningful. For other significant benchmarks (e.g., employment, community participation, workforce) the current data sources may not be sufficient to accurately assess compliance. Therefore, the parties need to reach consensus on which data will be used and how it will be collected.
- (3) As stated many times in this narrative, there is a **continuing need for training and technical assistance** to assist individuals, families, LEAs, providers, individuals who self-direct to maximize their use of the resources and opportunities extant in the new and revised system.

The efforts of the State, stakeholders and partners during the last several years have identified impactful practices. **Training** should be targeted to these practices:

- For stakeholders who support employment – (a) effective employer outreach strategies; (b) developing career development plans that are actual plans with action steps; (c) recognizing that many of the individuals not working have more significant support needs, expertise in customized employment is very important; (d) effective use of braided/sequenced funding, (e) using technology as an employment support;
- For stakeholders who support community participation – (a) all aspects of person-centered thinking, (b) community and relationship mapping, (c) using natural supports, (d) using technology as a support, (e) person-driven plans;
- For stakeholders who support “retirement-aged adults” – (a) providing community experiences and stimulation that maintains health and well-being;
- For individuals and families who self-direct – (a) the positive impact of employment and community participation, (b) how to use individual budgets to support employment and community participation, (c) how to access needed services and supports.

Technical Assistance should be targeted to assisting each/every provider organization (a) to understand the opportunities in the new rate structure, (b) to use the new rate structure to increase employment and community participation, (c) to use the new rate structures to take the effective practices (piloted in the Transformation Projects) to scale, (d) to bill in a way that ensures stable income, and (e) to develop and/or business models to efficiently promote employment and community participation.

The State should identify for the Court specifically how the training and technical assistance referenced above will be provided by September 15, 2023.

- (4) The Monitor has documented the need for “**organizational development**”. This includes funding for **the training and technical assistance cited above and continued funding for the transformation projects through June, 2025**. A collaborative team model should be supported using knowledgeable state personnel, stakeholders with expertise in implementing effective practices, and other experts as needed. A structure (and possibly an organization) needs to be developed to coordinate these efforts. **Funding to support these organizational development efforts should be separate from individual budget** allocations. Said funding should be identified for the Court by August 15, 2023.
- (5) As stated several times in this narrative, given the number of systemic changes and initiatives being implemented simultaneously, the State needs to develop a **comprehensive plan for roll-out and implementation**. Said plan should be presented to the Court by August 15, 2023 and should include a week-by-week schedule that specifies who will experience what actions.
- (6) Again, recognizing the newness of these initiatives, the State should provide multiple opportunities and modalities to **engage every stakeholder group re: the efficacy of each component and re: any revisions needed** to increase overall effectiveness and impact. Revisions should be approved by the Court before the Governor’s budget request in January, 2024.
- (7) Given the importance of quality implementation of all the described systemic components, **the Monitor intends to “monitor” every aspect of implementation** – e.g., (a) interview a sample of individuals who have experienced the new assessment system; (b) interview a sample of transition youth (aged 19+) re: the process for applying for DD eligibility, their access to BHDDH funding, their involvement with ORS vendors, community connections, job development; (c) interview a sample of individuals who have experienced independent facilitation and/or conflict-free case management re: the information about resources and opportunities they have received, their involvement in developing their plan, the quality of that plan, the knowledge and responsiveness of their case manager. The Monitor will also monitor the implementation of the Communication Plan. The Monitor will provide the State with his protocol for monitoring implementation.

**Specific Assessment of State's Response
To Actions Required in the December 6, 2022 Court Order**

(1) Court Ordered Actions – Employment (Consent Decree, Sections IV, V, VI, VII)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Substantially meet the Consent Decree benchmarks for Supported Employment placements and individuals currently employed.</p>	<p>Benchmark employment data is subject to interpretation. The original target populations have decreased in number primarily due to deaths and individuals who have left service voluntarily. The total of the adult populations has decreased from 3,327 to 2,269.</p> <p>As noted earlier, there needs to be a discussion and agreement on who is the “target population for work”. For this discussion, we’ll focus on the State’s numbers. State data further reduced the above number through variances, senior individuals who reportedly want to retire, individuals who reportedly refuse to work and individuals who were employed prior to 2013. After these reductions, State data projects 1554 individuals as the target for employment. The State further reduced the target number by excluding those employed in “non-competitive” jobs</p> <p>Interpretation of consent decree benchmarks follows two distinct paths – (a) a cumulative number of any/all consent decree members who have been employed for even a short time; and (b) the number currently employed. The Monitor considers the number currently employed to be the more significant metric.</p> <p>In the July 1, 2023 report, the State has drawn employment numbers from a broader set of sources, most notably DLT State Wage Information Collection.</p> <p>Re: the cumulative number of employment placements; the State reports</p> <ul style="list-style-type: none"> • 346 of 391 Youth Exit members (88%) have had an employment placement – an increase of 57 from the 289 reported last quarter. • 290 of 310 of Sheltered Workshop members (94%) have had an employment placement – an increase of 27 from the 263 reported last quarter. • 462 of 672 Day Activities population (69%) have had an employment placement – an

	<p>increase of 30 from the 432 reported last quarter.</p> <p>The State reports on the number currently employed:</p> <ul style="list-style-type: none">• 89 members of the Youth Exit population – 21.8% of the State’s targeted number.• 103 members of the Sheltered Workshop population – 27.1% of the State’s targeted number.• 193 members of the Day Activity population – 25.2% of the State’s targeted number. <p>The most recent Sherlock Survey (data collected in April, 2023) reports 272 individuals in individual employment or self-employment. Using the same methodology as the State does for reducing the target population for employment, the number currently employed:</p> <ul style="list-style-type: none">• 73 of the Youth Exit population – 32% of 228 respondents available for service (an additional 7 have provider paid employment);• 65 of the Sheltered Workshop population – 16% of the 415 respondents available for service (an additional 35 have provider paid individual or group employment);• 134 of the Day Activity population – 14% of the 950 respondents available for service (an additional 46 have provider paid individual or group employment). <p>For comparison, the Sherlock Survey reports 496 individuals across the whole DD system currently have individual employment – 21% of the 2399 available for service (123 have provider paid employment).</p> <p>The Consent Decree (Section IV) benchmarks are:</p> <ul style="list-style-type: none">• 100% of the Youth Exit Population;• 600 members of the Sheltered Workshop population by January 1, 2023 (700 by January 1, 2024);• 725 of the Day Activity population by January 1, 2023 (950 by January 1, 2024). <p>Monitor’s Assessment – The Monitor places most value on the number currently employed and believes that interpretation of “supported employment placement” more closely aligns with the intent of the Consent Decree.. The placement numbers document positive effort; however, the</p>
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	<p>number currently employed remains well below the stated Consent Decree benchmark.</p> <p>Insufficient Compliance</p>
<p>Substantially meet the Consent Decree benchmarks for hourly wage and hours worked.</p>	<p>The Consent Decree benchmark for average hours worked is 20 hours per week (Section V; J,K). The State reports an average of 6 hours for the Youth Exit population; 7 hours for the Sheltered Workshop population; and 8 hours for the Day Activity population.</p> <p>The Sherlock Survey reports an average of 11.3 hours for the Youth Exit population, 13.6 hours for the Sheltered Workshop population, and 9.4 hours for the day activity population. <i>(Note – the State and the Sherlock Survey use a different base to compute weekly hours. The Sherlock Survey computes the average using only individuals employed).</i></p> <p>As of January 1, 2022 in RI is \$12.25 (increased to \$13 on January 1, 2023). The State reports average hourly wage (data collected in late 2022) of \$12.53 for the Youth Exit population, \$12.58 for the Sheltered Workshop population and \$12.53 for the Day Activity population.</p> <p>The Sherlock Survey reports an average hourly wage of \$14.02 for the Youth Exit population, \$14.04 for the Sheltered Workshop population and \$13.64 for the Day Activity population.</p> <p>Monitor’s Assessment – Weekly hours continue to be below the Consent Decree benchmark</p> <p>Hours – Insufficient Compliance Wages – Substantial Compliance.</p>
<p>Significantly increase outreach to employers and number of employers with employees from the Consent Decree population.</p> <p>Facilitate implementation of practices described in State 10/31/2022 Report in every provider organization.</p>	<p>In addition to the DLT activities referenced below, BHDDH provided employer outreach and marketing materials.</p> <p>The State hosted an employer forum on June 19, 2023 to which IDD providers invited employer contacts.</p> <p>Also provided was an employer outreach tracker that documented outreach and contact to 24 potential employers.</p>

	<p>DDD has recently hired additional staff who are functionally targeted to employer outreach. Thus, the capacity for employer outreach has increased.</p> <p>Partial Compliance</p>
<p>Expand Workforce Accessibility Grants and Real Jobs RI partnerships.</p>	<p>To date DLT and the Governor’s Workforce Board have issued \$2,061,411 in contracts to IDD organizations for a variety of projects. 522 individuals with IDD have participated in those projects. 191 have been placed in jobs – these individuals work an average of 20 hours per week and earn an average hourly wage of \$13.30.</p> <p>\$100,000 has been appropriated for Workforce Accessibility Grants. To date, six employers have received these grants.</p> <p>Substantial Compliance</p>
<p>Provide targeted employment funding (identified in the FY23 budget) to facilitate employment efforts.</p>	<p>The State provided a timeline for implementing the Targeted Employment Fund and the application format. To date the State has only received two applications for these funds. This suggests to increase dissemination re: the purpose of these funds.</p> <p>Partial Compliance</p>
<p>Expand and Fund Innovative Practices Round 2 Transformation Projects have been a stimulus for innovative service delivery and job development models. Facilitate these projects going to scale wither through new rate structure or through continuation funding.</p>	<p>The State provided \$5,748,648 in court-ordered transformation funds to 31 organizations, including 5 new provider organizations. The documentation lists the activities and practices specified in these transformation projects. An “Innovative Practices” survey administered by ORS highlighted a limited number of innovative practices – most of which were transformation fund practices. The BHDDH narrative referenced the targeted employment funds (see above) as a strategy for funding continued effort.</p> <p>Monitor’s Assessment – At the time of this report the Monitor has visited all but four of the provider organizations and reviewed the implementation and impact of transformation projects. Virtually all of the projects developed innovative practices that increased employment and community participation of the individuals supported by those projects. The Targeted Employment Fund, in itself, is insufficient to take these projects to scale.</p>

	<p>The transformation projects need to receive continued funding (above the amounts in individual budgets) for two additional years. Additionally, each and every provider organization should receive individualized technical assistance re: how to use the new rate structure to expand their innovative projects.</p> <p>Partial Compliance</p>
<p>Distribute technology funds efficiently.</p>	<p>To date, there have been five rounds of technology requests – in compliance with the court-ordered Action Plan (October, 2021).</p> <ul style="list-style-type: none"> • 1093 applications through five rounds • 722 approvals through four rounds (86%) – additional approvals for rounds four and five are in process; • \$318,404 expended through three rounds – amounts for rounds 4 and 5 are in process. <p>Also provided was a Technology FAQ which outlines dates for additional rounds.</p> <p>Monitor’s Assessment - After some initial delays, the State has become more efficient in responding and approving technology requests and has committed to continue the distribution of technology funds through additional rounds.</p> <p>Substantial compliance.</p>
<p>Increase the variety of transportation options and the number of allocated trips,</p>	<p>The State includes a description of transportation options in the BHDDH narrative and in a Technical Bulletin.</p> <p>The Court requires the State to develop a “plain language” version of any technical bulletin to be used in communication with individuals, families and other stakeholders. A “transportation Graphic” was included as the “plan language” version of the technical bulletin.</p> <p>Monitor’s assessment – The materials presented by the State describe the transportation options and methodology for obtaining transportation services. The Transportation Graphic needs to be widely disseminated to more clearly explain both the options and the flexibility in individual budgets re: transportation.</p>

	Materials – Substantial Compliance A dissemination plan for getting materials to all stakeholders needs to be developed.
Provide information re: employment and integrated community activity to individuals who self-direct through implementation of the Self-Direct RFP grantees.	Addressed in the Outreach Section

(2) Court Ordered Actions – – Integrated Day (i.e. Community) Supports will be provided for the time in a 40 hour week not spent in work. (Consent Decree, Section VI)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Increased access to integrated community activities to align with intent of Consent Decree benchmarks.</p>	<p>The Sherlock Survey is the primary source for data on community participation. The most recent survey (data collected in April, 2023) reports:</p> <ul style="list-style-type: none"> • 1464 participate in community activity – 82% of the 1780 respondents available for service; • The average number of weekly hours is 14.46 – an increase from the 73% that participated in community activity in 2018 – an increase from the 12.48 average weekly hours reported in 2018;; • 84% of community activities occur in public venues or businesses, 13% occur in member organizations, 3% occur in senior centers; • 35% of community activities occur with the individual on their own, 49% are with one or two other people. 14% are in groups of three or more. <p>Monitor’s Assessment – Although there continues to be a gradual increase in the percent of individuals participating in community activities and the average weekly hours, the metrics are still below the benchmarks stated in the Consent Decree.</p> <p>Partial Compliance</p>
<p>Implementation of independent facilitation and/or conflict-free case management, individualized budget allocations and comprehensive person-centered planning.</p>	<p>Addressed in the Process Section</p>
<p>Expand and Fund Innovative Practices Round 2 Transformation Projects (<i>Action Plan; 10/2021</i>) have been the stimulus for innovative service delivery models for both employment and integrated community activities. Facilitate these projects going to scale wither through new rate structure or through continuation funding.</p>	<p>The State’s documentation references three services – (1) Enhanced SLA, (2) Remote Support and (3) Targeted Employment Funds. These are commendable services.</p> <p>Monitor’s Assessment - As discussed in the employment section, the Monitor has visited most of the Transformation Projects and found that they</p>

	<p>are having impact both on employment and community participation. The transformation projects need to receive continued funding (above the amounts allocated in individual budgets) for two additional years. Additionally, each and every provider organization should receive individualized technical assistance re: how to use the new rate structure to expand their innovative projects.</p> <p>Partial Compliance</p>
<p>Distribute technology funds efficiently.</p>	<p>As discussed in the employment section, the State has become more efficient in responding and approving technology requests and has committed to continue the distribution of technology funds through additional rounds.</p> <p>Substantial Compliance</p>
<p>Increase the variety of transportation options and the number of allocated trips,</p>	<p>As discussed in the employment section, the materials presented by the State describe the transportation options and methodology for obtaining transportation services. The Transportation Graphic needs to be widely disseminated to more clearly explain both the options and the flexibility in individual budgets re: transportation.</p> <p>Materials – Substantial Compliance A dissemination plan for getting materials to all stakeholders needs to be developed.</p>

(3) Court Ordered Actions – Address 16 Administrative Barriers Identified in July, 2020 Court Order (Consent Decree, Sections XI, XII, XIV, XV)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Alternatives to the 16 issues listed in the July, 2020 court order will be fully implemented and funded.</p>	<p>The State’s documentation describes the strategies developed to address each of the 16 identified administrative barriers. Most noteworthy are:</p> <ul style="list-style-type: none"> • Expanding the process for determining individual support to include three components – (a) the SIS-A, (b) supplemental questions, (c) individual interview; • The process for developing individual budgets; • Annual (rather than quarterly) authorizations; • Eliminating ratios; • Streamlining appeals process through administrative review. <p>Monitor’s Assessment - The State’s documentation includes policy statements, technical bulletins, the billing manual, others. The document “Your Guide to Individual Budgets” is a quality example of a plain language document that explains the assessment and budget process. The focus now needs to be on dissemination and explanation of all materials and procedures to all stakeholders.....and implementation.</p> <p>Materials – Substantial Compliance</p> <p>Dissemination and Implementation – Partial Compliance</p>
<p>Simplify the application process. Develop a common application and data set by March 31, 2023 and fully implement the revised application process by July 1, 2023.</p>	<p>The State’s documentation discusses the need for long term collaboration among several state agencies and the need to develop a “combined data base”.</p> <p>The eligibility application has been updates and will be sent to stakeholders for review in August. Other forms have been simplified.</p> <p>Monitor’s Assessment – Monitor appreciates the enormity of this task; however, individuals continue to report to the Monitor that they are overwhelmed by the overlapping processes. Thus,</p>

	<p>the State needs to develop a plan (action steps, responsibility, timelines) for completing this task.</p> <p>Partial Compliance</p>
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(4) Court Ordered Actions – Process for Needs Assessment, Independent Facilitation, Individual Budgets, Measuring Individual Outcomes (Consent Decree, Sections IV, V, VI, VII, IX, X, XV)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Develop and implement the revised process for assessing individual needs, developing individualized budget allocations, independent facilitation of person-centered plans.</p>	<p>The State’s documentation includes a “Guide to the Assessment Process”, “Your Guide to Independent Budgets” and other documents.</p> <p>Monitor’s Assessment – The collective materials explain the new process.</p> <p>The components of this process as included meet substantial compliance for this required action; however, they have not yet been implemented. Full compliance will be based on the quality and efficiency of implementation.</p>
<p>Revise the SIS Algorithm.</p>	<p>The State’s documentation discusses the algorithm, but the preliminary work has not yet been completed.</p> <p>Monitor’s Assessment – Both HMA and the State have verbally indicated that they agree with the Monitor’s recommendation.</p> <p>In process</p>
<p>The Assessment process (i.e., the mechanics of determining need levels and budgets) should consist of three components:</p> <ul style="list-style-type: none"> • If the SIS-A continues to be the base, the re-norming of the SIS provides an opportunity to change the algorithm. The Court has also directed that the State explore alternatives to using the SIS as the base before the end of the Consent Decree – now might be the time. • The supplemental questions should provide the basis for additional funding above the SIS base. These need to be validated and attached to funding levels. • There needs to be a third component that allows individuals to identify unique needs they may have. I recommend that there should be an open-ended opportunity for 	<p>The State’s documentation includes a discussion of the SIS-A process, process and guidance for the “Additional Needs and Support Questionnaire” as well as the questionnaire itself, the “Guide to Individual budgets” and the Individual Meeting Process....and several supporting materials. The “Guide to Services” is a well-presented tool.</p> <p>Monitor’s Assessment – The materials presented are comprehensive and detailed....and sufficiently address the intent of the Court.</p> <p>Process and Materials – Substantial Compliance Process has not yet been implemented – full compliance will be based on the efficiency and quality of implementation.</p>

<p>individuals/families to identify needs and costs above and beyond the SIS base and the supplemental questions.</p>	
<p>Develop specific strategies and funding amounts to provide additional funding to address medical and behavioral needs.</p>	<p>State’s documentation addresses these needs both through the SIS-A medical/behavioral questions and the “Additional Needs and Supports Questionnaire”.</p> <p>Monitor’s Assessment – The criteria for allocating additional funding needs to be more clearly defined.</p> <p>Partial Compliance</p>
<p>Documentation of a system for conducting individual and/or family interviews must include:</p> <ul style="list-style-type: none"> • Interview script – assumption that most of the interview will be open-ended • Description of who will do the interviews • Training (topics, materials) and guidance for interviewers to ensure accurate interpretation <p>Guidance (technical and plain language versions) to individuals, families, others explaining how interview requests will result in additional funds</p>	<p>The State’s documentation includes an Individual Meeting Process that addresses some of the issues raised by the Monitor.</p> <p>Monitor’s Assessment – The State recognizes the intent of the interview. A script needs to be approved by the Monitor. The script needs to allow both for the pre-determined process described in the State’s Individual Meeting Process. Interviewers also should receive additional training on (a) how to ask questions to individuals with limited verbal language, (b) how to ask questions to individuals with cognitive disabilities and (c) how to interpret responses.</p> <p>Partial Compliance</p>
<p>Individual budgets should have at least two components:</p> <ul style="list-style-type: none"> • The core budget package – i.e., those supports/amounts that are established through SIS/supplemental questions (residential, community activity – staffing costs, administration)...and.... • Those supports/amounts that are supplemental and/or unique to individuals – employment supports, transportation (e.g., number of anticipated trips per week), professional services Supports facilitation should also be supplemental to the core budget package and in every package. <p>Documentation for a system of individual budgets must include:</p>	<p>The State’s documentation includes “Your Guide to Individual Budgets” and a presentation of tier packages and a comparison of FY24 tier packages with prior year tier packages.....and other supplemental materials.</p> <p>Monitor’s Assessment – The materials explaining and supporting individual budgets use plain language and provide guidance to individual families. There are many opportunities and resources in the new model and the new tier packages that did not previously exist. The Monitor is concerned about individuals and families missing opportunities because they do not understand the process. Every caseworker and every/any BHDDH staff person should be trained to simply and clearly explain how to use the process and funds for maximum impact. This</p>

<ul style="list-style-type: none"> • List of what will be included in the core budget – service descriptions, amounts • List of additional services (e.g., employment, peer-to-peer training) that can/will be in second portion of budget – service descriptions, amounts • Written explanation (technical and plain language versions) re: how to access the services in second portion of budget • Written policy explain flexibility within the budget • Plain language explanation for individuals/families of how this process increases their control of their own budget and services • Plain language explanation for individuals and families of how to access and use services to increase employment and community participation. 	<p>is also relevant to Independent Facilitators and/or Conflict Free Case Managers.</p> <p>There should be significant engagement with all stakeholders to provide opportunities for input and necessary revisions to all new components.</p> <p>Process and Materials – Substantial Compliance Process has not yet been implemented – full compliance will be based on the efficiency and quality of implementation.</p>
<p>For many individuals and families the crux of person-centeredness is a process for independent facilitation (or conflict-free case management) and supports facilitation. The components to this process (in sequence) are:</p> <ul style="list-style-type: none"> • Complete first two steps of assessment process – re-normed SIS and supplemental questions • Selection of supports facilitator/broker – there should be a separate budget code for this that adequately compensates for initial assessments, plan development, final stages of budget development, quarterly review/monitoring, administrative tasks (data, report writing, et al) • Plan Development with supports facilitation • Third component of assessment process • Finalized individual budget • Allocation and implementation • Quarterly or semi-annual review of outcomes. <p>Documentation of a system of independent facilitation must include:</p> <ul style="list-style-type: none"> • Written description of the model for providing independent facilitation to ALL individuals with IDD – technical version, plain language version; • MOUs (or contracts) with one or two vendors: 	<p>The State’s documentation includes a draft CFCM training curriculum and both a BHDDH narrative for the entire process section and an “Independent Facilitator” narrative. The narratives describe the implementation timeline both for roll-out of the whole process and roll-out of independent facilitation (aka, Conflict Free Case Management):</p> <ul style="list-style-type: none"> • Supplemental Questions are in use now; • July – SIS-A roll-out begins; • July – outreach and preparation for individuals who will begin with CFCM in September; • August – Individual Interviews begin; • September – CFCM begins; • January – CFCM for all individuals on a rolling basis. <p>Two roll-out plans are being considered – by ISP dates or by agencies. The narratives also describe the search for a CFCM vendor.</p> <p>Monitor’s Assessment – The Monitor continues to be concerned about roll-out of not only CFCM, but the entire process. The State’s materials present a plan, but not all the details have been finalized. The Monitor is aware of the intense efforts that have gone into the vendor search, but as of July 15 there is no vendor. Based on</p>

<ul style="list-style-type: none"> • Documentation of vendor experience with individuals with IDD; • Registry of facilitators for each vendor; • Curriculum – topics and materials, list of possible trainers; • Alternate training materials; • List of strategies (or materials) for annual assessment of life domains; • Schedule for roll-out to ensure that all individuals are referred to a facilitator before their next ISP date; • Strategies for referring/connecting individuals with facilitators; • Communication to individuals/families explaining the model for needs assessment, facilitation, person-centered plans (including employment and community participation), individual budgets, flexible use of budgets, assessment of life changes and outcomes. <p>The Court assumes there will be technical materials and plain language materials.</p>	<p>experience, the proposed rates for plan development and monitoring are insufficient.</p> <p>The training modules outlined for CFCM personnel focus on process, not person-centered thinking.</p> <p>Most notably, given the controversy about CFCM, the Monitor insisted that all aspects of CFCM be co-developed with stakeholders. There is no evidence either in the State’s documentation or in the Monitor’s Communication with stakeholders that has occurred.</p> <p>Insufficient Compliance</p>
<p>Methodology for measuring individual outcomes will be developed and implemented as a component of the annual review.</p> <p>Documentation must include:</p> <ul style="list-style-type: none"> • The tool or strategy to be used to measure life outcomes • Who will do it – training and guidance • Written explanation of how data will be used – (a) to influence state policy and (b) to target individual plans. 	<p>The State’s materials discuss monitoring in two ways – monthly check-ins and six month reviews by the CFCM and possible use of the National Core Indicators.</p> <p>Monitor’s Assessment – The Monitor is aware of the limited stimulation and limited outcomes in many individual lives. Assessing whether each and every individual’s life improves across a core set of life domains is essential to a quality system. Assessing outcomes for every individual provides the basis for intervention when needed. It also is a strategy for identifying misuse of resources. The problem with the NCI, at least in current usage, is that it is a sample. Using the NCI (or subsets of the NCI) on all individuals would be a time-consuming, but acceptable procedure. The State needs to develop a tool for assessing individual outcomes for every person.</p> <p>Insufficient Compliance</p>
<p>Provide information to all service recipients re: implementation of annual budget allocations.</p>	<p>The State’s Communication Plan clearly presents a variety of communication strategies and identifies audience, formats, objectives, content, schedule and persons responsible for each.</p>

	<p>Monitor’s Assessment – The plan is comprehensive and detailed. The key is in implementation.</p> <p>Process and Materials – Substantial Compliance Process has not yet been implemented – full compliance will be based on the efficiency and quality of implementation.</p>
<p>Implement the process for distributing quarterly statements.</p> <p>Documentation should include:</p> <ul style="list-style-type: none"> • Template for quarterly reports and two examples • Specific strategy for how these will be distribute 	<p>Addressed in the Administrative barriers section.</p>
<p>Specifically identify and differentiate funding source for independent facilitation, support brokerage and the logistics components of ISP implementation done by service providers. Written clarification (technical and plain language versions) clarifying each of these components. The expectation of the Court is that provider agencies will continue to receive funding for the logistics of plan implementation (e.g., case management).</p>	<p>Addressed in the Funding Section</p>

(5) Court Ordered Actions – Sufficient Funding (Consent Decree, Section XIV)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Full implementation and funding of Rate Review recommendations. FY2024 budget request should include adequate funding for rate review recommendations and all other administrative and programmatic initiatives.</p> <p>Documentation must include:</p> <ul style="list-style-type: none"> • Materials that specifically explains what will change (process and funding amounts) on July 1, 2023 • Step-by-step explanation of the work done be completed with the new SIS-A – specific timeline for completion • Materials (preferably in grid form) that explains what will change (process and funding amounts) when SIS work is completed • Service Definitions • Billing Manual – billing codes – rate amounts • Technical guidance for providers • Plain language guidance for individuals and families • Detailed schedule of roll-out – when each individual will experience the revised process (preferably aligned with ISP dates) <p>Materials documenting how rates will be updated annually</p>	<p>The rate review materials have been widely disseminated and discussed and are included in the documentation filed by the State. That documentation includes:</p> <ul style="list-style-type: none"> • Rate Comparison Summary • Final Report of the Rate and Payment Study and multiple supporting documents and appendices • Service Definitions • Draft Billing Manual • Guide to Services – for individuals and families (plain language version). <p>Overall the proposed rates project an increase of about 22% in funding for the Developmental Disabilities system. The budget request submitted by the Governor and the final budget passed by the Legislature resulted in an increase of approximately \$75,000,000.</p> <p>In addition to rate increases, there were several other outcomes from the new structure. To highlight just a few:</p> <ul style="list-style-type: none"> • Expanded residential options to include (a) supportive living and (b) companion room and board; • Remote supports; • Day supports being funding at the community rate; • Elimination of ratios – billing by tiers; • Separating the budget in two portions – a core tier package and “add-on” services; • Employment supports are one of the add-on services – this eliminates the need for individuals to choose between community activity and employment which should both increase individual budgets and employment rates; • Additional add-on services including peer supports and family-to-family training; • Allowing for increased individual choice and flexibility within the non-residential portion of the tier package;

	<ul style="list-style-type: none"> • Increased transportation rate and flexibility to use the flexible core funding for transportation. <p>Monitor’s Assessment – The timeline for completing the rate review in order for new rates and services to be included in the FY24 budget was tight. The State met those timelines. The increase in funding is laudable. The State is working with providers to revise service definitions and the billing manual – the Monitor recommends an opportunity to revise both before the next budget cycle. The Monitor also recognizes the work that is continuing due to AAIDD’s re-norming of the SIS and recommends that be completed as expeditiously as possible.</p> <p>Substantial Compliance</p>
<p>Develop a guide that provide guidance re: braiding and blending of funding from ORS, BHDDH, DLT and any other source to increase employment and community outcomes.</p>	<p>The State provided a braiding/sequencing graphic, a braiding/sequencing powerpoint, the ORS Supported Employment packet and other supporting materials.</p> <p>Monitor’s Assessment – The materials effectively clarify and provide guidance re: braiding/sequencing ORS, DLT and BHDDH funding. These materials may be overwhelming for individuals and families. Thus, a step-by-step plain language guide should be developed and disseminated.</p> <p>Substantial Compliance</p>
<p>Identify every possible source of state of public and private funding that could support the goals of the Consent Decree. The State will develop a document that describes how these funding sources can be braided to support the various functions of the Consent Decree. The State should develop a guide for members of the Consent Decree population that describes these additional sources of funding, their purposes, how they can be accessed and used to support the goals of individual person-centered plans.</p>	<p>The State provided BHDDH guidance for accessing funding for students, a list of grant and other alternative funding sources and the DLT Community Resources Guide.</p> <p>Monitor’s Assessment – These materials are broad. Many individuals will have difficulty in understanding how to use them. Thus, the State needs to include step-by-step plain language guidance (highlighting one source a month or some similar strategy) as part of the communication plan.</p> <p>Partial Compliance.</p>

(6) Court Ordered Actions – Transition (Consent Decree, Sections VII, VIII)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Revise Career Development Plan to guide individuals from discovery to targeted work trials to job search and job development.</p>	<p>The State provided three Career Development Plans (14-17, 17-19, 20+). The three plans reflected a progression from discovery to focused community work experiences to actual job development.</p> <p>Monitor’s assessment – The three CDP forms more accurately reflect the intent of the Consent Decree to actually move transition youth along a systematic path to employment. The plans also include a section on participation in Career and Technical Education.</p> <p>Substantial Compliance</p>
<p>Refocus career planning and placements to developing paid employment while still in school with the goal of each student having a paid job before exiting school.</p>	<p>Documentation includes detailed plans for technical assistance and roll-out. The “Strategies” section includes detailed plans for professional development for LEAs using a variety of local and national experts. It also specifies how data will be gathered on youth employed before school exit and participation in CTE.</p> <p>Monitor’s Assessment – Plans as presented have sufficient detail and should positively impact practice.</p> <p>Substantial Compliance</p>
<p>Include community activity in transition planning with the goal of each student having three or four active community connections before exiting school.</p>	<p>In addition to the professional development, guidance and technical assistance referenced above; there are plans for professional development re: person-centered thinking and community mapping – two strategies closely linked to developing community connections.</p> <p>Substantial Compliance</p>
<p>Develop strategies that will increase the capacity of schools to develop employment and community connections. Increase the presence of DDD, ORS and other transition-related agencies in secondary schools.</p>	<p>Documentation included a list of ORS Counselors assigned to every LEA and each of the regional transition centers. BHDDH’s presence is still limited to the two staff assigned to transition. BHDDH Caseworkers should be more active in each/every student’s life.</p>

	<p>Monitor’s Assessment – The Monitor understands the caseload issues; however, connecting effectively with youth should be a priority.</p> <p>Partial Compliance</p>
<p>Increase the number of ORS vendors linked directly to schools to increase the number of youth who are employed prior to school exit.</p>	<p>Documentation included both a list of ORS Counselors assigned to schools and a list of ORS vendors. LEAs need to understand which ORS vendors can provide job development and placement for transition-aged youth in their district. The goal should be that the majority of IDD youth are connected to an ORS vendor for job development and job placement by age 20.</p> <p>Monitor’s Assessment – Monitor had been informed that ORS funds could not go directly to LEAs. ORS funds needed to be student-specific with specific employment services/supports being accessed through an ORS vendor. Thus, the requirement to develop sufficient vendors so that one or more vendors are active in each/every LEA. The Monitor is aware that ORS is seeking to increase vendors – this needs to be a priority.</p> <p>Partial Compliance</p>
<p>For students found eligible for DD Services (eligibility by 17) provide funding and/or other supports/resources to increase community connections prior to school exit.</p>	<p>The document “Accessing DD Adult Service Funding for Community and/or Employment Supports While Still in School” provides basic guidance re: the process for being found eligible for DD Supports. There is also a “BHDDH/IDD Supported Employment Resource Guide”.</p> <p>Monitor’s Assessment – A plain language guide for transition-aged youth (similar to the documents referenced in earlier sections) would be useful to students and families. The Monitor also encourages aggressive outreach to each/every student to facilitate application and eligibility and access to funding.</p> <p>BHDDH should Aggressively outreach to each/every student to facilitate DD application and eligibility and access to funding. The goal should be that the majority of IDD youth are found eligible and participating in DD services by age 19.</p> <p>Partial Compliance</p>

<p>In response to family requests, provide every family with a consistent person to talk to and to serve as a guide through the transition process. Provide every school district with funding for stipends for family mentors.</p>	<p>The State’s plan focuses on two primary strategies – the use of LAZO to increase “charlas” and a plan to provide funding for the development of family mentors.</p> <p>Monitor’s Assessment – Both charlas and family mentors have proven effective in influencing families’ commitment to employment and community participation. The Monitor understands that these efforts are just beginning. The expectation is that these will be in place by very early in the 2023-2024 school year.</p> <p>Partial Compliance</p>
<p>Using funding from BHDDH, incentivize adult service providers to become involved with transition planning at least two years prior to school exit.</p>	<p>The BHDDH narrative describes outreach efforts to adult providers to encourage deeper connection with LEAs. It also references the “Accessing DD Adult Funding…” document and the targeted employment funds.</p> <p>Monitor’s Assessment – In the Monitor’s review of transition services it was noted that most of the successful transitions noted by the Monitor involved an adult provider involved with individual students at an earlier age. This is the model the Monitor recommends. The State has in recent years facilitated conversations between LEAs and families – these need to occur across all LEAs and providers.</p> <p>Partial Compliance</p>
<p>Provide every family with a consistent person to talk to and to serve as a guide through the transition process. Provide every school districts with funding for stipends for family mentors.</p>	<p>There is a “CTE Technical Assistance Plan” which focuses both on providing information to CTE program directors and to youth and families. Participation in CTE is also referenced in the Career Development Plans. There is also a plan for collecting participation data through the annual census.</p> <p>Monitor’s Assessment – The technical assistance referenced in the above documents is a good start. Understanding that most CTE programs are driven by industry standards, professional development for CTE instructors re: discovery and exploration (which can be done without violating standards) and accommodations within standards for youth actually participating in CTE programs would be beneficial. Per usual, the</p>

	<p>Monitor encourages the State to be aggressive in outreach and guidance to the CTE programs.</p> <p>Partial Compliance</p>
<p>Develop a strategy to increase access for youth in transition to transportation to employment and community activities.</p>	<p>Developing a transportation plan is included in each of the Career Development Plans. Also included is the Technical Bulletin on Transportation and Transportation Graphic.</p> <p>Monitor’s Assessment – Although these materials are useful, specific “how to” strategies need to be incorporated into a plain language step-by-step transition guide for youth and families (as also suggested above).</p> <p>Partial Compliance</p>

(7) Court Ordered Actions – Capacity and Workforce (Consent Decree, Section XI)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Fully implement the expectations of the Statewide Workforce Initiative</p> <ul style="list-style-type: none"> • Redefining the Position to Reflect Community-Based Responsibilities. • Effective Recruitment – Broadening Recruitment Populations and Demographics, Realistic Job Previews, Broad Public Campaigns, Creating Apprenticeships and Pathways for Secondary and Post-Secondary Students and other strategies referenced (in the report). • Training Requirements based on the various core competency sets listed (in the report) and unique needs of the Rhode Island workforce. • Credentialing Aligned with Training Requirements. • Effective Retention Strategies – Strategies that support personal and career growth including facilitating completion of degree programs, exploration of public service loan forgiveness, supporting staff to develop plans to achieve personal career goals. <p>Documentation must include:</p> <ul style="list-style-type: none"> • Detailed plan (with dates) for accomplishing these functions • Documentation of involvement from higher education in recruitment and retention strategies • Documentation of specific outreach and guidance to those who-self direct their serviced. 	<p>The intent of the Statewide Workforce Initiative (court-ordered in the October, 2021 Action) was (a) to redefine IDD direct support positions (and other similar positions) to reflect current trends in the field and to reflect changing roles and responsibilities, (b) to create a statewide marketing and recruitment campaign, (c) to create a statewide infrastructure for recruitment, preparation, ongoing development and retention.</p> <p>The State provided (a) Sage Squirrel (contractor) Status Report, (b) the annual report of the broader EOHHS/DLT/Postsecondary Education “Health and Human Services Workforce Initiative”, (c) the scope of work and timeline for the new “Direct Support Workforce Contract” with the University of Minnesota, (d) a “Snapshot” of RI’s Statewide workforce Initiative, (e) the “Self-Direct Employer Tool Kit”.</p> <p>The ”Snapshot” identified five work groups and the goals and tasks for each workgroup – although the Monitor is aware of activities that occurred, these were not reported in the “Snapshot”. The “Self-Direct Employer Tool Kit” has the potential to be a useful document; however, the core issue continues to be where direct support staff will come from.</p> <p>Monitor’s Assessment – It took the State eight months to develop an RFP and issue a contract to “Sage Squirrel” to implement the Statewide Workforce Initiative. Although the “Self-Direct Employer Tool Kit and other activities have some value, the consensus from most stakeholders is that the contractor did not really understand the task or RI workforce needs and had minimal impact on the workforce issues.</p> <p>The State has a new contract with the University of Minnesota. The scope of work addresses the issues that were to be included in the SWI. This contractor has previously engaged six providers in a self-study and in developing and implementing workforce-related plans. The new contractor has</p>

	<p>committed to engage all providers and self-direct employers.</p> <p>The State also references (and lists) the transformation projects – some of which (particularly in Round 1) were focused on workforce issues.</p> <p>Progress To Date – Insufficient Compliance due primarily to length of time has taken to get to a meaningful scope of work and the limited impact of the original vendor.</p> <p>Potential for Future - Hopeful</p>
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	4/2021	7-12/2021	1-6/2022	7-12/2022	1-6/2023	7-12/2023	1-6/2024
Wage Increases		\$15.75		\$18		\$20	
Other Interventions		Transformation Grants Statewide Workforce Initiative				Rate Review Implementation	
# Agencies Reporting	20*	31	31	32	32		
Number of Agencies That Turned Away Referrals Because of DSP Staffing Issues		23 (74%)	21 (68%)	20 (63%)	13 (41%)		
Total Number of DSPs	2194	2720	2826	2771	3015		
Difference in 6 months		+131**	+106	-55	+58		
Number of Separations		494	447	573	503		
Turnover Rate***	29%	18.2%	15.8%	20.7%	16.6%		
Total Full Time DSP Positions		2289	2360	2328	2464		
Total Part Time DSP Positions		909	1021	903	1136		
Full Time DSP Vacancies		390	423	324	389		
Part Time DSP Vacancies		228	250	152	242		
Total Vacancies	417	618	693	476	631		
Vacancy Rate	20.3%	19.3%	20.4%	17.1%	17.5%		
Average Starting Wage		\$16.04	\$16.62	\$18.87	\$18.43		
Average Hourly Wage	\$13.18	\$16.60	\$17.17	\$18.94	\$18.97		
% of Total Salary Overtime		6.3%	8.2%	6.7%	10,8% 24 agencies		
% of DSPs Receiving Overtime		69%	58%	63%	64%		
DSPs Eligible for Health Insurance		2001	1897	1966	NA		
DSPs Enrolled in Health Insurance		1199	1081	1089	NA		
Total Number Supervisors		350	332	326	323		
% Supervisors Receiving Overtime		46%	48%	59%	47%		

**This was data collected by the Monitor with a 63% response rate.*

***This is the difference between July, 2021 and December, 2021*

****Separations/number of staff at end of year (formula used by HSRI)*

(8) Court Ordered Actions – Communication and Support (Consent Decree, Sections IX, X)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Implement the statewide communication plan forwarded to the Monitor and attached to the Monitor’s March, 2023 Interim Report.</p>	<p>The Communication Plan is actually an impressive document. A breadth of communication tools and strategies are described including the intended audience, format, objectives, content, schedule and person responsible.</p> <p>Monitor’s assessment – The plan is excellent. The key to compliance is actual implementation.</p> <p>The Plan Itself – Substantial Compliance Implementation will be monitored to determine ultimate compliance.</p>
<p>Develop a comprehensive communication plan to ensure that individuals and families understand the new administrative processes and employment and community supports.</p>	<p>The State provided several tools:</p> <ul style="list-style-type: none"> • A Consent Decree Summary • The DD Brochure • A Consent Decree Brochure • The Presentation at Community Forum on Changes – (a) CFCM, (b) rate revisions, (c) individual budgets, (d) employment, (e) technology fund. • In prior sections the State presented several consumer-oriented guides – the Assessment Process, Individual Budgets, Guide to Services. <p>Monitor’s Assessment - Collectively, all of these materials address the information needed by individuals and families. The key, again, is how to reach all individuals and families.</p> <p>The Materials – Substantial Compliance Implementation will be monitored to determine ultimate compliance.</p>
<p>Develop a comprehensive communication plan to ensure that individuals and families understand the new administrative processes and employment and community supports.</p>	<p>See above.</p>
<p>Provide every family with a consistent person from whom to get information and advice.</p>	<p>The BHDDH narrative refers to transition resources, family mentors and other activities in previous sections.</p>

	<p>Monitor’s Assessment – All of the communication actions are interconnected. If the Action Plan is effectively and comprehensively implemented, many of the needs should be met. The Monitor encourages the State to “push” the new add-on services (in the rate package) for peer support and family-to-family training to address these needs.</p> <p>Partial Compliance</p>

(9) Court Ordered Actions – Outreach and Education (Consent Decree, Sections IX, X)

Required Action	Monitor’s Assessment of Substantial Compliance
<p>Develop a professional development curriculum for caseworkers and others to ensure consistent understanding, messaging and implementation of the new administrative processes.</p> <p>Documentation must include curriculum details – topics, materials, training dates.</p>	<p>The State provided a status report from the Communication and Training Unit, a list of topical that have been implemented with caseworkers, a list of scheduled trainings and list of internal training needs in development.</p> <p>Monitor’s Assessment – The intent of this action was to ensure that all caseworkers and other BHDDH staff gave the same message and consistent information....and to assist BHDDH staff in promoting use of the new resources and new structures to increase employment and community participation. BHDDH caseworkers are the prime source of contact for many individuals and families. With the right message and information, caseworkers can influence the attitudes of individuals and families.</p> <p>Partial Compliance – the status report and topics generally address pertinent issues, but there is little detail other than topics and dates.</p>
<p>Through the Statewide Workforce Initiative (described below) develop and implement a training hierarchy for direct support staff. Documentation must include curriculum details – topics, materials, training dates.</p>	<p>The State’s documentation referenced the new contract with the University of Minnesota and the two rounds of court-ordered transformation grants – Round 1 focused on staff development, Round 2 focused on developing innovative program models. Providers have reported to the Monitor that some of these funds were used for staff development and have had a positive impact.</p> <p>Monitor’s Assessment – The transformation projects and the forthcoming University of Minnesota initiative will create the infrastructure needed for effective staff development. However, to date there has not been a consistent model.</p> <p>Partial Compliance</p>
<p>Develop and implement a customized employment training curriculum for all employment staff.</p>	<p>The State’s documentation referenced the ACRE certification offered through the Sherlock Center and other existing trainings. Although not referenced in the State’s documentation, the Monitor is aware of the focus in PCSEPP 3 on customized employment and the training offered through the Developmental Disabilities Council.</p>

	<p>Monitor’s Assessment – The trainings referenced by the State are primarily offered by/through non-State partners. With the intense focus on employment that must now exist, there needs to be focused training on strategies (like customized employment) that have proven effective in developing jobs. The State needs to ensure that all employment staff (as referenced in the Consent Decree, Section IX) have the competencies to develop integrated employment for all.</p> <p>Partial Compliance essentially for the trainings offered by non-state partners.</p>
<p>Provide outreach, education and support to individuals who are in segregated settings to ensure that those individuals have access to the services and supports necessary to make informed choices about integrated day activities and employment. Documentation should include any specific strategies (with dates) targeted to individuals in segregated settings.</p>	<p>The State has had limited contact with these individual; however, there is no evidence in the materials filed by the State that these individuals have received education and information about employment. For many of these individuals, employment can complement their segregated day services (if the individuals wish).</p> <p>Insufficient Compliance</p>
<p>Provide training for all individuals who self-direct their services and, if applicable, their primary guardians and caregivers, at no cost to the individuals or caregivers. Documentation must include Specific strategies (with dates) targeted to those who self-direct, topics and materials.</p>	<p>The State references the new contract with RIPIN (court-ordered in the October, 2021 Action Plan) which is focused on individuals who self-direct.</p> <p>Monitor’s Assessment – Many individuals and families who self-direct lack the information to make quality choices about community participation. Although all training and other activities are open to those who self-direct, the participation rates are low. The State needs to aggressively use strategies identified earlier in this narrative to engage ALL who self-direct:</p> <ul style="list-style-type: none"> • The “charlas” targeted for families of transition youth, • The peer mentors, also referenced for families of transition youth can be effectively used with those who self-direct; • The new peer support service; • The new family-to-family training service; • The Conflict Free Case Managers. • The strategies referenced in the Communication Plan;

	<ul style="list-style-type: none">• Aggressive Outreach by Caseworkers assigned to these individuals. <p>Given the growing numbers, the efforts need to be more intense.</p> <p>Minimal Compliance</p>

Consent Decree Court Monitor
Requested Interviews with Individuals and/or their Families
Observations
May-June, 2023

32 individuals and/or families were interviewed. Of those interviewed:

- 12 used Self-directed supports
- 15 were using agency provided supports
- 4 were using the enhanced Shared Living Model, and one was living in a nursing facility.

Attempts were made to contact all the 51 individuals on the list provided. Several people had no phone number listed. Most had no email listed. Some phone numbers provided were wrong or disconnected and some US mail and emails were returned. This is disconcerting since we understand that the list came from BHDDH database and BHDDH anticipates a communications campaign. A few individuals (or their guardians) declined to be interviewed.

Some observations:

- There appears to be an age divide between those using SDS vs. those using Agency supports. The randomly selected list was evenly divided between four age groups – 20-30; 30-40; 40-50; and 50+
- o Only two of the fifteen listed as using SDS were over 40 and none were over 50.
- o Those under 40 were evenly divided between SDS and Agency
- o 92% of those over 40 were using Providers.
- Similarly, there is a stark difference between living arrangements among age groups . In the sample we were given – of those under 40, 88% were living with family, only 12% in SLA or grp home – none in own apt; for those over 40, 88% living in SLA, own apartment, or in Grp Home; only 12% living with family..
- Fading support from aging and failing family caregivers likely explains the shift in living arrangement between age groups, but the fact that those not living with family are not using self-directed supports, may point to how much the self-directed supports model relies on family support, at least with current state of non-family support for people to use SDS. A few respondents actually commented that positive outcomes using SDS rely on strong family or advocate involvement.
- Only 28% of those interviewed had ever heard of the Consent Decree, and only 12.5% had even a basic understanding of its purpose.

- Overwhelmingly, people report life is better (69%) or the same (30%) as a year ago. Only one person reporting that life for them was worse.
- More of those using agencies are employed than those using SDS (40% compared to 33%), but those working with SDS are working in jobs with more hours /week.
- Four (5) people reported wanting to work, but either experiencing barriers (transportation) or not having the right kind of support – 2 using agencies, 1 using SDS. One person using SDS was unsatisfied with job and was looking for another opportunity, but without support beyond family.
- Again, virtually everyone reported some degree of engagement in community activity. The only exceptions were the person in a nursing facility and a person using SDS with unusual circumstances.
- 66% of those using SDS are engaged in community activities more than 15 hours per week, 80% of those in SLA, and 53% of those using agencies. (Remember that the SDS group is younger and more likely to be living with family)
- Much of the community activity reported consisted of routine errands (shopping, bank, post office) and recreation / exercise (gym, walks, beach, bowling). Only a few described involvement in growth activities (connection with interest groups, classes, clubs, pursuing individual interests, etc.). These tended to be with SDS, but not exclusively.
- A few with agency supports reported having community access limited by staff shortages.
- Several people using SDS were using their families as paid caregivers. In some of these cases, it was not their preference, but a fallback due to the difficulty of finding non-family caregivers. In these cases, families were feeling the stress.
- There were an equal number of folks using family as caregivers where this was clearly a preference, and the person was achieving better outcomes than before this option was available.
- Many reported accessing most of their community activities with support of family – whether paid or unpaid.